13434

CONGRESSIONAL RECORD.

LIBRARY OF CONGRESS

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-FOURTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME IV.

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VOLUME IV, PART VI.

CONGRESSIONAL RECORD AND APPENDIX.

FIRST SESSION, FORTY-FOURTH CONGRESS.

shall be preserved and opened for public inspection in the city of Washington. And the sum of $5,000 is hereby appropriated out of any moneys not otherwise appropriated, and to be expended under the direction of the Secretary of the Interior, for the purpose of boxing, transporting, and preserving the same, as well as for fitting up and maintaining a proper place for the reception of the same, and the establishment of an educational library and museum; and the same, when established, shall be under the control of the Bureau of Education.

The educators, teachers, and patriots of the land, in view of the good it has done and of the greater influence for good it is accomplishing, will sustain the Bureau and enlarge its usefulness.

Thus, hastily, have I reviewed the action of Congress and its legislation in reference to common schools, agricultural colleges, and the Bureau of Education; have pointed out the defects of early legislation; and in the bill offered as a substitute the minority have drawn their inspiration from past legislation, embraced in its provisions those features and characteristics which former legislation has adopted and experience shown to be wise and proper.

The bill of the majority provides—and I quote from the speech of of the distinguished gentleman from Virginia, [Mr. WALKER:]

At the close of each fiscal year the Secretary of the Interior is directed to certify the net amount of the proceeds of the public lands for that year to the Secretary of the Treasury, who shall within one month thereafter apportion the same among the several States and Territories and the District of Columbia on the basis of population, to be applied by the local authorities of such States, Territories, and District, in accordance with their local laws, to the education of all the inhabitants thereof between the ages of five and sixteen years. For the first five years the whole amount of such net proceeds is to be thus apportioned; for the succeeding five years, one-half the other half; and after ten years the whole amount, to be invested in United States bonds, only the interest on which shall be thus apportioned, and the investments thus made to remain as a perpetual fund for the benefit of free education throughout our entire country. During the first ten years the apportionments are to be made on the basis of illiteracy, but forever afterward on that of the whole population. While the bill leaves it optional with each State to accept or reject its distributive share, yet when once accepted it must be faithfully and honestly applied to the purposes therein indicated, under the penalty of forfeiting all right to any other apportionments until full compliance be made with the conditions prescribed.

But by this substitute the proceeds of the sale of the public lands are to be invested *perpetually* in 3.65 per cent. bonds, payable in coin.

The agricultural colleges having received about one-fifth of the gross amount of land donated, many of them are still weak and struggling to maintain themselves; and recognizing the wisdom and forethought that governed the early legislation as well as the legislation of 1862, this bill appropriates one-fifth of the fund to the agricultural colleges and the remaining four-fifths to the States, Territories, and District of Columbia, according *to population*, for the support of free schools.

In this we recognize the fact that the United States is the trustee of the whole people, and in the commencement of the centennial year we insist that the United States should do even and exact justice, and that she shall hereafter execute the trust according to its terms.

The appropriation to the different States and Territories is made through the Commissioner of Education, but it is to be expended by the States and Territories through the officers and channels designated by the laws of the same, and only for educational purposes. The only power that the Commissioner is invested with is to adjust the amount of appropriation and to see that the money is placed in the hands of the proper officers designated by the State, and to be expended for educational purposes only; and if any State or Territory fails to expend it in the proper way, any further payment shall be withheld until the amount misapplied is made good.

The bill further provides for the punishment of the officers for the misapplication.

This misapplication of the funds of 1862 by some of the States, as well as the misapplication of the Peabody fund in certain districts, should serve as a reminder that the strictest accountability should be demanded of the disbursing officers, and severe punishment should follow the defalcation of him who, intrusted with the expenditure of this sacred fund, attempts to divert it from its legitimate channels.

With a country like ours, so vast, so extensive—girded upon the one side by almost a sea and line of ice; on another by the Atlantic Ocean, where the sun comes up dripping from its waves, washing its rock-ribbed and ice-bound shores; upon another where the soft and beautiful waters of the Gulf kiss the shores of the sunny South; and upon another the golden shores of the Pacific, where the sun sinks to rest in its purple waters, only stops "the tide of empire" in its westward march—with its fertile plains; its soil filled with agricultural products; its hills and mountains giving forth of its coal, iron, silver, gold, and all the metals; its rivers freighted with the products of its own industry and wealth; with its manufactories vieing with and surpassing the skilled workmen of the world, who can foretell its future, who predict its power, who imagine its success, when, added to what God and nature have given it, you add an educated people, an educated marine, and an educated soldiery?

The people are anxious for this disposition of the public lands; for where is there a country with a people so anxious for education as this? Where a people where taxes are voluntarily assessed in such magnitude as here? The following table shows the disposition and willingness of the people to tax themselves in order to bestow the benefits of education upon all:

School population, number of teachers, and permanent school fund in the States and Territories.

States and Territories.	School population.	Number of teachers.	Total annual income.	Permanent school fund.
Alabama	406,270	3,999	$353,014	$2,811,252
Arkansas	184,692	2,322	789,536	135,000
California	171,563	2,693	3,390,359	1,737,500
Connecticut	134,976	3,045	1,592,749	2,044,226
Delaware	*47,825	430	192,735	.....
Florida	94,522	796	188,952	219,400
Georgia	394,037	*3,500	435,319	†350,000
Illinois	958,003	*21,129	7,860,554	*6,573,784
Indiana	667,711	13,133	5,041,517	8,799,191
Iowa	533,903	18,145	5,035,498	3,363,960
Kansas	199,986	5,383	1,042,298	2,304,309
Kentucky	*474,514	*3,673	*717,350	*1,628,123
Louisiana	274,688	1,557	699,665	.....
Maine	221,477	6,459	1,313,303	400,558
Maryland	276,120	2,723	1,376,046	350,370
Massachusetts	294,708	9,216	6,410,514	2,065,238
Michigan	448,784	12,467	4,173,551	3,143,662
Minnesota	218,641	2,963	1,861,158	3,200,000
Mississippi	318,459	4,968	1,110,248	2,068,358
Missouri	738,431	9,651	3,013,595	†7,248,535
Nebraska	80,122	3,091	292,475	121,228
Nevada	*6,315	*115	*146,181	.....
New Hampshire	76,272	3,669	621,649	52,688
New Jersey	312,694	3,253	2,311,465	1,210,882
New York	1,583,064	30,013	11,601,256	3,080,107
North Carolina	*348,603	*2,690	408,794	*2,187,564
Ohio	1,017,726	22,492	8,711,411	†3,646,713
Oregon	44,661	953	86,673	564,000
Pennsylvania	1,200,000	19,880	8,798,816	.....
Rhode Island	53,316	1,056	761,796	250,376
South Carolina	239,264	2,855	489,542	439,542
Tennessee	426,612	4,210	740,316	†2,512,500
Texas	*313,061	*4,214	*1,046,984	.....
Vermont	*89,541	*4,406	*516,252	†660,086
Virginia	482,789	4,262	1,215,353	1,430,645
West Virginia	179,897	3,461	753,477	293,270
Wisconsin	464,829	9,451	2,308,187	2,624,239
Arizona	2,508	14	38,750	.....
Colorado	23,275	377	254,679	254,679
Dakota	8,343	208	32,602	.....
District of Columbia	31,671	293	517,610	None.
Idaho	4,020	.....	*31,064	.....
Montana	3,822	99	31,821	None.
New Mexico	*23,000	*143	*24,523	.....
Utah	35,696	458	130,799	15,000
Washington	*11,937	.....	*39,294	.....
Wyoming	*1,100	*30	.....	.....
Indian Territory	.....	.....	.....	.....
Total	14,123,448	249,845	88,703,739	67,795,985

The figures marked * are taken from the report of the Commissioner of Education for 1874; those marked † include that portion of the school-fund not now available.

We have here the heroic spectacle of a generous people taxing themselves to this enormous amount yearly in order to secure free schools. Then, why should not we, by the distribution of the proceeds of the sale of public lands, lessen that burden by applying the proceeds of the sales of the property of the people toward that object? For if you devote its proceeds to educational purposes it makes *special taxation by the people for that one object unnecessary to that extent;* and as the income yearly increases the necessity of taxation will decrease in the same ratio.

The following exhibit prepared from the report of the Commissioner of Education for the year 1875 illustrates in a clear and forcible manner what has been accomplished in the interest of education in the last one hundred years in the United States, and of the present wants and requirements of the people, and of the pressing necessity now weighing upon us to wisely legislate and thus secure the benefit of free schools to our whole country.

In 1777 there were but 9 colleges in the United States; now there are 400 colleges and universities, with 57,080 students and 3,700 professors and teachers. Then little or nothing was done for the education of women; now there are 209 female seminaries, with 23,445 students and 2,285 teachers. At that time professional schools were unknown; now there are 322 professional schools, with 23,280 students and 2,490 teachers. Then there were no normal schools; now there are 124, with 24,405 students and 966 teachers. Then there were no commercial colleges; now there are 127, with 25,892 students and 577 teachers. The secondary and preparatory schools were almost unknown then; now there are 1,122, with 109,393 pupils and 6,163 teachers. The school population of that day is unknown, but at present it is more than 13 000,000, and the school enrollment now amounts to 8,000,000. The total income of the public schools at present is $82,000,000; expenditures, $75,000,000; value of property, $165,000,000. These figures are very eloquent as showing what has been accomplished, but the following extract from the report is quite as eloquent in showing that much yet remains to be done before the whole field of education is fully occupied and developed. The number of illiterates by the census of 1870 above the age of ten years was in round numbers 5,500,000. Of these more than 2,000,000 were adults; upward of 2,000,000 more were from fifteen to twenty-one years of age, and 1,000,000 were between ten and fifteen years old. Of the number between fifteen and twenty-one years it is estimated that about one-half have passed the opportunity for education, and since it is well understood that a large proportion of the children in this country leave the schools perhaps at an average age of ten to twelve years, the conclusion is irresistible that tens of thousands of those who are reported as illiterate between ten and fifteen years of age will forever remain so. Of the 930,000 illiterate persons between fifteen and twenty-one years of age who have passed their opportunity for instruction 137,000 are in the Northern States, 15,000 in the Pacific, and 778,000 in the Southern.

Free schools in a republic are a necessity, and that necessity has always had a public recognition from the Government from the com-

mencement to the present, and a public recognition at this time by the representatives of the people of the doctrine that schools should be free, so far as they can be, by the donation of the property of the people for that purpose would be met by the plaudits of a happy people, and the centennial year would be ushered in with a law that would add power, strength, and perpetuity to our Government.

The property of the people is yet a princely heritage; the public domain is still vast. Corporations and railroads have depleted it, but enough yet remains.

Congress has appropriated in the last century about 140,000,000 acres for educational purposes, and we look at the progress and wonder at the extent of the gift. But let us turn our eyes for a moment and see how generous the same Congress—this trustee for all the people—how much more generous she has been to corporations; for since 1852, less than a quarter of a century, she has appropriated 180,000,000 acres to railroads; 30,000,000 acres more to railroads in a quarter of a century than she has to the whole people for educational purposes for a century. These same and other corporations are now here, and more will come, soliciting more and further help, and they will remain here soliciting, praying, begging and —— for aid so long as the public domain remains undisposed of.

These grants and subsidies to corporations and railroads must cease; the people will rise up in their majesty and might, and demand that such grants shall forever end.

How better secure the indorsement and confidence of the people, how better drive the lobbyist from our doors, how better keep the channels of legislation pure and undefiled, how better add to the perpetuity of our Government and the happiness of our people than by at once passing this bill, devoting the proceeds of the sale to the sacred purpose of education? And when you have done that, and not until then, will you drive the seeker of subsidies, grants, and Government aid from the Capitol, and thus compel private enterprises to be built by private capital.

Our heritage, I repeat, is still a princely one, and a permanent educational fund can be realized the income of which will, if properly utilized, in time make education free to all, and in the end save to the people the necessity of taxation for school purposes; for private liberality and benevolence will be set in motion as public recognition and Government aid are extended, and public spirited citizens in the respective States will vie with each other in generous rivalry in bestowing princely endowments for perfecting the free-school system. We still possess 1,154,771,762 acres of land. It is true the revenue from this at present will be limited, but it will increase year by year, and as the income increases the necessity of taxation in the several States and Territories will decrease and the burdens of the people in the same ratio will be reduced.

Free schools are, and have been, the great educators of the people; but they are destined also to be the great pacificators of the people; for when this great educational fund is distributed among the several States every family in the land will be the recipient of the bounty of the Government, and every child, as though drawing nourishment from the same maternal fount, will learn, in its infant prattle, to lisp the name of its mother-country, and growing in strength and vigor will become her warm and earnest defender whenever her name is assailed or her honor impugned.

Since I have had the honor of a seat upon this floor—and none recognize that honor to a greater degree than myself—I am convinced that Government should attach the *children of the country more closely to herself* and teach them to feel, recognize, and know that she is aiding and assisting them in securing an education that will enable them to do honor to a Government of which they are a component part, for here my ears have been pained with words spoken, both from the North and South, in which the people of this country have no sympathy.

The people recognize the fact that the war of the rebellion is at an end and that the past is history; they are willing the dead past shall bury its dead; they are anxious that the veil of forgetfulness shall be cast over that unfortunate and unhappy past; for there is not a hearthstone in the land, not a family North or South, not a heart but bleeds, not a voice but sobs, when the past is referred to; and he that attempts to kindle anew the flames of sectional strife, that have almost entirely been quenched in blood, will find that he or they have miscalculated the sentiment of the American people and have committed political suicide in the attempt.

Being thus solicitous that the past shall be buried, let the children know the present. Teach them the lesson that there is but one country; that that country is but one and indivisible, and never can be separated or torn asunder; and as the gentle blessings of the free-school system permeate every section, falling, like the dews of heaven, upon every family and making glad the heart of every child, it will become truly the pacificator as well as the educator of the people; the innocent prattle of children will drown the voice of angry passions and sectional strife, and the first song they will learn will be:

The union of lakes— the union of lands—
The union of States none can sever—
The union of hearts—the union of hands—
And the flag of our Union forever!

And with the children educated in these principles, growing into manhood and womanhood imbued with that sentiment, then will we have a country with no North, no South, no East, no West, but a country whose people will be actuated by a common impulse, living for a common cause and working for a common destiny; that destiny which is to give lessons to the world in the science of self-government; to offer an asylum to the oppressed of every land, an asylum where, to use the language of one who has shown himself a model civilian as well as proved himself a distinguished soldier, (Hancock)—

The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property must be preserved.

In the passage of the bill we will have accomplished much toward that ideal of a government in which liberty, prosperity, and intelligence are the universal conditions. But as liberty and prosperity cannot endure without intelligence, Government should see to it that intelligence and citizenship should be inseparable; and in no way can it be accomplished except by carrying into effect the ordinance of 1787, and inscribing upon the legislation of the country the motto that "schools and the means of education shall be forever encouraged;" and then can we say, with our own American poet:

"Sail on, O ship of state!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!

We know what master laid thy keel,
What workmen wrought thy ribs of steel;
Who made each mast, and sail, and rope;
What anvils rang, what hammers beat;
In what a forge and what a heat,
Were shaped the anchors of thy hope.

* * *

In spite of rock, and tempest's roar;
In spite of false lights on the shore,
Sail on; nor fear to breast the sea:
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith, triumphant o'er our fears,
Are all with thee; are all with thee.

TARIFF.

Mr. COCHRANE. Mr. Speaker, I do not rise to make any extended remarks at this time; but I am unwilling to let this opportunity pass without mentioning a matter which is of vital interest to my constituents. I refer to the bill introduced by the gentleman from Illinois [Mr. MORRISON] and reported to the House by the Committee of Ways and Means, in which it is proposed to reduce the existing tariff. When this bill was discussed in the Committee of the Whole I was absent in the city of New York as a member of a subcommittee charged by the House with the duty of investigating the Federal offices there. I had intended at that time to deliver some extended remarks in opposition to the bill; but my enforced absence prevented me. Since that time I have understood—and indeed the gentleman from Illinois in his speech of a few moments ago declared—that it was not proposed to press that bill to a vote this session. I have consequently concluded to reserve the remarks which I had prepared upon the subject, to be delivered at a time when the bill is urged in the House.

I feel, however, that it is my duty now to declare that I am opposed to any reduction of the existing tariff. Throughout my district and State every manufacturing interest is suffering; and it is not only unwise but suicidal to inaugurate a policy the legitimate effects of which will be to bring ruin and disaster upon every industrial interest in the country. It was urged when I was a candidate for Congress that I was opposed to the tariff. This was not true then and it is not true now. So long as I represent my district in this House I will sternly set my face against any effort to strike down the protection which the tariff laws afford to our industries. I promised the laboring men that I would oppose any interference with the present tariff laws, and I propose to faithfully redeem that promise.

I trust that the House will pardon me for having detained it even thus long; but I desire to fairly place myself upon record on a question so vitally important to the people whom I represent.

And then, on motion of Mr. COCHRANE, (at nine o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HANCOCK: The petition of Thomas Kearney, collector of customs for the port of Corpus Christi, for relief, to the Committee of Claims.

By Mr. LEAVENWORTH: Remonstrance of Robert Hewitt and 450 other citizens of Syracuse, New York, against the discontinuance of the fast-mail service, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: The petition of Theodore Winters and 100 other citizens of California, for the establishment of a post-route between Winters and Monticello, California, to the same committee.

Also, the petition of J. S. Pierce and other citizens of California, for the passage of Senate bill for the relief of settlers on public lands within the limits of railroad grants, to the Committee on Public Lands.

Also, the petition of A. Ramon and other cigar manufacturers of San Francisco, California, for a reduction of the tax on the manufacturers of cigars, to the Committee of Ways and Means.

IN SENATE.

MONDAY, *July* 31, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 3989) for the relief of Catharine and Sophia German was read twice by its title, and referred to the Committee on Indian Affairs.

AMMUNITION FOR INDIANS.

The joint resolution (H. R. No. 154) prohibiting the supply of special metallic cartridges to hostile Indians was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be referred to the Committee on Indian Affairs.

Mr. OGLESBY. It pertains to ammunition. Why should it not go to the Committee on Military Affairs?

The PRESIDENT *pro tempore*. It pertains to ammunition, and will be referred to the Committee on Indian Affairs or the Committee on Military Affairs.

Mr. INGALLS. It should go to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Chair so suggested.

Mr. LOGAN. Why should it go to a committee? I have no objection to a reference to the Committee on Indian Affairs, but I should like to take up the joint resolution and act upon it now. I think it is a very important matter and ought to be adopted.

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. The joint resolution will be read for information, subject to objection.

The Chief Clerk read the joint resolution.

Mr. LOGAN. I think it ought to be passed without reference to a committee.

Mr. ANTHONY. I think the resolution ought to be adopted, but I do not see how it is going to be effective. The President is authorized to take such measures as he may see fit. Of course these measures must be within the law. Unless we give him some legal authority I do not see how he can stop the evil. Nor do I see how an article is to be declared contraband of war when there is no war. Indian hostilities are not war in the sense in which belligerent rights and belligerent duties accrue. I am in favor, of course, of the passage of the resolution, but it seems to me there ought to be not only some specific authority given to the President, but some mode pointed out in which he can exercise that authority.

Mr. OGLESBY. The President will act through the Secretary of the Interior in giving instructions to the Indian agents, or the Secretary of War in giving instructions to the commanders at the posts.

Mr. ANTHONY. Can they arrest persons and punish them?

Mr. LOGAN. Certainly they can. These traders are governed by certain regulations which the law prescribes. This resolution gives the power to the President so that the Secretary of War and the Secretary of the Interior, under such instructions as the President may see proper, may prohibit the sale by the post-traders in the Army or the Indian agents at the different posts. The manner in which the Indians get their supply of ammunition and these metallic cartridges is through these agents and traders.

Mr. MORRILL. Let the enacting part of the joint resolution be read. I think it covers the case.

The Chief Clerk read as follows:

That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contraband of war in such district of country as he may designate during the continuance of hostilities.

Mr. INGALLS. There is no need of referring the resolution, and I trust that no request of the kind will be made. The necessity for the passage of the resolution is very great. My own impression is that the only difficulty with the joint resolution as it has been passed by the House is that it is not sufficiently stringent. The man who under any pretense whatever will sell ammunition to Indians in the present condition of affairs is no better than a murderer. The resolution ought to give authority to somebody to either hang such persons at the nearest telegraph-pole or shoot them immediately by drum-head court-martial.

Mr. DAWES. And then try them?

Mr. INGALLS. And try them afterward.

Mr. HARVEY. I merely wish to state that in my opinion the resolution ought to be passed at once. It gives powers that are effective to stop this injury.

Mr. OGLESBY. Let us pass it, then.

Mr. HARVEY. While the Senator from Rhode Island says that Indian hostilities are not war, in my opinion they are much worse than war. The necessity for such action in the direction indicated by the resolution is so evident that I think there can be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The preamble recites that it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges; and that such special ammunition is in large part supplied to such hostile Indians directly or indirectly through traders and others in the Indian country.

The joint resolution authorizes the President of the United States to take such measures as, in his judgment, may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and to declare the same contraband of war, in such district of country as he may designate, during the continuance of hostilities.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON TIFFANY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives upon the bill (H. R. No. 1337) for the relief of Nelson Tiffany.

The Chief Clerk read the action of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 28, 1876.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act for the relief of Nelson Tiffany," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same, and—

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. BOUTWELL. Perhaps it is not necessary to make a statement to the Senate in regard to this bill; but as the person named in it is a constituent of mine, and the facts of his case have come to my knowledge as they were not known at the War Department or to the President when the veto message was prepared, I think it my duty to make a statement of those facts.

Nelson Tiffany was a soldier in the war from the 16th of September, 1861, till late in the year of 1865, when he was honorably discharged. In the year 1864 he was wounded at Bermuda Hundred, shot through the abdomen, the ball taking effect finally in the spine. He was sent first to the hospital at Fortress Monroe, and then he was transferred to a hospital at New Haven, Connecticut. Having regained in some degree his health, he obtained a furlough for thirty days and after that an extension, I think, for thirty days more. When that time expired he was so ill and depressed that he had no expectation of living, and he returned to his home at Auburn, about four miles from the city of Worcester. There he has remained ever since, in a very miserable condition, broken in health, and utterly unable to perform any labor, and not likely to survive for many months. He is recorded upon the books of the War Department as a deserter, and this bill is designed to give him relief.

Mr. OGLESBY. Not having reported to the hospital at the time when he should have reported, at the end of his second furlough?

Mr. BOUTWELL. Yes, sir.

Mr. WEST. Does the bill give him any pay?

Mr. BOUTWELL. It gives him no pay. There is not anything of that kind in the bill.

Mr. OGLESBY. It simply corrects his military history.

Mr. BOUTWELL. Perhaps I shall be excused for saying that General BANKS stated in the House that the Adjutant-General made this statement in the presence of the Secretary of War, and the Secretary of War and the Adjutant-General both agreed that if the facts had been known to them, the report to the President would have been of an opposite character. I therefore hope there will be no objection on the part of the Senate to the passage of the bill.

Mr. INGALLS. What is the immediate object of the bill, merely to do justice to this soldier for a wrong he has suffered, or is it designed to follow it up by some pecuniary relief, a pension or additional pay?

Mr. BOUTWELL. Of course thus far he has not received a pension and, I suppose, has received no pay since his discharge. I am not instructed and know nothing of the law; but I presume if this relief is granted, he would be entitled to a pension. About that I cannot say. I do not think it weakens the case before the Senate, even if that should occur, because the testimony, which I will not trouble the Senate to hear unless there should be further request, goes to show that he was a faithful soldier from first to last. General Pickett, who then commanded the twentieth regiment to which this man belonged, makes a personal statement, which I have here in manuscript, to the effect that he was always a faithful soldier and performed his duty. He is a most respectable man, from a respectable family, and every consideration would lead the Senate, I think, to pass this bill.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, notwithstanding the objections of the President? on which the yeas and nays are required.

Mr. COCKRELL. The bill was passed upon by the Committee on Military Affairs favorably, and I hope that it will pass. It was fairly considered by the committee, and the Senator from Arkansas [Mr. CLAYTON] made the report. He is not present now.

The question being taken by yeas and nays, resulted—yeas 41, nays 0; as follows:

YEAS—Messrs. Allison, Anthony, Barnum, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cockrell, Cooper, Cragin, Davis, Dawes, Dorsey, Eaton, Ferry, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Kernan, Key, Logan, McCreery, McMillan, Morrimon, Mitchell, Morrill, Norwood, Oglesby, Paddock, Robertson, Sargent, Sherman, Thurman, Wadleigh, Wallace, West, Windom, and Withers—41.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Bruce, Burnside, Clayton, Conkling, Conover, Dennis, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton,

Howe, Johnston, Jones of Florida, Jones of Nevada, McDonald, Maxey, Morton, Patterson, Randolph, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Whyte, and Wright—30.

So the bill was passed by the votes of two-thirds of the Senators present, the objections of the President to the contrary notwithstanding.

INCREASE OF CAVALRY FORCE FOR SIOUX HOSTILITIES.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read:

WAR DEPARTMENT,
Washington City, July 27, 1876.

SIR: I have the honor to send herewith copy of dispatch from General Sheridan, recommending an increase of the companies of the Second, Third, Fourth, Fifth, and Seventh Cavalry to one hundred men, as was done for the two regiments on the Rio Grande, and to submit an estimate for the number of men required in addition to the twenty-five thousand men which are now authorized for the Army.

The number which will be required to fill all the regiments of cavalry on the frontier and in Texas to the maximum of one hundred men to each company will be twenty-five hundred, and the expense therefor will be as follows:

Recruiting 2,500 cavalrymen	$50,000
Pay per annum	390,000
Subsistence	200,400
Clothing	206,000
Regular supplies	216,000
Purchase of horses	337,500
Transportation, (wagons, &c.)	84,800
Transportation by rail, &c., about	150,000
Total	1,634,700

I also submit a draught of an act which will effect the increase proposed by General Sheridan.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

To the PRESIDENT *pro tempore* of the Senate.

Mr. LOGAN. I ask for the reading of the bill accompanying the letter. I have examined the papers myself, and I ask that the bill be read for the information of the Senate.

The Chief Clerk read the draught of the bill inclosed by the Secretary of War, as follows:

Whereas war with the Sioux Indians now prevails; and whereas in the conduct of this war it is necessary to the efficiency of the cavalry regiments therein named that their effective force shall be increased: Therefore,

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as in his opinion may require the same. *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the twenty-five thousand authorized by the act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877," and the following sums are hereby appropriated for recruiting and maintaining the same, &c.

Mr. LOGAN. I suggest to the Senate that it is not necessary to refer that bill. The Senators can give their opinions by their votes without a reference to a committee. It is a very important matter. It has been suggested by the general in command that the cavalry regiments on the frontier now in front of the Indians be increased the same as the two regiments of cavalry on the Rio Grande, and he gives the estimate of the cost of the increase. I think myself it is a bill that ought to pass. I think the cavalry ought to be increased. That would make the force as efficient as is necessary for all purposes on the plains. As I understand it, the War Department approves the measure, and I should be very glad if the Senate would take up the bill now and act on it.

Mr. SHERMAN. I have no objection to the Senate acting on that bill, though it is rather an unusual proceeding; but it has been suggested to me by very high military authority that the same power to increase the infantry regiments ought to be granted also. The infantry can be placed in front of the enemy much quicker and much cheaper than cavalry, and as to some of the regiments at least, authority ought to be given to the President in his discretion to authorize several of the infantry regiments to be raised in the same way for temporary purposes by temporary enlistments.

Mr. LOGAN. I think that ought to be done, but I will say to the Senator that at the last session of Congress, when the Senate over my protest reduced the infantry down to 25,000, I stated the very fact that it was impossible to preserve the frame-work of an army without infantry. I have always been of that opinion, and it is very desirable that it should be done; but believing that putting the two together would probably lead to opposition while the bill itself would not, I did not desire to encumber it. I should certainly favor the proposition suggested by the Senator from Ohio; but I would rather have this bill acted on separately, inasmuch as by the appropriation bill for the Army we allowed the increase of the infantry from 22,500 up to 25,000 enlistments, as it was left at the last session of Congress. I myself believe that the infantry ought to be increased, or the regiments filled up. I think they are very necessary in Indian warfare as well as in other warfare; but I would rather not encumber this bill with that proposition.

Mr. SHERMAN. I will not interpose in regard to this bill; but I desire to say that I think we have a right to feel somewhat alarmed at the condition of affairs in the Indian country, and we shall not be able to excuse ourselves for neglecting any precaution or care to strengthen the Army. The fact is known to us all that about three thousand of our brave soldiers, among the best and choicest parts of the Army of the United States, well commanded, but very inefficient in numbers, are now in the face of the last body of hostile Indians that will ever encounter the United States of America. The accounts in the newspapers, although perhaps somewhat exaggerated, show that these Indians are at least to the number of five thousand fighting men, probably well armed, and they have shown great courage. They have faced our troops in open line of battle. Now, when this last contest is to be made, our troops are at least inferior in force, cut off from supplies, no doubt somewhat dispirited by one terrible massacre and one lost engagement. It seems to me that under the circumstances the Congress of the United States ought by a unanimous vote hasten to meet the emergency and provide for an enlargement of both the infantry and cavalry force, or at least give the President power to accept enlistments in the regular service or to accept regiments. Regiments have been tendered by the governor of Montana, by the governors of surrounding Territories, but there is no authority to accept even the enlistment of a single soldier.

It seems to me under these circumstances we had better enlarge this bill, although it calls but for an authority to increase the cavalry regiments; we had better give authority also to increase the infantry regiments, with the certainty that the President of the United States will not abuse this power and will not call a single man into the service that is not necessary to repel and put down, for the last time I trust in this country, the Indian force. It seems to me that it is not too much for us at once to give this authority, leaving to the President the discretion to exercise it, and also to allow these regiments to be filled up temporarily. I think even six months' enlistments would probably answer the purpose we are now called on to meet. I am told that there are but forty-six soldiers in a company of infantry now according to the standard fixed by the Army of the United States, while all the organization, the skeleton of the company is full; all the officers may be there and the offices may be full, and yet the force is not one-half what experience has shown to be the best and most effective force of a company of infantry. It seems to me, therefore, that we ought to extend the power of the President. It is a power that cannot be abused but may be useful and may be important, because if any accident should happen to either General Crook or General Terry there will be a call for Congress to meet together and give the requisite authority to repel and put down this Indian force. I think, therefore, we ought to do it now.

Mr. PADDOCK. I should like to inquire of the chairman of the Committee on Military Affairs what, if any, action has been taken by the committee in reference to the joint resolution introduced by myself some time since to authorize the President to accept volunteers on the frontier in case the necessity for the exercise of such authority should arise? I should like to inquire of the chairman if he has received any information from the military authorities which will enable him to form a judgment as to the propriety and the necessity of the adoption of that resolution?

Mr. LOGAN. I will answer the Senator by stating to him that the Committee on Military Affairs referred his resolution to the Secretary of War, and that we have received no official communication as yet from him. That is all I can say in reference to that.

Mr. PADDOCK. I desire to express my opinion—to record my judgment here and now that it would be, as a matter of economy and for other obvious considerations, better and safer for the Government to be in a situation to accept volunteers for temporary service on the frontier when and as they may be required, than to attempt to increase the regular regiments by enlistments. The recruiting for the regular Army is ordinarily a very slow process, and I greatly fear that the Government will not be able to secure recruits in sufficient numbers to answer the purpose in such an emergency as surely even at this moment exists on the frontier. The Indian forces are very much larger than are credited to them by the estimates of the military authorities, and the most decisive action is demanded.

Mr. LOGAN. I am not going to discuss the question of volunteers. Whether it would be a proper thing to authorize their acceptance or not, that question is not up now, and therefore I do not desire to discuss it; but I hope Senators, at least those who are in favor of this proposition, will not impede the passage of this bill. It is a well-known fact that I have never tried to reduce the Army so far as the mere force of the Army is concerned, the mere strength of the Army, the soldiers of the Army, the privates of the Army. I have heretofore opposed it in the Senate, as I did on the last appropriation bill that passed prohibiting enlistments until the Army should be reduced to 25,000 private soldiers. I opposed it on the very ground of objection stated now that the companies would be reduced to such small numbers that they would become ineffective. My opposition was overruled. In this last appropriation bill the committee of conference agreed to strike out what the House had seen proper to put in, that the reduction of the Army should go on till it reached 22,500. We struck that out so as to put it back to the proposition of the last Congress at 25,000 men. We were very glad to take the restriction entirely off. I should have been glad to see authority given to have the companies filled up; but it was not done.

This proposition now is to fill up the cavalry companies merely. I fear that if we insert the filling up of all the regiments, the bill will amount to nothing, it will meet with opposition, and will not pass. I think this is a very important bill; and if the Senate will now allow it to be taken up, I have two or three amendments to move to it, and I should like the Senate to consider them now. It will take but a few moments, because the question as to whether the cavalry regiments shall be filled up or not the Senate is ready to act upon, I think.

Mr. THURMAN. Does this propose that these regiments shall be filled up by enlistments for three years or only for a short period?

Mr. LOGAN. The same as the regular Army is in point of time.

Mr. THURMAN. For three years?

Mr. LOGAN. Yes, sir.

Mr. THURMAN. Filled up to one hundred men for three years. There is a question which strikes me about that. While I shall not oppose the bill if recommended by the committee and by the Department, the question with me is whether or not you can fill up the companies in that way as soon as they will be needed. I have a very strong impression that unless this Sioux war is finished, unless the Indians who are in arms there are put back, all your plans for putting your Indians on reservations will go for nothing. I think therefore there is the strongest possible reason for making our force there sufficient to vanquish the Indians who are now in arms and to do it speedily. I have great doubts whether you can get three years' recruits very rapidly so as to fill up your cavalry regiments. The Senator from Illinois is better acquainted with the subject than I am, of course.

Mr. LOGAN. The Senator from Ohio, I think, is very correct in theory. I do not believe, however, that there will be any difficulty in filling up these regiments, and I will state the reason. There is hardly ever any trouble in recruiting for the cavalry or very little. In times like these when many men are out of employment, there is not much difficulty in recruiting any arm of the service, but especially the cavalry arm of the service. I have no doubt myself that if this bill passes, within a very short time the twenty-five hundred recruits called for for the cavalry regiments would be forthcoming; I have no question about that. If they were for the infantry regiments I should have some doubt about it.

Mr. THURMAN. I only made the suggestion. I defer to the Senator's better information and knowledge of the subject.

Mr. LOGAN. That is my judgment about it. I know that the cavalry is always more readily recruited because people would rather ride than walk, that is the true reason; and there is another reason, they get more pay.

Mr. THURMAN. It is a harder service.

Mr. LOGAN. I understand that, but it is much more easy to recruit for it; the pay is better, and men consider it more attractive, and for that reason it is more easy to recruit. I desire very much, if the Senator will allow me, to have this bill taken up.

Mr. MERRIMON. Will the honorable Senator yield to me a moment? I do not wish by any vote of mine or by my voice to impede the adoption of efficient measures to repress the present Indian outbreak; but I should like to be fully informed, before we take such an important step, about what I am going to do. So far as I remember, the President has not sent to Congress any message on the subject of the present Indian outbreak. We know by the newspapers that there is an Indian outbreak. It seems to me that we ought to have some official information touching its character, its magnitude, and what ought to be done about its suppression. At the same time I should be glad to know from the honorable Senator, the chairman of the Committee on Military Affairs, whether there is an actual state of war, and how far by the measure we adopted some minutes ago and the present measure and other measures we are inaugurating a state of recognized legal war with the Indians in the West. I repeat, that I am ready by my vote and my voice, so far as I can, to aid in adopting such efficient measures as will result in the suppression of this Indian outbreak; but I should like the Senator to give me any information he has upon the subject of the present outbreak, whether it is a recognized state of war or a mere *émeute* which can be readily suppressed.

Mr. CONKLING. To what bill does the Senator refer as having been passed a few minutes ago?

Mr. MERRIMON. A joint resolution passed a while ago authorizing the President to declare certain kinds of ammunition contraband of war.

Mr. LOGAN. That joint resolution was to give the President authority to make such regulations as he might see proper to prohibit the sale of metallic cartridges by Indian agents and make them contraband of war at his discretion when a state of war existed. That I think is a very necessary preliminary step. I think it ought to be done whether we have peace or war. I have always thought myself that the way to civilize Indians was to prohibit as much as possible their having guns and ammunition to any great extent with which they are prepared for warfare. I have advocated that here. I did it some years ago when Senator Harlan was chairman of the Indian Committee. He took it on himself in a very able argument to rather make sport of my proposition at that time. This is a very different thing.

So far as the Senator from North Carolina asks me for my information, let me say that we all have the same character of information about this Indian war.

Mr. SHERMAN. We have a message from the President.

Mr. LOGAN. Yes. This bill is a bill sent here by the War Department with a message asking, on the recommendation of General Sheridan, that these regiments of cavalry be permitted to be filled up, with an estimate of the expense.

Mr. HITCHCOCK rose.

Mr. LOGAN. We have only fifteen minutes of the morning hour left. I should like to get the bill up and have action on it.

Mr. HITCHCOCK. I have no objection to the bill being taken up; but if it is the object of the chairman of the Committee on Military Affairs to confine all action of Congress for the protection of the northwestern frontier to the increase of the regular cavalry regiments or to an authorization of the increase of the regular cavalry organization, I wish to record my belief that such measures are inadequate to the demands of the occasion.

If I understood the honorable Senator he stated—I thought he implied at any rate—that other measures might follow; perhaps the resolution offered by my colleague some weeks ago; but at this period of the session, which is so near what we hope will be its close, I beg to suggest to the honorable chairman of the committee the propriety of trying if possible to combine in this measure an authorization to the President to receive volunteers at his discretion. I believe that it is neither wise nor prudent for this Congress to adjourn the present session without authorizing the President to accept, at his discretion, volunteers. It is true General Sheridan has said that he thought we had force sufficient to put down this Indian war. I hope he has; but I doubt whether General Sheridan or the country generally appreciate the extent to which these Indians are supplied with the very best of weapons. I doubt whether this country appreciates the danger which is imminent in the Northwest to-day; and if after Congress adjourns the evil then comes, we are without remedy, and the expense of putting down that war without the forms of law will be increased fourfold, to say nothing of the destruction of life and property. I believe that Congress ought not to adjourn without the passage of a bill or resolution to authorize the President in his discretion to accept volunteers.

Mr. LOGAN. I ask for a vote now on taking this measure from the table.

The PRESIDENT *pro tempore*. The Senator from Illinois asks for the present consideration of this bill. Is there objection? The Chair hears none.

By unanimous consent, leave was granted to introduce a bill (S. No. 1008) to increase the efficiency of the cavalry force in the suppression of Sioux Indian hostilities; and it was read twice and considered as in Committee of the Whole.

Mr. LOGAN. The bill as sent here does not contain the detailed items of appropriation. I offer, to come in at the end of the bill, the following amendment:

Recruiting twenty-five hundred cavalrymen, $50,000; pay per annum, $390,000; subsistence, $200,400; clothing, $206,000; regular supplies, $216,000; purchase of horses, $337,500; transportation, (wagons, &c.,) $84,800; transportation by rail, &c., about $150,000.

Mr. MERRIMON. I should like to hear read the message or communication to which the Senator referred a moment ago.

The PRESIDENT *pro tempore*. The communication of the War Department will be read.

The Chief Clerk again read the communication.

Mr. THURMAN. In an amendment, you do not want the word "about" in.

Mr. LOGAN. I will strike that out. I offer the proposition as an amendment taken from the message.

The amendment was agreed to.

Mr. INGALLS. There should be, in my judgment, a change in the phraseology of the first part of the bill. I am very much in doubt whether we can afford to recognize the fact of war between the United States Government and the Sioux Indians, inasmuch as we have expressly declared that we will no longer treat with them or any other Indians. I therefore suggest that the language be changed so as to read as follows:

Whereas in the conduct of the military operations against the Sioux Indians it is necessary, &c.

Mr. LOGAN. I will accept that amendment. I think it is better than to have all these whereases in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PADDOCK. I offer an amendment to insert as a new section the following:

That the President is hereby authorized to accept the services of volunteers from the States of Kansas and Nebraska, and the Territories of Wyoming, Colorado, Dakota, Utah, and Montana, or either of them, to be employed as a part of the Army of the United States against the tribes of hostile Sioux in the Northwest: *Provided*, That not more than five regiments of cavalry or infantry, or both shall be accepted, and that the term of service shall not extend beyond nine months from the day of enlistment.

Mr. LOGAN. I dislike very much to oppose a proposition of that kind; but it seems to me that there is a disposition to lug these things in on any bill that is brought before the Senate. There is no necessity for adopting such a measure on this bill. There is a bill of that kind before the Military Committee, as I have stated, and referred to the Secretary of War to ascertain if there is any necessity for volunteers. I do not see any necessity of trying to force upon the country any expense unless there is a necessity for it. If there is a necessity and the War Department shall so report, the committee will report the bill back to the Senate; but without that the committee will not. I think myself that with the filling up of the cavalry regiments, from the information we have from General Sheridan, who ought to know, we shall have plenty of troops, and there is no necessity for making a greater war or disturbance than we have. That is the reason I hope the amendment will not be adopted.

Mr. PADDOCK. I desire to say to the Senator from Illinois that all there is in the amendment is simply to empower the President, to place it within his discretion, if the regular Army, after the authority

to be here given for its increase shall be, as I am sure it will be, yet too weak to settle this difficulty on the frontier, to accept volunteers. The Senator very properly urges immediate action on the bill; but, sir, the amendment is at least of equal importance, and action upon it should not be longer deferred. If it is important that we should act at all in regard to this matter, we should give the discretion to raise volunteers while we authorize the recruiting for the regular Army. If it should turn out not to be practicable to enlist men for the regular service and the volunteers could be obtained readily, it would certainly be very important to have the authority of law to accept them; and such authority ought certainly to be lodged with the President to be exercised in his discretion. It will be discretion in both instances, in respect of the recruiting of the regulars and accepting volunteers as well.

Mr. LOGAN. I understand that.

Mr. PADDOCK. And no greater discretion in the last than the first.

Mr. LOGAN. I hope the amendment will not be agreed to. That is all I have to say about it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. EDMUNDS. I suggest to the Senator from Illinois whether it would not be desirable in this bill to add an authority for the President, if necessary, to increase by temporary enlistments the infantry arm or some part of it. I have received information from some officers of the Army who are out there, and who are very competent to judge, that the companies are run down in some instances to only twenty or thirty effective men, and that the cheapest possible way to strengthen the infantry, who in a large degree in the Indian country of course must be relied upon, would be to make temporary enlistments for three or six months and put the men right into the companies. I suggest that to my honorable friend.

Mr. LOGAN. As far as I am individually concerned I have no objection to it; but I fear it will embarrass this bill. The same suggestion was made by the Senator from Ohio [Mr. SHERMAN] and I made the same response. My fear is that it would embarrass the passage of this bill. I should be very glad myself to see the infantry increased to the maximum; I think it ought to be done; but from the disposition that has been shown the last two sessions to cut down the force of the Army I do not see but what the bill would be embarrassed by that. Persons might say it would increase the infantry to 30,000, and therefore the bill might be embarrassed in its passage. That is the only objection I have to the suggestion. I should be very glad to see it done, but I do not think it would be advantageous to add it on this bill. I think it would be a mistake, and that is the only reason I have.

Mr. EDMUNDS. I fail to see——

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived. If there be no objection, the regular order will be postponed and this bill continued under consideration.

Mr. EDMUNDS. Subject to a call for the regular order.

Mr. INGALLS. I have no objection, if it does not displace the unfinished business of the last preceding day's session.

The PRESIDENT *pro tempore*. It will not by common consent if the time is continued.

Mr. EDMUNDS. The answer to the Senator from Illinois I think is that this provision that we propose to make is just as much to the extent it goes an increase of the Army, which has been in my opinion already too much reduced, as the infantry proposition would do. But if the necessity of the public service requires a temporary increase of the effective force of the Army, the question is whether this provision (inasmuch as we have already rejected volunteers) for increasing the infantry, not as a permanent addition to the Army but as a temporary expedient, for three months or six months, if you please, a short time, is not the very thing we ought to do; otherwise is there not danger that we shall find ourselves after the adjournment in the attitude described by the Senator from Nebraska?

If you give the President authority to fill up the infantry regiments as far as is necessary for this Indian difficulty by temporary enlistments for three or six months, not exceeding six, if you please, of men put right into the ranks, then you have got a temporary increase of the Army that expires of its own force; and everybody who is in favor of having strength enough, it appears to me, cannot correctly object to it. I do not see how sensibly it could be objected to if it be, as we all agree probably, the cheapest and probably the most effective and quickest method of strengthening the ranks of the regiments and companies that are now entering that country. If I had the time to draw it, I should certainly think it a duty to propose an amendment, as an additional section, that the President have the same authority by temporary enlistments, for not exceeding six months, to recruit up the infantry companies from whatever they are now to seventy-five or one hundred men. The Senator himself could draw the amendment much better than I could, of course; but I do think it necessary.

Mr. WEST. The Senator from Ohio [Mr. SHERMAN] has already made a similar proposition to the one made by the Senator from Vermont, [Mr. EDMUNDS,] but we all know that it is customary in the legislative branch of the Government to take the estimates and the requirements of the executive department as our guide. The President of the United States and the general commanding our forces in that section ask us now for so many men and they ask for mounted men. Now, is it for the Senate to conclude or even to express an opinion that they will be better off with infantry? No doubt the Senator from Vermont has been communicated with by officers of infantry or persons operating in that region; but the President of the United States and the General of the Army ask us for so many cavalrymen. I do not think we ought to embarrass the proposition with any extraneous matter whatever. If we do, there will be no end to it and it will go on and increase the expense. By acting now promptly and decisively, probably we shall accomplish the purpose much more readily than by listening to the proposals of other parties than the regularly constituted authorities.

Mr. THURMAN. The Senator from Louisiana has anticipated me and said better than I could have said just what I desired to present to the Senate. We must rely upon the recommendation of those who are qualified by their education and their experience and by their position to advise us on this subject. They ask us to give them twenty-five hundred additional cavalrymen. That is all. I do not think we ought to go in advance of that, and I think with the Senator from Louisiana and the Senator from Illinois that if we tack this to the bill we shall embarrass the bill very much; in fact it will give rise to a very serious debate at once. There are members of the Senate who believe that it would be better to have a volunteer force than to increase the infantry regiments, and I am inclined to that opinion myself. I am willing to vote for twenty-five hundred additional cavalrymen, because those best qualified to judge ask for that addition to the force of the Army; but if we are to exercise our own judgment, if we are to turn ourselves into military men and undertake to say what is necessary to be done, every man must judge for himself, and I am strongly inclined to believe that under those circumstances I should vote for the volunteer service instead of increasing the infantry. I hope, therefore, no proposition will be made to add to the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes, with an amendment; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 629) for the relief of Jonathan White;

A bill (H. R. No. 2161) for the relief of R. H. Buckner;

A bill (H. R. No. 3927) making an appropriation to defray the expenses of the Joint Select Committee to Investigate Chinese Immigration;

A bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia; and

A bill (S. No. 962) providing for the completion of the Washington Monument.

AMENDMENT OF IMPEACHMENT RULES.

Mr. HAMLIN. Mr. President, I move that the Senate now take up the resolution that I submitted a long while ago in relation to the rules governing this body when acting as a court of impeachment.

Mr. EDMUNDS. I call for the regular order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont demands the regular order.

Mr. HOWE. What is the regular order?

Mr. CONKLING. Before that demand is made, if it may be so deemed, I should like to make a report from a committee.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

COUNTERFEITING OF TRADE-MARKS.

Mr. CONKLING. The Committee on the Judiciary have directed me to report back the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods, which after having been passed by the Senate was passed by the House of Representatives with amendments, and to recommend that the Senate non-concur in the amendments, and ask for a conference with the House.

The Senate proceeded to consider the amendments of the House of Representatives to the bill.

On motion of Mr. CONKLING, it was

Resolved, That the Senate disagree to the amendments of the House of Representatives to the said bill, and ask a conference on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. STEVENSON. I ask leave to make a report.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. STEVENSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 71) to protect persons of foreign birth against forcible constraint or involuntary servitude, to report the same with an amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated, reported it with an amendment.

ORDER OF BUSINESS.

Mr. HAMLIN. I move to postpone the special order for the purpose of allowing me to have the Senate consider the resolution to which I have referred.

Mr. EDMUNDS. I call for the regular order, Mr. President.

Mr. HAMLIN. I move to postpone it.

Mr. EDMUNDS. We will first have the regular order before it is postponed.

The PRESIDENT *pro tempore*. Legislative and executive business will be suspended. The Senator from Maine moves to postpone——

Mr. EDMUNDS. I insist on the regular order.

Mr. HAMLIN. I insist on postponing it.

Mr. EDMUNDS. You cannot do that until we have the regular order. The Chair must execute the order of the Senate.

Mr. ANTHONY. I wish to appeal to both Senators to state that at the close of this day it will not be legal to have any printing at the Congressional Printing Office, the term expiring to-day, and I should like to have an act on that subject passed.

Mr. EDMUNDS. I insist on the regular order.

Mr. ANTHONY. The Senator can take the responsibility. I have done my duty.

The PRESIDENT *pro tempore*. The Senator from Vermont demands the regular order, which is that legislative and executive business be suspended, and that the Senate proceed to the consdieration of the articles of impeachment.

Mr. BRUCE. Will the Senator yield that I may make a report?

Mr. EDMUNDS. The Senator will excuse me; we have another point now.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the order be postponed——

Mr. EDMUNDS. I say that motion is not in order.

Mr. HAMLIN. Right there let me ask if the Senator from Vermont on Friday did not move to postpone the court of impeachment when it was not in session.

Mr. EDMUNDS. I did not. I insist on the regular order, and debate is not in order.

Mr. HAMLIN. I am not debating; I am only asking a question of the Chair. I have the impression it was on somebody's motion that this same thing was settled on Friday.

The PRESIDENT *pro tempore*. The Senator from Vermont has insisted on the regular order, which is an order of the Senate that the Senate proceed to the consideration of the trial of the impeachment at twelve o'clock to-day. The time was postponed by common consent for a few minutes. The Senator from Maine moves to postpone this order, and the Chair will submit the question to the Senate.

Mr. ALLISON. For what purpose?

Mr. HAMLIN. For the purpose of taking up the resolution to amend the mode of proceeding as a court.

Mr. SARGENT. I ask the Chair whether the point of order is submitted to the Senate or whether the motion to postpone is submitted. In my judgment it is not in order.

Mr. EDMUNDS. I have made the point of order that the motion is not in order.

The PRESIDENT *pro tempore*. The Senator from Vermont has made the point of order that this motion is not in order, and the Chair is submitting to the Senate the question whether the motion to postpone the order of the Senate is in order.

Mr. SARGENT. I do not think it is in order.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. CONKLING. I rise to ask a question of the Chair. I inquire of the Chair, owing to a remark made by a Senator near me, whether the motion to amend the rules governing the Senate when trying an impeachment is in order in legislative session or in session sitting as a court?

The PRESIDENT *pro tempore*. In legislative session, not sitting in trial.

Mr. CONKLING. Then the Senator from Ohio must see that that is an answer to his suggestion.

Mr. EDMUNDS. Now let us have the question of order.

The PRESIDENT *pro tempore*. The Senator from Vermont has demanded the regular order, which is an order of the Senate in legislative session that the Senate proceed at twelve o'clock to-day to the consideration of the articles of impeachment. The Senator from Maine has risen and asked a postponement of this order in legislative session. The Senator from Vermont has made the point of order that the motion is not in order. The Chair will submit the question of order to the Senate. Is the motion of the Senator from Maine in order that this order be postponed?

The question was decided in the negative.

The PRESIDENT *pro tempore*. The Senate has decided adversely. Legislative and executive business will be suspended, and the Senate will proceed to the consideration of articles of impeachment exhibited against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will make proclamation.

Mr. ANTHONY. Before the order is executed I ask now, if I can, to be allowed to introduce a bill in order to authorize the public printing to be continued.

The PRESIDENT *pro tempore*. Not without unanimous consent. The Senate is now in trial session, and strictly it cannot be considered unless by the unanimous consent of the Senate suspending the business for the purpose. Is there objection to suspending the trial session for this purpose?

Mr. LOGAN. I object.

Mr. SARGENT. This is only a portion of the subject. All appropriations for the Government not already provided for in appropriation bills cease on this day.

Mr. ANTHONY. All except the printing cease to-morrow, I understand.

Mr. SARGENT. They are all the same. Two or three times we have sent these bills to the House, and the House has laid them on the table and sent us their own bills. It seems to me it is about time we waited for them to send us a bill.

Mr. ANTHONY. The House has passed this bill before.

Mr. SARGENT. I object.

Mr. MORTON. Let us go on with the regular order.

The PRESIDENT *pro tempore*. The regular order is demanded.

Mr. HAMLIN. Now, I move to postpone——

Mr. EDMUNDS. Let us have the order executed and the court opened.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will make proclamation.

IMPEACHMENT OF WILLIAM W. BELKNAP.

The usual proclamation was made by the Sergeant-at-Arms.

The PRESIDENT *pro tempore*. The House of Representatives will be notified as usual.

The Senate proceeded to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate will now resume its legislative session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4055) to continue the public printing;

A bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government;'" and

A bill (H. R. No. 4053) to further authorize the Commissioner of Indina Affairs to purchase supplies for the Indian Bureau in open market.

PUBLIC PRINTING.

On motion of Mr. WINDOM, the bill (H. R. No. 4055) to continue the public printing was read twice and considered as in Committee of the Whole.

The bill authorizes the Congressional Printer to continue the work required by law, in advance of appropriations hereafter to be made, until and including the 10th of August, 1876.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TEMPORARY PROVISION FOR EXPENDITURES.

On motion of Mr. WINDOM, the bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government'" was read twice and considered as in Committee of the Whole.

The bill continues the provisions of the act of July 21, 1876, until and including the 10th of August, 1876.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUPPLIES FOR INDIAN BUREAU.

On motion of Mr. WINDOM, the bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market was read twice and considered as in Committee of the Whole.

The bill authorizes the Commissioner of Indian Affairs to purchase in open market, without the usual advertisement, for immediate use of the Indian tribes, such supplies as are required to an extent, not exceeding $150,000, which is appropriated for the purpose, to serve until the regular appropriation bill shall be passed and approved. The sums so expended are to be deducted from the appropriate sums respectively appropriated under the regular appropriation bill, when passed.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PETITION.

Mr. CONOVER presented a petition of citizens of Orange County, Florida, praying the establishment of a mail-route from Wilson's Landing to Lake Eustis, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

RIVER AND HARBOR BILL.

Mr. ALLISON, from the Committee on Appropriations, to whom was recommitted the bill (H. R. No. 3022) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, reported it with amendments.

BILL INTRODUCED.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1009) to amend an act entitled "An act authorizing the repaving of Pennsylvania avenue," approved July 19, 1876; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

EXECUTIVE SESSION.

On motion of Mr. LOGAN, the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were re-opened, and (at six o'clock and twenty-five minutes p. m) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 31, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday was read and approved.

CORRECTION.

Mr. JONES, of Kentucky. I desire to correct the RECORD. It states that I have asked leave of absence for ten days. I have asked no leave of absence, and I do not know how the statement got into the RECORD.

The SPEAKER *pro tempore*. Probably it refers to the gentleman from New Hampshire, [Mr. JONES.] The correction will be made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate was ready to proceed with the trial of the impeachment of William W. Belknap and to receive the managers on the part of the House, and that Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

NAVAL INVESTIGATON.

Several members rose.

The SPEAKER *pro tempore*. The Chair cannot consent to have the morning hour postponed any longer than is absolutely necessary. The calling of the previous question on Saturday upon the report of the Committee on Naval Affairs gives that subject precedence of course, and the gentleman from Tennessee [Mr. WHITTHORNE] is entitled to the floor for one hour.

Mr. WHITTHORNE. Before proceeding with my remarks I will yield to several gentlemen who desire to obtain leave to print.

Mr. THORNBURGH and Mr. HARDENBERGH obtained leave to have printed in the RECORD remarks upon the pending question.

Mr. WHITTHORNE. I now yield for a moment to the gentleman from Philadelphia, [Mr. FREEMAN.]

Mr. FREEMAN. I have here a communication from the commandant of the Philadelphia navy-yard, which he has desired me to lay before the House, and which I ask may be printed in the RECORD.

There being no objection, it was ordered accordingly.

The communication is as follows:

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, July 26, 1876.

MY DEAR SIR: As it is just as likely that in the debate on Friday next in the House on the majority and minority reports of the Naval Committee in relation to the dismantling of the navy-yard at Philadelphia I might be assailed by those members of the committee who politically sought material for the next presidential campaign to be used against the Administration which I have supported, I have deemed it proper to furnish you with a copy of my official record. I also call to your attention the within copies of letters from the Chief of Bureau of Equipment and Recruiting, and from my predecessor, Commodore Preble, in relation to the manner in which I discharged my duties in removing the stores of the equipment department of which I had charge.

My testimony I presume you have looked over, and which Hon. Mr. WHITTHORNE promised me I might have an opportunity of correcting before it appeared in print; but he excused himself for not giving me this privilege that it had been sent to the Printer's office during his absence without his knowledge. Subsequently, at his request, I forwarded such corrections and omissions in my testimony as I deemed necessary, and which Mr. WHITTHORNE was to have published in what remained to be printed by the Naval Committee of the House.

I discharged my whole duty during the dismantling of the old navy-yard, remaining there after dark, having my office in what had been the watchmen's quarters.

If any insinuations should be made in the course of the debate that I had been derelict in my duty, I trust you will do me the favor to contradict them.

I have written on this subject to Hon. Mr. DANFORD, who I understand is to make the minority report.

Very truly yours,

C. H. WELLS,
Captain United States Navy.

Hon. CHAPMAN FREEMAN, M. C.,
House of Representatives, Washington, D. C.

EQUIPMENT OFFICE, UNITED STATES STEAMER ANTIETAM,
League Island, December 29, 1875.

SIR: I would respectfully state that I have expended the sum of $4,144.04 in removing the equipment stores, material, &c., from the Philadelphia navy-yard to League Island. This includes loading and unloading, teaming, stowing on board ship, hauling, and mooring ship.

In removing the chains I have expended $908.29 out of an appropriation of $1,138.

The stores, material, &c., of this department are all stowed on board of the Antietam in good condition and free from damage.

Very respectfully, &c.,

C. H. WELLS,
Captain United States Navy, Equipment Officer.

Commodore GEORGE H. PREBLE, United States Navy,
Commandant Navy-yard, League Island.

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD,
League Island, Pennsylvania, December 30, 1875.

SIR: I forward herewith for the information of the Bureau a copy of a communication from Captain Wells, equipment officer, reporting the amount expended in removing the stores, materials, &c., from the Philadelphia navy-yard to League Island, together with the amount expended in removing the chain to League Island.

Captain Wells is, I think, to be commended for the good order and economical manner in which the material belonging to the Bureau has been transferred.

Very respectfully, &c.,

GEO. HENRY PREBLE,
Commodore, Commandant.

Captain R. W. SHUFELDT, U. S. N.,
Chief of Bureau of Equipment and Recruiting,
Washington, D. C.

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, December 31, 1875.

SIR: The Bureau has received your letter of the 30th instant, No. 64, and is highly gratified to learn that the equipment stores have been so economically and successfully removed to League Island under the supervision of Captain Wells, and that the stores, materials, &c., under cognizance of this Bureau have been stored on board of the Antietam in good condition and free from damage.

Very respectfully, your obedient servant,

R. W. SHUFELDT,
Chief of Bureau.

Commodore G. H. PREBLE,
Commandant Navy-Yard, League Island, Pennsylvania.

Captain Clark H. Wells. Born in Pennsylvania. Appointed a midshipman from Pennsylvania September 25, 1840; attached to the North Carolina, 1840; frigate Brandywine and sloop Fairfield, 1840 and 1841; razee Independence, home squadron, 1842 and 1843; sloop Levant, Pacific squadron, 1844 and 1845; Naval School, Annapolis, 1846.

Graduated and became passed midshipman, July 11, 1846. During Mexican war: In brig Somers, blockading Vera Cruz, in 1846; in gunboat Petrel, 1846 and 1847, during which time she joined Tatnall's flotilla in the attack upon the castle of San Juan d'Ulloa and the city of Vera Cruz; took part also in the capture of Tuspan and Tampico. To the East Indies and "around the world," in the sloop Plymouth and brig Dolphin, 1848, 1849, 1850, and 1851; receiving-ship Philadelphia, 1852; store-ship Fredonia, at Valparaiso, 1852, 1853, 1854, and 1855.

Commissioned as lieutenant September 14, 1855; Naval Observatory, Washington, 1856; in 1856 attached to bark Resolute, (originally an English man-of-war abandoned in the Arctic Seas and subsequently recovered and brought to the United States by the American whale-ship George Henry; Congress by joint resolution, dated August 28, 1856, having purchased her from the salvors and ordered her restoration to the British government, she sailed for England November 13, 1856;) in steam-frigate Susquehanna and Waterwitch, home squadron, 1858; steamer Metacomet, Paraguay expedition, 1859.

During the rebellion: Commanded sloop Vandalia, South Atlantic blockading squadron, 1861 and 1862; was executive officer of the steamer Susquehanna in the battle of Port Royal; his vessel, the Susquehanna, struck thirty-six times and badly cut up, was specially mentioned in Admiral DuPont's official report; was sent several times with sailors and marines to re-enforce the Unadilla when much exposed to night attacks in Wright's River, South Carolina; commanded sloop Dale, 1862, and brought her to Philadelphia.

Commissioned as lieutenant-commander July 16, 1862; navy-yard, Philadelphia, 1863; commanded Galena, when rebuilt as wooden gunboat, in West Gulf squadron, 1864; frequently drew the fire of Fort Morgan while running in and shelling blockade-runners under the fort's guns; took part in the Mobile fight; during the passage of the forts the Galena and Oneida, lashed together, brought up the rear and suffered severely from the fire of the forts and Tennessee, a shell from the latter exploding the Oneida's boiler, so that she was towed in by her consort; after Captain Mullany of the Oneida had his arm shot away, opposite the forts, the command of both vessels devolved upon Lieutenant-Commander Wells; the Galena's services were specially mentioned in Admiral Farragut's official report; Commander Wells also received a commendatory letter from the Admiral himself, in which he says:

"That in your case I depart from my usual custom not to give letters for good conduct in time of war where there is an immediate commander first to forward it; but inasmuch as Captain Mullany was wounded and the command of the two vessels (Oneida and Galena) devolved upon you, and were carried through the battle with great gallantry, I take great pleasure in giving my official testimony to your very meritorious conduct in that engagement, and trust that in the future it may be of service to you."

East Gulf squadron, 1864, refitted in Philadelphia and joined Admiral Porter's squadron on the James River; remained there until the close of the war. Commanded the steamer Kansas, and visited nearly all the ports of the South Atlantic station during 1864, 1865, and 1866; received a letter of thanks from the English government and English admiral for going to the assistance of Her Britannic Majesty's gun-boat Gleaner, reported to be dangerously ashore in Maledons Bay; he and his officers and crew also received thanks on this cruise for rescuing an English bark from English Bank, river La Plata.

Commissioned as commander July 25, 1866; navy-yard, Portsmouth, New Hampshire, 1868, 1869, and 1870; detailed for the command of the Shenandoah in spring of 1870.

Promoted to captain June 19, 1871, while in command of the United States steamer Shenandoah, European station, and retained in command three years and a half, during which time received a letter of thanks from the Italian government for assistance rendered to the Italian iron-clad Comte Delerdi, which broke from her moorings in a gale of wind in the harbor of Spezia, and came near drifting on the rocks; also received from the French government the decoration of the Legion of Honor, which last Congress authorized him to accept, having been conferred by Mr. Thiers while president of the French Republic; on return home was assigned duty at the Boston navy-yard as executive officer and afterward transferred to the Phil-

adelphia navy-yard as captain and equipment officer, and since last January has been in command of League Island station.
Total sea-service, twenty-two years and six months.
Shore or other duty, seven years and five months.
Unemployed, five years and four months.
Number of years' naval service nearly thirty-six.

WE CAN BE JUST AND YET BE GENEROUS.

Mr. HARDENBERGH. Mr. Speaker, the scene now being enacted in the drama of history in this Representative Hall of the nation is strange and sad. To the citizens of New Jersey it is clothed with intensest interest. From the long list of her distinguished sons the nation has derived the highest and the purest public service. Upon this floor, within that chair, in yonder Senate, upon its floor and within its official chair, on the bench of the Supreme Court, in the Cabinet councils, at foreign courts, on the land and on the sea, wherever genius and talent and gallantry have been conspicuous the sons of New Jersey have found most honorable mention. The standard she has reared for them has been high, for she would have her children to be above suspicion. It is thus the scene to-day is strange; it has no precedent; God grant it may have no renewal, for her heart beats heavily when the honor of her sons is impugned.

We are near the close of a long and laborious session. Eight months of legislation have almost passed, and as the hours wane and the farewells bidden but unspoken are upon the lips, its closing hours must bear witness to the honor or dishonor of a citizen of New Jersey who for seven years past has sat in Cabinet councils as the head of the Naval Department and an adviser of the nation's Chief Executive.

I am a member of the dominant party of this House, and step by step have I advanced with you in the endeavor to purge the abuses which have crept into our Government.

The Secretary of the Navy I have personally known for more than twenty years, when as a young and able lawyer of New Jersey he was gathering no mean laurels in the fields of his profession. His kindness of manner and genial character attached to him many friends, and when he was advanced from the attorney-generalship of my State to the position of a Cabinet officer the heart of New Jersey throbbed gladly at the honor bestowed upon her young and gifted son.

Beyond the courtesies and duties resulting from my official position I have met with him but seldom since my residence here. Thus, Mr. Speaker, you will not believe that I have particular reason to rush to his defense, beyond that higher sentiment which by the report of the majority affects the honor of my State and the reputation of her son, and I know you will pardon something to the spirit of an occasion so grave as this, while I adduce to you my reasons for the position I have taken.

The investigation has been long, tedious, and exhaustive, extending over seven long months. The results of that investigation are undecided. On the one hand the House is asked to instruct its Committee on the Judiciary to ascertain if possible whether articles of impeachment should be found, and on the other it is asked by the passage of the minority resolution to relieve the Secretary from any want of confidence in the management of the Naval Department.

It is not my purpose to discuss either the merits or demerits of these reports; but I have a right to ask, in the name of my State, of which the Secretary of the Navy is a citizen, that, in the absence of specific and distinct charges, the report of the majority of the committee may be recommitted for more positive and conclusive action or that the Committee on the Judiciary be instructed *to report without delay*, that the Secretary may be enabled to make his defense at the bar of the Senate before the close of the present session of Congress. It is a matter in which the honor of New Jersey is concerned; and, arguing from that sense of justice due to the humblest of her citizens, it would be the grossest injustice to permit this resolution of the majority to remain without final action at this session.

Sir, if the Secretary of the Navy has been faithless to his high trust I shall not be his defender, but I ask that prompt and immediate action be taken which shall insure a final and complete settlement of the case at this session.

For my State I ask this act of justice for him. But I ask it without his knowledge, and although his political opponent I have ever been, I would screen no guilt, for to do so would deprive me of New Jersey's confidence and of my own self respect.

Mr. Speaker, I am the more anxious that a prompt and final conclusion may be reached which shall place this matter in the judgment of New Jersey beyond doubt from the fact, somewhat strange, that in the honors of Cabinet position assigned to New Jersey in each case to her sons have been intrusted that of the Navy; Mahlon Dickerson, Samuel L. Southard, and George M. Robeson have held this high position, and a reason for which may be found in the fact that the naval heroes of New Jersey have won for the nation much of its enduring fame. The dying injunction of her Lawrence, "Don't give up the ship," found a gallant response in the commodores she has given to the American Navy, and added Stockton and Kearney and Boggs to the list of her distinguished sons, for whose heroic service immortal honors will attach to them forever.

Sir, in this case I would be generous to an assailed political foe. If injustice has been meted out to him by practically denying to him that trial before his peers to which every citizen is entitled, then I would shield him until such opportunity is afforded. Such are the common instincts of all honorable Jerseymen, and such, I hope, are the better instincts of our poor humanity. I would believe him honest until the contrary is proved, for New Jersey would despise the unfaithful officer; but if proven so, then let his punishment be awarded, and while my State submits with sadness of heart, she will yet rejoice that justice has been done, and she will bury politically from her sight a son on whom she had rested many hopes; for, as she rocked the cradle in which American liberty was nurtured, she will banish from her sanctuary any son of hers upon whose brow "unworthy" has been written by the hand of justice. If you decide to strike, she bids you first to hear. She will believe him innocent until the Senate of his country shall adjudge him guilty. But venture not in the name of that democracy for the maintenance of whose principles we have so long struggled here and for whom we are now appealing to the nation—dare not, I beseech you, render here your indictment against a son of New Jersey unless you are willing to yield him a speedy and effective trial. New Jersey asks but justice and will abide the verdict.

To postpone until next December would be unjust to the nation, if the Secretary is guilty, for no one thus guilty should preside over an important Department of the Government.

Mr. WHITTHORNE. Mr. Speaker, in concluding the discussion of the report made by the Committee on Naval Affairs, I may be permitted to say, on behalf of the committee and myself, that it is not my purpose to notice any personal reflections that may have been made in this discussion on Saturday last. The time will come, I trust, when without prejudice to the cause I am advocating on this floor at this time I may notice whatever I deem personal in the remarks of the gentleman from Maine [Mr. FRYE] or the gentleman from Philadelphia [Mr. KELLEY] or the gentleman from Iowa, [Mr. KASSON.] But, sir, I have on this occasion a higher duty to perform than to notice anything that may be personal to myself or to my committee. That duty is the discussion of a question in which I trust the people of this country feel a deep concern. I hope that in the remarks which I shall submit I may perform the duty assigned me by this House independently of any personal or partisan considerations. If there has been aught of wrong done, aught of fraud committed, aught of criminality practiced, the members of this House of Representatives of the people have a higher duty to perform than to look at the question from a merely partisan stand-point. Very onerous and very laborious duties were imposed upon the Naval Committee by the order of the House and by the resolutions introduced by the gentleman from Illinois [Mr. MORRISON] and the gentleman from Virginia, [Mr. GOODE.] I have to say in behalf of my committee that we have endeavored as faithfully and impartially as we could to discharge that duty. And I now call the attention of my colleagues on the committee, as well as of the House, to the assertion that I now make, that from the moment this investigation commenced there was not a single member of the committee belonging to any side or any political party who did not possess the same power that the chairman did. I appeal to my colleagues upon the committee to say whether I did not often and at least upon one marked occasion declare to them that they had authority to use the name of the chairman of that committee in summoning any witness that they saw proper to bring before us.

Sir, there has been no attempt to control the action of the minority. There has not been a day or an hour since the investigation opened when any member of the committee, if he saw proper to call the Secretary of the Navy, might not have done so. There has been no effort upon my part to stifle this investigation or give it a direction in one way or another. On the contrary, my announced purpose as declared in that committee was to conduct that investigation in a given manner, and so far as I know that manner encountered no opposition upon the part of my colleagues either of the republican party or the democratic party. It was announced that we would first finish the investigation of the navy-yards; that then we would examine certain subordinates in the Department here; then the heads of Bureaus, and lastly the Secretary of the Navy. This was our announced programme.

Mr. HARRIS, of Massachusetts, rose.

Mr. WHITTHORNE. I cannot be interrupted; I did not interrupt the gentleman when he was speaking.

Mr. HARRIS, of Massachusetts. I understood the gentleman to appeal to me.

Mr. WHITTHORNE. There has not been a day or an hour when any witness, no matter who he was or where he resided, could not have been summoned before that committee.

Gentlemen have inquired on this floor why we did not commence first with the Department here. Why, sir, my colleague on the committee, the gentleman from New York, [Mr. WILLIS,] did, as chairman of one subcommittee, examine the heads of Bureaus here preliminarily almost to any evidence being taken. The heads of Bureaus were first heard; their defense stood at the threshold of this investigation.

It has been said that our examination was secret. Secret from whom? What we did was for the protection of the public service. As chairman of this committee, I have been made painfully conscious of the power which the Secretary holds over officers of the Navy and over laborers and mechanics at the navy-yards. Sir, I have seen stout,

hardy men, (mechanics,) with tears running down their cheeks, begging me, for the sake of the bread of their wives and their children, not to expose them to the hazard of examination before that committee. When I have witnessed this, I have felt it to be my duty to the public service to protect if I could the officers of the Navy and the mechanics and laborers of your navy-yards. This has been the prime reason for conducting the examination as we have done.

But, sir, it is said that the Secretary of the Navy had to wait till six or eight weeks ago before being allowed to make his defense. Why, sir, have you forgotten that about the 1st of May I entered this Hall and asked that the testimony taken before that Naval Committee be printed? Have you forgotten the reason for that request? Do you not know that it was with the view of giving the Secretary of the Navy a full opportunity to read that proof? Do you not know that from about the 1st of May it has been in his hands? So far from any injustice being done to the Secretary of the Navy in the course of this investigation, I have to say that if I have done aught of wrong in conducting it, it has been in the advantages which I have given to that officer. After all the testimony was concluded, after everybody had been heard, our committee gave him the opportunity to look over all that proof; his attention was called to it, and for six weeks he has had his day in court, he has had his time to present his testimony and prepare his answer. The committee have given him every advantage. He has exhausted the last day and last hour that he chose to occupy. He has been fully heard.

I am not here now to make any partisan comment upon the results of his answer. I am not here now to criticise the mode in which he and the heads of his Bureaus have made answer. Let them enjoy all their advantages.

I have now to ask you, sir, and the House to go with me for a moment while I hastily refer to the results of this investigation. I desire to make a brief survey of the condition of the Navy; and in order to do so let us turn back for a moment to the expenditures of the Navy from the formation of this Government to June 30, 1875.

I submit the following tables:

The expenditures for the Navy since the formation of the Government to June 30, 1875, were $939,779,925.67.

From 1864 to 1875 the expenditures for the Navy were:

1865	$122,617,434 07
1866	43,385,662 09
1867	31,034,011 04
1868	25,775,502 72
1869	20,000,757 97
1870	21,780,229 87
1871	19,431,027 21
1872	21,249,893 99
1873	23,526,256 79
1874	30,932,587 42
1875	21,497,626 27
Total	381,130,905 35

The expenditures for the Navy for the fourteen years preceding the civil war were:

1848	$9,408,476 02
1849	9,786,705 92
1850	7,904,724 66
1851	8,880,581 38
1852	8,918,842 10
1853	11,067,789 53
1854	10,790,096 32
1855	13,327,095 11
1856	14,074,834 64
1857	12,651,694 61
1858	14,053,264 64
1859	14,690,927 90
1860	11,514,649 83
1861	12,387,156 52
Total	150,456,839 18

The expenditures for the seven years entending from the close of the fiscal year 1868 to June 30, 1875, were as follows:

Bureau.	Fiscal year ending— June 30, 1869.	June 30, 1870.	June 30, 1871.	June 30, 1872.	June 30, 1873.	June 30, 1874.	June 30, 1875.	Total.
Secretary's office, (pay Navy, pay Marine Corps, &c.)	$10,049,855 26	$8,130,938 93	$8,690,927 59	$8,885,959 35	$8,684,318 16	$10,868,309 20	$8,830,459 41	$64,140,767 90
Yards and Docks	1,285,370 24	3,022,524 33	2,029,492 18	2,078,892 80	2,477,806 09	2,505,076 62	2,647,758 49	16,046,920 75
Equipment and Recruiting	1,588,901 74	2,584,100 57	1,467,455 80	1,605,668 45	1,837,268 43	1,837,722 12	1,175,547 61	12,096,564 72
Navigation	262,280 88	531,247 60	145,456 55	243,591 96	339,501 65	446,955 31	304,227 35	2,273,261 30
Ordnance	500,133 86	645,112 83	508,255 50	948,116 20	1,153,515 59	935,431 74	509,302 53	5,199,958 25
Construction and Repair	3,338,548 37	3,841,267 81	4,231,370 69	4,269,311 60	4,545,957 54	5,813,519 60	4,334,257 81	30,374,233 42
Steam Engineering	2,004,495 76	743,027 18	157,369 19	1,295,249 93	1,682,099 00	2,779,340 57	1,812,046 25	10,463,627 88
Provisions and Clothing	1,655,075 14	3,270,607 80	1,672,469 73	2,022,115 14	2,767,721 33	1,887,012 30	1,736,794 16	15,017,795 60
Medicine and Surgery	195,654 93	390,045 71	575,163 27	298,112 69	2[illegible]2,370 60	[illegible]04,687 77	135,633 61	2,181,668 58
Miscellaneous	30,392 04	15,140 96	211,047 24	130,245 13	702,806 99	774,362 35	378,698 39	*2,242,683 09
Aggregate	20,910,698 22	23,163,913 72	19,689,007 73	21,783,263 25	24,473,365 38	28,152,417 58	21,864,815 61	160,037,481 49

* Included in this statement of expenditures is the following amount, carried to the "surplus fund," namely, $270,504.86.

Remember that the expenditures of the Navy since the formation of the Government to the 30th of June, 1875, were $939,779,925; remember that from the year 1864 to the year 1875 the expenses of the Navy were in round numbers $381,000,000; that the expenditures of the Navy for the fourteen years preceding the civil war they were $159,456,000; and that during this Administration, for the period of seven years, the expenditure for and on account of the Navy were in actual money $160,037,481. In other words, Mr. Speaker, in those seven years you have had wasted and expended more money than it cost to run the Navy for the fourteen years preceding the war.

I have now to ask the attention of the House while we are considering the condition of the Navy to the actual expenditures since the year 1868 for and on account of the Navy. The expenditures, according to the table I have given, were $160,000,000. Add the expenditures for the fiscal year ending June 30, 1876, estimated at $20,000,000; add ships and materials bartered and exchanged—the assumed original cost is here estimated at $20,000,000, (and it is largely more than that;) add liabilities, direct liabilities, and they exceed at the present time $5,000,000; add contingent and accruing liabilities, $5,000,000, and you have the actual expenditures made by this present Administration, $210,037,481.49.

I submit the following tabulated statement and estimate:

Expenditures since 1869:	
Take table above	$160,037,481 49
Add expenditures for fiscal year ending June 30, 1876, estimated	20,000,000 00
Add ship material bartered and exchanged whose original cost has been assumed at	20,000,000 00
Add liabilities direct, assumed at	5,000,000 00
Add liabilities contingent or maturing	5,000,000 00
Total	210,037,481 49

Now, sir, when this vast amount of money is expended the people who pay the taxes, the people who toil, the people who delve, the people who mine, the people who manufacture call upon us as their representatives to know where and in what direction this vast sum of money has gone.

Let me have your attention now while I address myself to the material condition of the Navy. In March, 1869—I quote now from the Secretary's report made in December, 1869—the number of vessels was 203; see this table. From this table it would appear that there were then in commission 69 vessels.

Navy in March, 1869.—(*See Secretary's report, December*, 1869.)

Number of vessels, (*b* and *c*)	203
In commission, (*a*)	69
Guns	1,326
Tonnage	183,442
Number of sailors	

(*a*.) *Efficient Navy in March*, 1869.—In fleet or returning, 43; special service, 6; receiving-ships, 6; tugs, 14.

(*b*.) Of these, 151 wooden and 52 iron-clad.

(*c*.) Of the 134 not in commission 46 were iron-clads, 22 were "on stocks," work being suspended, and 66 were reported in ordinary or unfit for active service in the future.

Will the gentleman from Maine [Mr. HALE] give me his attention for a moment? He declared before this House on Saturday last that there were 80 vessels in commission in good condition. Will you remember that according to the report of the Secretary of the Navy, in 1869 there were 69? Will you remember further that you have built for the Secretary of the Navy ten vessels, making 79? Will you remember that you have built for him two torpedo-vessels, making 81? Will you remember in addition that the Secretary has unlawfully purchased two more vessels, and then you have more than the number represented by the gentleman from Maine on Saturday last. Add them together, and with an expenditure of over $200,000,000, you do not show the number of vessels in good condition at this time there was according to that report in 1869.

But, sir, I must travel fast. I now ask your attention to an exhibit of the Navy, not from any partisan, not the work of this committee, not the statement of the head of any Bureau, but I quote from the statement of an able, efficient, and intelligent officer of the United States Navy, now on duty in the harbor of Boston, Commodore Nichols. Without reading thats attement, which I shall print, as I will others I quote from in my general remarks, the statement of Commodore Nichols is as follows:

Abstract of strength of the Navy, as shown by Navy Register of January 1, 1876.

First-rates, screw-ships	5
Second-rates, screw-ships	28
Second-rate, paddle-ship	1
Third-rates, screw-ships	27
Third-rates, paddle ships	3
Fourth-rates, paddle and screw ships	6
Wooden sailing-vessels of all classes	25
Iron-clad vessels	24
Tugs, &c	27
Total	146

The following is believed to be the condition of many of the above:

Colorado, first-rate: in commission as receiving-ship, New York; needing new boilers and general repairs.

Niagara, first-rate: boilers and engines broken up; hull partly broken up; needs to be rebuilt.

Wabash, first-rate: receiving-ship at Boston; engines and boilers condemned. Independent of engines and boilers, will need considerable expense to prepare her for sea.

Connecticut, second-rate: rotten on the stocks; Boston.

Iowa, second-rate: condemned; rotten and broken-backed; Boston.

Antietam, second-rate: used as store-ship at League Island.

Delaware, second-rate: condemned; rotten; made one cruise; New York.

Java, second-rate: on stocks, New York; believed to be rotten.

New York, second-rate: on stocks, New York; believed to be rotten.

Pennsylvania, second-rate: on stocks, Boston; believed rotten.

Susquehanna, second-rate: originally a side-wheel frigate, but for some years being changed to screw; will not be ready for service for a long time.

Lancaster, second-rate: needs extensive repairs; Portsmouth, New Hampshire.

Congress, second-rate: in commission, but reported very rotten.

Severn, second-rate: condemned; New London.

Worcester, second-rate: receiving-ship at Norfolk; said to be unseaworthy.

Ticonderoga, second-rate: said to need extensive repairs; Portsmouth, New Hampshire.

Canandaigua, second-rate: needing repairs; Norfolk, Virginia.

Juniata, third-rate: said to need extensive repairs; Baltimore.

Quinnebaug, third-rate: rebuilt; incomplete; Philadelphia.

Galena, third-rate: rebuilt; incomplete; Norfolk, Virginia.

Iroquois, third-rate: needs extensive repairs; Mare Island.

Adams, third-rate: unfinished; Boston.

Enterprise, third-rate: unfinished; Portsmouth, New Hampshire.

Essex, third-rate: unfinished; Boston.

Wachusett, third-rate: needs new boilers and extensive repairs; Boston.

Mohican, third-rate: supposed rebuilding at Mare Island.

Wyoming, third-rate: under repair; Washington.

Narragansett, third-rate: extensive repairs; Mare Island.

Ashuelot and Monocacy, third-rate: iron-hull side-wheel steamers, now in China; considered unsafe for general naval purposes.

Kansas, third-rate: extensive repairs; Portsmouth, New Hampshire.

Nipsic, third-rate: believed rebuilding; Washington.

Nyack, third-rate: extensive repairs; Mare Island.

SAILING-VESSELS.

New Orleans: on the stocks; condition unknown; Sacket's Harbor.

Ohio: rotten and unseaworthy; Boston.

Vermont: unseaworthy, except at great expense; New York.

Independence: unseaworthy; Mare Island.

Macedonian: unseaworthy; Norfolk.

Potomac: unseaworthy; Philadelphia.

Saint Lawrence: unseaworthy; Norfolk.

Constitution: under extensive repairs; Philadelphia.

Cyane: unseaworthy; Mare Island.

Saint Louis: unseaworthy; League Island.

Saratoga: unseaworthy; Annapolis.

Dale: unseaworthy; Annapolis.

Pawnee: unseaworthy; Port Royal, South Carolina.

Relief: unseaworthy; Washington.

IRON-CLADS.

Amphitrite: rebuilding with iron hull; Wilmington, Delaware.

Camanche: rebuilding with iron hull; Mare Island.

Colossus: on stocks; believed rotten; New York.

Massachusetts: on stocks; believed rotten; Portsmouth, New Hampshire.

Miantonomoh: rebuilding with iron hull; Chester, Pennsylvania.

Monadnock: rebuilding with iron hull; Mare Island.

Oregon: on stocks; believed to be rotten; Boston.

Puritan: never completed; League Island.

Terror: rebuilding with iron hull; Philadelphia.

Of the above list of fifty-six vessels, it is believed that, with the exception of the incomplete sloops and the two side-wheel steamers in China, not one could be put into effective condition for war purposes under two months. The majority would take very much longer, and some could not be made available at all. Deducting these fifty-six from the whole number, we have left ninety vessels. Now, from these ninety we must deduct twenty-five tugs, six dispatch, tender, and special-service vessels, three sailing store-ships, and eight serviceable sailing-vessels, leaving as the effective force of the Navy for war purposes forty-eight vessels and two torpedo-boats. Of the eight serviceable sailing-vessels, seven are in commission at present as receiving, gunnery, store, and training vessels. Of the forty-eight effective ships, or supposed to be effective, fifteen are iron-clads for coast and harbor defense, and the remainder distant-cruising ships. The foregoing is not given as strictly accurate, but is believed to be not very far from the truth, and certainly is not a very good showing for a navy on which so much money is supposed to have been spent.

I beg to call the attention of the House now to the deductions by Commodore Nichols in making his exhibit of the Navy. He says of the above list of fifty-six vessels:

It is believed, with the exception of the incomplete sloops and the two side-wheel steamers in China, not one could be put into effective condition for war purposes under two months. The majority would take very much longer, and some could not be made available at all. Deducting those fifty-six from the whole number, we have left ninety vessels. Now, from these ninety we must deduct twenty-five tugs, six dispatch, tender, and special-service vessels, three sailing store-ships, and eight serviceable sailing-vessels, leaving as the effective force of the Navy for war purposes forty-eight vessels and two torpedo-boats.

Leaving, mark it, leaving here in the month of April, in the year of our Lord 1876, leaving as the effective force of the Navy for war purposes forty-eight vessels. Yes, sir; forty-eight vessels only.

Now, sir, turn to the Navy Register and you will find to-day instead of eighty vessels in commission, in good condition and in service, as you would infer from the argument made on Saturday last by the gentleman from Maine, you have only fifty-one vessels. Go to Norfolk, go to Portsmouth, go to Boston, go to New York, go to the navy-yards throughout the country, and you will find that little tugs and fancy launches, dispatch vessels, are numbered as among the effective naval vessels belonging to the service at the present time, and it is in that way the Secretary and his friends swell the number of their effective Navy.

Mr. Speaker, we have not in our committee relied upon insufficient testimony. I take the Admiral of the Navy; I take the Vice-Admiral; I take eleven rear-admirals; I take eight or ten commodores; I take eight or ten captains and the same number of commanders; and all agree that you have an inefficient Navy at the present time.

Now, Mr. Speaker, I pause deliberately for a moment. In all this volume of proof there is but one counter-statement to that made by these officers of the Navy. I say one—I say it deliberately—one statement, and that is the statement of Constructor Hanscom alone. To be sure Captain Shufeldt appeared before the committee and gave his opinion of the present condition of the Navy. But when you look at the tables upon which he swears you see they are prepared in the Bureau of Construction and Repair, that they are prepared by Isaiah Hanscom, and it is Isaiah Hanscom's testimony. Upon it alone the Secretary of the Navy relies. Upon it alone Commodore Shufeldt speaks. Upon it alone other gentlemen speak. And I shall have occasion before I am done, if I do justice to the question, to show that Isaiah Hanscom is not a reliable witness.

Now, Mr. Speaker, how has this vast sum of money disappeared? Go with me to the navy-yards for a moment and you will find upon an average that about five thousand men in election years are employed for the purpose of controlling the ballot-box. We can show that annually before the elections this number of men are thrown into the yards and employed for a period covering three months. See the following table:

Tabular statement of the number of employés at the navy-yards below mentioned for the specified months, as requested by the chairman of the House Committee on Naval Affairs, compiled from the rolls on file in the Office of the Fourth Auditor of the Treasury.

Months.	Portsmouth.	Boston.	New York.	Philadelphia.	Norfolk.	Mare Island.	Total.
September, 1872	1,318	1,483	1,619	1,552	936	1,172	8,080
October, 1872	1,424	1,666	1,799	1,637	1,126	1,570	9,222
November, 1872	1,096	1,682	1,696	1,000	1,052	1,180	7,706
December, 1872	619	1,221	1,140	551	495	596	4,622
September, 1873	1,213	1,694	2,016	783	1,189	1,071	7,966
October, 1873	1,220	1,770	1,982	928	1,351	1,170	8,421
November, 1873	823	3,118	2,275	1,407	1,153	996	9,772
December, 1873	1,147	3,853	3,277	1,710	1,299	868	12,154
September, 1874	914	1,130	996	410	974	764	5,188
October, 1874	496	1,295	1,221	538	1,195	760	5,505
November, 1874	276	841	903	556	817	705	4,098
December, 1874	260	434	846	356	571	699	3,166
September, 1875	641	846	1,200	752	636	757	4,922
October, 1875	750	878	1,364	908	905	563	5,368
November, 1875	717	959	1,373	896	763	494	5,205
December, 1875	528	1,034	1,236	(*)	549	358	3,704

* Broken up on the 1st of December.

It will be observed that the total average number of employés for the month of October, 1872, pending the presidential election of that year, was 9,222, while for October, 1874, the number was 5,505. The total average in 1875 was 4,388, as is shown by the following table, also from the Fourth Auditor's Office:

Locality.	Construction and Repair.	Steam-Engineering.	Yards and Docks.	Equipment and Recruiting.	Ordnance.	Provisions and Clothing.	Navigation.	Medicine and Surgery.	Contingent Navy.	Total average.
New York	377	116	20	48	44	61	33	31	.....	730
Boston	258	79	202	28	20	12	4	14	.....	677
Norfolk	279	73	200	31	31	8	4	18	.....	644
Mare Island	144	80	299	28	19	8	3	10	.....	591
Washington	151	78	95	72	83	8	7	.....	.....	494
Portsmouth	191	64	115	21	6	3	4	4	1	409
Philadelphia	165	67	76	33	14	12	2	.....	.....	369
League Island	24	5	195	.....	2	.....	.....	.....	.....	226
Pensacola	37	14	124	8	14	5	13	7	.....	222
New London	13	5	8	.....	.....	.....	.....	.....	.....	26
Totals	1,630	581	1,334	329	233	117	70	84	1	4,388

NOTE.—On reference to page 384, Boston testimony, it will be seen that there was on 1st November, 1874, 1,245 men employed in construction department alone, indicating that above table first given is most likely a selected date, as there were hundreds employed in other departments. On 1st December thereafter this number was reduced to 135, a discharge of over 1,000 men.

Take, then, this estimate, if you please, and you will find that over $1,000,000 in those years are robbed and taken from the people for the unholy, wicked, and vile purpose of prostituting the ballot-box. Sir, this is done, and I dare charge it upon the record before me, with the knowledge and with the sanction of the Secretary of the Navy.

Again, over $1,000,000 is lost to the people annually from the employment of unskilled laborers. Again, a large sum of money is lost from wastage in the handling of the timber that goes into vessels. Again, a large sum of money is lost in favoritism to contractors. Again, a large sum of money is lost in the excessive prices that are paid to these favorite contractors. Who are they? Some of them I will mention. Brown, Trickey & Jewett, Baker, Goff, and Orville Grant and others. Shall I lay before you, sir, a list of these favored contractors? Yes, sir. I will not read it now, but hereafter submit a table showing it. Let me say that I have taken eleven who have during the period of this administration got from the Navy Department over twelve, nearly thirteen millions of dollars. These few men have obtained this large amount of purchases from the Department:

John Roach, (see Brooklyn, page 376)	$3,830,806
William Mathews, (miscellaneous)	3,000,000
Bureau of Construction alone:*	
James Bigler	1,199,046
S. P. Brown and S. P. Brown & Son†	327,725
W. C. N. Swift	1,448,542
G. T. Wallace	162,208
George H. Creed†	474,348
Cramp & Son, (see statement also from Bureau of Steam Engineering)	863,441
G. P. Goff†	56,898
Noblitts, (Philadelphia testimony,) estimated	700,000
Trickey & Jewett, (Kittery, Boston, and Washington,) estimated	800,000
	12,783,014

Now, sir, with such an exhibition of favoritism, with excessive prices paid to these parties, are you at a loss to account for the discontent manifested among the honest manufacturers and honest dealers of the country? They have had no fair opportunity of furnishing their wares or goods in competition with these favored contractors.

I have here an estimate which I submit as a portion of my remarks, an estimate of needless and illegal expenditures, to which I invite the attention of the House. It is far below a correct estimate, but it is at least just to the Department.

Estimate of needless and illegal expenditures.

Employment of laborers, &c., for and during election periods	$3,000,000
Unskilled labor, loss	3,000,000
Wastage in timber and lumber, &c., by reason of unskilled labor	1,000,000
Loss on contracts awarded without legal competition	4,000,000
Loss on purchases made without legal competition	5,000,000
Loss on ships, material, &c.	5,000,000
Loss in misdirected and unnecessary work and labor, in mode and manner of payment of officers, in retiring officers, in unnecessary wastage in useless printing bills, &c	8,000,000
Loss in purchase of promiscuous and unnecessary timber and lumber	2,000,000
Total	31,000,000

A sum sufficient to have built fifteen ships of two thousand tons, thirty of one thousand, or sixty of six hundred and fifty.

All these aggregate the vast sum of $31,000,000, a sum sufficient to have built fifteen new ships of two thousand tons each, thirty new ships of one thousand tons, or sixty new ships of six hundred and fifty tons, without interfering with the ordinary and necessary repairs to the vessels in service. And to-day, if the Secretary of the Navy had economically used the funds that were appropriated to him by Congress, you would have had a new navy entirely out of the sums of money appropriated, and more vessels in it than he shows to-day upon the Naval Register.

Mr. Speaker, I have not time now to enumerate the frauds that have been discovered in the opinion of at least a majority of the committee as existing in the naval service. I might call attention to illegal, improper, and fraudulent inspection. I might call attention to the illegal, improper, and fraudulent combinations known and called rings. I might name the parties. I might go on and call the attention of this House to the squandering of the money appropriated for the preservation of the live-oak timber in Florida. I might call attention to the illegal, improper, and fraudulent payments of money to Dayton, Stickney, and others. I might call attention to the illegal, fraudulent, and improper payment of money to brokers intervening between the manufacturers of the country and the Navy Department. I might call attention to the fraudulent reception of coal, &c., rejected, particularly the coal of S. P. Brown. I might and I do pause to call particular attention to the case of Chamberlain. Who is Chamberlain? Will this House believe that for four years the Secretary of the Navy and the head of the Bureau of Construction and Repair paid a salary of $1,000, or a per diem amounting to about $1,000 per annum, to Chamberlain? Who is Chamberlain? Who knows him? Will you believe, gentlemen, that the Secretary of the Navy had put upon the rolls of one of your navy-yards as a mechanic a man whom he now says was a detective, a man he never saw but once, a man that nobody recommended, a man he never saw afterward, a man he cannot find now? Will you believe this was done here by the head of a Bureau who never saw Chamberlain but once, and speaks even of that time doubtfully; that he received for years his drafts for pay and delivered them over, not to Chamberlain, but to a convenient friend.

They, the Secretary and chief of Bureau of Construction, have taken from the public Treasury about four thousand dollars of your money, of the money of your constituents, and when you come to examine into the matter you find that that money has been paid to a newspaper correspondent who once hung about this Capitol, and he is the man who has received it, now dead and no one left to vindicate him. Read the proof in connection with this case and you will find that it is as bad a case of fraud and outrageous robbery as could well be shown.

Now I call your attention again to what I consider a fraudulent thing: the dependent relations of debtor and creditor between contractors and the agents of the Department. I read from the report of the majority a reference to the testimony of William Mathews:

> The dependent relation of creditor and debtor—to speak of it in its mildest form—existing between contractors and the officers, clerks, and employés with whom such contractors are brought in contact in their business with the Departments, your committee regard as a very serious abuse, most corrupting in its tendency and influence. That this abuse exists to a very disgraceful extent in the Bureau of Provisions and Clothing is apparent from the testimony of Mr. Mathews, who testifies as follows, (Miscellaneous, page 281:)
>
> "Question. Now, I ask you if during the last two years the head of the Navy Department has not been your debtor; if the head of the Bureau of Provisions and Clothing has not been your debtor; if every paymaster who has been stationed at New York City has not been your debtor; if every clerk in the navy-agent's office in New York City, and every one connected with the Bureau of Provisions and Clothing at the navy-yard has not been your debtor; if the disbursing clerk of the Navy Department here, the principal clerk, and the next clerk to him in the Bureau of Provisions and Clothing; if the quartermaster of the Marine Corps, and the assistant quartermaster, and his clerk, Mr. Marks, have not been your debtors?
>
> "Answer. To a great extent that is all true."

While you remember that, in addition to your Navy Department paying $150,000 as a contribution to a corruption fund to the firm of Cattell & Co., this man has been a dealer for years with the Navy Department during which time from the Secretary of the Navy down to the inspector of clothing at the New York navy-yard every man with whom he has dealt has been his debtor, and that he seems to have acted upon the maxim of the great American Credit Mobilier financier of placing his money where it would do the most good, you can calculate the loss to the people in the amount of gain to these officials. But, sir, I might multiply these cases of fraud and maladministration indefinitely; yet I must forego it and hurry on to more pressing matters.

I call your attention to the violation of law in making open purchases in the administration of the naval service for the last seven years. You are aware that the law compels the Secretary of the Navy in making all contracts and open purchases to advertise when the time will permit and when the public exigencies do not demand otherwise. Sir, we will turn to the exhibit made by the several Bureaus which I herewith submit:

Purchases made since July, 1869, showing the amount by annual contracts and by open purchase, Bureau of Steam Engineering.

Total amount of purchases of all kinds, including freights, royalties, &c.:

During fiscal year 1869–'70	$398,768 97
1870–'71	322,140 60
1871–'72	295,890 21
1872–'73	451,302 17
1873–'74	953,666 93
1874–'75	645,263 10
1875–'76	430,087 08
Total	3,487,119 06

This Bureau has made no "annual contracts" since July 27, 1867.

Statement of purchases by Bureau of Provisions and Clothing, Navy Department, under contracts by bureau and at open purchase during the fiscal years 1873–'74, 1874–'75, and 1875–'76,

	Under contracts.	By bureau.	At open purchase.
1873–'74	$271,120 65	$1,398,141 61	$1,129,519 95
1874–'75	11,924 02	761,376 45	995,903 91
1875–'76		722,138 04	526,516 48
	283,044 67	2,871,656 10	2,642,940 34

Statement of amounts expended under appropriation "ordinance" from January 1, 1869, to date, May 29, 1876.

By open purchase—	
During year 1869	$45,800 00
During year 1870	106,806 14
During year 1871	73,253 00
During year 1872	107,237 22
During year 1873	138,703 53
During year 1874	62,803 00
During year 1875	58,780 00
During year 1876	10,335 00
	603,717 89
By contract—	
During year 1869	$35,000 00
During year 1870	201,000 00

* See statement from Bureau of Construction.

† In case of these parties, it is to be remarked that they were dealers with other Bureaus, and hence the amounts will be increased.

During year 1871	$97,500 00
During year 1872	37,000 00
During year 1873	513,790 00
During year 1874	74,000 00
	938,290 00

No contracts in 1875 and 1876.

1.—*Bureau of Equipment and Recruiting—Statement of purchases since July 1, 1869.*

	1869–'70.	1870–'71.	1871–'72.	1872–'73.	1873–'74.	1874–'75.	1875–'76.
1. Purchases by regular contracts	$351,723	$478,190	$442,437	$362,337	$34,793	$47,525	$64,007
2. Purchases by order of Bureau	386,884	316,216	173,737	25,852	93,229	37,092	19,754
3. Open purchases	313,550	190,778	169,167	242,016	484,730	192,856	356,616

Statement of expenditures by the Bureau of Yards and Docks from July 1, 1869, to March 1, 1876.

Under contract	$2,801,061 49
Under open purchase	2,155,969 74
Orders of Bureau	38,869 00

Statement of amounts of purchases of materials by the Bureau of Construction and Repair, Navy Department, for fiscal years commencing 1869–'70.

Fiscal years.	Annual contracts.	Bureau orders.	Open purchases.
1869–'70	$246,809 97	$18,876 38	$817,803 03
1870–'71	761,294 50	47,149 34	230,727 78
1871–'72	273,518 43	25,656 24	246,878 94
1872–'73	340,165 51	330,698 95	487,367 45
1873–'74	409,536 97	462,405 64	414,875 54
1874–'75	156,613 75	441,450 75	229,548 81
1875–'76	221,492 44	580,460 15	136,540 21

NAVY DEPARTMENT, BUREAU CONSTRUCTION AND REPAIR, *July* 17, 1876.

The total amount of Bureau orders and open purchases were $19,483,202.34.

This statement shows that at least $19,483,202.34 were paid for purchases not made in open market, and therefore in direct and willful violation of the law. The friends of the Secretary of the Navy cannot show to the country that there has been such a condition in public affairs as to demand or excuse such a departure from the law and that out of less than forty million of purchases over one-half of it should be by open purchases or under Bureau orders. There is not a man in the House who believes that the exigencies of the time demand that violation or departure from the law. Again, the law has been violated in the fact that purchases have not been made of the regular manufacturers or dealers.

But let me ask your attention to the next matter, and I specially invite the attention of those who are in favor of reform to what I now state. Will you turn for a moment to the letters that passed between the head of the Bureau of Clothing and Provisions and the contractor Matthews? Will you mark and note the fact that that officer of the Government made a private sale amounting to over $400,000 without any advertisement, without any competition, and in making that sale *asked that it be considered private and confidential?* Think of it! Your agent was making a confidential disposition of your property, and on the face of it the very words show that it was reeking with fraud and corruption. Thousands upon thousands of dollars' worth of your property have been sold privately and on the condition that the sale should be considered private and confidential! But, sir, there has been another mode of private sale which has inflicted incalculable injury upon the public service, and that is the mode of selling the property of the Government by barter and exchange. Who gave the Secretary of the Navy any right to barter? Who gave the Secretary of the Navy any right to exchange? Who conferred upon him the discretion to say that it was for the public interest that such barter and exchange should be made? I ask you if the Secretary of the Navy can barter and exchange one piece of the public property what is to prevent him from bartering and exchanging every other piece of property that belongs to the people that comes within his Department? Under this system of barter and exchange millions upon millions of dollars' worth of public property have been sacrificed. Sir, I beg to submit to the House a statement purporting to be an exhibit of this barter and exchange business in the Bureau of Construction and Repairs, and also the Bureau of Steam Engineering. I make that statement a part of my remarks.

Statement showing quantity and kind of material disposed of other than by sale by the Bureau of Construction and Repair, Navy Department, since March 1, 1869, being additional to quantities recovered by the breaking up of Navy vessels, of which a statement in detail has already been furnished.

Quantity and kind.	To whom delivered.	For what purpose.	On what terms.
1,614,335 pounds old iron.	Harlan & Hollingsworth..	To be rerolled.	One pound rerolled best beam and plate for 3 pounds of old iron.
1,092,875 pounds old iron.	William Cramp & Sons ...	....do	Do.
3,395,211 pounds old iron.	T. F. Rowland.....	....do	Do.
10,620,531 pounds old iron.	John Roach	....do	Do.
217,129 pounds old iron.	John Noblitt.....	....do	Do.
2,324,936 pounds old iron.	C. E. Pennock & Co	....do	Do.
825,577 pounds old iron.	..... do.....	....do	Old iron to be rerolled at 1¾ cents for new iron, best beam, angle, and plate, at 8 cents, or 4 4-7 pounds of old iron for 1 pound of new.
*4,538,781 pounds old iron.	Seyfert, McManus & Co ..	....do	For deliveries to Seyfert, McManus & Co., up to October 29, 1874, old iron, at 1¾ cents, to be rerolled for new iron, best beam, angle, and plate, at 8 cents—or 4 4-7 pounds of old iron for 1 pound of new. For deliveries to Seyfert, McManus & Co., *since* October 29, 1874, 1 pound rerolled best beam and plate for 3 pounds of old iron.

* Including iron recovered from Nebraska, broken up.

The above material was disposed of in the manner stated without advertisement.

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR, *July* 5, 1876.

EXHIBIT C.—*Material delivered to parties in exchange for other material or work done by Bureau of Steam-Engineering from July* 1, 1869.

Character.	Quantity.	Price.	Amount.	To whom disposed of.	Remarks.
Old scrap and boiler iron	252 1840-2240 tons..	$19 per ton..	$4,803 61	Pacific Rolling Mill Company.	New bar and sheet iron was returned for this old material for use in the Mare Island navy-yard.
Do	23 150-2240 tons ...	$39 per ton..	899 61		
Old boilers, &c., removed from vessels, Portsmouth yard.	.....	.....	4,400 00	C. E. Pennock & Co ..	This iron was delivered in the lump from careful estimates made by the engineer officers at the yards, to be rerolled and new iron returned therefor. The new iron was delivered for general purposes in the several navy-yards as required for use.
Old scrap-iron and blooms made from scrap, Boston yard.	.....	.....	17,000 00		
Old boilers, smoke-stacks, scrap-iron, &c., Brooklyn yard.	.....	.....	13,300 00		
Old boilers and scrap, Norfolk yard.	.....	.....	600 00	.....	
Old material removed from the Richmond.	.....	.....	4,728 68	I. P. Morris & Co.....	This was old material removed from vessels under repair by these firms, and was disposed of to said firms in part payment for said repairs, following the usual custom of the Bureau in such cases.
Old material removed from the Tallapoosa.	.....	.....	1,654 87	C. W. Booz	
Old material removed from the Mayflower.	.....	.....	1,450 00	Wood, Dialogue & Co..	
Old wrought scrap-iron	115 1110-2240 tons..	$25 per ton..	3,887 50	C. E. Pennock & Co..	The Bureau required large amounts of first-class boiler-plate for the new compound boilers in progress of construction, and, being also desirous of clearing the navy-yards of a portion of the old scraps and condemned material which has been accumulating for years, arranged with the Pennocks to take of said material such as should be placed at their disposal to reroll, and return new iron as required for use. This was done in order that the account might be the more easily adjusted. The old material was taken at a valuation fully equal to quoted market-rates for such material, and the new iron was furnished at current market-rates.
Old boiler-plate iron	65 2148-2240 tons...	$40 per ton..	2,638 21		
Old wrought scrap-iron	301 1147-2240 tons..	$40 per ton..	12,060 48		
Old boiler-plate iron	146 365-2240 tons...	$60 per ton..	8,769 77		
Old iron tubes, &c	84 1290-2240 tons...	$25 per ton..	2,114 40		
Old scrap-iron, miscellaneous..	91 1386-2240 tons...	$25 per ton..	2,290 46		

EXHIBIT C.—*Material delivered to parties in exchange for other material, &c.*—Continued.

Character.	Quantity.	Price.	Amount.	To whom disposed of.	Remarks.
Old engines, &c., from Nipsic:					
Cast iron	29 1189-2240 tons	$20 per ton	$590 62	William Wright & Co.	The material disposed of to the first three named firms was all removed from naval vessels; needed *very extensive* repairs, and was of an obsolete type, and not adapted to any naval purposes except for scrap.
Wrought iron	9 1858-2240 tons	$30 per ton	294 88		
Copper	4,870 lbs	15c. per lb	730 50		
Composition	40,773 lbs	13c. per lb	5,269 29		
Old engines, &c., from Algona and Otsego:					
Cast iron	83 1780-2240 tons	$25 per ton	2,094 87	Wm. Cramp & Sons.	A considerable part of that disposed of to Roach was also of the same general character. The unusual machinery, boilers, &c., which were delivered to him were all of an obsolete design, which would not now be used for any sea-going vessel in the naval or merchant service, nor was it adapted for *any* use except as old material to be broken up and re-converted. The vessels for which it was originally designed were either condemned, broken up, sold, or had never been constructed. This machinery was also more or less incomplete when work was stopped on it, and had been rendered more incomplete by the available parts having been used from time to time in repairing and replacing parts of other machinery. It would have required large outlays of money to complete and erect on board vessel, and would have then been the butt of ridicule for the modern engineering world, a laughing-stock and disgrace to our Navy.
Wrought iron	36 1656-2240 tons	$30 per ton	1,102 18		
Brass	37,212 lbs	13c. per lb	4,837 56		
Copper	14,539½ lbs	15c. per lb	2,180 92		
Lead	3 1367-2240 tons	$25 per ton	89 14		
Boilers	96 2184-2240 tons	$25 per ton	2,423 88		
Two boilers for Nebraska	75 1870-2240 tons	$40 per ton	3,033 39		
Old engines, &c., from Koka and Minnetonka:					
Brass	29,336 lbs	13½c. per lb	3,960 36	The Harlin and Hollingsworth Company.	
Cast iron	83 2051-2240 tons	$25 per ton	2,097 89		
Wrought iron	31 1778-2240 tons	$30 per ton	953 81		
Copper	14,332 lbs	14¼c. per lb	2,078 14		
Boiler-iron	100 1221-2240 tons	$25 per ton	2,513 63		
Iron tubes	10 1915-2240 tons	$20 per ton	217 09		
Condemned engines, boilers, and miscellaneous:					
Composition	611,959 lbs	14c. per lb	85,674 26	John Roach	
Copper	63,733 lbs	18c. per lb	11,471 94		
Scrap-lead	2,961 lbs	4½c. per lb	448 24		
Cast iron	743 663-2240 tons	$25 per ton	18,582 40		
Iron tubes	27 1571-2240 tons	$20 per ton	554 03		
Boilers and scrap	764 1531-2240 tons	$25 per ton	19,117 08		
Wrought scrap	405 1300-2240 tons	$30 per ton	12,167 41		
Boilers for Java	147 1714-2240 tons	$40 per ton	5,910 61	William C. Selden for Wm. P. Clyde & Co.	Of an obsolete type, and could not be used on any naval vessels; worthless except for scrap.
Old composition tubes, &c.	476,294 lbs	11c. per lb	52,392 34	American Tube Works.	Chiefly tubes cut from boilers, were more or less filled with scale, and could not have been used again in steam-boilers. Arrangements made to reconvert and return new tubes as required. The new tubes have all been used in steam-boilers of the Navy.
Old copper tubes, &c.	19,899 lbs	16c. per lb	3,183 84		
Old rubber hose, packing, valves, &c	54,981 lbs	5c. per lb	2,749 05	Wm. A. Torrey & Co.	Highest bid from several dealers accepted. The goods were of inferior quality, having so far deteriorated from the action of the sulphur contained in them as to have become perfectly worthless for naval purposes. New standard goods were furnished therefore as required for use.
Old cast steel, &c., of unknown and inferior quality.	41 687-2240 tons	$75 per ton	3,098 00	Chrome Steel Co.	This was largely composed of small lots from some forty or fifty different manufacturers, some being so old that the manufacturer's name was not known to the trade, (one lot dating back to 1811;) all was of uncertain or of inferior quality, and was delivered to the Chrome Steel Company to remanufacture into best quality tool-steel. To facilitate settlement of accounts, the old steel was taken and the new furnished at current market-rates.
Old scraps, steel	24 1534-2240 tons	$55 per ton	1,357 66		
Old vises, broken and obsolete pattern	22,251 lbs	2½c. per lb	556 27	A. V. S. Smith	Disposed of at current market-rates, and proceeds applied to replace with necessary new anvils and vises.
Old anvils, broken and obsolete pattern	11,181 lbs	1½c. per lb	167 71		
Composition	68,000 lbs	13½c. per lb	9,010 00	E. H. S. Ashcroft	After arrangements had been made with Mr. Ashcroft to manufacture the boiler-attachments for certain naval vessels, it was thought proper to reduce the cost of such manufacture as far as practicable by furnishing the composition required in their manufacture, which was done; and composition was furnished as per statement, at an estimated market-valuation, and the amount deducted pro rata from the bills for the manufacture of the apparatus.
Old engines, boilers, &c., in Wassuc and Shawnee			10,200 00	John Dole	Highest bid accepted for this old machinery, &c., as it stood in the vessels, the proceeds to apply in part payment of cost of breaking up these vessels.
Total			351,806 58		

I call your attention and the attention of my colleagues on the committee, and the attention of this House, and I say that this amount of property bartered and exchanged exceeded in original cost over $10,000,000; mark what I say, that when the head of the Bureau of Construction made the return above quoted he made a false return to the committee; he made a return that was not sustained by the proof; he made a return that being exhibited as the truth would mislead the House. It was a fraud upon this House.

Sir, this is a bold statement I have made; but turn to the New York testimony, turn to the sworn statement of John Roach, and you will find that he says he has purchased 7,390 tons of old iron, and reduce that to pounds you will see that Mr. Hanscom has failed to return nearly 6,000,000 of pounds. Again, according to his statement, William Cramp & Sons received 1,092,875 pounds. Turn to the sworn statement of Mr. Cramp, before the committee at Philadelphia, and you will see that he received over 5,000,000 of pound. This head of the Bureau is deceiving the committee, is deceiving the House, is deceiving the country, when he attempts to make them believe this statement.

But in effecting this barter and exchange business the Secretary of the Navy has gone a wider and yet a further step than that to which I have called the attention of the House. He has assumed that he has a right to destroy vessels, that he has a legal right to do so. Now, I deny it. Show it, if you can, anywhere upon the statute-books. What right and what power has the Secretary of the Navy to destroy a vessel belonging to the Government of the United States? If he can destroy the Algoma he can destroy the Constitution; if he can destroy the Hero he can destroy the Kearsarge; if he can destroy two vessels he can destroy twenty, and if he can destroy twenty vessels then he can destroy your whole Navy. What is there to control him? He has destroyed a number of vessels. I will not take up the time of the House by reading the names, but I will call attention to the list which follows.

To this list of vessels destroyed should be added those rebuilt, to wit:

Nipsic, Galena, Vandalia, Marion, Quinnebaug, Swatara, Monongahela, Terror, Monadnock, Amphitrite, and Miantonomoh.

In addition to this list, I will name other vessels which he claims to have rebuilt.

Now I leave it to the consideration of the House that if the Secretary of the Navy can destroy one vessel may he not destroy ten? And if he can destroy ten vessels may he not destroy them all? Who is to put a curb upon him? Where is to be the check, the line of discretion? He destroys vessels to evade the law, because under the law if he sells he must sell at public sale, and if he sells at public sale the proceeds must go into the Treasury, and if it goes into the public Treasury it cannot come out except by an appropriation by Congress. The list of vessels broken up is as follows:

Statement of vessels broken or being broken up, under orders emanating from the Bureau of Construction and Repair, Navy Department, since July 1, 1869; also of the disposition made, so far as reported, of the materials recovered therefrom; taken from records of the Bureau.

Name of vessel.	When ordered broken up.	Amount and kind of material recovered.	Disposition of material.	To whom.	On what terms.
Illinois	Feb. 15, 1872	Not reported by yard officers	Used in yard	By the Government	
Nantasket	Sept. 27, 1872	do	Copper delivered for rerolling; wood used in Portsmouth yard.	Washington yard, by the Government.	
Suncook	July 31, 1874	1,424,296 pounds old or scrap iron	Delivered to contractor to be rerolled.	C. E. Pennock & Co	1 pound rerolled, best beam or plate, for 3 pounds old iron.
Nausett	Sept. 24, 1874	1,368,640 pounds old or scrap iron	do	John Roach	Do.
Niobe	Sept. 24, 1874	1,388,800 pounds old or scrap iron	do	do	Do.
Cohoes	Oct. 9, 1874	1,375,360 pounds old or scrap iron	do	do	Do.
Koka	Oct. 2, 1874	1,348,149 pounds old or scrap iron	do	Harlan & Hollingsworth	Do.
Otsego	Oct. 9, 1874	1,391,440 pounds old or scrap iron	do	William Cramp & Sons	Do.
Algoma	Oct. 9, 1874	1,397,760 pounds old or scrap iron	do	do	Do.
Modoc	Oct. 10, 1874	958,720 pounds old or scrap iron	do	John Roach	Do.
Minnetonka	Oct. 12, 1874	948,801 pounds old or scrap iron	do	Harlan & Hollingsworth	Do.
Napa	Nov. 12, 1874	934,080 pounds old or scrap iron	do	John Roach	Do.
Hero* and Piscataqua	Apr. 2, 1875	1,658,144 pounds old or scrap iron	607,579 pounds delivered to contractor to be rerolled.	do	Do.
Nebraska	July 29, 1875	Not reported by yard officers	Iron delivered to contractor to be rerolled.	Seyfert, McManus & Co	1 pound rerolled, best beam or plate, for 4 4-7 pounds old iron.
Shawnee and Wassuc	Sept. 9, 1879	Not reported; work not completed.	Not disposed of.		

* Work of breaking up this vessel not yet completed.

Mr. HEWITT, of New York. Will the gentleman allow me to interrupt him a moment? I would like to make a remark.

Mr. WHITTHORNE. I will yield to the gentleman for two or three minutes.

Mr. HEWITT, of New York. I find in the report of the minority of this committee, which I have not had such time to study as I ought to have taken, a statement justifying the exchanges of old material for new material. The minority of the committee say that it was for the advantage of the Government. I have patiently and carefully examined the tables appended to the report of the majority containing the terms upon which these exchanges were made so far as iron is concerned. Perhaps I may say to the House that in that particular line of business I suppose I am a competent judge.

On page 90 of the report of the majority I find a contract of exchange of old material for new; to exchange 4,538,781 pounds of old iron with Seyfert, McManus & Co., a most reputable firm in the iron trade. The contract is upon the following terms: The old iron is to be taken at one and three-fourths cents per pound, and the new iron is to be returned at eight cents per pound. Now I say that is a most extravagant, wasteful, and improvident contract. I say that by that contract the Treasury of the United States was robbed, and the taxpayers of this country must make good that robbery.

I say that if the Secretary of the Navy had done his duty and had advertised that exchange to the iron trade of the United States, it could have been made upon a basis of at least two cents per pound better than it was done. The firm with which I was connected at that time would have been only too glad to have been a bidder, and they could have made and furnished all the materials that Seyfert, McManus & Co. furnished. I find there are other contracts very much of the same character. If these gentlemen who signed the minority report had taken the trouble to ask for the testimony or opinion of any reputable gentleman in the iron trade they could have had this information given to them.

Mr. HARRIS, of Massachusetts. Will the gentleman from Tennessee [Mr. WHITTHORNE] allow me one single minute?

Mr. WHITTHORNE. Not now.

Mr. HARRIS, of Massachusetts. I desire to ask one single question of the gentleman who has just taken his seat.

Mr. WHITTHORNE. You can ask the question, and I will answer it.

Mr. HARRIS, of Massachusetts. I want to call the attention of the gentleman to a fact which I think will cause him to change his statement.

Mr. HEWITT, of New York. I have no objection to the gentleman's question and will answer it.

Mr. HARRIS, of Massachusetts. Has the gentleman taken into consideration the fact that the iron to be furnished under that contract was to be iron in dimensions, including beam-iron and frame-iron, just such iron as the Government might require?

Mr. HEWITT, of New York. I was a maker of beam-iron and frame-iron, just such iron as the Government wants. Before I came to Congress, at the very time this contract was being executed, we were supplying beam-iron at four and three-fourths cents per pound, iron cut to dimensions, just as the Government desired to have it cut. And in regard to frame-iron, since 1873 there has been no time when it could not have been bought for four cents a pound, yet under this contract the Government paid eight cents per pound. I say that the old iron was worth one and three-fourths cents per pound in cash in market, the price that was allowed for it.

Mr. WHITTHORNE. I have only to add that the testimony taken by your committee will sustain the statement of the gentleman from New York, [Mr. HEWITT,] the testimony of two ironmongers in the city of Philadelphia.

I have now to call the attention of the House to another violation of the law by the Secretary of the Navy. Under the law no head of a Department and no head of a Bureau can make a contract unless the same is authorized by law. Now the Secretary of the Navy has purchased the steamer America, now called the Dispatch, and the vessel Rio Bravo, in violation of that law. Again, the repairing or rebuilding of ships under a name, having only the name to go on, is in violation of the law—not alone of that section to which gentlemen have addressed themselves, but in violation of that other section of the law which confines every head of a Department in his expenditure of appropriations to the object for which those appropriations were made. Turn back, if you please, to these appropriations for the Navy Department from 1869 down to the present time and you will find that every appropriation made to the Secretary of the Navy has a specific object and purpose; and under none of those objects or purposes is he authorized to rebuild vessels or to construct new vessels for the Navy. The sections of law to which I call attention, and which I do not propose now to argue, have been deliberately and willfully violated by the Secretary and his subordinates.

I now call the attention of the House to another violation of law, the misuse of appropriations or transfer of funds; and if the gentleman from Ohio [Mr. GARFIELD] is present, I desire to arrest his particular and personal attention. The Secretary of the Navy, when asked before our committee what had become of the appropriation made for the eight sloops of war, whether it had been transferred or expended, made his deliberate and sworn statement which I have here and will submit as a portion of my remarks, and is as follows:

Question. I desire to see if I am correct. I understand from what you state that the appropriation for the eight sloops, made February 10, 1874, did in fact become, so to speak, a common appropriation?

Answer. By this action which I have spoken of.

Q. You say that that matter was reported to Congress?

A. Yes.

Q. Will you name the report or official document where that can be found?

A. Yes; the report of the Secretary of the Navy in the fall of 1873.

Q. Do you mean the regular report?

A. I mean my regular report sent to the President. I do not know that it appears in those specific terms, but it does appear that all our appropriations at that time were expended, and that I say, in so many words, that, if Congress expects us to go on, we must be re-imbursed. I came up before the Appropriations Committee, the facts were stated, and the $4,000,000 was given in response to that application by me, and it was taken into Congress and passed without a dissenting voice.

Q. At the time the $4,000,000 were appropriated, the entire amount appropriated for the eight sloops of war had been expended?

A. I think it had all been expended. Whatever is wrong about that I am willing to assume the responsibility for. I took it before the country, and I am willing to take it now.

* * * * * * *

Q. Construction and repair account had been a borrower from the eight sloops of war in this amount of money?

A. As I explained to you, when Congress came together in 1873, we had, during the Virginius excitement, spent every dollar—I would not say every dollar, but almost every dollar—which was under the control of construction and repair for any purpose in putting the Navy in condition. That fact was reported to Congress and to the Appropriation Committee directly. They appropriated $4,000,000 to the Bureau of Construction and Repair, though not definitely, and of course the Bureau of Construction and Repair remained in debt to the appropriation for the eight sloops of war for the amount of that appropriation which it had expended.

Q. Does it appear in your report that Congress was informed that this specific appropriation for the eight sloops of war had been so expended?

A. I do not know whether it was reported specifically. It was reported in general terms that all the appropriations available for the Department had been expended, and, as I said before, I am willing to take that responsibility, because I know that the expenditures I made then saved the Government and the country from a war and from very large expenditures.

From which it appears that he had expended every available appropriation during the Virginius excitement; that in 1873 he had expended every appropriation at his disposal. Now mark, in that same statement before the committee the Secretary of the Navy swears that he had reported this fact to Congress through the Committee on

Appropriations. Upon this point I beg to call attention to the statement made at the time by the then chairman of the Committee on Appropriations [Mr. GARFIELD] when he deliberately stated to the House and the country that there had been no transfer of funds; that there had been no such use of appropriations as the Secretary of the Navy swears to. To these statements of Mr. GARFIELD I now call attention, as follows:

MR. GARFIELD. In response to the five questions of the gentleman from New York, [Mr. WOOD,] which I think can be consolidated into two, I have to say, first, that the gentleman entirely misapprehended me if he understood me to say that the Secretary of the Navy had drawn from one fund to pay expenses properly chargeable to another. I not only did not say that, but, on the contrary, I said that he had used several of the funds in their respective lines of use to meet the emergency, and that those special funds, and those only, were substantially exhausted.

MR. WOOD. I did not understand the gentleman as saying that the Secretary of the Navy had transferred a fund appropriated for a specific purpose to another purpose. What I understood the gentleman to say was that moneys appropriated for the Navy had been used for purposes not comprehended in the original appropriation.

MR. GARFIELD. Not only is it the fact that those moneys have not been used for purposes not comprehended in the appropriations, but they have been used strictly and only for the very purposes to which they were appropriated. But it was understood when the appropriations were made that they would carry the Department through its expenditures for such purposes to the end of the fiscal year; and so they would have done but for this extraordinary emergency.

I have here a list of estimates in these several Departments in which we now ask additional appropriations. For example: last year we appropriated $46,000,000 for the pay of the Navy during the fiscal year. Now the Secretary of the Navy has been compelled, under what he considered the pressing emergency, to enlist additional men, and, of course, to increase in that respect the expenditures he would be called upon to meet; and, although he has not used up the whole of that appropriation, yet it is so nearly exhausted that he asks for $300,000 more to eke out the pay of the Navy, so that the new men thus enlisted may be paid.

In the second place, this extraordinary emergency has used up—or partly used up—the contingent fund, amounting to $125,000; and the Secretary asks $20,000 more to re-imburse that fund for the balance of the year. So in regard to the Bureau of Navigation, the appropriation for the fiscal year was $430,000. The Secretary has been compelled to spend more of that appropriation than would ordinarily have been spent in the first half of the fiscal year; and he asks for $20,000 to reimburse that fund.

But the largest and most important portion of these extraordinary expenses has been in supplies, in providing ordnance, in supplying shot and shell for our guns; and under this head he asks for half a million dollars to meet the expense of the ordnance he has purchased. Again, in equipment and recruiting—the clothing of men and the equipment of vessels—the Secretary asks for half a million dollars to supply what has been used for these purposes. There has been no transfer of funds. There has been no drawing on the future.

Again, when that four-million-dollar bill was before the House and under discussion a provision was adopted authorizing the Secretary of the Navy to transfer the appropriation. The Senate of the United States struck out that provision. Yet the Secretary of the Navy now swears before us that he used the $4,000,000, not for the specific objects for which that amount was appropriated by that bill, but to pay debts due, not to contractors, but debts due to different Bureaus for funds appropriated to those Bureaus and used previously, which he had used. Here is a deliberate and willful violation of the law. Yet it is said that the Secretary of the Navy did this for the honor of his country. I do not reply, my committee does not reply, to this defense made by the Secretary of the Navy and by his friends on this floor; but I ask the House to listen to the language of one of the great statesmen from Massachusetts, whose life was identified with the republican party and whose memory is now one of its choicest treasures. I allude to Hon. Charles Sumner, whose language I ask the Clerk to read.

The Clerk read as follows:

MR. SUMNER. I am not disposed to discuss the question of these moneys already expended. Probably some time will come when it may be proper to inquire into these expenditures. I regret, myself, that they were made; most sincerely I regret it; but I shall say nothing about them now. The facts are not yet before the country to enable us to discuss them adequately; but I feel it my duty to declare most distinctly that these expenditures ought to stop at this hour and this minute, not a dollar more in that direction. I think it has been an ill-omened expenditure, and at this moment, when our expenditures are so large and our revenue comparatively so small, it is much to be regretted.

Mr. WHITTHORNE. With the view of showing the misuse of appropriations, I beg to add the orders of the chief of the Bureau of Construction, Mr. Hanscom. I also refer to the statement of the chief clerk of the Bureau of Construction, both of which are herewith submitted:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
April 3, 1873.

SIR: You will please commence the building of a steam sloop of war, under appropriation "Construction of eight steam-vessels of war."

The vessel to be built at the yard under your command will be about 640 tons measurement, carrying four (4) IX-in. broadside guns, one (1) XI-in. pivot gun, and one (1) 60-pdr. pivot rifle-gun upon the forecastle deck. Length will be about 185 feet, breadth 35 feet, draught of water above base-line 12 feet.

One hundred and fifty (150) additional men may be employed and work upon the Galena, which may be charged to appropriation "Construction of eight steam-vessels of war," and the amount charged back again after July next. You will please direct the naval constructor to prepare, with dispatch, plans of a vessel of about the above dimensions, having a displacement of 1,240 tons.

Further instructions will be given after the plans have been examined.

Very respectfully, your obedient servant,

I. HANSCOM,
Chief of Bureau.

Rear-Admiral C. H. DAVIS, U. S. N.,
Commandant Navy-Yard, Norfolk, Virginia.

Says Constructor Easby, (Norfolk, pages 4-6:)

And reference is here made to a schedule of such orders submitted by the commandant of the navy yard at Brooklyn, (see page 302 of Brooklyn testimony:)

"Balance of deliveries under contracts with Babcock & Co., Geo. K. Creed, and J. W. Gaskill & Sons, Hyatt & Spencer, Trickey & Jewett, and Jas. A. Scott, to be received as open purchases, and paid out of appropriation 'Eight steam sloops of war.'"—*Letter from Construction and Repair*, March 8, 1873.

"Excess of yellow-pine timber delivered by Trickey & Jewett, to be received and charged to appropriation 'Eight steam sloops of war.'"—*Construction and Repair*, March 14, 1873.

"The building of a new sloop of war of two thousand tons to be commenced, and an additional force of one hundred men to be employed. 'The work on the Swatara may be charged to construction of eight steam-vessels of war, and the amount charged back to that vessel after July next.'—*Construction and Repair*, April 3, 1873.

"Triplicate bills in favor of W. C. N. Swift, for live-oak timber delivered at yard, amounting to $6,698.45, returned to be canceled, with directions to make a new set, and consider the transaction an open purchase, payable out of appropriation 'Eight steam vessels of war.'"—*Construction and Repair*, April 9, 1873.

"Triplicate bills in favor of Trickey & Jewett, amounting to $9,463.43 and $12,102.83, respectively, returned for cancellation, with instructions to have new bills made chargeable to appropriation 'Eight steam vessels of war' 'As this timber is intended to be used for the construction of the new sloop of war, its delivery should appear on the face of the bills to have taken place subsequently to March 4, 1873.'"—*Construction and Repair*, April 9, 1873.

"'Referring to the Bureau's letter of the 8th ultimo, relative to balances of deliveries under contracts to be received as open purchases at contract prices, chargeable to appropriation construction of eight steam vessels of war, you will please order that the bills be made out on open-purchase-bill forms, not mentioning anything of the contract.

"'As the appropriation construction of eight steam-vessels of war was not available till after March 4, 1873, bills payable out of it should not have the date of any of the Bureau's orders given prior to March 4, 1873.'—*Construction and Repair*, April 17, 1873.

"Reservation bill for $1,652 and 80 per cent. bill for $6,608.06 in favor of A. Ammerman for yellow pine delivered on contract of August, 1872, returned to be made in one bill, open purchase, 'as the appropriation construction of eight steam-vessels of war cannot be used for any debts contracted prior to its passage, *i. e.*, March 4, 1873.'—*Construction and Repair*, June 11, 1873.

"Bill in favor of Edward Clark for black spruce, returned to be made out on open-purchase bill, payable out of appropriation 'eight steam sloops of war,' with instructions to consider all contracts of August 19 closed. 'Should it be desirable to receive any articles yet due under contracts of that date, they will be taken at contract prices and paid for as above, as open purchases.'—*Construction and Repair*, July 9, 1873.

"The funds of the Bureau not permitting any more bills for live-oak to be paid prior to 1st of July, no bills for deliveries, if any should be made, will be made prior to that date.—*Construction and Repair*, April 7, 1874.

"The appropriation 'construction and repair,' 1873–'74, being exhausted, no more bills for payment under it to be approved.—*Construction and Repair*, April 15, 1874.

"The pay-roll for the month of May must not exceed the sum of $20,000, to be charged to appropriation construction of eight steam sloops of war.—*Construction and Repair*, April 22, 1874.

"Pay-roll for the month of June to be charged to appropriation 'construction of eight steam sloops of war.' Pay-roll not to exceed $20,000.—*Construction and Repair*, June 1, 1874.

"Bill in favor of W. N. C. Swift for timber delivered previous to June 29, 1874, (amounting to $120,547.55,) returned for cancellation with instructions to have new bills made out, dated and approved after 1st July, to be paid out of appropriation 'construction and repair,' 1874–'75.—*Construction and Repair*, June 29, 1874.

"Bills in favor of Creed, $330.30, $2,408.17, and Raymond, $1,704.30, returned for cancellation. New bills to be made, payable out of appropriation construction and repair 1874–'75."—*Construction and Repair*, October 17, 1875.

Mr. Goldsborough swears:

Question. Have you any knowledge or information, the sources of which are available to this committee, in regard to the fact, if it be one, whether any liabilities of former years have been paid out of any current year's appropriation?

Answer. Yes, sir.

Q. Have you the knowledge that such is the fact?

A. Such is the fact. You mean to say that bills accruing during one fiscal year for purchases made, for instance, have been paid out of the appropriation for the subsequent fiscal year. Certainly that has been the case.

Q. During what years has that been the case?

A. During the previous fiscal years 1873–'74 and 1874–'75.

Q. To what extent has that been done?

A. I am hardly able to say; it is a matter of official record. I would certainly say to a few hundred thousand dollars, but I cannot say more distinctly than that.

These documents show that it had been a practice in this Department to misuse and transfer the appropriations made to the Department.

Sir, it is in proof before this committee that year after year in the Bureau of Construction and Repair they used for one year the appropriations that had been made for another. And in order to do this, either withhold bills or destroy bills already made, a most fraudulent and vicious system of book-keeping, under which any amount of fraud may be perpetrated on the public service.

Mr. Speaker, I am admonished that the time allotted to me is about expiring; and I desire to call attention to a statement which I will ask the liberty of printing with my remarks, showing that, taking into consideration existing and maturing or current liabilities, the Department is in debt nearly $7,000,000, and which is as follows.

By the Book of Estimates, page 244, it is shown that out of an appropriation of $18,462,546.90 for the year 1876 there were expended in the first quarter $7,964,933.67; leaving a balance for the three remaining quarters of $10,447,613.33; see page 586 appendix.

Appropriation for year 1876	$18,533,801 81
In the two first quarters expended	14,281,451 71
Balance for two remaining quarters	4,252,350 10
Appropriations for 1876:	
$6,250,000—Balance remaining 1st January, 1876, to pay of Navy was	$933,831 50
1,279,000—Balance remaining 1st January, 1876, to Provisions and Clothing was	287,043 85
3,300,000—Balance remaining 1st January, 1876, to Construction and Repairs was	104,653 18
1,800,000—Balance remaining 1st January, 1876, to Steam Engineering was	210,932 69
12,629,000	1,536,461 22

It will be seen from the following table, taken from the Book of Estimates, submitted to the present session, and a statement from the

Treasury Department, (Appendix, pages 5 and 6,) that nearly one-half of the appropriations for the year 1876 was consumed in the first quarter, and not one-fourth remained for the last two quarters; and, further, that out of the appropriations for the year 1876 to four of the Bureaus for $12,629,000, there remained but $1,536,461.22.

Provisions and Clothing	$334,812 78
Steam Engineering	297,959 49
Navigation	7,000 00
Construction and Repair	492,366 20
Total	1,132,138 47
Add Goldsborough, page 499	1,071,000 00
Cutter, Russell, Swift *et al.*, amount due clothing fund	1,250,000 00
Contingent and maturing. (See Steam Engineering, page 540, Roach's statement.) Neafie & Levy; Cramp & Son; Wood, Dialogue & Co.; Roland *et al.*; Grant, Savage & Brother	2,500,000 00
Total	5,953,138 47

If you add to these the contingent liabilities, it will be found that the statement made by the majority of the committee, confirmed as it is by the authority of the Book of Estimates, is not far from correct.

Now, sir, let me call attention to the condition of the clothing fund. I am here to make good, if I had time, the statement made by the majority of the committee in their report. But, sir, is it necessary? I think not in view of all the proof that has been brought forward on this subject. I will add to my statement, in addition to the figures which I shall give, the sworn testimony of the Secretary of the Navy himself. I invite attention to the following table:

Clothing fund.

Dr.

To balance 1st January, 1871	$518,333 39
To appropriations since that time	490,000 00
To estimated increase from 10 per cent. charged since that time	60,000 00
To amount of stock on hand, 1869	2,207,435 64
	3,275,769 03

Cr.

By stock on hand at present time	1,694,538 97
By balance of cash as appears from clothing account in Bureau	13 88
By amount claimed to be due from pay of Navy, (see statement of this on page 160, Appendix to Miscellaneous)	311,592 34
	2,006,145 19
Making a balance of	1,269,623 84

Statement showing amounts due and credited from appropriation "pay of the Navy" to the "clothing fund," United States Navy, from January 1, 1869, to December 31, 1875, on account of clothing issued to officers, crew, and marines.

Appropriation "pay of the Navy" in account with the "clothing fund," United States Navy, from January 1, 1869, to December 31, 1875.

Dr.			Cr.		
1869.			1869.		
May 20	To clothing so far as returns have been received	$152,928 70	June 11	By transfer	$152,928 70
September 2	do	145,751 48	September 11	do	145,751 48
1870.			1870.		
March 22	do	159,569 02	April 6	do	159,569 02
August 29	do	251,614 17	September 10	do	251,614 17
1871.			1871.		
March 15	do	120,037 89	May 11	do	120,037 89
August 8	do	131,521 55	December 6	do	131,521 55
1872.			1873.		
September 9	do	306,796 24	June 3	do	72,156 58
1873.			September 4	do	454,121 10
January 1	do	219,481 44	December 22	do	209,577 13
September 30	To clothing 1st, 2d, and 3d quarters, 1873	197,445 42	1874.		
December 31	To clothing 4th quarter, 1873	209,546 18	June 20	do	209,546 18
1874.			September 4	do	98,812 92
March 31	To clothing 1st quarter, 1874	98,812 92	October 16	do	100,000 00
September 30	To clothing 2d and 3d quarters, 1874	150,965 35	1875.		
December 31	To clothing 4th quarter, 1874	80,738 95	October 25	do	110,221 36
1875.					
March 31	To clothing 1st quarter, 1875	73,614 19			
June 30	To clothing 2d quarter, 1875	75,194 63			
September 30	To clothing 3d quarter 1875	73,952 73			
December 31	To clothing 4th quarter, 1875	79,449 56	December 31	Balance due clothing	311,592 34
		2,527,420 42			2,527,420 42

My friend from Massachusetts [Mr. BANKS] submitted a statement on Saturday last which, if it is to be accepted as correct, will contradict the Secretary of the Navy, for the Secretary of the Navy himself swears that that fund is about a million dollars behindhand. I do not want, and I know he does not, nor do I believe Mr. Watmough, head of the Bureau of Provisions and Clothing, wants to convict the Secretary of the Navy of misrepresentation. I certainly do not, and therefore rest upon the statement as it is made in the report of the majority of the committee.

If I had time I should like to call attention to frauds in the Philadelphia navy-yard, to frauds in the construction of the eight sloops of war, to frauds in old claims, to frauds in furnishing materials, to the Wiard extravagance, to frauds in the foreign accounts of the Navy; but this has been done by my colleague of the committee from Alabama, [Mr. LEWIS.]

I come now to refer to what, out of this immense mass of fraud, out of this mass of favoritism, out of this immense disregard of law, has been termed "Cattellism."

What is Cattellism? In addition to what my colleague, [Mr. MILLS,] has said, permit me to add that we will suppose my friend on my left from Ohio is made Secretary of the Navy, that from the village from which he hails in the State of Ohio he brings along with him a friend, and that friend has a brother out there; that we find after he is made Secretary of the Navy this friend of his sleeps with him, beds with him, runs with him, holds property for him, gets positions, &c., is his intimate and confidential friend, and that the brother of that friend is taking advantage of his position by reaping a large fortune because of his influence with the Secretary of the Navy. Suppose further that brother of his intimate and confidential friends builds a house for the Secretary of the Navy and loans him large sums of money, and the Secretary keeps in his debt year after year, that the intimate friend's brother collects large amounts from naval contractors to aid the Secretary of the Navy in his political aspirations, what would you say? You may believe the present Secretary of the Navy is a good fellow, that he does not mean anything by it; but what would you say of my innocent friend from Ohio if he were thus surrounded? [Laughter.] That is "Cattellism."

No, Mr. Speaker, I have not time to present "Cattellism" in all its details. The mind irresistibly comes to the conclusion that regard for the public service demands at least no such thing should exist in the public service anywhere.

Now, sir, I am asked "why do you not carry your recommendation out boldly; why not march boldly up to the action which is necessary; why not have the courage to impeach the Secretary at once?" Will this House remember that just at this moment the high court of impeachment is in session, and that high court of impeachment is deliberating upon the very question suggested by this committee? Will they remember that the advocates of Mr. Belknap have submitted to that court the question whether if this House presents a violation of law which is not an indictable offense by statute or common law, it is not a matter of impeachment? Will this House forget that when Andrew Johnson was about to be impeached one of the ablest judiciary committees this House ever had divided on this very question? This House will not fail to remember that the last impeachment before the House of Lords in England was the impeachment of a naval officer, and that that House of Lords, even after the question was presented to them, certified that very question to the learned judges of England. Then in view of all the facts, in view of the circumstances by which we are surrounded, in view of the short time left to this session, we have after careful deliberation believed it was just, believed it was fair, believed it was right, to have this question, if you please, taken out of party excitement, away from party feeling, and referred to the Committee on the Judiciary of this House. Let them weigh the question, aside from party feeling, without party prejudice, looking only to the public interest, to the public welfare, and the general good.

On the question, Mr. Speaker, as to who is responsible for all these frauds, abuses, &c., I have not on this occasion attempted to quote the authorities and proof, but I shall beg leave, by permission of the House, to submit the proofs as a portion of my remarks, and I refer gentlemen now to pages 153 to 159 of the report of the committee. It will there be seen that the proofs sustain the allegations made by the committee. It is there made clearly apparent that the allegation of the Secretary of the Navy and his friends that he never interfered in regard to contracts, that he never interfered in reference to details of his bureaus, is not sustained by the record of the proof as taken before the committee.

Now, Mr. Speaker, I protest again that I am not, as far as I can

know or judge of myself, moved by any partisan feeling. God knows I have seen enough and known enough of the hardships of different forms of government to desire for myself and for my children the blessing of an honest and a free government. Sir, I have no memories of the past to imbitter me upon this occasion. I have nothing to rake from its ashes. I know that under God's providence this is to be the home of my children and my children's children. For them I have to invoke the blessings of a good government; and even if animated by no other motive I should endeavor and labor for their sakes to transmit to them those blessings unimpaired. Sir, may our Government be in all of its blessings bountiful, in all of its burdens light. May such be its character that when our old men shall come to die they will be cheered by the fact that they leave it as an inheritance to their children; and when our young men come to die they will breathe the prayer that the years of which they are prematurely deprived may be added to the life of the Republic.

I shall join with any man or with any party in perpetuating the blessings of a free, liberal, republican form of government. And in order to do that we must strike its enemies wherever we can see them. And the most dangerous enemy to a republican form of government is he who would sap or undermine its foundations by corruption.

Now, Mr. Speaker, having finished my remarks, I ask of the House the execution of the order made upon Saturday.

The SPEAKER *pro tempore*. The question is on agreeing to substitute the resolution reported by the minority of the committee for the resolution reported by the majority. The Clerk will first read the resolution of the majority and then that of the minority.

The Clerk read the resolution reported by the majority, as follows:

Resolved, That these legal questions, together with all the proof taken by this committee, be referred to the Committee on the Judiciary, with power to hear additional testimony and argument if they see fit, to examine and report whether such violations of the law as are referred to herein constitute and are impeachable offenses under the Constitution; and, if so, then they shall report articles of impeachment against George M. Robeson, Secretary of the Navy. But if they shall find that under existing laws such acts and doings of the said Secretary are not impeachable or otherwise punishable, then they shall report what additional legislation, in their opinion, is necessary to make said laws sufficiently punitive to protect the public service.

The Clerk also read the resolution reported by the minority of the committee as follows:

Resolved, That in this investigation no fraud, corruption, or willful violation of the law has been shown or appears to have been committed by Hon. George M. Robeson while in discharge of the duties of Secretary of the Navy; and we find no reason to censure or find fault with his conduct in the administration of the Navy Department.

Mr. CONGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. CONGER. I wish to inquire of the Chair whether under the rules of the House requiring investigating committees to report at this session the report from the Judiciary Committee would be required to be made at this session.

The SPEAKER *pro tempore*. The Chair cannot say. The Chair scarcely regards that as a parliamentary inquiry. He cannot answer what the Judiciary Committee will do.

The Chair is informed by the gentleman from Massachusetts, [Mr. HARRIS,] who appears to be at the head of the minority report, that he did not propose the resolution which has been read as a substitute for the majority report. The Chair understood from the form in which it seemed to come to the desk that it was intended as a substitute. It came in the form always adopted when a minority of a committee report a resolution as a substitute for a resolution reported by the majority. The Chair also understands that on Saturday the main question was ordered on the resolution of the committee and the substitute. The Chair will state, however, that by unanimous consent the gentleman from Massachusetts may withdraw his substitute, and the vote will then be simply on the resolution of the majority. That is a matter for the House. Is there objection to the gentleman from Massachusetts withdrawing the resolution reported by the minority?

Mr. HEWITT, of New York, and Mr. LEWIS objected.

Mr. HARRIS, of Massachusetts. Will the Chair allow me a single moment? I do not understand that it is desired to withdraw the resolution of the minority. It is a part of the minority report. But on consultation among ourselves we deemed it the best way to allow the House to vote directly upon the majority report. We have not, therefore, moved the resolution which forms part of the minority report.

The SPEAKER *pro tempore*. That statement should have been made to the Chair before this time. It is now too late.

The Chair desires to call the attention of members to a portion of Rule 65, which the Clerk will read. He asks members particularly to pay attention to this rule because he proposes to enforce it; and it is exceedingly disagreeable to enforce it against gentleman who do not suppose they are violating a rule of the House.

The Clerk read as follows:

No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling or ballots are counting.

The SPEAKER *pro tempore*. The Chair desires to state that this rule applies not merely to members, but to all persons on the floor of the House who are not immediately connected with the count.

Mr. WILSON, of Iowa. I desire to ask a question of the Chair. Am I to understand that the previous question was demanded by the chairman of the committee upon the resolution and substitute?

The SPEAKER *pro tempore*. The Chair so understood.

Mr. WILSON, of Iowa. Is that recorded in the Journal?

The SPEAKER *pro tempore*. The Chair will ascertain. That was his own understanding.

Mr. WILSON, of Iowa. If it is not in the Journal, if the House has not made that explicit order, I do not think that the point can be insisted on now that something shall be voted on which the minority do not ask to be voted on. I should like to have the entry in the Journal as to that read.

The SPEAKER *pro tempore*. The Chair is informed by the journal clerk that the entry in the Journal covers the substitute as well as the resolution of the committee.

Mr. WILSON, of Iowa. In terms?

The SPEAKER *pro tempore*. The Chair so understands it.

Mr. WILSON, of Iowa. Will the Chair have the entry in the Journal read?

Mr. HALE. I do not think it a material matter whether we take two votes or one only. But I think it a pertinent question to ask: If the resolution of the minority was not moved during the debate by any member of the minority, or by any other person, how at the time when the previous question was asked and sustained was that resolution before the House? What can there be in the Journal that indicates that this, which is simply a part of the views of the minority, not even a report and not sought to be voted on, is before the House now? For instance, supposing that the chairman of the committee had made up his mind that he would not allow the substitute to be offered and had declined when a member of the minority desired to move a substitute to admit it, he as having charge of the report of the committee would have had control of that. Now I do not believe from my recollection of the course of debate and the proceedings of the House that the Journal shows that the minority resolution was ever before the House. But as I said it is not a very material matter; it will merely take two votes instead of one.

Mr. WILSON, of Iowa. The Journal will show that, and that is why I want it read.

Mr. WHITTHORNE. I desire to say to the Speaker that in bringing this entire matter before the House it was a matter of agreement between the committee with the desire and purpose that the views of the committee should be fairly heard and both propositions fairly entertained and fairly voted on. I say now to the House and to the Speaker that I desire especially a vote on the proposition coming from the minority of the committee, and those gentlemen of the minority will see why I desire it after they have charged more or less partisanship in their proceedings. I confess that I am surprised to see gentlemen endeavoring to avoid a direct vote upon the proposition they have themselves presented.

Mr. COX. I would like to ask the gentleman from Maine [Mr. HALE] before he takes his seat whether the minority report was not, together with the resolution of the majority, made a special order at the special instance of the gentleman who reported it?

Mr. HALE. It was stated at the time that it was not parliamentarily a report; it was not properly a report; it was simply one portion of the views of the minority. Now how it is that what was stated to be simply an expression of the views of the minority shall be transmuted into a proposition to be voted on by the House I do not know.

Mr. COX. The gentleman does not answer my question. Was not the minority resolution made a special order as well as that of the majority?

Mr. HALE. As the views of the minority, certainly.

Mr. COX. That is the way in which the minority reports always in election cases.

Mr. BANKS. I would like to ask a question. If the minority resolution has not been moved by some member of the House, it could not be embraced in the special order. My understanding is that on the subject of the investigation of the action of the Navy Department, the Committee on Naval Affairs had the right to decide upon it. If the minority of the committee disagreed with the majority they had no right to present their views in this report or to represent a resolution except with the consent of the House.

Mr. COX. There was no objection at the time.

Mr. BANKS. The minority of the committee are always allowed, as a matter of course, to present their views and print their report, while the chairman of the committee, acting for the majority, has a right to make the report of the committee. The only parliamentary right that exists under the rules of the House is that if the minority wishes to propose a counter-judgment they must offer it in the shape of a resolution, and it must be stated by the Speaker as an amendment for the majority resolution. Now, I do not understand that that has been done in this case. The House is not bound to vote on the proposition embraced in the minority report, which has never been presented to the House formally by any member of the committee or any member of the House, and we have a right to object to being called upon to vote on a proposition which has never been properly submitted to the House.

Mr. COX. The Journal shows that the minority report was offered as a substitute. Will the gentleman tell us what he really wants?

Mr. BANKS. I have not the slightest desire to tell the gentleman from New York what I want. I am speaking of what I do not want. I do not want to vote on a resolution which has never been presented in a formal manner to the House.

Mr. COX. Then there is a difference of opinion between the gentleman and myself upon that point.

Mr. BANKS. I do not impugn the record; I merely state what is my right as a member of the House.

Mr. COX. I do not dispute the gentleman's right to do it.

Mr. JONES, of Kentucky. I understand that this substitute offered by the minority is now in the possession of the House, and I ask the Chair if it can be withdrawn except by unanimous consent.

Mr. BANKS. The Journal will show what the position of the question is upon that point, and I call for the reading of the Journal.

The SPEAKER *pro tempore*. The Journal will be read.

Mr. BANKS. What is the date of it?

The SPEAKER *pro tempore*. July 26, 1876.

The Clerk read from the Journal as follows:

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to, to wit:

Ordered, That the report of the majority and views of the minority from the House Naval Committee giving the results of their investigations, shall be presented to-morrow; both shall be printed; and Friday, after the reading of the Journal, is hereby assigned for the consideration of the same to the exclusion of all other business; six hours shall be given to debate, to be equally divided.

Mr. HALE moved to reconsider the vote last taken, and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

Mr. BANKS. It will be perceived by the Speaker and by the House that the Journal, as just read, speaks of the conclusions of the majority and the "views" of the minority.

Mr. COX. And the House orders the consideration of both.

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read the action of the House, as journalized, upon the ordering of the previous question.

The Clerk read as follows:

The House resumed the consideration of the report of the Committee on Naval Affairs.

After debate,

Mr. WHITTHORNE demanded the previous question on the adoption of the resolutions accompanying the said report; which was seconded, and the main question ordered to be put.

Mr. WHITTHORNE moved to reconsider the vote last taken, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. BANKS. The record as read by the Clerk does not show any motion by any member of the House to substitute the resolution accompanying the views of the minority. The only allusion to the minority is to the "views" of the minority; and that is a proper reference. The Clerk has made up the Journal correctly. The minority had views upon this subject, and they had a right to an expression of those views; and the House gave to that minority the right to present their views and have them printed. But there is nothing in the record to show that any member of this House has moved the resolution accompanying the views of the minority; and for one I object to voting on a resolution that has not been moved.

Mr. RANDALL. The previous question is called on the "resolutions." There is but one resolution accompanying each report, and the plural being used, that of course embraces both resolutions.

Mr. BANKS. No, sir; the Journal says the previous question was "on the resolutions accompanying the said report;" and there was but one report, that of the majority of the committee.

Mr. RANDALL. When the word "resolutions" is used, that means both resolutions.

Mr. BANKS. The minority has made no report of a resolution which is upon the record of the House. The Journal, as read, shows no resolution presented by them, or covered by the previous question, or included in the order made by the House on the 25th of July.

Mr. RANDALL. The order for the previous question contains the word "resolutions;" there is a majority resolution and a minority resolution——

Mr. BANKS. There is no minority resolution on the record.

Mr. RANDALL. And therefore they are both embraced in the terms of the order for the previous question.

The SPEAKER *pro tempore*. The Chair is prepared to rule upon the question. The Chair can see no difference between this and every other case of a majority report accompanied with the views of a minority, and each proposing a resolution or resolutions. In this case the majority of the committee make their report, and the minority present their views in accordance with express permission of the House, as appears from the Journal. The Chair cannot see the difference between this and a contested-election case, for instance, where, without any more formal presentation of the resolution than sending it to the Clerk's desk to be printed in connection with the report, the question is always taken upon substituting the resolution of the minority for the resolution of the majority. The Chair does not see that the rule is at all different in this instance, and therefore holds that, the previous question having been ordered, it covers the resolution of the majority and the substitute of the minority, and the substitute accordingly cannot be withdrawn at this time except by unanimous consent. The question before the House, therefore is, Will the House agree to the substitute proposed by the minority for the resolution presented by the majority of the Committee on Naval Affairs?

Mr. LEWIS. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The resolution accompanying the views of the minority was as follows:

Resolved, That in this investigation no fraud, corruption, or willful violation of the law has been shown or appears to have been committed by Hon. George M. Robeson while in the discharge of the duties of Secretary of the Navy; and we find no reason to censure or find fault with his conduct in the administration of the Navy Department.

The question was taken; and there were—yeas 54, nays 120, not voting 111; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, William R. Brown, Cannon, Caswell, Conger, Danford, Darrall, Davy, Dobbins, Dunnell, Eames, Evans, Freeman, Frye, Hale, Benjamin W. Harris, Hays, Hendee, Henderson, Hoge, Hubbell, Hurlbut, Joyce, Kelley, Kimball, Lapham, Leavenworth, Lynch, MacDougall, McDill, Nash, Norton, O'Neill, Page, Plaisted, Pratt, Rainey, Robinson, Rusk, Sinnickson, Smalls, A. Herr Smith, Strait, Washington Townsend, Van Vorhes, Wait, G. Wiley Wells, White, Whiting, James Wilson, and Woodburn—54.

NAYS—Messrs. Abbott, Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cate, Canfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Durand, Durham, Eden, Felton, Finley, Forney, Franklin, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Holman, Hooker, Hopkins, House, Hurd, Thomas L. Jones, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, Maish, McMahon, Meade, Metcalfe, Mills, Morgan, Morrison, Neal, New, O'Brien, Payne, Phelps, John F. Philips, Pierce, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Scales, Sheakley, Singleton, Slemons, Springer, Stevenson, Terry, Thompson, Throckmorton, Tucker, Turney, Waddell, Gilbert C. Walker, Walsh, Warren, Erastus Wells, Whitthorne, Wike, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, and Young—120.

NOT VOTING—Messrs. Ashe, John H. Baker, Banks, Bass, Bell, Blair, Bliss, Blount, Bradley, Horatio C. Burchard, Burleigh, Campbell, Candler, Cason, Chapin, Collins, Cowan, Crapo, Crounse, Denison, Douglas, Egbert, Ellis, Ely, Faulkner, Fort, Foster, Fuller, Garfield, Gibson, Robert Hamilton, Haralson, Henry R. Harris, Hartridge, Hatcher, Hathorn, Goldsmith W. Hewitt, Hill, Hoar, Hoskins, Hunter, Hunton, Hyman, Jenks, Frank Jones, Kasson, Kehr, King, Knott, Lamar, George M. Landers, Lawrence, Lord, Mackey, Magoon, McCrary, McFarland, Miller, Milliken, Money, Monroe, Mutchler, Odell, Oliver, Packer, William A. Phillips, Piper, Platt, Powell, Purman, James B. Reilly, Roberts, Sobieski Ross, Sampson, Sayler, Schleicher, Schumaker, Seelye, William E. Smith, Southard, Sparks, Spencer, Stenger, Stone, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Martin I. Townsend, Tufts, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, Wheeler, Whitehouse, Wigginton, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—111.

So the substitute was not adopted.

During the call of the roll the following announcements were made:

Mr. MILLIKEN. On this question I am paired with Mr. GARFIELD. If present, he would vote "ay," and I would vote "no."

Mr. HARTRIDGE. On this question I am paired with Mr. HOSKINS, of New York. If present, he would vote "ay," and I would vote "no."

Mr. HARDENBERGH. My colleague, Mr. ROBERT HAMILTON, is absent on account of sickness, and my colleague, Mr. TEESE, is absent by leave of the House.

Mr. COOK. My colleague, Mr. SMITH, of Georgia, is absent because of sickness in his family.

Mr. BAKER, of Indiana. On this question I am paired with Mr. ELY, of New York.

Mr. BLAIR. On this question I am paired with my colleague, Mr. JONES, of New Hampshire, who is absent by leave of the House. If present he would "no," and I would vote "ay."

Mr. FOSTER. On this question I am paired with my colleague, Mr. WALLING, who if present I suppose would vote "no;" I would vote "ay."

Mr. WIGGINTON. I am paired on this question with Mr. WALLACE, of South Carolina. If present he would vote "ay," and I would vote "no."

Mr. HURD. The gentleman from Kentucky, Mr. KNOTT, is absent on account of illness.

Mr. COCHRANE. My colleague, Mr. STENGER, is absent by leave of the House. If present he would vote "no." My colleague, Mr. ROSS, is absent by leave of the House.

Mr. NEAL. My colleagues, Mr. WOODWORTH and Mr. SOUTHARD, are paired on this question. If present Mr. WOODWORTH would vote "ay," and Mr. SOUTHARD "no."

Mr. SAVAGE. My colleague, Mr. COWAN, is absent on account of injuries received from a runaway team.

Mr. LORD. On this question I am paired with the gentleman from Indiana, [Mr. HUNTER.] If he were present he would vote "ay," and I should vote "no."

Mr. MUTCHLER. On Saturday last I paired with my colleague, Mr. PACKER. As he is not now in the House, it may be that he regards the pair as still binding; and I therefore decline to vote.

Mr. CASON. I am paired with my colleague, Mr. FULLER, on all political questions, and this seems to be of that class.

Mr. DUNNELL. On this question I am paired with the gentleman from Missouri, Mr. STONE, who if present would vote in the negative, while I should vote in the affirmative.

Mr. A. S. WILLIAMS. I desire to announce that I am paired upon this question with my colleague, Mr. W. B. WILLIAMS, who has been necessarily called away from the House.

The result of the vote was announced as above stated.

The question then recurred upon the adoption of the following resolution, reported by the majority of the committee:

Resolved, That these legal questions, together with all the proof taken by this committee, be referred to the Committee on the Judiciary, with power to hear ad-

ditional testimony and argument if they see fit, to examine and report whether such violations of the law as are referred to herein constitute and are impeachable offenses under the Constitution; and, if so, then they shall report articles of impeachment against George M. Robeson, Secretary of the Navy. But if they shall find that under existing laws such acts and doings of the said Secretary are not impeachable, or otherwise punishable, then they shall report what additional legislation, in their opinion, is necessary to make said laws sufficiently punitive to protect the public service.

Mr. HALE. Let us have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 74, not voting 102; as follows:

YEAS—Messrs. Abbott, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Culberson, Davis, De Bolt, Dibrell, Durand, Durham, Eden, Egbert, Felton, Finley, Forney, Franklin, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, John T. Harris, Harrison, Hartzell, Henkle, Hereford, Abram S. Hewitt, Holman, Hooker, Hopkins, House, Hurd, Thomas L. Jones, Kehr, Knott, Lane, Lewis, Luttrell, Mackey, Maish, McMahon, Metcalfe, Mills, Morgan, Morrison, Neal, New, O'Brien, Payne, Phelps, John F. Philips, Popleton, Potter, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Scales, Sheakley, Singleton, Siemons, Springer, Stevenson, Terry, Thompson, Throckmorton, Tucker, Turney, Gilbert C. Walker, Walsh, Warren, Erastus Wells, Whitthorne, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Benjamin Wilson—109.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Dobbins, Eames, Evans, Fort, Freeman, Frye, Hale, Benjamin W. Harris, Hays, Hendee, Henderson, Hoar, Hoge, Hubbell, Hurlbut, Joyce, Kasson, Kelley, Kimball, Lapham, Lawrence, Leavenworth, Levy, Lynch, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, O'Neill, Page, William A. Phillips, Pierce, Plaisted, Pratt, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waddell, Wells, G. Wiley Wells, White, Whiting, Charles G. Williams, James Wilson, and Woodburn—74.

NOT VOTING—Messrs. John H. Baker, Bass, Bell, Blair, Bliss, Blount, Bradley, Burleigh, Campbell, Candler, Cason, Chapin, Collins, Cowan, Cutler, Darrall, Denison, Douglas, Dunnell, Ellis, Ely, Faulkner, Foster, Fuller, Garfield, Gibson, Goodin, Robert Hamilton, Hancock, Haralson, Hardenbergh, Henry R. Harris, Hartridge, Hatcher, Hathorn, Haymond, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Hunton, Hyman, Jenks, Frank Jones, King, Lamar, Franklin Landers, George M. Landers, Le Moyne, Lord, Lynde, Magoon, McFarland, Meade, Milliken, Money, Mutchler, Odell, Oliver, Packer, Piper, Platt, Powell, Purman, James B. Reilly, Roberts, Sobieski Ross, Sayler, Schleicher, Schumaker, William E. Smith, Southard, Sparks Spencer, Stenger Stone, Stowell, Swann, Tarbox, Teese, Thomas, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, Wheeler, Whitehouse, Wigginton, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—102.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. HARTRIDGE. On this question I am paired with the gentleman from New York, [Mr. HOSKINS.] If present he would vote "no," and I should vote "ay."

Mr. MILLIKEN. On this question I am paired with the gentleman from Ohio, [Mr. GARFIELD.] Were he here he would vote "no," and I should vote "ay."

Mr. CASON. I am paired on all political questions with my colleague, Mr. FULLER. I do not know how he would vote on this question, but if he were here I should vote "no."

Mr. DARRALL. I am paired with my colleague, Mr. ELLIS, who if present would vote in the affirmative, while I should vote in the negative.

Mr. BAKER, of Indiana. On this question I am paired with the gentleman from New York, Mr. ELY.

Mr. WILLARD. I am paired with the gentleman from Georgia, Mr. HILL. If he were present he would vote "ay," and I should vote "nay."

Mr. WIGGINTON. I am paired with the gentleman from South Carolina, Mr. WALLACE, who if present would vote in the negative, while I should vote in the affirmative.

Mr. DUNNELL. On this question I am paired with the gentleman from Missouri, Mr. STONE. If present he would vote "ay," and I should vote "no."

The result of the vote was announced as above stated.

Mr. FOSTER. On this question I am paired with my colleague, Mr. WALLING. If he was present, he would vote "ay," and I should vote "no."

Mr. WHITTHORNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage, without amendment, of joint resolution (H. R. No. 154) prohibiting the supply of special metallic cartridges to hostile Indians.

It further announced the passage of a bill (S. No. 1008) to increase the efficiency of the cavalry force in suppression of the Sioux hostilities; in which concurrence was requested.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was received by Mr. U. S. GRANT, jr., his Private Secretary.

Also, a message announcing that he had approved and signed bills and joint resolutions of the following titles, namely:

An act (H. R. No. 3928) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government;"

An act (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers;

A joint resolution (H. R. No. 134) donating two cannons and carriages to the warden and burgesses of Stonington, Connecticut;

A joint resolution (H. R. No. 109) for the issue of silver coin;

An act (H. R. No. 1771) to declare forfeit to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress, approved March 3, 1863;

An act (H. R. No. 3717) making appropriation for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3855) for the relief of George T. Olmstead, jr.;

Joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation act;

An act (H. R. No. 1427) for the relief of H. P. Jones & Co.;

An act (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee;

An act (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers.

An act (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia; and

An act (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

It further announced that the following bills had been received by the President on the 17th of July, and not having been returned by him so the House within the ten days prescribed by the Constitution had become laws without his signature:

An act (H. R. No. 339) for the relief of E. D. Franz;

An act (H. R. No. 341) for the relief of Louis Rosenbaum; and

An act (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York.

MORNING HOUR.

The SPEAKER *pro tempore*. The morning hour now begins at two o'clock and fifteen minutes; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

NIGHT-LODGING-HOUSE COMMISSION.

Mr. HENDEE introduced a bill (H. R. No. 3999) assigning the use of the Central Guard-house, in the city of Washington, District of Columbia, for the Night-Lodging-House Commission; which was read a first and second time by its title.

Mr. FRYE. I ask that the bill may be read.

The bill was read in full, and was referred to the Committee for the District of Columbia, and ordered to be printed.

REMOVAL OF TRACKS OF BALTIMORE AND OHIO RAILROAD.

Mr. JOYCE introduced a bill (H. R. No. 4000) requiring the removal of the tracks of the Baltimore and Ohio Railroad from certain streets in the city of Washington, and for other purposes; which was read a first and second time by its title.

Mr. JOYCE. I call for the reading of the bill.

The bill was read in full, and was referred to the Committee for the District of Columbia, and ordered to be printed.

REVENUE CORPS.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 4001) to establish a competent and non-partisan revenue corps; which was read a first and second time by its title.

Mr. HEWITT, of New York. I ask to have the bill read.

The bill was read in full, and was referred to the Committee on Civil-Service Reform, and ordered to be printed.

ELLEN T. JOHNSON.

Mr. COX introduced a bill (H. R. No. 4002) granting a pension to Ellen T. Johnson; which was read a first and second time by its title

Mr. HEWITT, of New York. I ask to have that bill read.

The bill was read in full, and was referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF LIEUTENANT HARRINGTON.

Mr. DAVY introduced a bill (H. R. No. 4003) granting a special pension to the widow and minor children of Lieutenant Harrington, who was killed in the recent fight with the Indians on the Little Big Horn River; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CENTENNIAL EDUCATIONAL MATERIAL.

Mr. CUTLER introduced a joint resolution (H. R. No. 156) authorizing the Secretary of the Interior to receive the educational material now on exhibition in the centennial exposition; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the joint resolution.

The joint resolution was read in full, and was referred to the Committee on Appropriations, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HOPKINS introduced a bill (H. R. No. 4004) to regulate interstate commerce and to prohibit unjust discriminations by common-carriers; which was read a first and second time by its title.

Mr. DUNNELL. I request that that bill may be read in full so that it may appear in the RECORD.

The bill was read, and is as follows:

A bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all railroad companies and all other corporations or persons engaged in the business of carrying freight from any place in one State or Territory to any place in another State or Territory, or from any place in a State or Territory to the seaboard in said State or Territory for exportation, or from the seaboard to any place within any State or Territory, of articles imported directly to such inland place of delivery, be, and they are hereby, prohibited from making discriminations in facilities in transportation, or in charges for handling, carrying, and delivering such freights, when shipped in quantities not less than sufficient to load one ordinary car or usual vehicle; but all such charges shall be equitable and uniform for all persons, companies, and corporations shipping from the same place to the same place.

SEC. 2. That all railroad companies and all other corporations or persons engaged in carrying or delivering freight, as set forth in section 1 of this act, shall, within thirty days after the passage of this act, make and publish a schedule of charges for the reception, carrying, and delivery of the various classes of freight. Said schedule shall show the amount charged per hundred pounds, or per package, or per car load for carrying the several classes of freight between the different places of receipt and delivery, and also all other charges for handling, storage, &c., and in no case shall a greater sum be charged for carrying, handling, and delivering such freight a shorter than is charged for a longer distance. Said schedule shall be signed by the proper officers of the corporation or by the persons carrying or handling freight as aforesaid, and shall be kept publicly posted in a conspicuous and accessible place in each depot or office of said corporation or person. Said rates of charges thus fixed shall not be changed without affixing to said schedule, in each depot or office as aforesaid, a conspicuous notice that at the expiration of not less than five days said rates will be changed, and giving the details of all changes proposed to be made in said schedule. Any corporation or individual neglecting to comply with the provisions of this section shall be liable to a penalty of $5,000, to be sued for and apportioned as in case of the penalty provided for in section 3 of this act.

SEC. 3. That all railroad companies and other corporations and persons engaged in carrying freights as aforesaid are hereby prohibited from receiving or retaining less or more than the rates so as aforesaid prescribed from any person or persons or corporations under a penalty of $5,000 for each offense, to be recovered in any court of record having jurisdiction to that amount, one-half thereof for the benefit of the United States and the other half to the person suing therefor. Any arrangement or agreement, directly or indirectly, whether by way of drawback, rebates, underbilling, commissions, or otherwise, whereby the freight of any individual or association of individuals, or of any corporation or corporations, shall be handled stored, or carried for a rate of compensation different from the rate per hundred pounds, or per package, or per car-load, charged to others, and any arrangement or agreement giving a preference in furnishing cars, or motive power, or sidings, or tracks, or depots, or storage, shall be considered a violation of this act, subjecting the party or corporation violating to the penalty aforesaid for each offense.

SEC. 4. That any combination of railroad companies or other corporations or individuals to defeat the purpose of this act, to regulate charges upon a different basis than that herein set forth to affect values by sudden and unnecessary changes, to give to one corporation or individual facilities and advantages withheld from or not extended to any other corporation or individual is hereby declared to be a misdemeanor, and the corporation or person convicted thereof in any United States district court where said corporation or individual has an office or place of business shall be fined a sum not less than $5,000 for each offense, and shall also be subject to the penalty prescribed in section 3 in a civil suit or suits.

The bill was referred to the Committee on Commerce, and ordered to be printed.

HENRY HOOVER.

Mr. ROBBINS, of Pennsylvania, introduced a bill (H. R. No. 4005) for the relief of Henry Hoover; which was read a first and second time by its title.

Mr. HURLBUT. Let that bill be read.

The bill was read in full, and was referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN PRESTON'S EXECUTOR.

Mr. TERRY introduced a bill (H. R. No. 4006) for the relief of John Preston's executor; which was read a first and second time by its title.

Mr. HURLBUT. Let the bill be read.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

LEWIS RODRICK.

Mr. WALSH introduced a bill (H. R. No. 4007) granting a pension to Lewis Rodrick; which was read a first and second time by its title.

Mr. HURLBUT. I ask for the reading of that bill.

The bill was read in full, and was referred to the Committee on Revolutionary Pensions, and ordered to be printed.

REUBEN ROUZEE.

Mr. WALSH also introduced a bill (H. R. No. 4008) for the relief of Reuben Rouzee, of Montgomery County, Maryland; which was read a first and second time by its title.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

SAMUEL T. MAGRUDER.

Mr. WALSH also introduced a bill (H. R. No. 4009) for the relief of Samuel T. Magruder; which was read a first and second time by its title.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

SARAH ELLEN CADY.

Mr. WALSH also introduced a bill (H. R. No. 4010) for the relief of Sarah Ellen Cady; which was read a first and second time by its title.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. LEWIS.

Mr. WALSH also introduced a bill (H. R. No. 4011) for the relief of William T. Lewis, executor of John H. Lewis, deceased; which was read a first and second time by its title.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

J. C. CAMERON.

Mr. SINGLETON introduced a bill (H. R. 4012) for the relief of J. C. Cameron, of Madison County, State of Mississippi; which was read a first and second time by its title.

Mr. HURLBUT. Let the bill be read.

The bill was read in full, and was referred to the Committee on War Claims, and ordered to be printed.

JAMES M. LYLES.

Mr. SINGLETON also introduced a bill (H. R. No. 4013) for the relief of James M. Lyles, of Jasper County, in the State of Mississippi; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, and referred to the Committee on War Claims, and ordered to be printed.

LEWIS JOHNSON & CO.

Mr. SINGLETON also introduced a bill (H. R. No. 4014) for the relief of Lewis Johnson & Co., of the District of Columbia; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, and referred to the Committee of Claims.

WILLIAM A. TAYLOR.

Mr. SINGLETON also introduced a bill (H. R. No. 4015) to refund to W. A. Taylor, M. D., of Bastrop County, in the State of Texas, certain internal-revenue taxes which were erroneously and unlawfully imposed upon and exacted of him; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WALTER L. CAMPBELL.

Mr. HOOKER introduced a bill (H. R. No. 4016) for the relief of Walter L. Campbell, a resident of Pike County, State of Mississippi; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, and referred to the Committee on War Claims, and ordered to be printed.

CONSIDER PARISH.

Mr. HOOKER also introduced a bill (H. R. No. 4017) for the relief of Consider Parish, a resident of Hynes County, State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAIL SERVICE.

Mr. GIBSON introduced a joint resolution (H. R. No. 157) to amend an act entitled "An act to amend sections 3893 and 3894 of the Revised Statutes relative to the mail service;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM P. MORAN.

Mr. LEVY introduced a bill (H. R. No. 4018) for the relief of William P. Moran; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, and referred to the Committee of Claims, and ordered to be printed.

WILLIAM F. WALSH.

Mr. LEVY also introduced a bill (H. R. No. 4019) for the relief of William F. Walsh, a citizen of New Orleans, Louisiana.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM F. PERKINS.

Mr. LEVY also introduced a bill (H. R. No. 4020) for the relief of the estate of William F. Perkins, late of Van Zandt County, deceased; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WHITEFIELD.

Mr. LEVY also introduced a bill (H. R. No. 4021) for the relief of the heirs of William H. Whitefield, an alien some time resident of Sebastian County, in the State of Arkansas, and late of Utilla Island, off Honduras, Central America, deceased; which was read a first and second time by its title.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, referred to the Committee on War Claims, and ordered to be printed.

DANIEL EDWARDS.

Mr. LEVY also introduced a bill (H. R. No. 4022) for the relief of Daniel Edwards, a resident of the city of New Orleans, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALANSON WILLIAMS.

Mr. WHITE introduced a bill (H. R. No. 4023) to grant a pension to Alanson Williams; which was read a first and second time, referred to the Committe on Invalid Claims, and ordered to be printed.

JOSEPH M'KINNEY.

Mr. WHITE also introduced a bill (H. R. No. 4024) granting a pension to Joseph McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. S. HAMILTON.

Mr. RIDDLE introduced a bill (H. R. No. 4025) for the relief of A. S. Hamilton, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN G. RANDOLPH.

Mr. ATKINS introduced a bill (H. R. No. 4026) for the relief of John G. Randolph; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT P. TURNER ET AL.

Mr. ATKINS also introduced a bill (H. R. No. 4027) for the relief of Robert P. Turner, Margaret Hurst, and David N. Huddleston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE H. HARPER.

Mr. ATKINS also introduced a bill (H. R. No. 4028) for the relief of Jesse H. Harper, of Jackson, Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. C. BRINKLEY.

Mr. YOUNG, introduced a bill (H. R. No. 4029) for the relief of R. C. Brinkley, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLARA E. BRYON.

Mr. YOUNG, also introduced a bill (H. R. No. 4030) for the relief of Clara E. Bryon, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIGNAL SERVICE.

Mr. YOUNG, also introduced a joint resolution (H. R. No. 158) relating to the Signal Service; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

APPOINTMENTS TO OFFICE.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 4031) to apportion the appointments of clerks and other employés of the Government among the several States and Territories; to provide for their appointment on account of honesty, capacity, and fitness, without regard to their political opinions; to forbid their removal except for causes other than political, and making it a misdemeanor for Senators and Representatives and Delegates in Congress to ask or recommend the making of such appointments; which was read a first and second time.

Mr. BAKER, of Indiana. I ask that the bill be read at length.

The bill was read in full, and referred to the Committee on Reform in the Civil Service, and ordered to be printed.

REFUNDING LICENSE TAXES IN THE DISTRICT OF COLUMBIA.

Mr. STEVENSON introduced a bill (H. R. No. 4032) to refund certain license taxes to citizens of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WILLIAM P. HAZARD.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 4033) for the relief of William P. Hazard; which was read a first and second time, with the accompanying papers referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID TRUITT.

Mr. EDEN introduced a bill (H. R. No. 4034) granting a pension to David Truitt, a soldier in the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIUS S. BOHRER.

Mr. ANDERSON introduced a bill (H. R. No. 4035) for the relief of Julius S. Bohrer, United States Navy; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HENRY C. HULL.

Mr. BLAND introduced a bill (H. R. No. 4036) for the relief of Henry C. Hull, of Osage County, Missouri; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

OTHO HENSON.

Mr. BUCKNER introduced a bill (H. R. No. 4037) for the relief of Otho Henson, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. R. WILFRED MARSHALL.

Mr. BUCKNER also introduced a bill (H. R. No. 4038) for the relief of G. R. Wilfred Marshall, administrator of John T. Waring, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY A. BUTLER.

Mr. BUCKNER also introduced a bill (H. R. No. 4039) for the relief of Henry A. Butler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOTTERY TICKETS.

Mr. BUCKNER also introduced a bill (H. R. No. 4040) to prevent the sale of policy or lottery tickets within the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DEPREDATIONS UPON PROPERTY IN THE DISTRICT.

Mr. BUCKNER also introduced a bill (H. R. No. 4041) to prevent depredations upon property in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ROBERT S. PERKINS.

Mr. BUCKNER also introduced a bill (H. R. No. 4042) for the relief of Robert S. Perkins, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. M. GOLDEN.

Mr. BUCKNER also introduced a bill (H. R. No. 4043) for the relief of S. M. Golden, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ROUZER.

Mr. BUCKNER also introduced a bill (H. R. No. 4044) for the relief of William Rouzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES HEITMULLER.

Mr. BUCKNER also introduced a bill (H. R. No. 4045) for the relief of Charles Heitmuller of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. F. F. ROSENTHAL.

Mr. BUCKNER also introduced a bill (H. R. No. 4046) for the relief of C. F. F. Rosenthal, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES C. BROOKE.

Mr. BUCKNER also introduced a bill (H. R. No. 4047) for the relief of James C. Brooke, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY STELLO.

Mr. BUCKNER also introduced a bill (H. R. No. 4048) for the relief of Henry Stello, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF JAMES H. WELLS.

Mr. REA introduced a bill (H. R. No. 4049) for the relief of the widow of James H. Wells; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

THOMAS A. MOORE.

Mr. GAUSE introduced a bill (H. R. No. 4050) for the relief of Thomas A. Moore, of Osceola, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMMIGRATION.

Mr. CONGER introduced a bill (H. R. No. 4051) to promote immigration to the United States and to protect immigrants on their passage; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GREEN BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. LYNDE introduced a bill (H. R. No. 4052) to extend the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal, in the State of Wisconsin, and to repeal section 5 of chapter 32 of the acts of Congress of 1866; which was read a

first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SAVAGE. Mr. Speaker has not the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired; but a number of gentlemen desire to introduce bills for reference, which will take but a few moments, and if done now will save a great deal of the time of the House. The Chair hopes, therefore, that no objection will be made.

Mr. SAVAGE. I object to the introduction of any bills by unanimous consent.

SUPPLIES FOR INDIAN BUREAU.

Mr. RANDALL, by unanimous consent, reported from the Committee on Appropriations a bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market; which was read a first and second time.

The bill was read. It authorizes the Commissioner of Indian Affairs to purchase in open market, without the usual advertisement, for immediate use of the Indian tribes, such supplies as are required to an extent, not exceeding $150,000, which is appropriated for such purpose out of any money in the Treasury not otherwise appropriated, to serve until the regular appropriation bill shall be passed and approved and the time now required by law for advertisement and acceptance of proposals shall have elapsed; and such sums so expended are to be deducted from the appropriate sums respectively appropriated under the regular appropriation bill when passed.

Mr. RANDALL. I desire to state that this bill is reported at the request of the Commissioner of Indian Affairs, and that it is a duplicate, both in form and amount, of the bill heretofore passed for the same object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY APPROPRIATIONS FOR SUPPORT OF THE GOVERNMENT.

Mr RANDALL also, by unanimous consent, reported from the Committee on Appropriations a bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government;'" which was read a first and second time.

The bill provides that the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government,'" approved June 30, 1876, approved July 21, 1876, be extended and continued in full force and effect until and including the 10th day of August, 1876.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; there being ayes 85, noes not counted.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC PRINTING.

Mr. RANDALL also, by unanimous consent, reported from the Committee on Appropriations a bill (H. R. No. 4055) to continue the public printing; which was read a first and second time.

The bill authorizes the Congressional Printer to continue the work required by law in advance of appropriations hereafter to be made; and the act is to continue in force until and including August 10, 1876.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION ACT.

The SPEAKER *pro tempore*. Before proceeding with other business, the Chair feels constrained to lay before the House a communication which has been received from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

The act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, is so defective in what it omits to provide for that I cannot announce its approval without at the same time pointing out what seems to me to be its defects. It makes but inadequate provision for the service at best, and in some instances fails to make any provision whatever.

Notably among the first class is the reduction in the ordinary annual appropriations for the revenue-cutter service, to the prejudice of the customs revenue.

The same may be said of the Signal Service, as also the failure to provide for the increased expenses devolved upon the mints and assay offices by recent legislation, and thus tending to defeat the objects of that legislation.

Of this class, also, are public buildings, for the protection, preservation, and completion of which there is no adequate appropriation, while the sum of $100,000 only is appropriated for the repairs of the different navy-yards and stations and the preservation of the same, the ordinary and customary appropriations for which are not less than $1,000,000.

A similar reduction is made in the expenses for armories and arsenals.

The provision for the ordinary judicial expenses is much less than the estimated amount for that important service, the actual expenditures of the last fiscal year, and the certain demands of the current year.

The provision for the expenses of the surveys of public lands is less than one-half of the usual appropriation for that service and what are understood to be its actual demands.

Reduction in the expenditures for light-houses, beacons, and fog-stations is also made in similar proportion.

Of the class for which no appropriation is made, among the most noticeable, perhaps, is that portion of the general expenses of the District of Columbia, on behalf of the United States, as appropriated in former years, and the judgments of the Court of Claims. The failure to make a reasonable contribution to the expenses of the nation's capital is an apparent dereliction on the part of the United States, and rank injustice to the people here who bear the burdens; while to refuse or neglect to provide for the payment of solemn judgments of its own courts is, apparently, to repudiate. Of a different character, but as prejudicial to the Treasury, is the omission to make provision to enable the Secretary of the Treasury to have the rebel archives and records of captured and abandoned property examined and information furnished therefrom for the use of the Government.

Finally, without further specification of detail, it may be said that the act which in its title purports to make provision for a diverse and greatly extended civil service, unhappily appropriates an amount not more than 65 per cent. of its ordinary demands.

The legislative department establishes and defines the service, and devolves upon the Executive Departments the obligation of submitting annually the needful estimates of expenses of such service. Congress properly exacts implicit obedience to the requirements of the law in the administration of the public service, and rigid accountability in the expenditures therefor. It is submitted that a corresponding responsibility and obligation rests upon it to make the adequate appropriations to render possible such administration, and tolerable such exaction. Anything short of an ample provision for a specified service is necessarily fraught with disaster to the public interests, and is a positive injustice to those charged with its execution.

To appropriate and to execute are corresponding obligations and duties, and the adequacy of the former is the necessary measure of the efficiency of the execution.

In this eighth month of the present session of Congress—nearly one month of the fiscal year to which this appropriation applies having passed—I do not feel warranted in vetoing an absolutely necessary appropriation bill; but in signing it I deem it a duty to show where the responsibility belongs for whatever embarrassments may arise in the execution of the trust confided to me.

U. S. GRANT.

EXECUTIVE MANSION, *July* 31, 1876.

Mr. RANDALL. Mr. Speaker, I have no objection to the President putting in as many objections to our legislation as he sees fit, if he will but sign the bills reducing the expenditures of the Government. Our great effort is in that direction——

Mr. CONGER. I demand the regular order.

Mr. RANDALL. You had better let me be heard.

Mr. CONGER. I guess not.

Mr. RANDALL. I have risen for the purpose of moving the reference of the message to the Committee on Appropriations.

Mr. CONGER. I ask for the regular order.

The SPEAKER *pro tempore*. This is the regular order. The Chair, by unanimous consent, laid before the House a message from the President of the United States; and the gentleman from Pennsylvania [Mr. RANDALL] has been recognized to move as to its disposition.

Mr. RANDALL. Of course I cannot upon merely hearing this paper read at the Clerk's desk follow the details of the President's objections with that precision which further time, opportunity, and examination would permit; but I find one of his objections to be that an insufficient amount has been appropriated to the revenue-cutter service. If the President had examined he would have seen that the reduction there was very moderate if any. And, sir, if we had taken into consideration the misuse of that revenue-cutter service in the use of revenue cutters in junketings and other excursions by officers of the Government, we might perhaps have reduced it still more.

As to the Signal Corps, we have, we believe, in no degree impaired the efficiency of that service. Its chief officer in communicating with us told us that he could with perfect satisfaction to the public do away with quite a number of stations.

And I might as well say here that that service has grown to be an enormous expense to the Government, reaching last year near $1,000,000.

The President, and I say it with respect, exhibits still more his lack of information when he comes to talk about insufficient appropriations to the mints. He ought to have known that a large sum as usual is this year appropriated for the mints in the legislative appropriation bill.

Again he shows his lack of information when he tells us we have not provided sufficiently for the light-house establishment. We come entirely up to the estimates. In the revenue service, and as far as I know in the light-house service, we met the demands of the heads of those departments, and there were no material reductions whatever from what were recommended or agreed to by either of them.

At the proper time I will show more in detail the utter insufficiency of the reasons given by the President of the United States.

He complains in a measure of our action toward the District of Columbia. Now what have we done in reference to the District of Columbia? We have advanced to the people of this District $1,060,000 to pay the interest on its entire debt.

Mr. FOSTER. Who did that?

Mr. RANDALL. And there are various other matters in which we have taken the interest of this District into consideration.

Mr. FOSTER. Was that done by this House?

Mr. RANDALL. Yes, sir. And in addition we have given to vari-

ous objects in this District public property and money to the amount of $250,000. We have given the District power enabling it to anticipate the revenues, so that the government may continue without interruption in all its necessary functions.

Mr. Speaker, while I do not at all object to this rather unusual message of the President of the United States, while I am perhaps surprised under the circumstances, yet not much dissatisfied with the attitude the President takes in reference to excessive and extravagant appropriations from the public Treasury, while he opposes in this way reduction of expenditures, still I must say, so far as this message is concerned, he finds fault without any sufficient reason whatever.

I am surprised especially, in reference to this sundry civil appropriation bill, that he should take such a course as he has, when I have only to look back into the history of legislation to discover that not very long ago the sundry civil appropriation bill embraced but $6,000,000, sometimes but $11,000,000, at last reaching, under a republican administration, the enormous appropriation of $32,000,000. The House will appreciate what I say when I recall to its attention the fact that it is upon this sundry civil appropriation bill all schemes, I will not say all jobs, but all unnecessary expenditures are fastened. Every scheme, every effort to take money out of the Treasury, rapping at the doors of Congress continually, which cannot be trusted to pass in separate bills by themselves, are thrust forward and embraced in this sundry civil appropriation bill.

The amount appropriated last year under the sundry civil appropriation bill was about $26,644,350.09. We recommend $14,626,981.74 this year. We recommended a decrease of $12,017,368 under appropriations of last year, and $17,933,493.55 under estimates.

As I have already said, this bill formerly amounted to but $6,000,000, sometimes coming up to $11,000,000. Then it grew to $18,000,000, and finally it reached the enormous figure of $32,000,000. Appropriations became so extravagant and so oppressive, requiring either increased debt or increased taxation, that reduction was universally demanded. And we are acting, Mr. Speaker, in entire accord with public sentiment when we cut off as far as we could all discretionary and unnecessary appropriations.

I accept therefore, Mr. Speaker, for one at least, the issue presented by the President of the United States, and I am willing that the people shall have the opportunity of judging between his dictum and the close examination into appropriations by the two branches of Congress, and determine who is right and who is wrong.

I have moved that the message be printed and referred to the Committee on Appropriations, and propose to call the previous question, but as I see the gentleman from Maine rising, I will yield to him, not desiring to cut off discussion.

Mr. HALE. Mr. Speaker, it seems to me in all fairness, the President in this matter has taken a very moderate course. No fault that I can see should be found with him. This is a large appropriation bill. It contains appropriations essential to running certain branches of the Government. The President who sits so far as appropriations go in what I may call a serene atmosphere, who is not identified in this struggle between the House and Senate with either side, and who presumably looks upon all these questions in a fair light, has seen fit, not to veto the bill, thereby obstructing any of the wheels of the Government which should roll on from year to year, but to present his reasons why he believes that the appropriations made by both branches of Congress are not sufficient.

He has simply, Mr. Speaker, exercised a power given to him by the Constitution. My friends on the other side in years past always have been sticklers for maintaining the proper balance in the co-ordinate branches of the Government. It does not come well or with good grace from them now to find any fault or to talk about accepting an issue with him in a defiant manner, because the President has presented no issue here. He has made no issue. He has put no obstruction in the way of the appropriation bills. He believes, looking at the question, as I have said, not from the side of the House, not from the side of the Senate, but from a calm point of view, that these appropriations are not sufficient. But he says what under the circumstances I believe any Chief Magistrate should do, that, as Congress has decided that these sums shall be sufficient, he, while notifying us that he does not believe there will be enough, signs the bill and lets it become a law.

Now the chairman of the Committee on Appropriations has found fault because this bill has increased so in years past. Undoubtedly it has. Because, to begin with, certain things which formerly were not upon this bill have been put upon it in late years; and it has become now more than formerly what may be called the omnibus bill of the expenditures of the Government. When all the other distinctive bills have passed nearly everything else goes into this bill. The light-house bill was formerly a bill by itself. It now helps to swell the amount of the sundry civil appropriation bill. And by the way as regards these light-houses, the gentleman should remember that the country has not yet got up to the point upon the light-house appropriation of making good the destruction during the war, of guarding and lighting harbors that lead into almost every Gulf, Atlantic, and lake State in the Union.

So upon other matters that during the war were overlooked when all attention was given to arms, and not the arts and developments of peace. We are obliged to appropriate more now than in the days when the bill reached but $6,000,000. Take for instance the question of public buildings. Congress and the President as a co-ordinate branch of the Government are not confronted this year with the question of what new public buildings shall be erected or provided for. Those have all been struck out. But we have been confronted with the fact that certain buildings have been begun heretofore, that they are now in progress of construction, and that appropriations should be made, not extravagant, but such as in the interests of fair economy should keep the work going on and give protection to what has already been done.

All of these things, Mr. Speaker, are a proper subject for the President. They are a proper subject for his monition. But he has not here put himself in the way of Congress. The two branches have come together, and, all things considered, as I had occasion to say the other day, have passed a pretty fair bill; not enough, as I then said, to prevent deficiencies, but a fair bill in many regards. And the President recognizing that still notifies the House that he has objections to some features of it. When he does so, I do not think there is any occasion for dissatisfaction or affront on the part of the House.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] moves to refer the message to the Committee on Appropriations, and upon that motion calls the previous question.

Mr. KASSON. Will the gentleman from Pennsylvania allow me to state a single fact?

Several MEMBERS. Vote! vote!

Mr. KASSON. Will he just permit me to state a single fact in respect to the Signal Service? It is this: That in two States, at New Haven and at Springfield, where they will have to cut down the Signal Service by reason of deficient appropriations in this bill, private individuals have come forward and volunteered to make up the amount necessary to keep the service at those points for the public benefit.

Mr. RANDALL. Fifty men and what they cost, and $100,000 is all the reduction.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. RANDALL's motion was agreed to, and the message was referred to the Committee on Appropriations

GOLD COIN AND BULLION, ETC., IN THE TREASURY.

The SPEAKER *pro tempore*. The Chair also desires to lay before the House the following executive communication.

The Clerk read as follows:

TREASURY DEPARTMENT, *July* 29, 1876.

SIR: I am in receipt of the resolution of the House of Representatives, dated the 24th instant, requesting me to report to the House within one week from the passage of the resolution the amount of gold coin and gold bullion, respectively, in the Treasury and actually owned by the Government, with a full detailed statement of the amount of gold certificates outstanding, gold interest due and unpaid, called bonds, and all other obligations payable in gold on demand on that date, and in reply I have the honor to state that the available coin balance at the close of business on the 24th instant was $61,158,223 45

Made up as follows:

Gold coin	$41,627,450 56	
Gold bullion	11,030,095 87	
Silver coin and bullion	8,500,677 02	
		61,158,223 45
Against which there were matured obligations, payable on demand, as follows:		
Coin interest	10,456,386 29	
Bonds called or matured and interest thereon	3,026,627 51	
Coin certificates	30,230,100 00	
Old demand notes	66,907 50	
		43,780,021 30
Leaving a balance in excess of all such obligations of		17,378,202 15

Very respectfully,

LOT M. MORRILL, *Secretary*.

Hon. MILTON SAYLER,
Speaker pro tempore, House of Representatives.

Mr. RICE. I move that the report be printed and referred to the Committee on Banking and Currency.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I ask unanimous consent that the roll of States be now called.

Mr. HOLMAN. I hope that by unanimous consent bills not permitted to come in for reference during the morning hour may now be presented.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that gentlemen who had no opportunity under the call of States this morning to present bills and joint resolutions for reference may now have that opportunity. Is there objection?

Mr. SAVAGE. I object.

Mr. HOLMAN. I move to suspend the rules that that order may be made.

The SPEAKER *pro tempore*. If there be no objection the order will be considered as made.

Mr. GLOVER. I ask the House to listen to me for a moment. I desire to present a report.

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman for any purpose just now, except to present a bill for reference.

JOHN KELLY.

Mr. TUCKER introduced a bill (H. R. No. 4056) for the relief of John Kelly, of Alleghany County, in the State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELATIVE VALUE OF GOLD AND SILVER.

Mr. HEWITT, of New York, by unanimous consent, introduced a bill (H. R. No. 4057) to authorize a commission to inquire into the change in the relative value of gold and silver; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. SAVAGE. Are these bills being introduced by unanimous consent?

The SPEAKER *pro tempore*. They are.

Mr. SAVAGE. I objected as distinctly as I could to the introduction of bills by unanimous consent.

The SPEAKER *pro tempore*. It is too late for the gentleman to object now.

MONETARY SYSTEM.

Mr. GIBSON, by unanimous consent, introduced a joint resolution (H. R. No. 159) for the appointment of a commission to consider the monetary system; which was read a first and second time by its title.

Mr. CONGER. I call for the reading of the joint resolution.

The joint resolution was read in full, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. COX. I have a similar resolution which I ask to have referred to the same committee, and I hope that to-morrow the committee will be able to report, as we have leave to report at any time.

Mr. COX then, by unanimous consent, introduced a joint resolution (H. R. No. 160) providing for the appointment of a joint committee to consider the silver and other financial questions, &c.; which was read a first and second time by its title.

Mr. KASSON. I call for the reading of the joint resolution.

The joint resolution was read in full, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOOKER. I ask unanimous consent to introduce a bill for consideration at the present time.

Mr. HANCOCK. I object.

Mr. HOOKER. Then I move to suspend the rules.

The SPEAKER *pro tempore*. That cannot be done at this time.

FORT JONES MILITARY RESERVATION.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4058) declaring the lands constituting the Fort Jones military reservation in Siskiyou County, California, subject to pre-emption and homestead entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN E. TAYLOR.

Mr. KIDDER, by unanimous consent, introduced a bill (H. R. No. 4059) granting a pension to John E. Taylor, of Yankton, Dakota; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BEEBE. I move that the House do now adjourn.

Mr. O'BRIEN. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

LEAVE OF ABSENCE.

Mr. VANCE, of Ohio, was granted leave of absence for four days.

Mr. DE BOLT was granted leave of absence indefinitely.

Mr. HILL was granted leave of abence for ten days.

Mr. SPARKS was granted an extension of the leave of absence heretofore granted to him, for ten days.

Mr. SEELYE was granted leave of absence for ten days.

WITHDRAWAL OF PAPERS.

On motion of Mr. CUTLER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of Mrs. Powers; no adverse report.

On motion of Mr. HENKLE, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. M. Linz; no adverse report.

On motion of Mr. LAPHAM, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Major Foster H. Hixon, the bill having passed the House and the Senate and become a law.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker *pro tempore* signed the same:

Joint resolution (H. R. No. 154) prohibiting supply of special metallic cartridges to hostile Indians.

The question was taken on the motion to adjourn; and on a division there were—ayes 79, noes 59.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. BEEBE were appointed.

The House divided; and the tellers reported—ayes 92, noes 62.

So the motion was agreed to; and accordingly (at four o'clock and three minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HEWITT, of New York: The petition of citizens of New York, for the restoration of the fast-mail train on the Hudson River and New York Central Railroad, to the Committee on the Post-Office and Post Roads.

By Mr. LUTTRELL: The petition of Henry Jones and 100 others, citizens of California, for the passage of a bill to enable married women to settle upon public lands under the pre-emption laws, notwithstanding their coverture, to the Committee on Public Lands.

Also, the petition of John P. Sutton and other citizens of California, of similar import, to the same committee.

Also, the petition of A. J. Gilman and other citizens of California, of similar import, to the same committee.

Also, the petition of D. H. Epperson and other citizens of California, of similar import, to the same committee.

Also, resolutions of the Grand Army of the Republic of California, favoring the payment of the California Hundred and California Cavalry Battalion, who returned after their discharge to California, of additional pay on account of expenses incurred in traveling, to the Committee of Claims.

Also, the petition of James Barry and other citizens of California, that the right of way through the arsenal at Benicia, California, be granted for a narrow-gauge railway, to the Committee on Military Affairs.

Also, resolutions of Farmington (California) Grange of the order of Patrons of Husbandry, favoring the admission of grain and wool sacks free of duty, to the Committee of Ways and Means.

Also, resolutions of the Sebastopol (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, resolutions of the Petaluma (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, resolutions of Little Lake (California) Grange of the order of Patrons of Husbandry, of similar import, to the same committee.

Also, the petition of B. R. Spellman, for the establishment of a post-route between Live Oak and North Butte, Sutter County, California, to the Committee on the Post-Office and Post-Roads.

Also, concurrent resolutions of the Legislature of California, requesting the establishment of triweekly mail service between Crescent City, California, and Jacksonville, Oregon, to the same committee.

By Mr. PLATT: The petition of citizens of Ithaca, New York, for the re-establishment of the fast-mail trains on the New York Central Railway, to the same committee.

By Mr. WHITE: The petition of Joseph McKinney, late a private in Company B, Thirteenth Regiment Kentucky Infantry Volunteers, to the Committee on Invalid Pensions.

Also, the petition of Alanson Williams, late a private of Company C, Fifth Regiment Kentucky Volunteer Cavalry, of similar import, to the same committee.

By Mr. YOUNG: The petition of Clara E. Bryan, of Shelby County, Tennessee, for compensation for the destruction of her property in Memphis, Tennessee, by order of General Hurlbut, of the United States Army, to the Committee on War Claims.

IN SENATE.

TUESDAY, *August* 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HAMBURGH RIOTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In response to the resolution of the Senate of July 20, 1876, calling upon the President to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in regard to the slaughter of American citizens at Hamburgh, South Carolina, I have the honor to submit the following inclosures, to-wit:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.

No. 2. My reply thereto.

No. 3. Report of Hon. Willian Stone, attorney-general of South Carolina.

No. 4. Report of General H. W. Purvis, adjutant and inspector-general of South Carolina.

No. 5. Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburgh massacre.

No. 6. Printed copy of statement of M. C. Butler, of South Carolina.

No. 7. Printed letter from the same to the editors of the Journal of Commerce.

No. 8. Copy of letter from Governor Chamberlain to Hon. T. J. ROBERTSON.

No. 9. An address to the American people by the colored citizens of Charleston, South Carolina.

No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, South Carolina.

No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States.

No. 12. Letter from same to same.

No. 13. Copy of report of a grand jury lately in session in Oxford, Mississippi.

These inclosures embrace all the information in my possession touching the late disgraceful and brutal slaughter of unoffending men at the town of Hamburgh, South Carolina. My letter to Governor Chamberlain contains all the comments I wish to make on the subject. As allusion is made in that letter to the condition of other States, and particularly to Louisiana and Mississippi, I have added to the inclosures letters and testimony in regard to the lawless condition of a portion of the people of the latter State.

In regard to Louisiana affairs, murders and massacres of innocent men for opinion's sake, or on account of color, have been of too recent date and of too frequent occurrence to require recapitulation or testimony here. All are familiar with their horrible details, the only wonder being that so many justify them or apologize for them.

But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public; but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

U. S. GRANT.

EXECUTIVE MANSION, *July* 31, 1876.

The message was ordered to lie on the table and be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 24th instant, a statement of the number of employés borne upon the civil list of the War Department from 1859 to 1875, inclusive, compiled from the Biennial Register; which was ordered to lie on the table, and be printed.

CONSULAR AND DIPLOMATIC BILL.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. BOUTWELL, and Mr. NORWOOD conferees on the part of the Senate at the fourth conference upon the disagreeing votes of the two Houses upon the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of John Barry, John W. Pumphrey, jr., William F. Marr, and others, citizens of the District of Columbia, praying for the passage of the bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. LOGAN presented the petition of M. D. Manson, L. A. Foote, Charles W. Elmore, and others, officers and soldiers in the late war, citizens of Indiana, praying for the passage of the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union; which was ordered to lie on the table.

Mr. DORSEY presented a joint resolution of the Legislature of Arkansas, in favor of the passage of a law authorizing the adjustment and settlement of the claim of the widow and heirs of the late Peter T. Crutchfield, deceased, for moneys alleged to have been taken from him by the State of Arkansas while acting as United States marshal; which was referred to the Committee on Claims.

HAND-BOOK FOR THE USE OF CONGRESS.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution inquiring into the expediency of preparing a hand-book for the use of Congress, giving a brief account of the several Executive Departments of the Government, &c., have instructed me to report it back and ask to be discharged from its further consideration. The committee have adopted the suggestion, for which they are indebted to the Senator from North Carolina, [Mr. MERRIMON,] in the Congressional Directory, and I believe in a way which will meet his approbation and accomplish the object which he had in offering the resolution. It is a very desirable addition, and we think it will improve the value of the Congressional Directory.

Speaking of the Directory, I will state that I found yesterday a copy of one of the last Directories that had been issued under the old *régime*, before the present so-called "extravagant and corrupt system of public printing" was adopted. I should like to have some of the new Senators, some of these *boys* who have come in since 1865, and never have seen the old Directory, to look at it and compare it with the new one. It contains scarce a tenth of the useful information and it is full of gross inaccuracies. The Directory used to be printed after the session was well under way. The last but one, I think, was not printed until the latter part of February, that being a short session, when we adjourned on the 4th of March; and they cost fifty cents a piece, which is about four times the cost of the present Directory.

Mr. FRELINGHUYSEN. Who was chairman of the Committee on Printing then?

Mr. ANTHONY. I had the honor to be its chairman, but the Directory was not then printed under the supervision of the Committee on Printing. It was a private speculation of one of the officers of the House of Representatives; and in consequence of the incorrect character of the work, so incorrect as to mislead rather than inform, a resolution was passed directing the Committee on Printing to have it printed under "the extravagant and corrupt system of the Printing Office."

Mr. WITHERS. What year was the Directory printed to which the Senator refers?

Mr. ANTHONY. In 1864.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the petition of employés in the Bureau of Engraving and Printing praying for a short leave of absence to visit the Centennial, to ask to be discharged from its further consideration and that it be referred to the Committee on Finance. The Bureau of Engraving and Printing is in no sense under the supervision of the Committee on Printing, but belongs to the province of the Committee on Finance.

The report was agreed to.

Mr. WRIGHT. A few days since the Committee on the Judiciary reported back the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia. The committee have since had the matter informally under consideration. We reported at that time an amendment in the nature of a substitute. I am now instructed to report a substitute for such substitute, and move that it be printed.

The motion was agreed to.

Mr. WRIGHT. As that is a very important matter to the citizens of this District and the real estate here and the practice under it in the courts, I shall if possible endeavor to obtain the floor to-morrow morning to ask for the consideration of the bill.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army, submitted an adverse report; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. FRELINGHUYSEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the petition of Mrs. Anna M. Orne, of New Jersey, widow and administratrix of Henry A. Orne, formerly of Memphis, Tennessee, praying for indemnity for certain damage, &c., to the property of her husband by the United States, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Patents, to whom was referred the bill (H. R. No. 3392) for the relief of John R. Harrington, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1496) granting a pension to Mary A. Allen, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

DECLARATION OF INDEPENDENCE.

Mr. HOWE. I am instructed by the Joint Committee on the Library of Congress, to whom was referred the joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence, to report it back without amendment and recommend its passage. As it is a very simple affair and appropriates no money, and as this is the centennial year, my friend [Mr. EDMUNDS] suggests I ask for the present consideration of the resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It empowers a commission, consisting of the Secretary of the Interior, the Secretary of the Smithsonian Institution, and the Librarian of Congress, to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent Office; and provides that the expense attending the same be defrayed out of the contingent fund of the Interior Department.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDAHO PENITENTIARY.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho, to report it favorably. It is only a few lines, and it merely provides for fencing in the rascals who are now confined in the penitentiary of Idaho. I take it nobody will have any objection to having them fenced in. The bill appropriates $1,500 for that purpose. I ask for the present consideration of the bill, if there is no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $1,500, or so much thereof as may be required, to construct a wooden inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho, to be expended by the United States marshal for the district of Idaho, under the direction of the Attorney-General of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WRECK OF THE MONITOR TECUMSEH.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. R. No. 148) in

reference to the wreck of the United States monitor Tecumseh, to report it back with an amendment and with a recommendation that when amended it pass.

I will state to the Senate that the question about which the resolution was sent to the Committee on the Judiciary arose out of some supposed legal difficulty concerning the situation of this monitor. The monitor was a part of the United States Navy, and ran against a torpedo in Mobile Bay, in the year 1864, and sank in forty feet of water, and the place of sinking was marked by a buoy. Afterward Congress passed, in 1870, a joint resolution which authorized the Secretary of the Treasury to take such steps as he saw fit for the collection, sale, &c., of any "wrecked, abandoned, or derelict property which ought to go to the United States," was the expression describing the class of property to which the resolution referred; and then it went on to speak also of dues that might be owing to the late government of the so-called Confederate States. Under the authority, as the Secretary of the Treasury supposed, of this resolution, he sold this wreck, if it be called a wreck, to a gentleman named Slaughter, and also the wreck of one of the vessels of the rebel government, for the sum of $50.

When this vessel went down, all on board went with it. About one hundred and fifty officers and sailors were buried in that iron tomb, and there are their remains to this day of course. The assignee of the man who claims to be the owner proposes to blow up the vessel in order to get the old iron. The House passed a joint resolution instructing the Secretary of the Navy to prevent that, unless these bodies or remains are carefully removed, "decently and in order," and if that cannot be done, to tender back the money and take possession.

The committee, or a considerable portion of it, was inclined to the opinion that the joint resolution of Congress of 1870 did not authorize the Secretary of the Treasury to do anything about this vessel at all, inasmuch as it always was the property of the United States, and was in the legal possession of the Navy Department, as much so as if it had been at the navy-yard in this city, although it was on the bottom of the bay, but it was buoyed out. I think a majority of the committee are of opinion that this act of Congress did not refer to any such property at all, which was in the possession of the United States and belonged to us, in charge of the Navy Department, and therefore that this gentleman got no title; but, however that may be, we are of the opinion that this sacrilege of blowing the bones of these poor fellows everywhere over the bottom of the sea ought not to be permitted at whatever cost. Therefore we report an amendment, without any recitals or preambles which admit anybody's title, simply providing that the Secretary of the Treasury shall tender this $50 and interest to the party who paid it to him, and that the Secretary of the Navy shall protect this ship and keep it from disturbance; but he is authorized in his discretion, if it can be done in a suitable and decent way, to let the parties who now claim it have it on terms which under his supervision will provide carefully and effectually for removing these remains and having them properly buried on land. That is the amendment which we propose. I have taken the time to explain it now in the nature of a report, in order that everybody may be notified of the grounds we take.

Mr. WEST. Why not have it considered now?

Mr. EDMUNDS. As it is a matter which does not involve very great responsibility, my friend suggests that I might as well ask for the present consideration of the resolution, and if there is no objection I will. Of course if anybody would rather have it lie over, I do not ask it.

The PRESIDENT *pro tempore*. The joint resolution will be read, subject to objection.

The CHIEF CLERK. The Committee on the Judiciary report to strike out the preamble of the resolution and all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, directed to return and tender to the party claiming to have purchased the United States monitor Tecumseh the sum of $50, with interest at 6 per cent. added from August 7, 1873, to the day of tender, said sum of $50 being the sum paid by James E. Slaughter on what purported to be the sale of said monitor, then lying in Mobile Bay.

SEC. 2. That the Secretary of the Navy be, and he hereby is, directed to assume the control and protection of said monitor, and he is authorized to dispose of the same to the party who paid said money, or his assigns, on just terms, providing in such disposition for the removal from said monitor and the proper burial of the remains of the persons carried down when she sank; such removal from the said monitor and burial to be under the protection and supervision of the Secretary of the Navy.

Mr. WEST. Do you appropriate the money necessary?

Mr. EDMUNDS. We direct the Secretary of the Treasury to pay it.

Mr. SAULSBURY. I desire to ask the chairman of the committee a question. I understood the second section to authorize the sale to the same party of the vessel after the bodies shall be removed?

Mr. EDMUNDS. Yes, sir.

Mr. SAULSBURY. I want to inquire if that contemplates the same price which was paid to the Secretary of the Treasury?

Mr. EDMUNDS. No; it only contemplates the sale at a just price, and no sale at all unless decent provision can snitably and properly be made for the removal of these remains and their due burial.

Mr. SAULSBURY. The point I wanted to make is that it seems to me $50 is wholly inadequate even for the iron there, and I wanted to inquire whether the sale was authorized at the former price.

Mr. EDMUNDS. No, sir; it provides for the sale on just terms. It is an authority to sell on just terms if the situation will authorize it, with due regard to these bodies.

Mr. WITHERS. I inquire of the chairman of the Committee on the Judiciary whether I understood him to say that the Judiciary Committee were of opinion that the sale which had been made for $50 was not a legal sale?

Mr. EDMUNDS. That is, as I understand it, the opinion of the committee. Some of the gentlemen doubt whether that is the strict construction of the act. I will say for myself I have no doubt at all; it appears clear to me that the act did not authorize the Secretary of the Treasury to dispose of that property at all.

Mr. CRAGIN. This matter was before the Committee on Naval Affairs and by them committed to the Committee on the Judiciary. There is one point in the case that has not been brought out. In addition to the iron that surrounds this vessel, there was a safe on board containing a considerable amount of money, somewhere from $5,000 to $20,000, and these parties who have bought the vessel, I am told, may get their remuneration in that money which they will find, and therefore it is not to be raised so much for the iron. It will be very expensive to raise the vessel.

Mr. EDMUNDS. Nothing of that sort appeared in the papers that we had; but I will state that a copy of the sale by the Secretary of the Treasury, the professed sale, was before us, and, according to my recollection, the papers there—I am quite sure I am right—agree that all that the Secretary sold was the monitor Tecumseh. The sale does not include any personal property or money of the United States that may happen to be on board any more than it includes the bones of these poor sailors who went down in it, and if they get it up the money in the safe will belong to the United States.

Mr. SPENCER. Is this joint resolution before the Senate by unanimous consent?

The PRESIDENT *pro tempore*. It is not yet before the Senate. The Chair was going to put the question on taking it up. Is there objection to its present consideration?

Mr. SPENCER. I object to its consideration. I should like to look at it.

The PRESIDENT *pro tempore*. The Senator from Alabama objects, and the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1010) for the relief of Julius S. Bohrer, master in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1011) to extend the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal in the State of Wisconsin, and to repeal section 5 of chapter 32 of the acts of Congress of 1866; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1012) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 21) defining the meaning and intent of the act of June 11, 1870, entitled "An act in relation to the Hot Springs reservation in Arkansas;" which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 22) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MILITARY ACADEMY BILL.

Mr. ALLISON. I move to take up the report of the committee of conference on the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877. The report has been heretofore submitted and read.

The motion was agreed to; and the Senate proceeded to consider the report.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. EDMUNDS. Let us have the report explained.

Mr. ALLISON. This bill appropriates $74,675 less than a similar bill last year. The bill as it came to the Senate from the House appropriated $259,231, to which the Senate added $49,610. The conference committee reduced the amount $18,776 below the bill as it passed the Senate.

I will say that these reductions from the amount appropriated last year chiefly arise from the fact that in the bill this year there is no appropriation for the continuation of the hospital building at West Point. Last year we appropriated $30,000 for a new hospital there, which all the officers at the academy state is very necessary; but in the spirit of economy of this year this hospital is left in an incomplete state, having been completed I think to the first story. The estimates called for $42,000 to complete this hospital. The House

omitted that item entirely, and the building must remain in an incomplete condition.

There is also an incomplete system of sewerage at this post. The Senate inserted $8,000 for the purpose of completing the sewerage; but the House insisted that in this time of economy they could not afford to allow this sewerage to be completed.

Mr. EDMUNDS. That it would be a healthful measure to leave as it is?

Mr. ALLISON. That seems to be the impression in the House. Therefore that item was omitted. I believe these are the principal items of omission in the bill of this year compared with the last.

Mr. WEST. Will the Senator permit me to ask him a question? Are the matters in dispute with reference to the conduct of affairs at the Military Academy in the pay of the professors remitted by this report to the committee to be appointed by the respective presiding officers of the two Houses or not?

Mr. ALLISON. That subject is not remitted in terms. The fourth section of the Army appropriation bill that passed a few days ago provides for a commission to take into consideration the propriety of re-organizing the line and staff corps of the Army. The officers of the Military Academy being a portion of the Army, it was supposed that this commission or committee would take charge of that subject also. Therefore all matters of pay at the Military Academy at West Point remain as provided by the Senate in its amendments to the bill of the House.

I will say with reference to the Military Academy band that the Senate conferees made some concessions.

Mr. WEST. How much did they give up?

Mr. ALLISON. They reduced the appropriation from $14,800 to $11,000.

Mr. EDMUNDS. Are there any changes of the law in this bill?

Mr. ALLISON. There are no changes of the law in this bill.

The report was concurred in.

EXPENSES OF COMMITTEE ON CHINESE IMMIGRATION.

Mr. SARGENT. I submit the following resolution:

Resolved, That the disbursing officer of the Senate shall advance such parts of the sum appropriated to pay the expenses of the Joint Select Committee on Chinese Immigration and paid into the contingent fund of the Senate to the Sergeant-at-Arms of the Senate as the chairman of said committee shall in writing direct for the purposes aforesaid, and the Sergeant-at-Arms shall, as soon as may be, make a detailed report of the expenditure thereof with proper vouchers, which, when so made, shall be received by said disbursing officer and returned with his accounts to the proper officer of the Treasury Department.

I have adopted the form that has been usual in such cases; and it is necessary in order to enable the fund to be drawn.

Mr. EDMUNDS. No doubt about that; but the question is whether the resolution ought not to be referred to the Committee on Contingent Expenses.

Mr. SARGENT. I have no objection to its being referred.

Mr. EDMUNDS. I do not care anything about it, if you are sure you are right.

Mr. SARGENT. Let it be referred to the Committee on Contingent Expenses. I make that motion.

The motion was agreed to.

W. WHEELER HUBBELL.

Mr. WALLACE. I ask unanimous consent to reconsider the vote by which the bill (H. R. No. 3192) for the relief of William Wheeler Hubbell was indefinitely postponed. The report was based on imperfections of certain papers from the Patent Office, and I ask to have the vote reconsidered and the bill referred to the Committee on Patents.

By unanimous consent, the motion was agreed to.

DEPOSIT OF INLIAN FUNDS.

Mr. INGALLS. I move that the Senate disagree to the amendment of the House of Representatives to the bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The amendment was read, being in line 12 to strike out the word "five" and insert "four and a half."

Mr. INGALLS. That relates to the amount of interest to be paid on the funds. The Committee on Indian Affairs believe that treaty stipulations require in certain cases 5 per cent. to be paid, but not being certain they desire a committee of conference to ascertain.

The motion was agreed to; and the President *pro tempore* was authorized to appoint the committee of conference.

PUBLIC BUILDING AT HARRISBURGH.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up the bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for public buildings at Harrisburgh in the prosecution of the work after the land shall have been paid for. The facts are about these: At the last session an appropriation of $160,000 was made by Congress to purchase a proper site for a public building in the city of Harrisburgh. For various reasons it was difficult to make the purchase at the time, and the reduction in the values has enabled the Government to purchase this site for about one-third of the amount appropriated. It is desirable that the additional sum not to be used in the purchase of the property shall be used immediately in preparing the ground and getting materials for the building. This will afford time enough by the next meeting of Congress to enable a proper appropriation to be made for the whole. I ask no appropriation now, but that that part of the appropriation that stands over may be used in preparing for the building.

The motion was agreed to; and the bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated was considered as in Committee of the Whole.

The Committee on Public Buildings and Grounds reported the bill with amendments.

The amendments were to strike out in lines 4 and 5 the words "post-office and Government offices" and insert "public buildings;" and in line 9, to strike out "to" and insert "for;" so as to make the bill read:

That after purchasing the site and obtaining a valid title to the land authorized to be purchased for public buildings at Harrisburgh, Pennsylvania, by the act of March 3, 1875, the Secretary of the Treasury is hereby authorized and directed to use any moneys left of the appropriation made by said act of Congress for the improvement of the premises so purchased, with a view to the use of the same as a post-office and Government offices, as named in the said act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania."

REUBEN DAVIS.

Mr. BAYARD. I move that the Senate proceed to the consideration of Senate bill No. 990.

The motion was agreed to; and the bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi, was read the second time and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

LAND DISTRICT IN WYOMING.

Mr. PADDOCK. I ask unanimous consent to proceed to the consideration of House bill No. 1336. It is a local bill reported unanimously.

By unanimous consent the bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming was considered as in Committee of the Whole. By it all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington are to constitute a new land district to be called the Evanston district.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM S. ROBINSON.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 436.

The motion was agreed to; and the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, was considered as in Committee of the Whole.

The preamble recites that William S. Robinson, of the town of Malden, and Commonwealth of Massachusetts, was lately the clerk of the house of representatives of the Legislature, or "general court," of that Commonwealth, and it is represented that as said clerk of one of the legislative branches of the government he was assessed and paid income taxes on his salary for the period of ten years under the internal-revenue laws of the United States as then construed and executed; and that by reason of the serious illness of Robinson, and his absence from the country and from home considerable periods of time consequent thereon, since these assessments and payments, he was not informed that they had been held by the proper authorities to be illegal, and that the same would be refunded by the Treasury Department, in time to prepare and present his claims therefor within the period required by section 44 of the act approved June 6, 1872, but were not, as is alleged, presented until the time and limitation in that act had expired; the bill therefore directs the accounting officers of the Treasury Department to examine the claims of Robinson, presented for that purpose in the manner heretofore prescribed by the Treasury Department for the presentation of the like claims, and to reject the claims or to refund the taxes the same as if the claims had been presented within the period fixed by section 44 of the act approved June 6, 1872.

The Committee on Claims proposed to amend the bill in line 8 by inserting after the word "taxes" the words "to his legal representatives."

Mr. EDMUNDS. I should like to hear the report in that case.

Mr. WRIGHT. I can state the facts of the case. There is not any question as to the facts; there is no question as to the service of this party, and no question that he paid these taxes; nor is there any question but that these taxes would have been refunded if the application had been made in time. When the matter was originally before the committee there was no sufficient ground shown why this application was not made in time under the law. After that the bill was recommitted, and then it appeared by the statement of the widow of this person, as also by the statement of one of the members on this floor from Massachusetts, the junior Senator, [Mr. DAWES,] that this

person had been in such a diseased state of mind that he was unable to attend to this business, and for that reason the application was not made in time.

Mr. EDMUNDS. When did the time of limitation expire?

Mr. WRIGHT. I do not remember the time exactly now. I only state the fact that it was by reason of this condition of his mind that he was unable to attend to business.

Mr. DAWES. I think the time expired about a year ago.

Mr. WRIGHT. I think longer ago than that.

Mr. EDMUNDS. It is very dangerous to remove the statute of limitations about any claim against the United States, more so indeed than it is a statute of limitations in respect to interests between private parties. At least I think so. But if the chairman states that this man was insane so that he had not the mental power to protect his rights and had not any guardian, then I do not know but that it is well enough to let the bill go through.

Mr. WRIGHT. The facts are found as stated in the report. We did not set out all the testimony leading to this conclusion, but we found the fact that he was unable to attend to his business by reason of his mental condition.

Mr. EDMUNDS. Do I understand that his mental condition was such as to make him incapable of attending to business?

Mr. WRIGHT. I do not know that I expressed it in that language, but I certainly think my language implies all that the Senator states.

Mr. EDMUNDS. The Senator means that now, as I understand?

Mr. DAWES. I do not think the Senator would wish to leave on record quite that impression that he was incapable of doing business. He was not in one sense incapable of it, but his mental condition was very much impaired, and it was a condition approaching that, and he went abroad for the purpose of relief, so that the statute expired without any knowledge of that fact on his part; but I do not desire to have the Senate vote on the impression that he was not in his right mind. He had a difficulty about his mental condition that rendered it impossible for him to take care of his own business. That is just what it was—an absolute nervous prostration. He was found dead in his bed in the morning. It was a sort of nervous paralysis. Precisely the same reasons governed both Houses in passing a bill a few months since in reference to a judge in Ohio, who from impaired health was unable to attend to business, and I think went abroad; and on the recommendation of the committee that bill was passed. There was an entire absence of any evidence when this committee reported the first time; but it being exactly like that case, I took the pains to present it to the committee again and they were without any doubt on the subject upon the testimony presented.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of William S. Robinson, of Malden, Massachusetts."

REFORM AND RE-ORGANIZATION OF THE ARMY.

The PRESIDENT *pro tempore*. The Chair appoints as members on the part of the Senate on the commission to which was referred the subject of the reform and re-organization of the Army provided for in the act, fourth section of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, the Senator from Louisiana [Mr. WEST] and the Senator from Missouri, [Mr. COCKRELL.]

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the following bills having been received by the President on July 19, and not having been returned by him to the Senate within the ten days prescribed by the Constitution, have become laws without his signature:

A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy; and

A bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

LAND DISTRICT IN IDAHO.

Mr. KELLY. Mr. President, in behalf of the people of the Territory of Idaho, I move that the Senate proceed to the consideration of Senate bill No. 538.

The motion was agreed to; and the bill (S. No. 538) to create an additional land district in the Territory of Idaho was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend the bill in line 8 by inserting the word "south" before "boundary," and in line 9 inserting the word "north" before the words "of base-line;" so as to read:

That all that part of the Territory of Idaho, described and bounded as follows, namely: commencing at the southeastern corner of said Territory; thence running west on the line between said Territory and the Territory of Utah to the line between ranges No. 23 and No. 24 east, Boisé meridian; thence north to the south boundary of township No. 10 north of base line; thence east to the eastern boundary of Idaho Territory; thence southerly, following the eastern boundary of Idaho Territory, to the place of beginning, shall constitute a separate land district, to be called Oneida land district, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session. The Chair will lay before the Senate the unfinished business.

Mr. EDMUNDS. I move that the Senate take a recess for fifteen minutes.

COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. It will be remembered that in the early part of the session a bill was reported by the Committee on Privileges and Elections respecting the counting of electoral votes for President and Vice-President, and after a long discussion was finally passed. I voted for it and moved to reconsider the vote by which it was passed, and that motion has never yet been taken up. I am now informed that if taken up it will lead to a discussion, and that at this late period of the session would be fatal to any measure whatsoever on this subject. I therefore suppose that the only way in which the two Houses can come to an arrangement is for the bill to go to the House and let the House propose such amendments as it may in its wisdom deem to be proper. I therefore ask leave to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The vote on the passage of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, was reconsidered, as the record shows; and the question is on ordering the bill to be engrossed for a third reading.

Mr. THURMAN. I do not think any vote was taken on the reconsideration.

Mr. EDMUNDS. I move that the Senate take a recess for fifteen minutes and we can look into that.

Mr. CONKLING. Was the vote reconsidered?

The PRESIDENT *pro tempore*. It is so on the record.

Mr. CONKLING. Therefore another vote is necessary to pass the bill.

The PRESIDENT *pro tempore*. The question is on the third reading of the bill. The Senator from Vermont moves to take a recess for fifteen minutes.

The motion was agreed to; and (at two o'clock and twenty-five minutes p. m.) the Senate took a recess for fifteen minutes.

The PRESIDENT *pro tempore*. (at two o'clock and forty minutes p. m.) The recess having expired, the Senate resumes its session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army.

The message also announced that the House had passed a bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer, to the active list of the Army; and

A joint resolution (H. R. No. 154) prohibiting supply of special metallic cartridges to hostile Indians.

OSAGE LANDS IN KANSAS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate as in Committee of the Whole, which is the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers. The pending question is on the——

Mr. CONKLING. There is no quorum obviously of the Senate present, and I suggest that there should be a call of the Senate or a quorum present before business proceeds.

The PRESIDENT *pro tempore*. The Chair was only stating the question. The Secretary will call the roll of Senators.

The Secretary called the roll.

Mr. STEVENSON. I move that the Senate adjourn.

Mr. ALLISON. I hope not. It is not three o'clock.

The motion was not agreed to.

The PRESIDENT *pro tempore*. A quorum is found to be present,

and the Secretary will report the pending question on the unfinished business.

The CHIEF CLERK. The amendment of the Senator from Kansas [Mr. INGALLS] is to strike out in section 5, commencing in line 5, the words—

Upon the payment by each purchaser to the receiver of the proper land office the sum of fifteen cents per acre in addition to the sum heretofore paid, to cover in part the expense incurred in litigating the title to said land set up by said railroads.

And in lieu thereof to insert:

Subject to any valid adverse claims that may have accrued before or since such sale or cancellation.

So that if amended the section will read:

SEC. 5. That all entries heretofore made of any of said lands, and set aside or canceled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be restored by the said Secretary of the Interior subject to any valid adverse claims that may have accrued before or since such sale or cancellation.

Mr. INGALLS. The object of the amendment is simply to permit any adverse claims that may have accrued before or since the entries were set aside by the Secretary of the Interior to be adjudicated properly, and the change of the section is rendered necessary from the fact of the eighth section being stricken out and the price re-reduced from $1.40 to $1.25 per acre. The latter part of the section from line 4 to line 9 is incongruous with the remainder of the bill.

Mr. EDMUNDS. I think my friend from Kansas is correct; but the section itself ought to be changed a little. It provides:

That all entries heretofore made of any of said lands, and set aside or canceled—

Without describing the nature of the entry. I think it ought to be "all legal or regular entries," so that if neither party had any right, and one man entered under the railroad and another entered under the Secretary of the Interior, and they had conflicting claims, they should be left on exactly common ground. As the man under the railroad, it turned out, had no law to support him, if the other man had not any law to support him, we ought to leave the first possessor in possession.

Mr. INGALLS. I agree to that amendment.

Mr. EDMUNDS. There is no objection to the amendment of the Senator. The one I shall propose will be afterward.

Mr. INGALLS. The Senator, as I understand, suggests the insertion of the word "lawful" after the word "all" and before the word "entries" in the first line.

Mr. EDMUNDS. That is it.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection. The Chair hears none. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend by adding a section:

SEC. —. This act shall not take effect until said tribes of Indians shall file their assent thereto with the Secretary of the Interior.

The amendment was agreed to.

Mr. ALLISON. I desire to call attention to a proviso on page 2 of the bill in the first section stricken out in committee. I wish to know what is done with that.

The PRESIDENT *pro tempore*. The amendment to strike out was disagreed to. The proviso is in the bill.

Mr. ALLISON. That ought not to be disagreed to.

Mr. EDMUNDS. What proviso is it?

Mr. ALLISON. The first proviso.

Mr. EDMUNDS. No; the striking out ought to be agreed to.

Mr. ALLISON. I appeal to the Senator from Kansas to allow that amendment to be agreed to. We have no more right to take these sixteenth and thirty-sixth sections from these Indians than we have to take any other land belonging to any individual in the United States.

Mr. INGALLS. The joint resolution of April 10, 1869, in express terms declares that the sixteenth and thirty-sixth sections shall be reserved in these lands for the use of the State of Kansas for school purposes. The Secretary of the Interior has already decided that the right of the State does not attach. The committee agreed that this provision should be stricken out, in which I very cheerfully concurred with them. When the question came to the Senate, on the motion of the Senator from Ohio, [Mr. SHERMAN,] the amendment was disagreed to contrary to my judgment and against what I believe to be the law in the case. So far as I am concerned personally, I am entirely willing that the words shall be stricken out, believing as I do that neither the law nor the treaty provides for the reservation of these sections for school purposes.

Mr. ALLISON. Then I move a consideration or ask unanimous consent that this amendment reported by the committee but disagreed to in Committee of the Whole shall prevail.

Mr. EDMUNDS. Before we take that question I should like to ask the chairman of the Committee on Public Lands to explain how that would leave us?

Mr. OGLESBY. The sixteenth and thirty-sixth sections in these Indian lands belong to the Osage Indians and were ceded under this treaty that has now become familiar to the Senate, and were in no sense public lands. They were in no sense lands to which the ordinance for the admission of the States into the Union ever applied. They could not be reserved for school purposes in the ordinance of admission. They were Indian lands under the control of the Indians with an unextinguished Indian title. It would not be fair to take these lands now and give them to so good a purpose as is provided for in the proviso, a purpose that everybody heartily indorses, the common schools; but it is wrong to take those sections for that purpose. They properly belong to the Indians and ought to be exempted from reservation for school purposes.

Mr. ALLISON. I want to call the attention of the Senator from Illinois to the fact that these lands were absolutely donated by the treaty of 1867 to the education and civilization of the Indian tribes.

Mr. OGLESBY. Unquestionably.

Mr. ALLISON. Now it is proposed to take these sections from the Indian tribes and place them under the control of the State of Kansas.

Mr. OGLESBY. What the Senator from Kansas says is exactly true that it is taking this land from the education of the Indians generally in the United States and giving it to the education of white children. It belongs to the Indian fund; it belongs to the Indian families, and ought in my honest judgment to be kept there.

Mr. EDMUNDS. I see that the act of admission of Kansas, January 29, 1861, provides that—

The following propositions are hereby offered to the said people of Kansas for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit: First, that sections Nos. 16 and 36 in every township of public lands in said State, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools.

Of course it is plain under the present state of the law as decided by the Supreme Court, that these were not public lands in the judicial and legislative sense at that time, but a provision was made that "lien lands," as I believe they are called, should be given to the State of Kansas for schools to make it up. So I confess I do not see why the Indians should not have the benefit of these sections, and in that case the proviso ought to be stricken out.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the proviso will be stricken out.

Mr. BOOTH. I move to amend section 2 by striking out of lines 3 and 4 the words "not exceeding one hundred and sixty acres;" so as to read:

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company or the Missouri, Kansas and Texas Railroad Company.

As the bill now stands, section 2 allows all persons who have bought in good faith from the railroad companies to acquire title from the United States by paying the sum specified to the extent of one hundred and sixty acres. There are persons, the Senator from Kansas I believe said there were one hundred, who had bought of the railroad companies in good faith tracts of land exceeding one hundred and sixty acres, had paid the full price, and made valuable improvements. I think the same principle of equity that would give the purchaser of one hundred and sixty acres the right of pre-emption from the United States ought to be extended to those who have bought larger tracts. That will be effected by the amendment I propose.

Mr. PADDOCK. I hope the Senator from Kansas will accept the amendment of the Senator from California.

Mr. INGALLS. I cannot accept the amendment. I am entirely willing the Senate shall vote upon it without any further discussion.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

A bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenses of the Government;'";

A bill (H. R. No. 4055) to continue the public printing;

A bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho; and

A joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence.

RIVER AND HARBOR BILL.

Mr. ALLISON. I move to take up House bill No. 3022, known as the river and harbor bill.

The motion was agreed to; and the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and comple-

tion of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. Let the bill be read.

Mr. DAVIS. Before we proceed to the consideration of the bill I desire to give notice that on Thursday morning after the morning hour, if I do not interfere with some appropriation bill or conference report, I shall ask the Senate to permit me to make some remarks upon the report of the Committee on Finance in regard to Treasury discrepancies.

Mr. KELLY. At the conclusion of this bill I shall ask as a favor of the Senate to dispose of what is known as the Klamath land bill, which my friend from Vermont [Mr. EDMUNDS] has so ably argued on the other side.

Mr. EDMUNDS. I beg to say as to the Klamath Indian bill that I have not begun to argue the other side on that question yet. The case has hardly been opened. I wish to give notice, as I have done about twenty times before, that when this bill is over I shall try to have the Senate dispose of the Pacific Railroad question, which is still on the President's table.

Mr. PADDOCK. I also desire, in a modest way, to give notice to the Senate that after this bill is finished, whatever the result may be, I shall ask that the bill for a partial restoration of the franking privilege be considered——

Mr. EDMUNDS. Impartial you mean.

Mr. PADDOCK. Very partial, and very impartial, too; I accept the amendment of my friend from Vermont.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. ALLISON. This bill has been read so often and is so familiar to the Senate that I trust Senators will waive any special reading.

Mr. EDMUNDS. This particular bill has never been before the Senate heretofore, because it is reduced about two-sevenths and where the reductions come in we do not know. It will not take long to read it, and in order to get a general run of the bill so that we can tell where the amendments come in, I insist that the bill be read.

Mr. SARGENT. Then let us act on the amendments in order as we go through the reading of the bill.

Mr. EDMUNDS. No. Let it be read through in order to provide the great security to each State so much insisted on hitherto.

Mr. ALLISON. Would it not satisfy the Senator from Vermont if the Clerk should read the amendments proposed by the Committee on Appropriations? I think we can gather practically all there is in the bill from reading the amendments.

Mr. EDMUNDS. Perhaps we shall, as it is mostly a bill of amendments, but we cannot understand the effect of the amendments without seeing what the amendments leave. Therefore I beg in the most modest way to ask the indulgence of the Senate to have this bill read once that we may see what it is.

Mr. CAMERON, of Pennsylvania, (at three o'clock and five minutes p. m.) I believe it is always in order to move an adjournment of the Senate. Therefore I move that the Senate do now adjourn.

Mr. ALLISON. I hope the motion of my honorable friend will not be agreed to.

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 12, noes 18; no quorum voting.

Mr. LOGAN. I think we ought to have a short executive session.

The PRESIDENT *pro tempore*. There is no quorum.

Mr. WITHERS and others. Let us have the yeas nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 38; as follows:

YEAS—Messrs. Cameron of Pennsylvania, Hitchcock, Jones of Florida, McCreery, Robertson, and Stevenson—6.

NAYS—Messrs. Allison, Anthony, Barnum, Bayard, Booth, Christiancy, Conkling, Cooper, Davis, Dawes, Eaton, Ferry, Gordon, Harvey, Howe, Ingalls, Kernan, Key, Logan, McDonald, Maxey, Merrimon, Mitchell, Morrill, Norwood, Oglesby, Paddock, Randolph, Ransom, Sargent, Saulsbury, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—38.

ABSENT—Messrs. Alcorn, Bogy, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Clayton, Cockrell, Conover, Cragin, Dennis, Dorsey, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Nevada, Kelly, McMillan, Morton, Patterson, Sharon, Sherman, Spencer, and Thurman—27.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill.

Mr. ALLISON. I rise to a question of order. This bill has once been read thoroughly, and I do not know whether it must be read again or not under the rules.

Mr. EDMUNDS. Since this bill was reported it has been recommitted, and is now reported as if for the first time fresh, and it must be read through. I do not ask its reading as a matter of form, but in order that every Senator may see what its general scope and effect is.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk proceeded to read the bill. Having read to line 12,

Mr. HOWE. I ask the Senator from Iowa if it is not his purpose to have the amendments acted on as they are reached in the reading of the bill?

The PRESIDENT *pro tempore*. The Senator from Vermont has insisted on the formal reading of the bill through before action is taken on the amendments.

Mr. ALLISON. If my friend from Wisconsin can persuade my friend from Vermont that one reading of the bill is enough for us all to understand it, I think we may act on the amendments as we go on.

Mr. HOWE. I think the Chair could persuade him of that.

Mr. EDMUNDS. We are acting according to rules now.

Mr. HOWE. I ask if it is the right of a Senator to have this bill read through at length, it being the same bill which has once before been before the Senate and has been read at length, recommitted, and reported back again?

The PRESIDENT *pro tempore*. It is the same as a fresh bill, which requires to be read. It has been recommitted and reported on a different basis; substantially a fresh bill.

Mr. ALLISON. I ask unanimous consent that we consider the amendments of the committee as the bill is read. I think there will be no objection.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. HOWE. I acquiesce in the decision of the Chair.

The Chief Clerk proceeded with the reading of the bill.

Mr. EDMUNDS. Is the Clerk reading the original House bill?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. EDMUNDS. I did not mean to insist upon that, but to ask that the amended bill as reported be read.

The PRESIDENT *pro tempore*. This is the bill, the Chair understands. The amendments constituting the changes will be read subsequently.

Mr. EDMUNDS. Now I do not understand what page the Secretary is on.

The PRESIDENT *pro tempore*. Page 6.

Mr. EDMUNDS. I thought the committee had reported an entire fresh substitute, but I see they have not.

The PRESIDENT *pro tempore*. Does the Senator insist on reading it through?

Mr. EDMUNDS. Yes, as it is altogether new. I thought the bill reported by the committee was a substitute for the House bill, and I did not ask in that case that the old bill should be read.

Mr. ALLISON. Do I understand the Senator from Vermont now to suggest that we read the bill with the amendments and act upon the amendments as they are reached?

The PRESIDENT *pro tempore*. The Chair asked the Senator from Vermont the question, and the Chair understood him to say he wished the bill read through.

Mr. EDMUNDS. My objection is that I wish to see for one the general effect of this bill and its general character, and that we shall see as the reading goes along. I do not ask for the reading for the purpose of taking up time, but in order that I may understand the bill.

The Chief Clerk resumed the reading of the bill, and read to the end of the first section, at line 519.

Mr. EDMUNDS. I do not ask for the reading of the second section. It is all stricken out by the committee.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the second section will be omitted.

Mr. ALLISON. I find on looking over the bill what is a typographical error, I suppose. On page 20, line 464, where $285,000 are to be expended on Muscle Shoals the committee recommend striking out "eighty-five" and inserting "fifty-two;" so as to make it $255,000. Having changed the amount in the beginning of the paragraph, we must change the amount at the close and must insert "fifty-five" instead of "eighty-five."

Mr. EDMUNDS. That is one of the advantages of having the bill read.

Mr. ALLISON. I observe that the House on page 20, line 476, spell "jetty" "jettee." The Senator from Vermont suggests that we strike out "ee" and insert "y." I am not sure but that that is right.

Mr. EDMUNDS. I do not make any such suggestion, if the Senator will pardon me, in any public sense. Far be it from me to attempt to instruct the Committee on Appropriations in the art of spelling.

Mr. ALLISON. I beg pardon of the Senator. I will look into that matter and see what is the proper spelling. I think it is spelled correctly in the bill now.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from Iowa that any amendment is out of order until the amendments of the Committee on Appropriations have been considered.

Mr. ALLISON. These are amendments of the committee.

I desire to say a word or two with reference to this bill. It will be remembered that the bill came to us with an appropriation of $5,872,000 in round numbers from the House of Representatives. The Committee on Appropriations, after a careful examination and consideration of the bill, with the aid of the examinations previously made by the Committee on Commerce, struck out a large number of the appropriations proposed by the House, regarding them as local in their character and not national, and inserted in lieu of these ap-

propriations thus stricken out an increase of appropriations upon great national works that have been prosecuted for years and the necessity for the continuous prosecution of which still exists. That bill came into the Senate and all the amendments which were proposed by the Committee on Appropriations striking out appropriations were non-concurred in by the Senate, while all the amendments inserting appropriations upon these great national works were concurred in by the Senate, thus placing the Senate in the position of having increased this appropriation bill about $900,000. The bill standing in this position was recommitted to the Committee on Appropriations with instructions to re-examine the bill and report it again, the Senate limiting the total aggregate of the bill to $5,000,000. The Committee on Appropriations have carefully gone over every item of this bill in committee, reading the report of the engineers having charge of these works and making such examination in detail of each particular work as they could make within the two or three days allotted to this business. They now bring this bill back again to the Senate with amendments in exact accordance with the instructions of the Senate providing for an aggregate appropriation of $5,000,000, not one cent more nor one cent less.

Mr. EDMUNDS. Does that include the last amendment?

Mr. ALLISON. That includes every amendment and every provision in the bill. We have carried out as faithfully as we could carry out the instructions of the Senate in this regard. We have been compelled, in thus endeavoring to carry out the instructions of the Senate, to strike out many works of a local character, to reduce appropriations of a national character largely, and in many respects perhaps we have done injustice to what are called the local interests in particular States; but I desire now to say that this bill, having thus received the careful consideration and attention of the Committee on Appropriations for the second time, if it shall be amended in any particular with reference to the amounts involved, in my judgment cannot pass at the present session——

Mr. EDMUNDS. Increasing the amounts?

Mr. ALLISON. Increasing, or reducing, perhaps I might add; I, however, will not say that; but I mean by interfering with the arrangement. In speaking of an arrangement I do not mean an arrangement with reference to States, but an arrangement by which all the various public works that are now in process of construction shall be continued without detriment to those works. I say if any material change is made in this respect, in my judgment the bill cannot pass at the present session.

Therefore I submit now to the Senate the proposition that these amendments shall be taken as a whole as proposed by the committee and concurred in or non-concurred in by the Senate.

Mr. CONKLING. Mr. President, the first twenty-two lines of the bill now reported contain amendments striking out altogether appropriations for four works, general and national in their character, interesting to general commerce, in respect of which I chance to know something, because they are located in the State of New York. The first of these amendments proposes to strike out everything for the harbor of Dunkirk, on Lake Erie. Dunkirk is the terminus of the Erie Railway, and but one fact known to me diminishes the importance which used to attach to the harbor of Dunkirk. In recent years the Erie Railroad has built a branch to Buffalo, and as that branch sends cars to the elevators in Buffalo, which as we all know are very superior elevators, where those cars can be loaded in bulk with corn and wheat cheaply and with surprising quickness, many propellers running to carry cargoes in bulk of wheat and corn that formerly plied to Dunkirk go now to Buffalo. The withdrawal of a part of that single branch or item of the carrying-trade is the only fact known to me rendering Dunkirk now less important as a harbor than Dunkirk ever was or might have promised in the past to be. Notwithstanding this diversion, Dunkirk remains a very important harbor; and between Buffalo and Dunkirk there is no harbor on Lake Erie. In respect therefore of the safety of vessels, in respect of its trade, in respect of all that makes a harbor valuable and necessary, Dunkirk is an important harbor. The first amendment, I repeat, withholds from Dunkirk all appropriation whatever. It appropriates nothing either to continue the work or to preserve the harbor, or to shield from the action of the elements the work already done and incomplete.

I do not state these facts, as Senators might suppose, for the purpose of opposing this amendment. Considering the strait of this bill, considering the condition of the country and of the Treasury, I do not feel warranted, because of an amendment which I regret so much as this, in attempting to overset or aid in overthrowing the work of the committee; but I call attention to it thus early for two or three reasons, one of which will suffice. If concurring now in this amendment the Senate shall hereafter go back and refuse to concur in other reductions or in other instances in which appropriations are stricken out, I do not wish to be held inconsistent when I maintain, as I shall, that if the Senate refuses to concur with the committee and begins to add to this bill, in the case of local improvements or even of general improvements, this improvement is conspicuously one in which the Senate, should it adopt that line of action, ought to revise the recommendation of the committee.

The same remark I wish to make, so as not to vex the ear of the Senate again, touching the amendment striking out everything for the harbor at Olcott, everything for the harbor at Pultneyville, everything for the harbor at Great Sodus Bay, and other recommendations striking out altogether appropriations for harbors on Lake Ontario, a coast so little indented that harbors are rare and important. I believe there was not, before the committee saw the bill, one single appropriation for a work located in the State of New York in any sense local. The chairman of the committee will bear me out when I say that there was not in any version of this bill an appropriation for any stream lying within the State of New York, and in any sense local. The appropriations were for improvements of arms of the sea, and of the Hudson River which for this purpose I might almost call an arm of the sea, and which certainly is a great national highway.

Mr. EDMUNDS. It is tide-water.

Mr. CONKLING. It is part of a highway extending from the western extremity of the lakes to tide-water, and a river in which the Senator from Vermont reminds me the tide ebbs and flows to the head of navigation. There may have been one appropriation in the bill not falling strictly within the description I have given, a single one relating to the improvement of Harlem River so as to connect, by means of the Spuyten Duyvil and the Harlem River, the North River with Long Island Sound. I should not describe that as a work applying to an arm of the sea, because in some sense and to some extent it was an attempt to create a channel by excavation and by other means. Omitting that, unless I have forgotten some appropriation, the bill contained none for a work located in the State of New York, except the harbors on the great lakes of Ontario and Erie, and improvement of the arms of the sea, and of this one great channel of national commerce.

Therefore I shall not be called in the after stages of this bill to insist, whatever may be the line of policy adopted by the Senate, that any local improvement shall be provided for in the bill, which improvement is located in the State which it is my privilege in part to represent. I wish, however, to file this general *caveat*, that if the committee shall be overthrown by the Senate, so that we are to revise their work touching national improvements which they have discarded, and more especially touching local improvements, then I shall hold myself convicted of no inconsistency, having agreed with the committee in the beginning, if I adopt what shall turn out to be the judgment and the action of the Senate as the rule to govern me touching appropriations which it may be considered more especially my business to understand and to regard.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Iowa, [Mr. ALLISON.]

Mr. EDMUNDS. What is that motion?

The PRESIDENT *pro tempore*. That the amendments reported by the Committee on Appropriations be agreed to in gross.

Mr. EDMUNDS. Is that in order?

The PRESIDENT *pro tempore*. Not if objected to.

Mr. CONKLING. It is only in order by unanimous consent.

Mr. EDMUNDS. I know I run some risk of being thought captious, but one who thinks he is doing his duty can bear that; and I may be allowed to say that that would be just like the previous question in the House of Representatives, and by and by, when we get to a conference, we shall be told by the House, whose appropriations we have reduced, "You have never considered this thing; a committee has fixed it up; and you behave just as we do."

Mr. ALLISON. I do not press the motion.

Mr. CHRISTIANCY. Do I understand the Senator in charge of the bill to consent to take the items separately?

Mr. ALLISON. One objection compels me to that course.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and it could not be done without unanimous consent. The first amendment of the Committee on Appropriations will be reported.

The first amendment of the Committee on Appropriations was to strike out lines 9 and 10, in the following words:

For the improvement of the harbor at Dunkirk, New York, $18,000.

The amendment was agreed to.

The next amendment was in line 12, to increase the appropriation "for the improvement of the harbor at Buffalo, New York," from $75,000 to $85,000.

The amendment was agreed to.

The next amendment was to strike out lines 15 and 16, in the following words:

For the improvement of the harbor at Olcott, New York, $6,000.

The amendment was agreed to.

The next amendment was in line 18, to increase the appropriation "for the improvement of the harbor at Oak Orchard, New York," from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 19 and 20, in the following words:

For the improvement of the harbor at Pultneyville, New York, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 21 and 22, in the following words:

For the improvement of the harbor at Great Sodus Bay, New York, $5,000.

The amendment was agreed to.

The next amendment was in line 24, to increase the appropriation

"for removing obstructions in the East River and Hell Gate, New York," from $200,000 to $290,000.

The amendment was agreed to.

The next amendment was in line 35, to reduce the appropriation "for the improvement of Eagle Harbor, Michigan," from $15,000 to $12,000.

The amendment was agreed to.

The next amendment was in line 38, to reduce the appropriation "for the improvement of the harbor at Marquette, Michigan," from $5,000 to $2,000.

The amendment was agreed to.

The next amendment was in line 40, to reduce the appropriation "for the improvement of the harbor at Frankfort, Michigan," from $5,000 to $3,000.

The amendment was agreed to.

The next amendment was in line 42, to reduce the appropriation "for the improvement of the harbor at Manistee, Michigan," from $15,000 to $14,000.

The amendment was agreed to.

The next amendment was to strike out lines 45 and 46, in the following words:

For the improvement of the harbor at Pent Water, Michigan, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 47 and 48, in the following words:

For the improvement of the harbor at White River, Michigan, $10,000.

The amendment was agreed to.

The next amendment was in line 56, to reduce the appropriation "for the improvement of the harbor at Menomonee, Wisconsin," from $10,000 to $8,000.

The amendment was agreed to.

The next amendment was in line 58, to reduce the appropriation "for the improvement of the harbor at Ahnepee, Wisconsin," from $10,000 to $8,000.

The amendment was agreed to.

The next amendment was in line 60, to reduce the appropriation "for the improvement of the harbor at Two Rivers, Wisconsin," from $15,000 to $5,000.

The amendment was agreed to.

The next amendment was in line 62, to reduce the appropriation "for the improvement of the Falls of Saint Anthony, Minnesota," from $125,000 to $120,000.

The amendment was agreed to.

The next amendment was in line 66, to reduce the appropriation "for the improvement of the harbor at Toledo, Ohio," from $75,000 to $60,000.

Mr. SHERMAN. I suppose it would be ineffective to make any opposition to this amendment, but I think I must complain, not only geographically but upon the ground of merit, of harbors like Toledo and Cleveland being reduced insignificantly to a sum barely sufficient to maintain the works there where the commerce is very great, and while $275,000 is given for the improvement of the Kanawha River, a mere branch of a branch of a branch of a branch. I do not feel disposed myself to stand here and submit to a discrimination which I think is geographical in character throughout the bill. There is the breakwater at Cleveland, a work that has been undertaken by the Government of the United States, which is now in progress, an impediment to navigation, with a customs business of $197,000,000 at that harbor. There is the harbor of Toledo which is a great *entrepôt*, the great out-going place for all the produce of Indiana and Western Ohio. The town contains 35,000 or 40,000 inhabitants, and the commerce is very large; I have not the statistics before me. The House appropriated the very lowest sum the engineers supposed they could get on with, and it does seem to me that for the committee after appropriating for slack-water navigation on the Great Kanawha River $275,000, and appropriating money for the mountain streams in some of the southern and western States, to refuse to make an appropriation for these great harbors is not making a bill which ought to be sustained by the Senate. It is wrong, wrong geographically, for this reason: The Kanawha is a stream that I am somewhat familiar with; at least with its geographical position. Just on the other side of the Ohio River, above it, is the Muskingum River which the State of Ohio has improved and spent all the money necessary to be spent on it, two or three million dollars. On the opposite side of the Ohio River there is another tributary of the Ohio, the Kanawha, and it is proposed that we shall make slack-water navigation there and spend I do not know how many millions of dollars in carrying out a system of improvement. One of the members of the Committee on Appropriations told me that this was part of a great line of improvements which if the Government undertakes will cost from thirty-five to seventy millions of dollars; that is, to carry the slack-water navigation over the Alleghany Mountains on the summit between West Virginia and Virginia. It seems to me that that class of work ought to be cut out of this bill if we are to bear reductions in all the great harbors of the country. I feel that now I cannot sit here and see the improvements on these harbors known to be of the very highest importance, like Toledo and Cleveland, cut down to a sum barely sufficient to make a show of work while there are other improvements through this bill that I supposed would be dropped out, such as the improvement of the French Broad River, and especially the improvement of the Great Kanawha River, and the removal of snags out of the Little Kanawha, comparatively a very small stream. I do think that this ought not to be done.

Mr. ALLISON. I quite agree with the Senator from Ohio that more money could be judiciously expended at the harbors of Toledo, Cleveland, and Sandusky City. I perhaps might agree with him in what he says about the Kanawha, but I am not quite ready to do so. The Kanawha improvement is one that has been sanctioned by the Senate. Large appropriations have hitherto been made for this improvement, and the Committee on Appropriations were only carrying out what they believed to be the judgment of the Senate in regard to this work. The State of Ohio is chiefly to be benefited by this Kanawha improvement, the Kanawha itself emptying into the Ohio River, which river washes the shore of that State on its entire eastern and southern border, and if the voice of the Senator from Ohio comes up against the Kanawha improvement I do not know that I, located as I am upon the Mississippi, incidentally benefited by this improvement, should complain; but we supposed, an appropriation for the Kanawha River being in this bill, and the improvement having been sanctioned by an appropriation of Congress last year of $300,000, that it was an improvement national in its character and not local. Therefore the committee did not feel at liberty to reduce the Kanawha appropriation more than $30,000.

Mr. CONKLING. May I make an inquiry?

Mr. ALLISON. Certainly.

Mr. CONKLING. Upon the theory now suggested by the Senator, that finding in the House bill a work for which appropriation had been made before, they did not feel at liberty to strike it out, how comes it that when the committee find in the House bill the harbor of Dunkirk, for example, which they know to be an important harbor, which has a work incomplete and which will suffer for the lack of preservation, they not only reduce but strike out altogether an improvement of that sort which in everybody's view involves in its completion only a very limited sum, comparatively, and retain an appropriation for a work which, as the Senator from Ohio well says, and we all know him to be right, involves an immense expenditure with a very doubtful result?

Mr. SHERMAN. I think the entire system involves from thirty-five to seventy-millions of dollars.

Mr. ALLISON. In answer to the statement of the Senator from New York, I reply simply that the harbor at Dunkirk, New York, cannot be made with $18,000 as appropriated in the House bill. Eighteen thousand dollars will make no progress toward the improvement of the harbor at Dunkirk. If we had felt at liberty to enlarge all the appropriations in the State of New York, as we did increase the appropriations at Buffalo, at Oswego, at New York City, and on the Hudson River, we might have been able and willing to have given the harbor at Dunkirk such an appropriation as would make an economical expenditure of the public money justifiable; but because we could not increase the appropriation for the harbor at Dunkirk we struck it out entirely, trusting to next year for a more ample appropriation. The harbor at Dunkirk is in as good a condition as any harbor in the United States, and is so reported by the Engineer Bureau.

Mr. CONKLING. What about the breakwater?

Mr. ALLISON. The breakwater is a large improvement, as a matter of course, and it ought to be extended; but $18,000 will not extend it. We could not increase that appropriation and do justice to Buffalo, Oswego, and Hell Gate, and at the same time limit our total appropriations to $5,000,000. I would be exceedingly glad to stand by the Senator from Ohio with his appropriations for the harbors on Lake Erie; but when you put the Committee on Appropriations in a vise and said "You must bring this bill down to a particular sum," we were compelled to cut off somewhere. The Senator from Ohio says we did not cut off the Kanawha appropriation. If he thinks that is an unjustifiable expenditure of public money, he is at liberty to move to strike out that appropriation entirely. The State of Ohio is more largely interested in that appropriation than any other State in this Union, not excepting even the State of Virginia or the State of West Virginia. It is a work especially calculated to improve and enlarge the commercial facilities of the State of Ohio. If a Senator from that State comes and says that this Kanawha appropriation is an absolute waste of the public money, it is time for us to consider whether it is important or not. But making the reductions which we deem advisable in all these States and with reference to all these appropriations we could not keep the harbor of Toledo, Ohio, at $75,000, and therefore we reduced it $15,000 so as to bring the general scope of the bill within the $5,000,000. It is for the Senate to take this bill and either vote it up or vote it down. If the Senator from Ohio or any other Senator can stand the defeat of this bill, let him move to lay it on the table. I have no interest in the bill other than a general interest. I have endeavored, as has the Committee on Appropriations, to make the bill the best possible for every section and every interest, looking neither to the West, nor to the North, nor to the South, and having no regard whatever to personal interests, sectional interests, or political interests; and therefore if this bill is not satisfactory, vote it down. If you amend it so far as the amounts are concerned by enlarging the appropriations suggested by the committee, it will have the same effect.

Mr. SHERMAN. I wish to say only a few words now in regard to this matter.

Mr. DAVIS. I ask the Senator from Ohio to let me say a word in reply to what he has said and then he can reply to me.

Mr. SHERMAN. Certainly.

Mr. DAVIS. Mr. President, the Senator from Ohio apparently has selected the Kanawha River to make an attack upon it. That Senator perhaps has forgotten that he himself recommended that the Kanawha should be improved. I think the committee of which he was a distinguished member was unanimous, after making a personal examination of the Ohio River, that the Kanawha should be improved to its falls, no matter what became of the through water-line between the two Virginias.

Mr. EDMUNDS. What county are the falls in?

Mr. DAVIS. In Kanawha County.

Mr. SHERMAN. Above Charleston.

Mr. DAVIS. Above Charleston, thirty or forty miles. The Kanawha River, which the Senator from Ohio calls "the branch of a branch of a branch," is as we all know probably fully as large as the Ohio River is above its junction with the Kanawha.

Mr. SHERMAN. Above the junction of the Ohio with the Monongahela?

Mr. DAVIS. I say the Kanawha River is as navigable now for as large capacity of boats, except some shoals, and floats perhaps as much water as the Ohio does above its junction with the Kanawha. Further than that, the Kanawha River has been examined within the last twelve months by a board of engineers consisting of the engineer-in-chief, General Wright, and another whose name I do not recollect, and their report was unanimous that the river ought to be improved and would if improved be of great general benefit. Again the commerce on that river is greater perhaps than on any river in the West, other than the Ohio itself. It is a well-known fact that in the Book of Estimates for the present year the engineers estimate that $1,000,000 should be expended for this year upon the Kanawha River. Not only that but I say now that in proportion to the recommendations of the Engineer Department there is less appropriated for it than for any other improvement of a general character.

I do not want to take up time in talking of the Kanawha River. Of course there is a great deal that can be said. The Senator from Ohio as well as my friend from New York concurred in a report which was unanimous that that river should be improved, no matter whether the canal was built or not.

Mr. CONKLING. Has the Senator the report here?

Mr. DAVIS. I have just sent for it.

Mr. CONKLING. I wish the Senator would read where we said that improvement ought to be made.

Mr. DAVIS. I will do so, if I can lay my hand on it. I will do so in a moment.

Mr. SHERMAN. I certainly do not want to interfere with the local interests of the State of West Virginia and the river Kanawha, but I feel bound to say to Senators that if they will look at a map of the river Kanawha they will find that it is a mountain stream until it reaches what are called the falls above Charleston. I do not know the distance exactly from the falls to the Ohio River.

Mr. DAVIS. About a hundred miles; not beyond that distance.

Mr. SHERMAN. It runs in a northern direction until it strikes the Ohio River and is one of the tributaries of the Ohio. As a part of a great system of internal communication my impression is that the Senator from New York and myself did sign a report to the effect that if this whole system of internal navigation was to be adopted it would be necessary to improve the Kanawha. We signed a general report giving the statistics and the facts. But let me state to the Senate that a short distance above the mouth of the Kanawha there is another river which enters into the Ohio which is about the same size as the Kanawha, that is the Muskingum. It is probably as large as the Kanawha, and yet the Muskingum is improved entirely by the State of Ohio and has never been improved at all by the General Government. The navigation of the Kanawha is simply local in its character. The products of that region of country are nearly all coal and timber, and the like, valuable, of course, and they no doubt contribute to the commerce of the Ohio River; but to compare the Kanawha River, which is to get $275,000 of money by this bill, with the harbor at Cleveland or the harbor at Toledo is comparing a mole-hill to a mountain. I do not want to say that the Kanawha is not an important river. There is appropriated by this bill about $200,000 for the Ohio River, which is a thousand miles long from the city of Pittsburgh to the mouth of the Ohio. It carries through a devious course a vast internal commerce, estimated at $700,000,000 per annum. The Kanawha is but a branch of the Ohio, and the Ohio itself is but a branch of the Mississippi River.

It seems to me that to make these large appropriations for interior rivers, which are only the commencement of great works of internal improvement which the Government of the United States will never probably make to the prejudice of harbors of daily service and daily use, is not doing the best that can be done with a limited sum of money. I am disposed myself to stand by the Committee on Appropriations for $5,000,000; and yet I see two of the harbors of my State struck out entirely which are strongly recommended by the engineers. My colleague now brings me evidence that appropriations for two of the harbors proposed to be stricken out were recommended even since the proposed reduction by the Engineer Corps. The great harbors at Toledo, Cleveland, and Sandusky, which command not only the commerce of Ohio, but the commerce of many States, are reduced to a paltry sum, one from $75,000 to $60,000, another from $75,000 to $50,000, and the other from $30,000 to $25,000. The harbor of Toledo is cut down now for the first time. In the last bill it was not reduced. It seems to me that this creates a clear case of geographical injustice as well as of commercial injustice. Therefore I cannot, for one, submit to see this done without making an explanation to the Senate and showing that while the committee have no doubt done the best they could under all the circumstances, they have allowed local interests to control to a greater or less degree their decision in this matter. They probably have not fixed the relative importance of these different improvements. I happen to know something about the Kanawha River. As the Senator from West Virginia says, it flows into the river Ohio. I have been along the river Ohio many times, not much to the Kanawha, though once. It seems to me the committee have discriminated, against the great harbors of the country, where the commerce of the country is being conducted, in favor of local improvements. They have given to the river Kanawha more money than they have given to the river Ohio, a thousand miles long, and more money than they have given to all those great harbors that I speak of at Cleveland, Toledo, Sandusky, and other points. It seems to me therefore that they have discriminated in favor of local and State improvements against the improvements of the nation which affect the interests of many States.

Mr. CHRISTIANCY. I have no doubt of the importance of the harbors at Toledo, Sandusky, and Cleveland, and all the other harbors along the lake. I agree with much that the Senator from Ohio has said. Those harbors are on navigable water, and stand upon the same footing as appropriations for harbors along the sea-coast. But when I say that of Ohio it applies equally to all the harbors of Michigan. They are all upon navigable waters, all upon inland seas, none of them being rivers away up in the interior. They are all ports along the border of those inland seas; and yet for a coast of nearly eighteen hundred miles this bill, including the appropriation for the Saint Mary's Canal and the harbor of refuge, appropriates $357,000 only. It is my belief that a proper disposition of the $5,000,000 would apply more of it along those lakes; but I take into consideration the fact that here are a great multitude of local interests. I do not speak of them in an offensive sense as mere local improvements, although some of those provided in this bill may be such, but every Senator is expected to look to those appropriations which fall within his own State, not that he would or should vote for one in his own State which he would not vote for in another if it were equally deserving, but there is a clashing of separate interests. The whole sum to be appropriated is to be brought down by the determination of the Senate to $5,000,000. The committee have taken this matter in charge. They have looked over it with the best lights before them, and more than any one Senator possesses outside of the committee, and they have, I have no doubt, conscientiously and carefully done the best they possibly could to distribute this $5,000,000 among the works which are deserving of improvement. I foresee unless we stand by the committee and support the amendments generally which they have recommended, that we shall find ourselves where we found ourselves at first on the same bill. We shall find ourselves utterly at sea, and get a bill which cannot either pass this Senate or the House of Representatives, and the entire appropriation for rivers and harbors at this time must fail. For one, therefore, although I do not think that justice has been done to the harbors in the State of Michigan, and perhaps not in Ohio, perhaps not in any of the States, and that such appropriations are proposed as ought to be made, yet as we are to be limited within the $5,000,000, and the committee are better qualified for distributing that than the Senate as an entire body when all the local interests come to clash with each other, I think it is much better for us to support the committee than to undertake individually to change the different appropriations.

It seems to me there is but one result, if we begin to cut up this bill as it is now recommended by the committee, and that result will be similar to the result the other day of the bill when it came from the House. I hope therefore the committee will be sustained throughout.

Mr. HOWE. I want to say a word on this subject. When the Senator from Ohio complains of this appropriation, I sympathize with him, because undoubtedly the importance of that harbor demands a larger appropriation and the true interests of the Government require a larger appropriation. The engineers say it will take $200,000, in addition to former appropriations, to finish the work, and that that ought to be appropriated in one bill and expended in one season.

It seems to me if any business man in Christendom was doing that work on private account and had the means, he would make the expenditure in one season and finish the work; and I have no sort of doubt that that is what good sense requires of Congress; but we have deliberately refused to do it. It does not make any difference practically to the people of the United States whether we expend that $200,000 this year, or part this year and part next and part the year after next. But we have arbitrarily said to the committee "You must limit this appropriation to the sum of $5,000,000." That is the duty we assigned them. I suspect they have done the best they could. That they could be absolutely just in the distribution of a

given sum of money is not easy to suppose. It would be more than human if they were so. I think the great mistake was made by us the other day when we instructed them to cut these appropriations down to an arbitrary sum. I think it was unnecessary, and yet the committee was bound by that vote and I think we had better abide by that vote and abide by the consequences of that vote. The committee which has executed that trust was as fair a one as we could select, and I have no doubt it has discharged that most difficult trust on the whole as well as any other committee would. And so, although there are some features of this bill which are extremely unwelcome to a representative from Wisconsin, I think we had better "accept the situation" and take the bill as it stands.

Mr. MAXEY. Mr. President, before the vote is taken on the amendment now pending I desire to say something in reference to the general frame-work of this bill.

It seems to be conceded that the committee should have reported appropriations for great national works, and that it ought to be the policy to appropriate the main portion of the $5,000,000 which they were instructed to report to these works of great national importance. Now I find, when I come to look at the report of this committee on the appropriations for the State of Texas, that for continuing the work on the outer bar at Galveston Harbor they have given us $150,000 instead of $200,000 as in the House bill. The Senator in charge of this bill will see that the appropriation recommended by the Chief Engineer was $350,000, and he urged the entire appropriation for one year. As I explained the other day, that harbor is a necessity for a people now of a million and a half in the State of Texas, besides the commerce that goes out of that bay from the Indian Territory, and I will appeal to the Senators from Kansas who have had their commissioners down at Galveston, time after time, negotiating in regard to getting their shipments through that harbor, because it is about one-half nearer to salt water for them than the route by New York or any other route. It is hoped by the people of Kansas that the improvement of that harbor will be of such a character as to justify them in getting to salt water through that harbor, because it will be their cheapest route. The same is true of Nebraska. When we come to such a work of undoubted national importance, because it is the undoubted policy of this Government to get the vast shipments of cotton that go through that harbor as well as the vast amount of wheat that can go out from that harbor either in the shape of wheat or flour, it is unreasonable to cut down this appropriation of $350,000 recommended by the Chief of Engineers for the most important harbor, in my judgment, on the Gulf coast save and except that of New Orleans, a harbor that sends out now 600,000 bales of cotton, besides the immense outflow of wheat and of cattle; a harbor which is seeking to obtain the business of Kansas and Nebraska by making it cheaper for them to go out in that way than in any other way because it is about one-half nearer salt water than any other route. I ask if it is reasonable that this appropriation should be cut down, not only to the amount given by the House, $200,000, but to only $150,000, as against $350,000 which the Chief of Engineers says is a necessity to the improvement of the outer bar so as to save the vast amount of lighterage, which I explained the other day the people have to pay by reason of that bar being there.

Then when I come to the appropriation for Galveston Bay above the city of Galveston, carrying all the vast trade that accumulates at the city of Houston, I find that they have reduced that from $100,000 down to $75,000. It would be useless to talk about a comparison between the vast trade that goes through Galveston Bay and over the outer bar at Galveston and the trade of rivers for which they give double the amount which is given here. Upon what theory this bill is based, as it is now presented, I must confess I am totally unable to understand.

I make these remarks now because I fully appreciate the statement made by the Senator from Ohio, and I for one shall vote to non-concur in the amendment made here. I will, in other words, vote for all those works which are unquestionably of national importance, such as those that I represent and which have already received the indorsement not only of the House but the indorsement of the Senate, and on a test vote of three to one were decided in my favor; and yet the committee have utterly disregarded in this bill the action of the House and the action of the Senate on a test vote. I do not think that is right, and I for one shall not vote in favor of this bill of the Senate committee.

Mr. ALLISON. I move that the five-minute rule be applied to this bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the five-minute rule be applied to this bill. Is there objection? The Chair hears none.

Mr. SPENCER. What is the question before the Senate?

The PRESIDENT *pro tempore*. On agreeing to the amendment pertaining to the harbor of Toledo, Ohio.

Mr. SPENCER. If in order I wish to make an amendment on page 9.

The PRESIDENT *pro tempore*. It is not in order until the amendments of the committee have been acted upon.

Mr. SPENCER. It is an amendment which the committee will accept, I think.

Mr. SARGENT. It can be offered afterward.

Mr. THURMAN. This bill comes back after having been recommitted with instructions to report a bill so that the aggregate amount of appropriation should not be over $5,000,000. I am of course opposed to increasing the aggregate amount of this bill beyond five millions. I said in the debate before that if there were more meritorious cases than those in Ohio I for one was willing that the Ohio appropriations might be cut down, although they were very small indeed. Well, the committee have cut them down, I see, without a single exception, and I do not complain of that if the appropriations they have made are more meritorious than those that are contained in the bill for Ohio; but I for one do not quite understand that they are; it may be for want of information. There are some things that I really do not think are at all as meritorious as the provisions of the bill in respect to the ports in Ohio.

For the improvement of the harbor at Toledo, Ohio, the House appropriated $75,000. The committee cut it down to $60,000, a reduction of $15,000.

For the improvement of the harbor at Sandusky City the House appropriated $30,000. The committee have cut it down to $25,000.

For the improvement of the breakwater at Cleveland Harbor the House appropriated $75,000, and the committee have cut it down to $50,000, and I believe they have stricken out the appropriations for Ashtabula and Fairport, and perhaps one other. At the same time that they have stricken out those they have increased the House appropriation for the improvement of the harbor at Oswego, New York, from $70,000 to $90,000, being an increase of $20,000; for the improvement of the Hudson River from $25,000 to $66,000, being an increase of $41,000.

Mr. CONKLING. But the Senator must remember there that another appropriation for the Hudson River is stricken out altogether. It is all put together in that one appropriation.

Mr. ALLISON. There were two twenty-five thousand dollar appropriations in the House bill for the Hudson River. We put both in one appropriation.

Mr. THURMAN. Then the increase is $16,000 for the Hudson. Then for the improvement of the Missouri River above the mouth of the Yellowstone the committee put in of their own motion $20,000.

Mr. WITHERS. That is to facilitate military operations.

Mr. PADDOCK. Mr. President——

Mr. THURMAN. If I am to be interrupted, my five minutes will soon be out.

Mr. PADDOCK. I will not interrupt the Senator.

Mr. THURMAN. Then, for the improvement of the Rush Chute, in the harbor of Burlington, Iowa, $10,000 is appropriated. That is new matter; for the improvement of the harbor at Fort Madison, Iowa, $10,000; and so on.

Now let me say one word about the specific amendment before the Senate as to Toledo. There are but two ports in all the United States whose business in grain equals that of Toledo. They are Chicago and Milwaukee. Toledo is the third port in the United States for the shipment of grain.

Mr. CONKLING. Where is Buffalo?

Mr. THURMAN. I speak of the shipments. Toledo is the third port as shown by the reports of the boards of trade of the various cities. In addition to that it has an immense business in iron from Lake Superior and in lumber from Michigan. It is one of the most important ports on Lake Erie, and there is no city on the lake that is growing much more rapidly than the city of Toledo, and there is no harbor on the lake that needs improvement much more than that. The only trouble in my mind is whether there is any difference really between $60,000 in a year and $75,000, the difference is so small. The truth is, if the situation of the Treasury permitted it, the appropriation ought to be large enough to go on with the work necessary there to complete it, but it is not. But I do think really that while I will not vote to increase the aggregate of this bill one dollar, there are appropriations that might much better be left off than to strike down Toledo from $75,000 to $60,000.

Mr. SARGENT. Mr. President, the committee have done their best to obey the instructions of the Senate. I doubt if the committee supposed that as the result of their work Senators would be satisfied where reductions were made in the appropriations for works in their States; and yet, by the vote of the Senate almost unanimous, not quite, it was determined in effect that these reductions should be made. Now, it is very well perhaps to criticise item by item, and say "Why did you cut off here and why there, and why not cut off more in another place?" The committee can only reply generally that we did the best we could. There is one rule, however, to be observed when Senators from States like Ohio and New York rise to criticise the changes which have been made in the items referring to their States. All those harbors to which special reference has been made have had heretofore the fostering care of the Government, and immense amounts of money have been expended upon them, upon some of them reaching to millions. This very harbor of Toledo has had appropriated and expended by the Government for it heretofore $437,700. That ought to leave a harbor somewhere in a decent condition to receive the commerce which enters it, and Toledo, as the committee understand, is in very good condition. Of course there is some new work, but the position of that work at the present time is not of such a character that ought to require the sum of $75,000 this year more than it requires the sum of $60,000 or $150,000. That is to say, the amount of money which the committee report for Toledo can

be judiciously and economically expended and will advance the work so much. If this were an entirely new harbor, with this commerce pressing to enter it, with this business to be done, there would be some force in the objection which is made that we make but a small appropriation. But, on the contrary, as I have said, this and some others have received from time to time, year after year, before any of us Senators had seats on this floor, appropriations at the hands of Congress for the purpose of accommodating their commerce, which has been growing up gradually year by year, and the improvements have kept pace with it.

I do not know but that the criticism might be just of some of the matters which are retained in the bill. It is barely possible that the committee should have disregarded the fact that the Great Kanawha River received last year $300,000 from the Government in accordance with the recommendations of the engineers and the apparent support of the Committee on Transportation making some recommendation on the matter; that the House had considered this still of great importance, and had made an appropriation of that amount to continue the works which were begun upon a considerable scale last year. We did not feel authorized to say, "This is a useless work." The Committee on Transportation were entirely mistaken so far as they sanctioned it; the previous Congress were throwing away $300,000 appropriated for it. I do not remember in the debates on the bill of last year that these objections were made when the pretty blunt edge of a wedge was about to be inserted in the Treasury for the benefit of this appropriation, that we were then told by the Senator from Ohio or anybody else that it was throwing away $300,000, and that the Muskingum, which had been improved by the State of Ohio at its own expense, was of equal importance, and this ought to be improved at the expense of the State of West Virginia. We got none of that information at that time when we might have paused. But now that $300,000 have been expended by the silence of these gentlemen who seem so well informed, we are told that this committee errs greatly because it comes in and recommends another appropriation less in amount but for the objects then sanctioned.

I do not know that I am entirely satisfied with this bill myself. I think I could do a little growling so far as my State is concerned. Nearly one-half in amount and one-third in number of objects there are cut down. Still I may vote for the bill because I think there are some objects in this bill, one of them in my own State and many in other States, where to omit all appropriation whatever would lead to an injury to the public service, there would be a deterioration of work; there are some which are in such a condition that they ought still to be carried on; and therefore I am disposed to vote for the bill although there may be items in the bill both of reduction and of addition, which if we could do exactly what is right would be changed; but I defy any committee to use more care than the Committee on Appropriations did use in this matter or to exercise a greater desire of impartiality or to labor more earnestly than we did to carry out the instructions of the Senate in the reduction of this bill.

If the line is broken in any particular, if the recommendation of the committee is not stuck to by the Senate and you increase Toledo, then I ask why shall we not increase Dunkirk; why shall we not restore some items which have been struck out and which are considered to be something more than of local importance? We were under the necessity of reporting the bill back in the shape in which it now is, if we wish to follow the instructions of the Senate, and any further changes made would simply have increased the dissatisfaction of some Senators while they might have gone a little way to relieve the dissatisfaction of others, but the general result would have been about the same.

Mr. WRIGHT. Before the vote is taken on this question, I wish to say one word. Thus far this session, and at previous sessions for that matter, in all appropriation bills my habit has been to follow the committee. It is utterly impossible that I or any other member of the Senate should undertake to follow the work of these appropriation bills and see what just should be done. In following the committee when the bill was before us heretofore, it was not because I approved in every respect their recommendation either increasing or decreasing amounts or changing in any way the House bill, but because I felt that they understood the question very much better than I did, and that it was safer for me to follow them.

Mr. President, my happiness is only extreme and unmixed during a session of the Senate when we come to an appropriation bill for rivers and harbors, for while I know that upon other appropriation bills and other bills that are brought in here personal considerations influence, local considerations influence, partisan considerations influence, when we come to an appropriation bill for rivers and harbors every person is disinterested and no member of the Senate is influenced in the least by personal and local considerations, and we come to its consideration entirely divested of anything of this kind. It has been so heretofore; it is so now. I know that sometimes when the questions have been before us I have occasionally heard my friend from North Carolina talk about the French Broad Creek.

Several SENATORS. River.

Mr. WRIGHT. River; I beg his pardon for calling it a creek.

Mr. EDMUNDS. It was a creek last year. It has grown to be a river now.

Mr. WRIGHT. I hear something from other Senators about Muscleshell Shoals. I am always certain to see my friend from West Virginia on hand taking care of the Great Kanawha as he ought to, my two friends from North Carolina ever diligent in taking care of the interests there, while my friend from New York, if it becomes necessary, has something to say about Hell Gate, and my friend from New Jersey, not unmindful of the interests of New Jersey, but of course entirely disinterested and not influenced by any local consideration, also takes care of the interests of that State. I have never failed to observe that our excellent President is watchful of that seventeen, not thousand, but hundred miles of coast that Michigan has. We have heard year after year about the seventeen hundred miles of coast of Michigan, and his good Christian friend and assistant here is always ready to back him in that. Occasionally my colleague also has something to say about Iowa, taking care of the interests of that State. We have not very much this year. I am sure we could get more, not from any interested or selfish consideration, but because we are looking to the interests of that great State washed by those great rivers which flow, as has been said, like the affections of a people to an inseparable union. We ask a very little thing for the Mississippi so far as Iowa is concerned. I confess that I have regretted somewhat that my colleague who has the bill in charge has neglected entirely the interests of the place where I reside. I reside, sir, at the capital of that great State. There, sir, is a great river running entirely through that State; its two main branches come together at that town; and saying nothing of the coal that is floated upon it, nothing of the wood, nothing of the immense commerce that there is there in every other respect, I feel warranted in saying from actual statistics that there are from nine hundred and sixty-five to nine hundred and seventy pounds of maple-sugar coming down there every year. [Laughter.] Yet that is neglected entirely in this bill.

I say, therefore, that I am always extremely happy when this bill gets before us, because I feel that we can legislate entirely disinterestedly about it and are not influenced at all by local considerations. I followed the committee before and I propose to do it again, and I humbly submit that the best thing we can do in this, the almost closing hour, I hope, of this session, is to take this bill as it is reported and dispose of it. It will be utterly impossible that any one of us can have this bill just as he would like to have it. I was more than pleased that the Senator from New York opened by saying that while there were important interests to be consulted in connection with the ports to which he referred, he surrendered them all. Others have done the same thing; and now I propose that we shall vote this bill through as it stands; and if others can surrender so far as Hell Gate and Toledo and these other places are concerned, I shall not insist upon an appropriation so far as my own town is concerned.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 68, to reduce the appropriation for the improvement of the harbor at Sandusky, Ohio, from $30,000 to $25,000.

The amendment was agreed to.

The next amendment was in line 72, to decrease the appropriation for a breakwater at Cleveland Harbor, Ohio, from $75,000 to $50,000.

Mr. SHERMAN. I hope my friend from Iowa and the whole Senate will be generous. There is a work that ought to be continued in the manner in which it has been commenced. I will not make a bargain with the Senator, but I shall probably behave myself very well if he will allow this item to stand as the House left it, because I know there is a great city where this work is going on and I know it is important. I hope he will therefore not insist on the amendment, but let the appropriation stand as it came from the House.

Mr. WITHERS. We give you $8,000 for the pier.

Mr. SHERMAN. But if you do not mend the pier you will have to pay $150,000 next year.

Mr. ALLISON. I trust my friend from Ohio will waive the question of this $25,000 this year. I think the harbor of Cleveland can get along with the amount we reported, especially so as the engineer says that is an ample sum to carry on the work.

Mr. SHERMAN. O, no; he does not say that.

The amendment was agreed to.

The next amendment was to insert, as lines 73 and 74, the following:

For repair of east pier at Cleveland, Ohio, $8,000.

Mr. EDMUNDS. I should be glad to have the Senator in charge of this bill read to us the recommendation of the engineer for that performance.

Mr. ALLISON. I am rather taken by surprise at the request of the Senator from Vermont. I read it here when this question was under discussion before. This is an old pier and it is important that it should be repaired, and the amount required is $8,000.

Mr. EDMUNDS. But is there any estimate or recommendation for it from the Chief of Engineers?

Mr. ALLISON. There is a letter from the Chief of Engineers. I have in my hand a letter of the Secretary of War relating to this subject.

Mr. EDMUNDS. Let us hear it read, Mr. President.

Mr. ALLISON. I will send it to the desk.

Mr. EDMUNDS. I am in pursuit of information.

The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington City, June 19, 1876.

SIR: I have the honor to transmit letter of the Chief of Engineers and plan of Cleveland Harbor, illustrating the encroachments of railroad companies on the United States east pier, and the condition of the inner end of said pier, in reply to your letter of the 2d instant, and beg to say that these papers exhibit the state of the case. As the question of title to the property and the right of the Pittsburgh and Cleveland Railroad Company to occupy it is now being investigated by the Department of Justice, this Department feels unable to make any specific recommendation in regard to the improvement of the pier.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Hon. H. B. PAYNE,
House of Representatives.

Mr. ALLISON. There is also a letter from the Chief of Engineers.

Mr. EDMUNDS. Let it be read.

The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., June 3, 1876

SIR: I submit herewith copy of a communication of the 2d instant from Hon. H. B. PAYNE, and have to state that the condition of the inner end of the east pier of Cleveland Harbor is such as to require immediate repair to prevent its destruction and material injury to the harbor of Cleveland, and that the needed repairs may cost some $8,000.

Respecting this pier, built by the United States, it is to be remarked that as far back as 1853 it was taken possession of and occupied by certain railroad companies for their own especial use and benefit, and has been retained in their possession to the present day, they having refused to vacate it even for repair, the necessity for some of which has grown out of their abuse of the structure. As the Engineer Department has been unable to get possession of the pier, no part of any appropriation by Congress has been expended upon it for repair. The subject was submitted to the attention of Congress in the report of the Chief of Engineers January 26, 1867, but no remedy has been provided.

For these reasons I have not felt authorized to recommend that any money should be expended upon the repair of the pier by the United States, but have suggested to the honorable Secretary of War to require the Pittsburgh and Cleveland Railroad Company to make the needed repairs, and to take steps preliminary to a suit to eject the company from its occupancy and use. Whether it is probable that these efforts will effect the object sought, I am unable to surmise even.

It is further submitted whether the circumstances would not justify the granting of authority to the Secretary of War to yield the free occupancy and use to the Pittsburgh and Cleveland Railroad Company of such portion of the east pier as he might deem advisable upon the condition that the company immediately repair the pier and keep it in repair in future, the United States reserving a right of way over it at all times.

I would suggest that this letter be transmitted to the Committee on Commerce of the Senate, which has the river and harbor bill before it.

A sketch of the harbor piers is inclosed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. J. D. CAMERON,
Secretary of War.

Mr. ALLISON. As the Senate will observe, here is a pier built by the United States many years ago, taken possession of by a railway company in part and a dispute arising between the railway company and the proper engineer officers at this port. Having these letters before us, the committee believed the true way to test the right of the United States to this property was to make a specific appropriation for the repair of this pier, and in that manner have the proper officers of the United States take possession of it. Until some specific arrangement of this sort is made, as a matter of course this railway company will continue to encroach upon the rights of commerce at this harbor and to occupy a portion of this great work belonging to the United States. With this view, the committee inserted this small item of $8,000.

Mr. WEST. The condition of the pier impairs the harbor.

Mr. ALLISON. Undoubtedly. That is clearly shown in the letters.

Mr. EDMUNDS. Mr. President, this illustrates this river and harbor bill very well. Many years ago the United States built what is called the east pier on the eastern side of the Cuyahoga River, which empties into Lake Erie, a little tributary that falls in there, which makes a handy harbor for the town undoubtedly. The State of Ohio granted to the Cleveland and Pittsburgh Railroad Company—as I assume, because I have not the books before me but I take it it must be so—the right to build a railway to the navigable waters of Lake Erie, on the shores of the Cuyahoga Creek. They built down alongside of this east pier, as is shown in the diagram which my friend has handed me, from the Engineer Department, and so building down they took possession of this east pier, being within the jurisdiction and on the soil of the sovereign State of Ohio under that grant, and have occupied it for their warehouses and tracks and for lading vessels alongside their tracks, and so on. Now, after many years of uninterrupted and adverse occupation, the railway company denying and defying the authority of the United States to interfere with their rights under the State of Ohio, it is proposed to test their title to that property by appropriating $8,000 to repair it. That is rather the most extraordinary proposition that I have ever heard set forth lately since we have dissolved the mob and got into regular constitutional jurisdiction again.

If the object of the Committee on Appropriations is to test the right that this railway company has exercised for many years in occupying this pier under a grant from the State of Ohio, the best way to do it is to direct the Attorney-General of the United States to institute proceedings, and eject them from that property of the United States; and if the Senate wishes to appropriate $8,000, if that be necessary, to put the wheels of the law in motion to ascertain whether the United States has a right to the pier, or whether this railway company has, which it now occupies, and has for many years under the State of Ohio, I should not much oppose it; but this proceeds on the idea that you are going to trouble this railway company and disturb its claim, and test it by repairing the wharf, which it will be very glad indeed to have us do. If that be so I do not understand the best methods of testing a disputed title.

You will perceive in the report of the Secretary of War, and in the report of the engineer in charge, coming through General Humphreys as I suppose it does, that the War Department has thought it improper to recommend any money to repair the pier until the right of the United States to have the pier at all shall first be tested. Here is a corporation under the laws of the State of Ohio occupying this property as a wharf and for store-houses and things of that sort, and now we are blandly called upon in this time of public distress to give $8,000 to repair that property in order to show that we have got a right to it.

Mr. President, I ask for the yeas and nays on adopting this amendment.

Mr. SHERMAN. The Senator from Vermont assumes a fact that is not true in order to base his argument against the Government repairing its own pier. Take these papers together, and this is the fact: The State of Ohio has never granted to this railroad company a single thing that belongs to the United States of America. The pier was built by the United States on its own ground. It is a double line of piers running into the lake at the mouth of the Cuyahoga River just as the piers do at the mouth of Buffalo Creek. The river itself is not a very large river, but forms a very fine harbor, which does a business of about $200,000,000 a year. It is not a very large stream, but the piers are the property of the United States. The State of Ohio has given to a railroad company a grant of a right of way along certain lands. The railroad property lies alongside this pier. They own the land, they own the riparian rights, and like all other riparian owners they have extended gradually their property out, out, out into the lake to get wharfage and ground on which to do a very large railroad business. Still the right of the United States to its pier is intact; so far as I know no one questions that right, no one disputes that right.

Mr. EDMUNDS. The engineer says the contrary.

Mr. SHERMAN. No; there is no dispute as to the right of the United States to this pier; but there is a controversy between the United States and the railroad company as to the encroachments on the outer bank of the pier and as to the right of the railroad company to fill in its ground toward the lake. The railroad company may be a trespasser. If so, the United States ought at least to assert its rights in its own courts and maintain its rights.

Now, what is the question presented by this amendment? In the march of time there is a wear and tear and gradual encroachment on the east pier of this great harbor. The map drawn by the engineers shows the exact condition of affairs. A part of the wall is crumbling into decay on the east pier. Remember that crumbling is in the harbor, as is shown here. The wall is crumbling away and it is almost broken, until it now threatens to endanger the whole of the pier. The railroad company owning property on the outside of the pier have filled it up and are using it for their railroad operations in loading chiefly iron and coal in the great business between Lake Superior and the coal regions. They have filled in and are occupying this, but this breach is in the Government pier and in the harbor.

Mr. CONKLING. Now, may I ask a question? Is it not true that the business brought that pier by the railroad has caused, or assisted in, this injury?

Mr. SHERMAN. I do not know that; but suppose it to be so, then ought not the United States to assert its power to prevent this? Will it in the mean time allow this pier to be broken down in the controversy between the United States engineers and this railroad company? As to the effect of the building of these works, which they built under their riparian rights, would you allow this great pier and this great harbor to be obstructed for the want of $8,000? That is the whole case.

DEATH OF HON. EDWARD Y. PARSONS.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, communicated to the Senate a copy of the proceedings this day had in the House in reference to the death of Hon. EDWARD Y. PARSONS, late a member from the State of Kentucky.

Mr. MCCREERY called for the reading of the proceedings of the House of Representatives.

The Chief Clerk read as follows:

IN THE CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
August 1, 1876.

Resolved, That this House has heard with deep regret of the death of Hon. EDWARD Y. PARSONS, late a member of this House from the State of Kentucky.

Resolved, That as a testimony of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. MCCREERY. My friend and colleague of the House of Representatives, Hon. EDWARD YOUNG PARSONS, is no more. He has been

cut off in the flower of his youth and in the strength of his manhood. He entered political life at the opening of this session of Congress, and before its close his mortal remains have been consigned to the grave. He inherited the stalwart form, the easy grace, and the commanding talents of his father, whose fame as an actor and as a pulpit orator is still fresh and green in the memories of the American people. If the son had been spared, his gentleness, his culture, and his genius would have placed the name on a foundation more solid and enduring. In person, in acquirement, and in mental endowment he stood far above ordinary men, and, take him all in all, we are not likely soon to "look upon his like again." But he is gone! The devoted husband, the fond father, the steadfast friend, and the able and incorruptible public servant sleeps with his fathers. We will forget his faults and remember his many virtues.

Mr. STEVENSON. Mr. President, the sad event announced so feelingly to the Senate by my colleague admonishes us that death comes to the young as to the old. EDWARD YOUNG PARSONS was among the youngest members of the House. He took his seat for the first time at the beginning of the present session. Gifted in intellect, of high culture, and possessed of varied information, he gave promise and great hope of brilliant distinction; but death has set its seal upon all these bright hopes. Young as he is, he sleeps in a new-made grave.

I beg leave, sir, to offer the following resolutions:

Resolved, That the Senate has received with sincere sorrow the announcement of the death of Hon. EDWARD YOUNG PARSONS, late a member of the House of Representatives from the State of Kentucky.

Resolved, That from a sincere respect for the memory of the deceased the members of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolutions were agreed to unanimously; and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

A bill (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government;'" and

A bill (H. R. No. 4055) to continue the public printing.

The message further announced that the Senate having proceeded, in pursuance of the Constitution, to consider the bill entitled "An act for the relief of Nelson Tiffany," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the same, the Senate had passed the bill, two-thirds agreeing to the same.

The message further announced that the Senate was ready to proceed with the trial of the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

IN MEMORY OF HON. EDWARD Y. PARSONS.

Mr. JONES, of Kentucky. I ask unanimous consent that it may be regarded as the order of this House that this day at four o'clock p. m. the House will proceed to pay the last honors to the memory of our late colleague from Kentucky, Hon. EDWARD Y. PARSONS.

There being no objection, it was so ordered.

CAPTAIN EDWARD S. MEYER.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table House bill No. 36, which has been returned by the Senate with a slight amendment. It is a bill restoring to the active list of the Army Captain Edward S. Meyer. The General of the Army wishes to assign him to the Seventh Cavalry, which is now in great need of officers. I ask that the bill be taken up and the Senate amendments concurred in at this time.

Mr. BLAND. I demand the regular order.

Mr. BANNING. I hope the gentleman will not do that now. The unfortunate Seventh Cavalry is very much in need of officers, and the General of the Army desires to assign Captain Meyer to that regiment.

Mr. BLAND. I have this to say; there is a bill now pending in the morning hour——

Mr. BANNING. There will be no debate.

Mr. BLAND. Very well. I give notice that I will call the regular order after this bill has been disposed of.

There was no objection, and the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army was taken from the Speaker's table with the Senate amendment thereto.

The amendment of the Senate was to add to the bill the following:

Provided, That the time he has been on the retired list shall not be counted in his service in getting promotion.

Mr. BANNING. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. BANNING moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. BEEBE. The Committee on Expenditures in the Navy Department have instructed me to submit their report to the House at this time. There are two reports, one by the majority, and one by the minority prepared by my colleague, [Mr. BAKER,] and they ask that the reports be printed and recommitted to the Committee on Expenditures in the Navy Department, with leave to report at any time.

Mr. HALE. I object to reporting at any time.

Mr. BEEBE. Will the gentleman object to making the report a special order at some particular time?

Mr. HALE. I must object to that now.

Mr. BEEBE. Then I ask that the reports be printed and recommitted.

Mr. HALE. I have no objection to the testimony being printed——

Mr. BEEBE. The testimony is already printed.

Mr. HALE. And to the reports being printed, in order that both sides may be represented.

Mr. BEEBE. Does the gentleman object to the reports being made a special order?

Mr. HALE. Yes, for I do not know what time we may want to adjourn or what other business of greater importance may come before the House.

The SPEAKER *pro tempore*. Is there objection to receiving the report of the majority of the Committee on Expenditures in the Navy Department, together with the views of the minority, and having them printed and recommitted?

Mr. HURLBUT. Not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. That will be understood.

There was no objection, and the order to print and recommit was made.

PERSONAL EXPLANATION.

Mr. BLAND. I now call for the regular order.

Mr. HEWITT, of New York. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state his question of privilege.

Mr. HEWITT, of New York. In a remark which I made yesterday during the speech of the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] I referred to a contract made by the Navy Department with Messrs. Seyfert, McManus & Co., of Philadelphia, and I characterized that contract as improvident, wasteful, and extravagant. I have received within a few minutes a telegram from Seyfert, McManus & Co. which I deem it my duty to place before the House. It is as follows:

Our contract with Navy Department embraced considerable quantities of iron, for which we paid ten cents per pound, and for the beam we paid six cents, less 2½ per cent. Will you please correct your statement in reference to price of latter, as an act of justice to the Department and ourselves?

I desire to have this telegram entered upon the RECORD in justice to the Secretary of the Navy and in justice to Messrs. Seyfert, McManus & Co. But at the same time I desire to repeat the statement which I made yesterday, that if the Secretary of the Navy had advertised this contract——

Mr. BANKS. I rise to a question of order. If the gentleman from New York [Mr. HEWITT] wishes to re-open this question in regard to the Secretary of the Navy there are others who desire to reply to him. The reading of the telegram is a proper thing; but I do not think it is the gentleman's right to go into an argument upon that question.

The SPEAKER *pro tempore*. The Chair thinks that any extended discussion of this matter could hardly be regarded as a question of privilege; but he has great confidence in the discretion of the gentleman from New York.

Mr. HEWITT, of New York. The question of privilege which I wish to bring before the House——

Mr. BANKS. This is no question of privilege at all.

Mr. HEWITT, of New York. When the correctness of my statement is called in question, I certainly have the right to re-affirm it as a matter of fact.

Mr. BANKS. I make the point that this is no question of privilege at all. It is altogether by the grace of the House that the gentleman speaks.

The SPEAKER *pro tempore*. It certainly is not a question of privilege.

Mr. HEWITT, of New York. Then, Mr. Speaker, bowing of course to the decision of the Chair, I have only to say that this telegram in justice to these parties should be put upon the record.

Mr. HOLMAN, (to Mr. HEWITT, of New York.) Finish your remarks.

Mr. HEWITT, of New York. I understand that I have no right to finish my remarks.

Mr. RANDALL. The objection came after the gentleman had taken the floor without objection.

The SPEAKER *pro tempore*. The Chair understood the gentleman to have concluded his remarks; but the question may be raised whether this is a matter of personal privilege. The Chair is inclined to think that it clearly is not; but the question may be submitted to the House.

Mr. LUTTRELL. I understand that there was no objection to the gentleman rising to a question of privilege and making an explanation of this telegram.

Mr. BLAND. I call for the regular order.

Mr. HEWITT, of New York. Do I understand that I have not the right to say on this floor that I re-affirm the correctness of the statement I made?

The SPEAKER *pro tempore*. The gentleman has made that statement and the telegram has been presented.

COINAGE OF GOLD AND SILVER.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour begins at twenty-three minutes after twelve o'clock. The pending business in the morning hour is the consideration of a bill reported from the Committee on Mines and Mining, being the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes. The gentleman from Missouri [Mr. BLAND] is entitled to the floor.

Mr. BLAND. As this is a question of very great importance to the people of this country, and as the friends of the bill desire debate upon it, I ask consent of the House that the debate continue to-day until four o'clock, the time already assigned for other business, and that to-morrow morning immediately after the reading of the Journal I shall have the right to demand the previous question.

Mr. KASSON. I wish to ask the gentleman from Missouri whether he intends to allow debate on this bill and an opportunity for amendment?

Mr. BLAND. I have not said anything about amendments, simply debate.

Mr. KASSON. How much time does the gentleman propose to allow for debate?

Mr. BLAND. Until four o'clock this evening.

Mr. KASSON. But I understand this bill to be in the morning hour.

The SPEAKER *pro tempore*. The Chair will state the proposition of the gentleman from Missouri. It is that by unanimous consent the order be made that the debate on this bill shall continue to-day until four o'clock, the time set apart for the announcement of the death of the late Representative from Kentucky, Mr. PARSONS.

Mr. KASSON. I must object to the bill going out of the morning hour. Other business should have its chance outside the morning hour.

Mr. BLAND. I wish it understood that the friends of this bill have no objection to debate; they desire to offer every fair opportunity for it; but the opponents of the bill filibustered the first morning hour, and now——

Mr. KASSON. That is not quite correct. The point of order was an honest one and honestly urged.

Mr. HOLMAN. It was to gain time.

Mr. BLAND. Mr. Speaker, I do not propose to discuss this question, but to ask the Clerk to read certain sections of the Revised Statutes in reference to it showing by what means the silver in this country has been demonetized, and showing that by the act of 1869 it was recognized as coin in full effect with all men for all debts, public as well as private. I now ask the Clerk to read from page 700 of the Revised Statutes, section 3511.

The Clerk read as follows:

SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle or two-and-a-half-dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two-and-a-half-dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty dollar piece, five hundred and sixteen grains.

Mr. BLAND. I now ask the Clerk to read from page 712 of the Revised Statutes, section 3586.

The Clerk read as follows:

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

Mr. BLAND. That will do. I call the attention of the House to these sections of the Revised Statutes for the purpose of showing that by section 3511 the gold dollar was made the unit of value and by section 3586 the silver coins of the United States are made a legal tender at their nominal value for any amount not exceeding $5, thus showing the demonetization of silver by the act of February 12, 1873.

I now desire the Clerk to read on page 735 of the Revised Statutes sections 3693 and 3694.

The Clerk read as follows:

SEC. 3693. The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

Mr. BLAND. That is the act of the 18th of March, 1869. By that act silver was specially recognized as coin competent to be applied to the payment of the public debt, and the statute provides a fund out of moneys received from duties on imports and mentions the word "coin" without regard to whether it is silver or gold coin, but simply the word "coin," showing under that act silver at that time being a coin of full legal-tender was receivable by law for duties on imports, and is by law a legal tender for all public debts. But, Mr. Speaker, I do not desire further to discuss this question, knowing that every effort will be made to defeat its consideration in the morning hour, and I therefore now demand the previous question.

Mr. HOLMAN. Before the gentleman demands the previous question I ask him to yield to me for the purpose of offering an amendment.

Mr. BLAND. I am willing to let the amendment be read.

Mr. LYNCH. I rise to a question of order.

Mr. BLAND. I have no objection to having the amendment read for information, but I decline to yield to any amendment to the bill.

Mr. HOLMAN. I ask this may be pending when the previous question is called, as an additional section to the bill.

Mr. BLAND. I yield simply to have it read.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Indiana for information.

The Clerk read as follows:

That so much of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as reads as follows, to wit: "And on and after the 1st day of January, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50, be, and the same is hereby, repealed."

Mr. BLAND. While I am in favor of that amendment, I must decline to have this bill embarrassed by it.

The SPEAKER *pro tempore*. There is but one remedy, and that is, if gentlemen do not desire the previous question sustained, to vote it down.

Mr. KASSON rose.

Mr. BLAND. I decline to yield to this or any other amendment.

Mr. KASSON. I ask the gentleman from Missouri whether he will not allow me the same time to say a word as he has taken up himself in stating the question?

Mr. BLAND. I insist on my demand for the previous question.

Mr. KASSON. Then, if the gentleman will allow no debate, I move that the House do now adjourn; and upon that I call for the yeas and nays.

Mr. LYNCH. As a member of the committee I rise to a question of order.

Mr. BLAND. The gentleman from Mississippi [Mr. LYNCH] has an amendment which the committee agreed might be voted on.

Mr. LYNCH. As a member of the committee that reported this bill I desire to call the attention of the Chair——

Mr. BLAND. Let me say to the gentleman from Iowa [Mr. KASSON] that I am willing he shall be heard after the previous question is seconded.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Mississippi [Mr. LYNCH] on a point of order, and will hear him on the point of order. A point of order is not the introduction of an amendment.

Mr. LYNCH. As a member of the committee which reported this bill, the chairman of the committee will remember that it was distinctly understood that the minority of the committee should be allowed to propose two amendments and have a separate vote taken thereon.

Mr. BLAND. I have yielded to the gentleman from Mississippi [Mr. LYNCH] for that purpose.

Mr. LYNCH. It was agreed that that should be done before the previous question was ordered.

Mr. BLAND. I have yielded for that purpose.

Mr. LYNCH. One of the amendments was to be proposed by my colleague on the committee, the gentleman from Wisconsin, [Mr. CASWELL,] and, if I understand it correctly, his amendment is as follows——

The SPEAKER *pro tempore*. The gentleman must forward his amendments to the Clerk's desk.

Mr. LYNCH. I am stating them because I have not got them here.

The SPEAKER *pro tempore*. The Chair must protect the rights of the gentleman from Missouri, [Mr. BLAND.] That gentleman has not yielded for discussion.

Mr. LYNCH. I simply desire to state what are the amendments.

The SPEAKER *pro tempore*. The gentleman will submit his amendments in writing and send them to the Clerk's desk. The Chair must insist on the observance of the rules.

Mr. LYNCH. I will prepare the amendments and send them to the desk.

Mr. HEWITT, of New York. I ask the gentleman from Missouri [Mr. BLAND] to yield to me for a moment while I present the protest of the Chamber of Commerce of the city of New York.

Mr. BLAND. I will yield to the gentleman after the previous question has been ordered.

The SPEAKER *pro tempore*. Does the gentleman from Missouri [Mr. BLAND] allow the amendments of the gentleman from Mississippi [Mr. LYNCH] to be considered as pending?

Mr. BLAND. Certainly.

Mr. HOLMAN. I trust the gentleman from Missouri will allow my amendment to be offered.

Mr. BLAND. I have stated that I do not yield for that amendment.

The SPEAKER *pro tempore*. Pending the demand of the gentleman from Missouri for the previous question on the bill and amendments, the gentleman from Iowa [Mr. KASSON] moves that the House adjourn.

Mr. KASSON. And on that I ask for the yeas and nays.

Mr. BLAND. Let it be understood that I have offered to yield to the gentleman from Iowa after the previous question is seconded.

Mr. KASSON. Let it be understood, also, that if the previous question is seconded there is no opportunity for amendment.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. BLAND and Mr. KASSON made remarks which were inaudible from the rappings of the Speaker's gavel.

Mr. TOWNSEND, of Pennsylvania. Pending the motion to adjourn, I move that when the House adjourns it be to meet on Friday next; and on that motion I call for the yeas and nays.

The question being taken on ordering the yeas and nays on the motion of Mr. TOWNSEND, of Pennsylvania, there were—ayes 35, noes 84.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. HOLMAN. I rise to a parliamentary inquiry: whether the time consumed in this filibustering comes out of the morning hour?

Mr. KASSON. Unquestionably.

The SPEAKER *pro tempore*. Certainly it does.

Mr. HOLMAN. O, I hope not. [Laughter.]

The question was taken on the motion that when the House adjourns it be to meet on Friday next, and there were—yeas 2, nays 183, not voting 100; as follows:

YEAS—Messrs. Hoge, and Nash—2.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Beebe, Bell, Blackburn, Boone, Bradford, Bright, John Young Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cason, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Conger, Cook, Cox, Crapo, Crounse, Cutler, Danford, Davis, Davy, Dibrell, Dobbins, Dunnell, Durham, Eames, Eden, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Frye, Garfield, Gause, Gibson, Glover, Goode, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Holman, Hopkins, House, Hubbell, Hunton, Hurlbut, Jenks, Thomas L. Jones, Joyce, Kasson, Kehr, Kelley, Kimball, Knott, Franklin Landers, Lane, Lawrence, Le Moyne, Lewis, Luttrell, Lynch, Mackey, Maish, MacDougall, McCrary, McFarland, Meade, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, O'Neill, Page, Payne, John F. Philips, Pierce, Poppleton, Potter, Powell, Pratt, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Seelye, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Strait, Stevenson, Stone, Terry, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Tucker, Tufts, Turney, Van Vorhes, Waddell, Walt, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Woodburn, Yeates, and Young—183.

NOT VOTING—Messrs. Abbott, Adams, Ashe, George A. Bagley, John H. Baker, Bass, Blair, Bland, Bliss, Blount, Bradley, William R. Brown, Burleigh, Campbell, Candler, Caswell, Chapin, John B. Clark, jr., of Missouri, Cowan, Culberson, Darrall, DeBolt, Denison, Douglas, Durand, Egbert, Ellis, Ely, Faulkner, Fuller, Goodin, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henderson, Goldsmith W. Hewitt, Hill, Hoar, Hooker, Hoskins, Hunter, Hurd, Hyman, Frank Jones, King, Lamar, George M. Landers, Lapham, Leavenworth, Levy, Lord, Lynde, Magoon, McDill, McMahon, Money, Odell, Oliver, Packer, Phelps, William A. Phillips, Piper, Plaisted, Platt, Purman, Sobieski Ross, Sayler, Schumaker, Smalls, Southard, Sparks, Spencer, Springer, Stenger, Stowell, Swann, Tarbox, Thomas, Washington Townsend, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Andrew Williams, Charles G. Williams, William B. Williams, Willis, Alan Wood, jr., Fernando Wood, and Woodworth—100.

So the motion of Mr. TOWNSEND, of Pennsylvania, was not agreed to.

During the roll-call,

Mr. BAKER, of Indiana, said: I am paired upon this question with Mr. ELY. If he were present I think he would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

The question then recurred upon the motion of Mr. KASSON, that the House adjourn, upon which the yeas and nays were called for.

The yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 186, not voting 98; as follows:

YEAS—Messrs. Hoge and Hurd—2.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Beebe, Bell, Blackburn, Blair, Bland, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Caulfield, Chittenden, John B. Clarke of Kentucky, Clymer, Cochrane, Conger, Cook, Crapo, Crounse, Cutler, Danford, Davis, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Eden, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Frye, Garfield, Gibson, Glover, Goodin, Gunter, Hale, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartridge, Hartzell, Haymond, Hays, Henderson, Hereford, Abram S. Hewitt, Holman, Hooker, Hopkins, House, Hubbell, Hunton, Hurlbut, Thomas L. Jones, Joyce, Kasson, Kehr, Kelley, Kimball, Knott, Franklin Landers, Lane, Lawrence, Leavenworth, Le Moyne, Lewis, Luttrell, Lynch, Mackey, Maish, MacDougall, McCrary, McDill, McFarland, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, O'Neill, Page, Payne, Phelps, John F. Philips, Pierce, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Seelye, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Strait, Stevenson, Stone, Terry, Thompson, Throckmorton, Martin I. Townsend, Tucker, Tufts, Turney, Van Vorhes, Waddell, Walt, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Yeates, and Young—186.

NOT VOTING—Messrs. Abbott, Adams, Ashe, John H. Baker, Bass, Bliss, Blount, Bradley, Burleigh, Candler, Cate, Chapin, John B. Clark, jr., of Missouri, Collins, Cowan, Cox, Culberson, Darrall, Davy, De Bolt, Denison, Douglas, Egbert, Ellis, Ely, Faulkner, Fuller, Gause, Goode, Robert Hamilton, Hancock, Haralson, Henry R. Harris, Harrison, Hatcher, Hathorn, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoskins, Hunter, Hyman, Jenks, Frank Jones, King, Lamar, George M. Landers, Lapham, Levy, Lord, Lynde, Magoon, McMahon, Meade, Money, Nash, Odell, Oliver, Packer, William A. Phillips, Platt, Purman, Sobieski Ross, Sayler, Schleicher, Schumaker, Sheakley, Smalls, Southard, Sparks, Spencer, Springer, Stenger, Stowell, Swann, Tarbox, Thomas, Thornburgh, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Whiting, Andrew Williams, William B. Williams, Willis, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—97.

During the roll-call,

Mr. BAKER, of Indiana, said: Upon this question I am paired with Mr. ELY. If present, I do not know how he would vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 1594) making appropriation for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, on which a new conference was asked, and the Senate had appointed Mr. SARGENT, Mr. BOUTWELL, and Mr. NORWOOD as managers of said conference on the part of the Senate.

The message further announced that the Senate had agreed to the report of the Committee of Conference on the disagreeing votes of of the two Houses on the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The message further announced that the Senate had passed a House bill and a joint resolution of the following titles:

A bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho; and

A joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence.

REAL ESTATE POOL.

Mr. GLOVER. I ask unanimous consent to make a report from the Committee on the Real Estate Pool of the District of Columbia to be referred to the Committee on the Judiciary. I wish the resolution which accompanies the report be read and adopted by the House.

Mr. HURLBUT. Is there a minority report?

The SPEAKER *pro tempore*. The Chair is informed that the minority report will be presented.

Mr. HARRIS, of Virginia. I must object, if it gives rise to any debate.

Mr. GLOVER. It will cause no debate.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. GLOVER] asks that the resolutions be read, and that the report be printed and referred to the Committee on the Judiciary.

Mr. GLOVER. I also ask that the resolution be adopted.

Mr. HALE. I reserve my point of order until after the resolution has been read.

The Clerk read the resolution, as follows:

Resolved, That this report and accompanying testimony, together with the letters of George M. Robeson, Secretary of the Navy, addressed to the committee, be printed and referred to the Judiciary Committee, and that said committee be instructed to inquire into said alleged violations of law, and to ascertain the liability of George

M. Robeson, Secretary of the Navy, for such alleged acts, and make such report to the House as the facts and law may justify, and in compliance with these instructions said committee shall have authority to take and hear additional testimony.

The report was signed by Mr. GLOVER, Mr. LEWIS, and Mr. CULBERSON.

Mr. CONGER. I reserve my right to object until the resolution of the minority of the committee is read.

The SPEAKER *pro tempore*. The Chair will now recognize the gentleman from Iowa [Mr. PRATT] to submit the views of the minority of the committee.

Mr. PRATT. In submitting the views of the minority I desire to say that it was my hope that this report would now be considered by the House. I consent, however, to the reference to the Committee on the Judiciary of the report of the majority and the views of the minority only for the reason that on yesterday the House referred to that committee the report of the Committee on Naval Affairs, which refers to exactly the same subject-matter as is embraced in this report. I ask the Clerk to read the resolution appended to the report of the minority of this committee.

The Clerk read as follows:

Resolved, That the House finds no cause of complaint or censure attaching to George M. Robeson, Secretary of the Navy, growing out of his official relations and transactions with the firm of Jay Cooke, McCulloch & Co., of London, as the temporary special agents of the Navy Department.

The report of the minority was signed by Mr. PRATT, and Mr. SMITH of Pennsylvania.

Mr. HALE. I now rise to a point of order.

Mr. CONGER. I suppose that the right to object will come before the point of order. I desire to state that I shall object to these reports being received and printed, and referred to the Committee on the Judiciary, unless there is added to the majority resolution an instruction to the Committee on the Judiciary to report at this session of Congress.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Maine [Mr. HALE] on his point of order.

Mr. HALE. I rise to present a point of order, and I would not present it unless I believed it to be unanswerable. My point of order is this: The Committee on Naval Affairs by authority of the House early in the winter entered upon the investigation of all matters relating to the conduct of the Navy Department. The Committee on the Real Estate Pool, as it is called, of which the gentleman from Missouri [Mr. GLOVER] is chairman, received its first authority to act on the 24th day of January.

Mr. HARRIS, of Virginia. Is not this proceeding by unanimous consent?

The SPEAKER *pro tempore*. Not at all; the gentleman from Maine [Mr. HALE] reserved his right to raise a point of order, and the Chair will hear him.

Mr. HALE. The committee seeking to report this morning received its first authority on the 24th day of January, 1876. I ask the careful attention of the Chair to the resolution of that date, because this is a special committee, limited in its powers to the jurisdiction conferred upon it by the authority of the House setting it on foot. This is the preamble and resolution adopted by the House on the 24th of January last:

Whereas the Government of the United States is a creditor of the firm of Jay Cooke & Co., now in bankruptcy by order and decree of the district court of the United States in and for the eastern district of Pennsylvania, resulting from the improvident deposits made by the Secretary of the Navy of the United States with the London branch of said house of Jay Cooke & Co. of the public moneys; and whereas the matter known as the "real-estate pool" was only partially inquired into by the late Joint Select Committee to Inquire into the Affairs of the District of Columbia, in which Jay Cooke & Co. had a large and valuable interest; and whereas Edwin M. Lewis, trustee of the estate and effects of the said firm of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co. with the associates of said firm of Jay Cooke & Co., to the disadvantage and loss, as it is alleged, of the numerous creditors of said estate, including the Government of the United States; and whereas the courts are now powerless, by reason of said settlement, to afford adequate redress to said creditors:

Resolved, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said "real-estate pool," and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to this House.

The Chair will see that that authority, so late even as the 24th of January, related only to the real-estate pool which gives the name to this committee; it is confined to that. But the gentleman from Missouri, [Mr. GLOVER,] seeking to extend the jurisdiction of his committee, on the 3d of April last introduced and the House passed the following preamble and resolution:

Whereas on the 24th day of January, A. D. 1876, the House adopted the following resolution:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool, and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in settlement, with power to send for persons and papers, and report to this House:" Therefore,

Be it resolved, That said committee be further authorized and directed to likewise investigate any and all matters touching the official misconduct of any officer of the Government of the United States or of any member of the present Congress of the United States which may come to the knowledge of said committee: *Provided*, That this resolution shall not affect any such matter now being investigated by any other committee under authority of either House of Congress; and for this purpose said committee shall have the same powers to send for persons and papers as conferred by said original resolution.

The limitation is distinct, is undoubted. It was not intended to give to this committee any power to investigate subject-matters then being investigated by any other committee.

I make the point of order that it is already within the knowledge of the House and of the Speaker that before the 3d of April this identical subject-matter was considered by the Committee on Naval Affairs; their report, a part of our proceedings, shows that fact; the discussion, which is a part of our proceedings, shows it. If any doubt exists as to the time of the inception of this investigation in the Committee on Naval Affairs, I send to the Clerk's desk and ask to have read a letter to the Secretary of the Navy from the chairman of the Committee on Naval Affairs.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 1, 1876.

SIR: The Committee on Naval Affairs, acting under the orders of the House of Representatives, to make certain inquiries, &c., have instructed me to inquire of you, whether at any time any deposit of funds of the Government appropriated by Congress for the use of the Navy was made with the house of McCulloch, Cooke & Co. (or Jay Cooke & Co., or other firm composed of said parties) doing business in London, and if so, it is desired to know the date of the making of such deposit or deposits, the amounts thereof; what security, if any, was exacted at the time the same was done, or agreed to be done; the reasons for making it and upon whose recommendation the same was ordered; to what extent said deposit or deposits have been accounted for; if any deficit remains, the amount thereof and its present condition, and what security, if any, the Government now holds for its return, and the nature and value of the security so held; and under what orders and for what reason the Paymaster-General United States Navy is absent from this city and in Europe, and for what length of time he has been absent. Has his absence any connection with the deposit so made with McCulloch, Cooke & Co.? Further, whether prior to the making of this deposit the agents of the Department had not been the Messrs. Baring Brothers, who had discharged their duties as such agents with great fidelity and but little cost to the Government; and what reason, if any, existed for their discharge as such agents?

Respectfully,

W. C. WHITTHORNE,
Chairman.

To Hon. GEORGE M. ROBESON,
Secretary of Navy.

Mr. HALE. Mr. Speaker, it will be noticed that this letter bears date more than two months before any authority was given to this special committee to enlarge the scope of action originally provided for late in January.

I will not occupy further the time of the House or the Chair, but will only ask, is not this point impregnable? Is it not clear that this is a special committee and that it has no iota of power outside of the power given it in the resolutions constituting it? Is it not clear that in the resolution of April 3 the limitation is distinct that this committee should go into no fields already plowed by other committees? Is it not clear that before this, long before, another committee having general jurisdiction over the subject-matters of the Navy Department took up this special point and was considering it, and that therefore this committee is ousted of jurisdiction from the beginning?

Mr. GLOVER. I would like to have the attention of the House for a moment to reply to the gentleman's point of order. I hold that if the committee of which I am chairman has any authority at all to investigate the matters specifically set forth in the first resolution, it has authority to pursue that investigation to the extent to which it has gone. The resolution empowers the committee to investigate the subject of the indebtedness of Jay Cooke & Co. to the Federal Government. Now, how is that to be ascertained? It turns out that the house of Jay Cooke, McCulloch & Co., of London, had an established claim against Jay Cooke & Co. in this country. Jay Cooke, McCulloch & Co., of London, were indebted to the Navy Department and assigned their claim to the Secretary of the Navy as part of the indemnity to secure their indebtedness.

Now, the committee, in pursuing the matter of establishing this indebtedness, was compelled to investigate the matters out of which this indebtedness arose; and it would be and was impossible for the committee to make this investigation thorough without investigating the transactions of the Secretary of the Navy and the affairs of Jay Cooke, McCulloch & Co., of London.

Of course these two committees might, under their respective resolutions, have concurrent jurisdiction; but to deny that the committee of which I am chairman has authority to investigate the accounts of Jay Cooke, McCulloch & Co. and their indebtedness to the Navy Department is to deny us the right to investigate the accounts of Jay Cooke & Co. and the indebtedness of that banking firm to the Government of the United States.

I think the House will certainly see the distinction involved in this statement, which the gentleman from Maine has overlooked; and I hope he will withdraw his point of order.

Mr. HALE. If I understand the point of the gentleman from Missouri [Mr. GLOVER] it is that originally by the first resolution there was some measure of power that gave this committee authority to go outside or that it developed certain matters which required them to go outside. My very point is that if they had authority by the original resolution to go into this matter there could have been no need of extending it. But they found, upon examination it may be, that there were other matters which they desired to go into, but which they did not get authority to examine until the 3d day of April, 1876, long before which the other committee had been investigating. If they did not need more power on the 3d of April, when this supplementary resolution was adopted, why did they ask the House to increase their powers by that resolution?

Mr. PRATT. I desire to say one word. I think the point of order made by the gentleman from Maine is certainly well taken, and the minority have in their report set out all the facts in reference to the jurisdiction of the Committee on the Real Estate Pool, the time when they commenced this investigation, the time when the House by resolution specifically directed the Committee on Naval Affairs to investigate the affairs of the Navy Department, and the time when that committee commenced its investigation. The report of the minority shows that at the time this resolution of April 3 was adopted the subject of naval affairs—the whole subject of administration of the affairs of the Navy—was then being investigated; the investigation had actually been commenced by the Committee on Naval Affairs and by the Committee on Expenditures in the Navy Department.

Mr. HALE. Let me ask the gentleman whether it was ever claimed in the committee before this supplementary resolution of April 3 that the committee had authority to go into this deposit of the Secretary of the Navy with Jay Cooke, McCulloch & Co.?

Mr. PRATT. No such claim was ever made.

Mr. MORRISON. I submit that that is not a proper inquiry. No gentleman has the right to state what occurred in committee; and no one knows this better than the gentleman from Maine.

The SPEAKER *pro tempore*. The proceedings in committee are not a proper subject of discussion in the House.

Mr. PRATT. I can say further——

The SPEAKER *pro tempore*. The gentleman need say nothing as to the proceedings in committee.

Mr. PRATT. I do not propose to say what was done in committee; I propose to state what was not done in committee, if the Chair will allow me.

The SPEAKER *pro tempore*. The Chair will rely on the gentleman's own discretion; but he will bear in mind that the point of order has been made.

Mr. PRATT. It was never formally proposed in the committee at all to investigate the official conduct of Secretary Robeson; and all the investigation that has ever been had touching the affairs of the Navy Department has been under the pretense that it was necessary to inquire into the source and origin of the indebtedness of Jay Cooke, McCulloch & Co. to the United States that the committee might ascertain whether the firm of Jay Cooke & Co. in this country had any property or assets covered up in the "real-estate pool" which could be made available for the payment of that indebtedness.

But I desire to say this on this point of order: While I think the point of order is well taken, and have always thought so, I hope the gentleman from Maine will not insist on it. I think it would be best to allow these reports to be made, to allow the testimony taken by the Real Estate Pool Committee to be printed, and allow it all to go to the Committee on the Judiciary. Not because I think there is anything shown either in the testimony or in the report to the discredit of Secretary Robeson, but because I think a fair and careful examination of the testimony taken by the committee will in any candid mind completely vindicate the Secretary in all his transactions and dealings with the firm of Jay Cooke, McCulloch & Co., of London, in reference to their indebtedness to the United States. And the minority have thought best to co-operate with the majority to get these reports and this testimony before the House, in order that they might be printed as an act of justice to Secretary Robeson, believing that course will best tend to vindicate him.

The SPEAKER *pro tempore*. Does the gentleman from Maine insist on his point of order?

Mr. HALE. It is so important not only now, but as settling the rights of committees under special orders that I must insist on it in order to obtain the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair regards the matter quite as much, or more, a question of fact than a question of parliamentary law. It is very clear a committee may not report to the House that which has not been committed to it by the House, but whether exactly the matter referred to in this report has been committed to this Select Committee on the Real-Estate Pool and Jay Cooke & Co. Indebtedness is, as the Chair suggests, rather a question of fact than a question of parliamentary law. Under the circumstances, therefore, the Chair is not inclined to sustain the point of order raised by the gentleman from Maine. Does the gentleman from Michigan insist on his point of order?

Mr. CONGER. I withdraw my point of order.

The SPEAKER *pro tempore*. There being no objection, the report of the majority and the views of the minority, together with the testimony, will be ordered to be printed and referred to the Committee on the Judiciary. The Chair hears no objection, and it is so ordered.

Mr. GLOVER. I ask the resolution containing the proposition which I have submitted to the House be voted upon.

Mr. WILSON, of Iowa. An agreement was made a moment since that the reports were not to be brought back by a motion to reconsider.

Mr. GLOVER. I wish to ask one more request of the House, and that is, that I shall be permitted to print in the RECORD as part of the debates some remarks in reference to the subject of the report just ordered to be printed, and also that the gentleman from Iowa, [Mr. PRATT,] representing the minority of the committee, shall have the same privilege.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. That there may be no misapprehension, the Chair will now direct the resolution moved by the gentleman from Missouri be again read.

The Clerk read as follows:

Resolved, That this report and accompanying testimony, together with the letters of George M. Robeson, Secretary of the Navy, addressed to the committee, be printed and referred to the Judiciary Committee; and that said committee be instructed to inquire into said violation of law, and ascertain the liability of George M. Robeson, Secretary of the Navy, for such alleged acts, and make such report to the House as the facts and law may justify; and in compliance with these instructions said committee shall have authority to take and hear additional testimony.

The resolution was adopted.

Mr. GLOVER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the recommendation accompanying the minority report, which also has been referred to the Committee on the Judiciary under the previous order of the House.

The Clerk read as follows:

Resolved, That the House finds no cause of complaint or censure attaching to George M. Robeson, Secretary of the Navy, growing out of his official relations and transactions with the firm of Jay Cooke, McCulloch & Co., London, as special temporary agents of the Navy Department.

PERSONAL EXPLANATION.

Mr. WHITTHORNE. I rise to a personal explanation. Yesterday morning, as an act of courtesy, I yielded to the gentleman from Philadelphia [Mr. FREEMAN] to ask the printing in the RECORD of a communication which was not read. That request was granted by the House. On noticing the RECORD this morning I find it not only reflects upon the committee but upon myself. That communication from Captain Wells is false so far as it refers to me. Besides, it is unjust to the House, as it publishes in the record of our debates the merely personal record of Captain Wells. If I had known what it contained I certainly would not have consented to its publication, nor do I think the House would. It certainly has nothing to do with our proceedings. I understand my friend from Pennsylvania, [Mr. FREEMAN,] which I believe to be the fact, did not know what was in that communication when he asked it to be inserted in the RECORD, and I now move it be stricken from the RECORD.

Mr. HURLBUT. Let it be read.

The SPEAKER *pro tempore*. The gentleman from Tennessee will indicate what portion he desires to have read.

Mr. WHITTHORNE. I simply move that it be stricken from the RECORD. If it be read now it will go into the RECORD in the morning as part of our debates.

The SPEAKER *pro tempore*. Not necessarily.

Mr. WHITTHORNE. I simply ask that the communication be expunged from the RECORD. It was inserted without anybody's knowing what it was.

Mr. WILSON, of Iowa. The House cannot agree to anything of that kind without knowing what it is.

Mr. WHITTHORNE. I do not want it to go into the permanent RECORD.

Mr. WILSON, of Iowa. But we must have it read before we strike it out.

Mr. WHITTHORNE. If the gentleman is desirous to hear it read, I have no objection.

Mr. WILSON, of Iowa. I know nothing at all about it; but to ask me to strike something from the RECORD without knowing what it is, I certainly object to it.

The SPEAKER *pro tempore*. The point is well taken. The gentleman from Iowa is right, and the communication will be read.

Mr. WHITTHORNE. I think I can save the time of the House.

The gentleman from Pennsylvania [Mr. FREEMAN] did not intend any reflection on myself or upon the majority of the committee, for in the communication referred to the only reflection that was justified—I am authorized by the gentleman from Pennsylvania (am I not?) to state it—was upon the action of the minority of the committee, and not of the majority of the committee, for the majority of the committee did not make any reflection upon Captain Wells of the Philadelphia navy-yard. It was only the minority of the committee who did so. And yet it would appear from that communication that it was the majority of the committee, or myself, that had made that reflection. Now, sir, I beg to withdraw the motion.

Mr. FREEMAN. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. WHITTHORNE] withdraws his motion, and there is nothing before the House.

Mr. FREEMAN. I rise to a question of privilege.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. FREEMAN. I desire to say, as otherwise I might be misunderstood by the House——

Mr. CONGER. Unless the subject-matter may be read, I object to any further discussion.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. FREEMAN] rises to a question of personal privilege. The Chair is not presumed to know what is the question to which he rises. The Chair will hear the gentleman.

Mr. FREEMAN. I desire to say that in presenting that communication to this House I did only what I was requested to do by the gentleman commanding the navy-yard in my district. I did so without reading it and in a great hurry, not desiring to take any advantage of the chairman of the Committee on Naval Affairs or to force upon this House anything that was improper.

CONTESTED ELECTION—SECOND DISTRICT NORTH CAROLINA.

Mr. HARRIS, of Virginia. I rise to make a privileged report. On behalf of the Committee of Elections I make the unanimous report which I send to the desk, and move the adoption of the accompanying resolution, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That John A. Hyman, the sitting member, was duly elected a Representative in the Forty-fourth Congress from the second congressional district of North Carolina, and he is entitled to retain his seat as such.

Mr. HARRIS, of Virginia. I ask the adoption of that resolution. It seats Mr. Hyman, and is a unanimous report.

The resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—FIFTH DISTRICT OF GEORGIA.

Mr. HARRIS, of Virginia. I am also instructed by the Committee of Elections to report the following resolution:

Resolved, That Milton A. Candler, the sitting member, was duly elected as a Representative in the Forty-fourth Congress from the fifth congressional district of Georgia, and he is entitled to retain his seat as such.

The resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—SIXTH DISTRICT OF MISSISSIPPI.

Mr. HARRIS, of Virginia. I am also instructed by the Committee of Elections to present the following report:

Resolved, That John R. Lynch, the sitting member, was duly elected as a Representative in the Forty-fourth Congress from the sixth congressional district of Mississippi, and he is entitled to retain his seat as such.

The resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—THIRTY-THIRD DISTRICT OF NEW YORK.

Mr. HARRIS, of Virginia. I am also instructed by the Committee of Elections to report the following resolution:

Resolved, That Nelson I. Norton, the sitting member, was duly elected as a Representative in the Forty-fourth Congress from the thirty-third congressional district of New York, and he is entitled to retain his seat as such.

The resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—FIRST DISTRICT OF PENNSYLVANIA.

Mr. HARRIS, of Virginia. I am also instructed by the Committee of Elections to report the following resolution:

Resolved, That Chapman Freeman, the sitting member, was duly elected as a Representative in the Forty-fourth Congress from the first congressional district of Pennsylvania, and he is entitled to retain his seat as such.

The resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AFFAIRS IN THE DISTRICT OF COLUMBIA.

Mr. BUCKNER. I rise to a privileged question. I call up the report of the Committee for the District of Columbia on affairs in the District of Columbia. I send to the desk two resolutions unanimously recommended by the committee, and ask the Clerk to read them.

The Clerk read as follows:

Be it resolved, (1.) That the Clerk of this House be, and he is hereby, instructed to certify to the Attorney-General of the United States a copy of this report, with the accompanying evidence, for such action in the premises as he may deem proper under the law and the facts as developed in said testimony.

(2.) That the Clerk of this House be, and he is hereby, further instructed to certify a copy of the evidence accompanying this report to the grand jury of the District of Columbia, with directions to investigate the criminal charges against parties referred to in said evidence as having been guilty of a violation of the criminal laws of the United States; and the Attorney-General is also directed, by the aid of such special counsel as he may appoint, to institute such proceedings as he may deem proper under the evidence to recover any and all sums of money due the District of Columbia which have been obtained illegally or improperly by any parties mentioned in said evidence.

Mr. KASSON. May I ask the gentleman from Missouri whether that is a joint or a House resolution?

Mr. BUCKNER. It is a House resolution.

Mr. KASSON. I wish to suggest to the gentleman that one House has not the right to direct a public officer or a grand jury, and that he had better, therefore, change the word "directions" to "request;" which is as far as the House has power to go. There is no power in a single House to direct the grand jury.

Mr. BUCKNER. We did not suppose there was any doubt as to the power of the House to direct or request as it saw fit.

Mr. GARFIELD. The House has not power to direct. Better say "request."

Mr. BUCKNER. I have no objection to making it a joint resolution.

Mr. KASSON. It is only a question of propriety. The word "request" will answer the same purpose.

Mr. BUCKNER. I will move that the words "the request" be substituted in place of "directions" in the third line of the second resolution. I move further that instead of the words "this report" to insert the words "the report of this committee," and at the end of the second resolution add the words "and that the Attorney-General make a report to the President of the United States, to be transmitted to this House at the next session of Congress, as to his action under these resolutions, as well as his reasons therefor."

The resolutions, as modified, were read; as follows:

Be it resolved, 1. That the Clerk of this House be, and he is hereby, directed to certify to the Attorney-General of the United States a copy of the report of this committee, with the accompanying evidence, for such action in the premises as he may deem proper under the law and the facts as developed in said testimony.

2. That the Clerk of this House be, and he is hereby, further directed to certify a copy of the evidence accompanying this report to the grand jury of the District of Columbia, with the request to investigate the criminal charges against parties referred to in said evidence as having been guilty of a violation of the criminal laws of the United States; and the Attorney-General is also directed, by the aid of such special counsel as he may appoint, to institute such proceedings as he may deem proper under the evidence to recover any and all sums of money due the District of Columbia which have been obtained illegally or improperly by any parties mentioned in said evidence, and that the Attorney-General make report to the President of the United States, to be transmitted to this House at the next session of Congress, as to his action under these resolutions, as well as his reasons therefor.

The question was taken on the amendments, and they were agreed to.

The resolutions, as modified, were then agreed to.

Mr. BUCKNER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE, NEW YORK.

Mr. SAMPSON. I rise to a privileged question. I desire to call up a motion to reconsider.

Mr. RANDALL. I ask leave to make a report from the Committee on Appropriations. I desire to report a bill and ask its consideration at this time.

Mr. SAMPSON. Is it a report from the committee?

The SPEAKER *pro tempore*. The report of the gentleman from Pennsylvania is a privileged report.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; which was read a first and second time.

The bill provides that to enable the Secretary of the Treasury to pay the indebtedness incurred in the construction of a building for the court-house and post-office in New York City, in addition to the amount appropriated for said purpose for the fiscal year ending June 30, 1877, the sum of $227,568.78 be appropriated in accordance with the recommendation of the Committee on Expenditures on Public Buildings in their report to the House of July 17, 1876.

Mr. RANDALL. This report is made by the Committee on Appropriations in consequence of the report of the Committee on Expenditures on Public Buildings.

Mr. WILSON, of Iowa. I desire to reserve points of order upon this bill until I hear the explanation of the gentleman.

The SPEAKER *pro tempore*. It is too late to raise points of order.

Mr. CONGER. I desire to call the attention of the gentleman from Pennsylvania to the wording of that bill. Appropriations for public buildings are not appropriations for any fiscal year.

Mr. RANDALL. They do not under the law lapse until two years have expired.

Mr. CONGER. There is a provision of law that these appropriations shall not lapse.

Mr. RANDALL. They are exempted from lapsing under a general law, just as are appropriations for light-houses and for rivers and harbors.

Mr. CONGER. So that this is not really an appropriation for any fiscal year. It is a special appropriation, unlimited as to time.

Mr. RANDALL. The gentleman is entirely mistaken. This was an expenditure in excess of the appropriation. It is an indebtedness which the Government has to father in violation of law, which requires those who administer the Government to keep the expenditures within the appropriations provided by law.

Mr. CONGER. But as I understand the bill the gentleman undertakes to say that this is a deficiency for the last fiscal year, which is not the fact, and therefore the bill misleads the House and the public.

Mr. RANDALL. This indebtedness was incurred during the last year and has nothing to do with this year.

Mr. CONGER. But the gentleman must see that is not an appropriation for any fiscal year.

Mr. RANDALL. There was an appropriation for the court-house and post-office at New York of a certain amount of money, and not only was that amount of money so appropriated expended, but the Government was involved in an additional expenditure of the amount provided for in this bill.

Mr. CONGER. That expenditure, then, was in violation of law.

Mr. RANDALL. I know it was.

Mr. CONGER. Then why say that it is a deficiency for last year?

Mr. RANDALL. We are in this condition to-day; you must either punish innocent parties who deliver supplies to the Government in good faith, or else you must make this appropriation.

I propose, so far as I can, not to do any injustice to those people who are upon the edge of bankruptcy in consequence of this delay in payment; I propose to pay them, and then to look after the officers who have violated the law, and see if we cannot punish them.

Mr. CONGER. Does the gentleman claim that his sympathy for those men should lead him to make the statement in regard to this lack of money as if it was a deficiency?

Mr. RANDALL. I do not make any statement. It was an indebtedness, a deficiency in the amount of money not supplied by the appropriation for that year.

Mr. CONGER. But there was no appropriation for that fiscal year ever made.

Mr. RANDALL. I have great sympathy for all people who in honesty and in good faith have supplied this Government with materials, and who supposed they were acting with men who understood the law, and who, as they ought to have done, confined themselves to their authority conferred by law in their dealings with others; I have great sympathy with them. But I have no sympathy with officers who knowingly violated not only the spirit but the letter of the law; they ought to be punished. The committee who examined this subject very properly characterized the conduct of these officers when they said, as they say in their report—

That it was clearly the duty of the Supervising Architect and superintendent of said building to have fully understood the exact condition of the appropriations for said work, and to have seen to it that not one dollar of money was expended or a single obligation incurred by either of them after they might have reasonably ascertained that the money for said building was exhausted, is a clear proposition about which there can be no doubt; and your committee are satisfied that the persons having in charge said work have been guilty of gross negligence and carelessness in the discharge of their official duties, if not totally reckless of the public interest in their disregard of law; but your committee are satisfied from all the evidence that all the persons holding claims against the Government embraced in the foregoing schedule are innocent parties, that they acted in good faith in the premises, and that in equity they are entitled to have their claims paid.

Upon that ground the Committee on Appropriations recommend the passage of this bill.

Mr. CONGER. I want to say to the gentleman that there are many cases of this kind among the smaller buildings all over the West and Northwest.

Mr. RANDALL. I know that the violation of law extends all over the length and breadth of this land.

Mr. CONGER. No; not a violation of law, but a lack of appropriation. The gentleman has said repeatedly here that he could not allow his sympathies to avail in such cases as those. But in the city of New York, and I might perhaps say in the city of Philadelphia, the gentleman's sympathies are much more potent.

Mr. RANDALL. What do you mean? Be more definite in your insinuations.

Mr. CONGER. I generally mean just what I say.

Mr. RANDALL. If you mean to say or to imply in the least degree that in the direction of New York claims I have gone one hair's breadth from the line of duty, you state that which you know to be not founded in fact.

Mr. CONGER. I think in regard to the other buildings the gentleman's duty was in the same direction.

Mr. RANDALL. When they come up it will be time enough to judge in regard to other buildings. I have presented no deficiency for Philadelphia at all. I have no doubt that, as I have said before, all over this land there are deficiencies incurred in utter disregard of the law in the expenditure of the public money. And we have seen in the evidence which has been presented enough to convince us that it struck at those even in high places.

Mr. PRATT. Will the gentleman yield to me for a moment?

Mr. RANDALL. Certainly.

Mr. PRATT. Inasmuch as the gentleman from Pennsylvania [Mr. RANDALL] has read from the report of the majority of the Committee on Expenditures on Public Buildings certain portions characterizing the conduct of certain public officers, I desire to call attention to a few facts that do not appear in that report. When the present Supervising Architect, Mr. Potter, took possession of his Office he necessarily inherited the mode of transacting business, the manner of keeping the accounts, and the machinery by which the business of his Office was transacted. He explained to the committee, but no reference is made in the report to that explanation, that that mode of doing business, that manner of keeping the accounts, which he found prevailing in the Office when he took possession of it, was not reliable; that it did not inform him at all times of the true condition of the appropriation with which he was dealing, and that he found himself misled by that system of keeping the accounts.

Another fact which ought to be stated in justice to Mr. Potter is that the superintendent of the building in New York was often behind, sometimes months and months, in his monthly reports of the progress of the work and of the expenditures made upon that building. And then again the Supervising Architect found it impossible to ascertain at any given time the exact state of the appropriation for that building.

It also appears in the testimony that in the spring of 1875 there was an enormous pressure brought to bear upon the Supervising Architect and the superintendent of the building in New York to press forward the building to an early completion, and the public necessities seemed imperatively to demand that that should be done.

In the first place, the Federal courts in the city of New York had for a number of years rented quarters in Chambers street. They were small and inconvenient; and, as the district attorney, Mr. Bliss, testified before the committee, the transaction of the business of the courts in those rooms was attended with great inconvenience and oftentimes with great loss to the Government. He states that the early completion of that building so that it might be occupied by the Federal courts for the fall business of 1875 saved the Government in rents not less than $60,000, and has been of immeasurable advantage to the Government by furnishing improved facilities for the transaction of business. The postmaster of New York City, a gentleman whose integrity and truthfulness I believe will not be questioned in this House, testifies that the early removal of the New York post-office to this new building enabled him to transact the postal business at an annual saving of about $50,000; that by reason of the improved facilities for transacting the business of that office he was enabled to discharge clerks and other employés that would have cost from $45,000 to $50,000 annually. He further states that had the Government continued to occupy the old post-office building the fast mail would have been an utter impossibility, because the accommodations at that office would not have allowed the necessary work in order to dispatch that mail. The Government has been saved large sums of money in that direction, the public service has been immeasurably improved, until now that particular branch of it is taken away by the failure of appropriations to sustain it. All these considerations operated upon the minds of the superintendent of the building in New York and the Supervising Architect in Washington to induce them to press forward the work as rapidly as possible, so that the building might be promptly occupied by the Federal authorities.

It is proper also in this connection to call attention to the fact that if this indebtedness had not been incurred and the building finished it could not have been occupied to-day. No appropriation has since been made by which the building could have been completed. It is further shown that all the work done, all the material furnished, all the furniture purchased, everything on account of which this indebtedness was incurred was absolutely essential to the finishing of that building in order that it might be occupied by the Government; that nothing has been done beyond what the necessities of the public service demanded.

I wish to state further that it must be perfectly apparent to any man who reads the testimony that neither the superintendent in New York nor the Supervising Architect in Washington ever intended or designed to exceed the appropriations, but that in the press and hurry of finishing the building the Supervising Architect was misled by the way in which the public accounts of that appropriation were kept; he was not correctly informed as to the condition of those accounts. Thus the appropriation was exceeded before the officers had any idea that the limit had been reached; and when they ascertained the true state of things they were in such a position that they were either obliged to go forward and finish up what they had commenced, or to stop and let the building in its incomplete state be injured by exposure to the weather to an extent beyond the sum for which this indebtedness has been incurred.

Under that state of things, I hold that while there was perhaps carelessness, while there may have been some degree of negligence on the part of these officers, there is no intentional or conscious guilt attaching to any officer of the Government in connection with the construction or furnishing of that building. This much I have deemed it proper to state, as it is fairly apparent from a candid reading of the testimony.

Mr. RANDALL. The gentleman does not deny that to exceed the appropriations authorized by law is an offense, a violation of law which is made penal; but he makes the plea of necessity. I do not believe from the examination I have made that any such plea would hold good. I believe that it was the duty both of the Supervising Architect and of the superintendent at New York to make themselves acquainted with the amount of money under their control to be expended for these purposes.

I do not intend to reflect severely upon the present Architect in connection with this matter. Perhaps what the gentleman states as to his endeavor to correct the abuses of his predecessor is true; but there is a remarkable fact now extant that this very gentleman who has sought to correct in many particulars the abuses of his predecessor has been invited to resign; and it would be a remarkable coincidence if his predecessor should be called upon to take his place.

Mr. HALE. If the gentleman will excuse me, I doubt whether he

is borne out by the facts in the statement that the Architect has been invited to resign.

Mr. RANDALL. I see it stated in the Republican newspaper of this morning, which is generally good authority in matters of this kind.

Mr. HALE. I am sorry to say that there are now and then items of news in republican papers that are not exactly correct. [Laughter.]

Mr. RANDALL. What is the fact? Perhaps the gentleman will tell us. It may be that he makes "a distinction without a difference." Has the Supervising Architect been invited to resign; or has he resigned; or is he going to resign; and if so, why?

Mr. HALE. It is not for me to say; only I doubt whether the gentleman is borne out in his statement by the facts.

Mr. RANDALL. I did not intend to say exactly that his resignation had been requested because he had done his duty in this respect; but when the gentleman from Iowa [Mr. PRATT] commended him for doing his duty it occurred to me that he ought to be retained, and that the man whose errors he has been correcting ought not to be reinstated.

Mr. HALE. I suppose that he has resigned of his own motion without any invitation; and that there is nothing in his going out of the Department that involves his character at all or implies any censure upon him.

Mr. RANDALL. I understand how people get out of office. Secretary Bristow got out; Solicitor Wilson got out; Yaryan got out; Dyer got out; Henderson got out. I do not know whether they were invited out or not.

Mr. HALE. Now and then, although the gentleman from Pennsylvania does not seem to understand it, men do actually resign of their own motion.

Mr. RANDALL. The gentleman knows the old rule in regard to office-holders, "Few die and none resign."

The bill was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION ACT.

Mr. HALE. I wish to enter a motion to reconsider the vote by which the President's message in relation to the sundry civil appropriation act was referred yesterday to the Committee on Appropriations.

Mr. RANDALL. There is no objection to that motion being entered. It will open the question to debate.

The SPEAKER *pro tempore*. The motion will be entered.

EDWARD PAINTER.

Mr. FOSTER, by unanimous consent, moved that the Committee on Appropriations be discharged from the further consideration of the papers in the case of Edward Painter, and that the same be referred to the Committee of Claims.

The motion was agreed to.

Mr. COCHRANE. I hope that the title of these papers will be reported so that we may understand what they are.

Mr. FOSTER. This is simply a change of reference of papers erroneously referred to the Committee on Appropriations.

Mr. COCHRANE. My reason for asking that the title of the papers might be reported was that some time ago a matter was referred to this same committee and reported back for reference to the Committee of Claims, when in my judgment the Committee on Appropriations should have taken the responsibility of acting on the question, as it belonged more appropriately to that committee than any other.

The SPEAKER *pro tempore*. The reference has been made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts;

A bill (S. No. 538) to create an additional land district in the Territory of Idaho;

A bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi; and

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated.

The message further announced that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

INFRINGEMENT OF PATENTS.

Mr. SAMPSON. I desire to call up the motion to reconsider the vote by which the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents and for other purposes was ordered to be engrossed and read the third time. I will state further that I desire to discuss the motion.

Mr. RICE. I raise the question of consideration upon this motion; and I desire to announce that the bill upon which I wish action by the House at this time is the bill (H. R. No. 2830) to provide for arrears of pension on account of wounds received in the late war. This is a matter of great importance.

The SPEAKER *pro tempore*. The question is, Will the House now proceed to consider the motion to reconsider indicated by the gentleman from Iowa, [Mr. SAMPSON?]

The question being taken, there were—ayes 39, noes 56; no quorum voting.

Tellers were ordered; and Mr. SAMPSON and Mr. RICE were appointed.

Mr. HOLMAN. I ask that the bill upon which the gentleman from Iowa desires action be read.

The Clerk read the bill.

Mr. BANNING. As I understand, Mr. Speaker, the question of consideration is before the House.

The SPEAKER *pro tempore*. It is; but it is not debatable.

Mr. BANNING. I would like to have read the title of the bill which the gentleman from Illinois [Mr. RICE] desires to bring up, so that we may vote understandingly.

The SPEAKER *pro tempore*. That may be done by unanimous consent, not otherwise. Under the rules all questions as to the priority of business must be settled without debate.

Mr. SAMPSON. I object.

The House divided; the tellers reported—ayes 60, noes 88.

Mr. HOLMAN. I ask the yeas and nays upon this question. This is a bill to protect manufacturers against extortions in connection with patent rights.

Mr. RICE. I object to debate.

The SPEAKER *pro tempore*. No debate is in order.

Mr. WADDELL. Is a motion to adjourn in order?

The SPEAKER *pro tempore*. Certainly.

Mr. WADDELL. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair would remind the gentleman from North Carolina [Mr. WADDELL] that the hour of four o'clock to-day has been assigned for the proceedings relative to the death of the late member from Kentucky, Hon. Mr. PARSONS.

Mr. WADDELL. I withdraw the motion to adjourn, and move that the House take a recess until four o'clock.

The motion was not agreed to.

The yeas and nays were ordered.

Mr. MILLS. Before the yeas and nays are called I desire to ask unanimous consent——

The SPEAKER *pro tempore*. The Chair cannot ask unanimous consent for any purpose while the House is dividing.

Mr. WHITE. Is it in order to ask a question for information? If this motion is voted down will it not be in order to take up the bill introduced by the gentleman from Ohio [Mr. RICE] concerning arrearages of pension?

The SPEAKER *pro tempore*. Certainly it will if the House chooses to do so.

Mr. WHITE. Then I hope it will be voted down.

The question was taken; and it was decided in the negative—yeas 72, nays 104, not voting 109; as follows:

YEAS—Messrs. Ainsworth, John H. Baker, Buckner, Horatio C. Burchard, Cabell, William P. Caldwell, Cannon, Cason, Cate, Caulfield, Collins, Crounse, Danford, Darrall, Davis, Durham, Forney, Fort, Frye, Glover, Andrew H. Hamilton, Hancock, Hardenbergh, Harrison, Hartzell, Haymond, Henderson, Holman, Hunton, Hurlbut, Kasson, Franklin Landers, Lawrence, Le Moyne, Levy, Lewis, Luttrell, Lynde, McCrary, McDill, Meade, Milliken, New, Norton, O'Neill, Payne, John F. Philips, Piper, Potter, Pratt, Randall, Rea, Reagan, Riddle, John Robbins, William M. Robbins, Sampson, A. Herr Smith, William E. Smith, Stevenson, Stone, Teese, Terry, Throckmorton, Charles C. B. Walker, Erastus Wells, Whiting, Willard, Charles G. Williams, James D. Williams, James Wilson, and Woodburn—72.

NAYS—Messrs. Abbott, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banks, Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, John H. Caldwell, Caswell, Chittenden, Cochrane, Conger, Cook, Crapo, Cutler, Davy, Dibrell, Dobbins, Dunnell, Durand, Eames, Eden, Evans, Felton, Finley, Foster, Franklin, Garfield, Gause, Gibson, Goode, Goodin, Benjamin W. Harris, John T. Harris, Hartridge, Hays, Abram S. Hewitt, Hooker, Hopkins, House, Hubbell, Jenks, Thomas L. Jones, Joyce, Kelley, Kimball, Lapham, Leavenworth, Lynch, Mackey, Maish, MacDougall, McMahon, Metcalfe, Miller, Mills, Monroe, Morgan, Mutchler, Nash, Neal, O'Brien, Phelps, William A. Phillips, Pierce, Poppleton, Rainey, John Reilly, James B. Reilly, Rice, Roberts, Robinson, Rusk, Savage, Scales, Seelye, Singleton, Sinnickson, Slemons, Smalls, Strait, Thompson, Thornburgh, Martin I. Townsend, Tufts, Turney, Van Vorhes, Wait, Gilbert C. Walker, Walsh, Warren, White, James Williams, Benjamin Wilson, and Yeates—104.

NOT VOTING—Messrs. Adams, Ashe, William H. Baker, Bass, Blair, Bliss, Blount, Bradley, John Young Brown, William R. Brown, Samuel D. Burchard, Burleigh, Campbell, Candler, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cowan, Cox, Culberson, De Bolt, Denison, Douglas, Eggbert, Ellis, Ely, Faulkner, Freeman, Fuller, Gunter, Hale, Robert Hamilton, Harrison, Henry R. Harris, Hatcher, Hathorn, Hendee, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hunter, Hurd, Hyman, Frank Jones, Kehr, King, Knott, Lamar, George M. Landers, Lane, Lord, Magoon, McFarland, Money, Morrison, Odell, Oliver, Packer, Page, Plaisted, Platt, Powell, Purman, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Sheakley, Southard, Sparks, Spencer, Springer, Stenger, Stowell, Swann, Tarbox, Thomas, Washington Townsend, Tucker, John L. Vance, Robert B. Vance, Waddell, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Wike, Andrew Williams, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, and Young—109.

So the House refused to proceed to the consideration of Mr. SAMPSON'S motion to reconsider.

During the vote

Mr. BAKER, of Indiana, said: Not considering this a political question, I will vote in the affirmative.

Mr. MILLS. In order to save time I move that the reading of the names be dispensed with.

There being no objection, it was ordered accordingly.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The House has refused to take up for consideration the motion to reconsider the vote by which the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes, was ordered to be engrossed and read a third time. The Chair now recognizes the gentleman from Ohio, [Mr. RICE.]

ARREARAGES OF PENSIONS.

Mr. RICE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up and considering the bill (H. R. No. 2803) to provide for arrears of pensions on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same.

Mr. MILLS. I ask unanimous consent to have a report printed and recommitted.

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor.

Mr. MILLS. The gentleman from Ohio yields to me.

The SPEAKER *pro tempore*. The gentleman from Ohio cannot yield.

Mr. SAMPSON. I understand the motion of the gentleman from Ohio is that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering a special bill.

The SPEAKER *pro tempore*. That is so.

Mr. SAMPSON. Can that be done? Must not all bills be taken up in their order when the House resolves itself into Committee of the Whole on the state of the Union?

The SPEAKER *pro tempore*. The parliamentary motion is to go into Committee of the Whole on the state of the Union. That motion is in order, and the rules may be suspended for that purpose by a majority vote. The Chair is informed it has been the custom to go into Committee of the Whole on the state of the Union for a certain purpose and to antagonize against that other purposes, and to settle the question prior to going into Committee of the Whole. On that question the Chair would be glad to be advised by members who have been here for some time. The Chair will be glad to hear from the gentleman from Massachusetts.

Mr. HOAR. That custom extends only to appropriation bills. A special motion to go into Committee of the Whole on a particular appropriation bill is in order. My friend from Maine [Mr. HALE] knows better than I do in reference to that. But, sir, all other bills in Committee of the Whole must be taken up in their order on the Calendar and laid aside one by one. The Chair will pardon me for referring to a noted instance. In order to take up the celebrated Kansas and Nebraska bill, every bill on the Calendar was laid aside one by one.

A MEMBER. That is too old a precedent.

Mr. GARFIELD. If we go into Committee of the Whole on the state of the Union, we must take up the Calendar in order, just as on Friday.

Mr. HALE. That has been the invariable practice.

Mr. RICE. It has been the practice so far as I have observed during this session to go into Committee of the Whole on bills specially indicated. I wish to say the usage has been during this session at least in accordance with the motion I have made.

The SPEAKER *pro tempore*. The Chair is informed by the journal clerk, however, that when this has been done it has always been journalized as by unanimous consent.

Mr. GARFIELD. Unanimous consent can always do it.

The SPEAKER *pro tempore*. But that does not affect the question, and the Chair must hold the rule to be that the House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into Committee of the Whole House on the state of the Union, and that when in Committee of the Whole on the state of the Union the bills must be taken up and disposed of in their order on the Calendar. If objection is made therefore to going into Committee of the Whole on the special bill indicated by the gentleman from Ohio the House can only resolve itself into Committee of the Whole on the state of the Union for the consideration of the Calendar generally.

Mr. RICE. Then I insist on my motion that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union.

KITTERY NAVY-YARD.

Mr. MILLS. I ask unanimous consent to present a report from the Committee on Naval Affairs on charges made by Hon. JOHN H. BURLEIGH relative to the conduct of the Kittery navy-yard, and to move that it be printed and recommitted.

Mr. HARRIS, of Massachusetts. Not to be brought back on a motion to reconsider.

The motion was agreed to.

Mr. HARRIS, of Massachusetts. I present the views of the minority on the same subject, and move that they be printed and recommitted.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MUTCHLER. I have a similar request to make. I ask unanimous consent to present the report of the Committee on Expenditures in the Interior Department relative to the management of the Hospital for the Insane, and move that it be printed and recommitted. I also present a report from the same committee relative to surveys of the public lands, and in regard to that make the same request.

Mr. GARFIELD. Is there a minority report on the subject of the Insane Asylum investigation?

Mr. MUTCHLER. I think not; but my colleague on the committee, the gentleman from Iowa, [Mr. TUFTS,] can respond to that question.

Mr. GARFIELD. My object is to know if any one desires to present a minority report on that subject.

Mr. RUSK. I hope the gentleman from Ohio [Mr. RICE] will not yield the floor for all these matters.

The SPEAKER *pro tempore*. The gentleman from Ohio has not yielded the floor. The Chair is giving the floor by unanimous consent.

Mr. RUSK. Then I object to everything but the regular order. We have been here for three months trying to get this pension bill before the House, and I object to any more time being lost.

The SPEAKER *pro tempore*. The question before the House is, Will the House resolve itself into Committee of the Whole on the state of the Union?

The question being taken, there were—ayes 81, noes 46; no quorum voting.

Tellers were ordered; and Mr. SAMPSON and Mr. RICE were appointed.

The House again divided; and the tellers reported—ayes 105, noes 45.

Mr. DURAND. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 24, noes 107.

The SPEAKER *pro tempore*. The yeas and nays are refused, the motion is agreed to, and the House resolves itself into Committee of the Whole on the state of the Union.

Mr. O'BRIEN. I ask for tellers on the yeas and nays.

Mr. MONROE. Too late.

The SPEAKER *pro tempore*. The gentleman from Maryland, [Mr. O'BRIEN,] in the judgment of the Chair, rose in sufficient time to demand tellers on the yeas and nays.

The question being taken on ordering tellers, there were ayes 14; not one-fifth of a quorum.

So tellers were refused, the yeas and nays were refused, and the motion was agreed to.

Mr. WILSON, of Iowa. Before the House goes into Committee of the Whole, I ask that Rule 114, which shows the order of proceedings in Committee of the Whole on the state of the Union, be read.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read as follows:

RULE 114. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.

SURVEYS AND RECONNAISSANCES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, asking for legislation to provide for surveys and reconnaissances; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

To Mr. KELLEY, indefinitely from Friday next; and

To Mr. CRAPO, for ten days.

ENROLLED BILLS SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker *pro tempore* signed the same:

A joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence;

An act (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army;

An act (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho;

An act (H. R. No. 4053) to further authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

An act (H. R. No. 4054) to continue the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government;'" and

An act (H. R. No. 4055) to continue the public printing.

COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION.

The House, pursuant to order, resolved itself into Committee of the Whole on the state of the Union, Mr. CLYMER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of bills on the Public Calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. No. 53) to amend the third section of the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States."

Mr. HOLMAN. I move that that bill be laid aside.

Mr. O'BRIEN. Before that question is decided, I desire that the bill may be read that we may know what we are voting upon.

Mr. BANKS. It is not necessary that the bill should be read before deciding the question of laying aside.

The CHAIRMAN. The Chair is of the opinion that if the demand is made by any member for the reading of the bill he has a right to have it read.

Mr. HOOKER. I desire to know whether the motion of the gentleman from Indiana [Mr. HOLMAN] fails by a single objection or whether it requires a majority of the committee?

The CHAIRMAN. Unquestionably a majority of the committee is required.

The bill was read.

The question was taken on laying aside the bill; and on a division there were—ayes 73, noes 11; no quorum voting.

Tellers were ordered; and Mr. RICE and Mr. PIERCE were appointed.

The committee divided; and tellers reported—ayes 80, noes 25; no quorum voting.

The roll was accordingly called; when the following members failed to answer to their names:

Messrs. Abbott, Adams, Anderson, Ashe, Atkins, George A. Bagley, Bass, Bliss, Blount, Bradley, Burleigh, Campbell, Candler, Caulfield, Chapin, Cochrane, Cowan, Culberson, De Bolt, Denison, Douglas, Egbert, Ellis, Ely, Faulkner, Felton, Freeman, Fuller, Gunter, Haralson, Benjamin W. Harris, Henry R. Harris, Hatcher, Hatcrn, Hendee, Henderson, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Jenks, Frank Jones, King, Knott, Lamar, George M. Landers, Lord, Magoon, Meade, Mills, Money, Odell, Oliver, Packer, William A. Philips, Piper, Pla sted, Platt, Purman, Randall, Sobieski Ross, Schumaker, Sheakley, Singleton, Southard, Sparks, Spencer, Stenger, Stowell, Swann, Tarbox, Thomas, Martin I. Townsend, Turney, John L. Vance, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Andrew Williams, William B. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, and Young.

The committee then rose; and the Speaker having resumed the chair, Mr. CLYMER reported that the Committee of the Whole on the State of the Union having found itself without a quorum he had caused the roll to be called and reported the names of the absentees to the House.

DEATH OF HON. EDWARD Y. PARSONS.

The SPEAKER *pro tempore*. A quorum have answered to their names, but the Chair will state that the hour of four o'clock has arrived and under the arrangement made for to-day the time has arrived for proceedings in memory of Hon. EDWARD Y. PARSONS, late a Representative from the State of Kentucky; and the gentleman from Kentucky [Mr. BOONE] is entitled to the floor.

Mr. BOONE. Mr. Speaker, I arise to perform a melancholy duty: to announce the death and pay a humble tribute of respect to the memory of my late colleague, Hon. EDWARD Y. PARSONS, who departed this life at his residence in this city on the 8th day of July at about two o'clock p. m. Mr. PARSONS was born in Jefferson County, Kentucky, on the 12th day of December, 1842, and was therefore in his thirty-fourth year when he died. He was the son of Rev. C. B. Parsons, who was widely known as one of the most eloquent pulpit speakers in the West. His father having moved to the city of Louisville while he was yet very young, Edward at an early age entered the public schools of that city and manifested a peculiar fondness for books, and generally stood at the head of his class.

He afterward entered the male high school of the city, where he prosecuted his studies with diligence, and at the early age of nineteen graduated with the highest honors. Shortly thereafter he became a professor in the school, which position he filled with great credit for about three years; during which time he studied law, and in 1864 resigned his position in order to enter the law school of that city, which was one of the best in the country, having for its professors such men as Judges Pirtle, Muir, and Bullock. The regular course in this school was of two years' duration, but the deceased mastered it in one year, graduating with distinction.

He entered the profession as a practicing attorney in 1865, and by his energy, talents, and superior attainments soon won for himself honorable distinction at the bar and drew around himself a large number of admirers and warm personal friends, who felt proud, and justly so, of the success of their young townsman; and permit me to say, Mr. Speaker, that it was no small matter for a young man in so short a time to rise to distinction at the Louisville bar, composed as it was then and is now of men of marked ability and profound legal learning.

In 1874 Mr. PARSONS was elected a member of the Fourty-fourth Congress, by a very large majority, from a district where resided many able and distinguished men, which is an indication to us of the estimate placed upon him by the people among whom he had been reared and lived from childhood.

Although a citizen of the same State, it was not my good fortune to enjoy an intimate acquaintance with him previous to the beginning of this session of Congress. It is true, I knew of him as one of the rising young men of my State; but I had no opportunity to observe those peculiar traits of disposition and character which distinguished him as a man of rare social qualities and marked him as a man of more than common ability. But upon a more intimate acquaintance with him I found him to be all that his most intimate friends claimed for him—brave, generous, open-hearted, noble, a man of rare cultivation and refined sensibilities. He was a man of extensive reading and remarkable memory. He seemed to be as familiar with the poets and the polite literature of the age as most men are with the rudiments of a common education. He was a good lawyer and a vigorous and accurate thinker; in a word, Mr. Speaker, he was an accomplished gentleman.

He entered this Hall at the beginning of this session of Congress full of life and hope, with far better prospects of long life than most of us. Young, buoyant, of powerful frame and commanding presence, there seemed to be before him a long life of usefulness to his State and country; and who that saw him then would have supposed that so soon we should be called upon to mourn his death? How well I remember the look of astonishment and almost of consternation that settled upon the countenances of the members of this body when the news reached us that he was dead. How anxiously the inquiry passed from one to another if it were not possible that there was some mistake. How unwilling we were to believe it true, and how sadly we all felt when we were forced to realize the truth of the solemn announcement.

His death was sudden and unexpected. Almost without a note of warning he was stricken down, his large, generous heart ceased to beat, and his spirit ushered into the presence of that almighty and all-wise Being who hath the issues of life and death in His own hands. Almost in the twinkling of an eye the strong man was brought low, furnishing us another instance of the truth of the saying, "In the midst of life we are in death."

Mr. Speaker, perhaps silence would become me best in the presence of so solemn an event, for nothing we can say can at all affect the condition of the dead; but may I be permitted to say that these notes of warning as they fall, ever and anon, upon our ears should not pass unheeded by us? They are the palpable evidences of our own mortality; they should remind us that we too must sooner or later pass the portals of the grave; that we too are pressing rapidly in the footsteps of him whose memory we this day honor; and that ere the circle of another moon, you, sir, or I, or some other member of this body may be called to pass the same solemn and dreadful ordeal through which two of our brother-members have been called to pass since we assembled here.

Sir, in the presence of such realities how empty are all earthly honors, how hollow all earthly enjoyments, and how utterly insignificant all earthly ambitions; for, at a time when we least expect it, the dark-winged messenger of death hovers over us, and all our earthly hopes vanish as chaff before a driving wind. Truly hath it been said, "As for man, his days are as grass; as a flower of the field so he flourisheth. For the wind passeth over it and it is gone, and the place thereof shall know it no more."

Although Mr. PARSONS died away from his home and among comparative strangers, everything that medical skill, the promptings of friendship, and the ties of a noble brotherhood could suggest were resorted to in order to arrest the arm of death and save him from the fatal blow. But, sir, the grim messenger would listen to no parley, would take no denial. The grief, the woe, the bruised heart, the crushed hopes of a stricken wife, the helplessness, the innocence, the unconscious grief of children could not appease him. But amid them all the silver cord was loosed, the golden bowl was broken, the pitcher was broken at the fountain, the wheel was broken at the cistern, and the dust returned to the earth as it was; and the spirit returned unto God who gave it.

He leaves behind him a tender and affectionate wife and two small children, for whom our sympathies go out this day, and with them we mingle our tears of sorrow over the sad event which has deprived them of a husband and father and us of a friend and brother.

It would be wiser and better for us all, Mr. Speaker, to think more seriously than we do of the uncertainty of this life, and contemplate more frequently the grandeur, the glory, and durability of that better and brighter existence which has been made possible to us through the mercy of Him who ruleth both in heaven and in earth.

I offer the following resolutions:

Resolved, That this House has heard with deep regret of the death of Hon. EDWARD Y. PARSONS, a member of this House from the State of Kentucky.

Resolved, That as a testimony of respect to his memory, the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate; and that as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. JONES, of Kentucky. Mr. Speaker,

Pallida mors æque pulsat pede pauperum tabernas
Regumque turres.

Death is so common in the land that we can but seldom if ever truly apply the lesson he would teach or give a passing thought how soon he may knock at our own door. He may in an instant blight the beauteous rosebud, wither the fairest flower of the garden, shiver the giant oak of the forest, tear away the venerable forms of our households, snatch from our embrace the tender idols of our hearts, or strike down at our very side splendid young manhood, the highest image of God himself, and although we feel the shock, bow our heads, and look with awe and wonder, yet soon again, O! how soon, does the world with its duties, its pleasures, and its cares absorb and lead us on in the same accustomed way! But this inevitable and dread visitor heeds not our ways nor respects our condition; in his quiver he has an arrow for all; he strikes the low and the high, the bad and the good, the poor and the rich; he calls at every habitation, from the lowly hovel in its poverty to the majestic Capitol in its grandeur, and thus with impartial step and unerring aim marches on forever. In the hour of our grief and in the weakness of our nature, unmindful of the divine economy, which respects neither person nor condition, we cry out, O! why, why could not the great God, the Giver of life and death, have spared my loved one as a merciful exception?

Man is ever taught the truth, but heeds it not, that life is death, creation is dissolution, and none can tell how soon the latter may follow the former. How little do we remember that as we begin to live we begin to die. In the structure and economy of life, every blow we strike, every thought we think, is accompanied by the death and disintegration of a certain amount of muscular and nervous tissue as its necessary condition, and thus every action of our corporeal life from its beginning to its close takes place at the expense of the vitality of a certain amount of organized matter; and yet from the beginning of the life of man to this day of how little importance to his fellows is his death!

Epictetus, the Phrygian philosopher, went forth one day and saw a woman weeping for her pitcher of earth that was broken, and he went forth the next day and saw a woman weeping for her son that was dead, and when he returned to his house he exclaimed,

Heri vidi fragilem frangi, hodie vidi mortalem mori.

Yesterday a vase was broken, to-day a man dies, and one may be of as little consequence as the other. The philosopher of Uz in his affliction exclaimed:

Man that is born of a woman is of few days, and full of trouble. He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Again it is said:

Man goeth to his long home, and the mourners go about the streets.

Mr. Speaker, has one from our midst been suddenly removed? Does death make no impression here, although his shaft has smitten us like the flash of the lightning? Is the pale monster to be regarded with no more terror than one going to sleep, the vanishing of a cloud, the decay of a flower, the rolling up of a scroll, the folding of a tent, or the gentle approach of night?

Sir, but a few days ago the stalwart and splendid form of Kentucky's young statesman walked and sat in this Hall almost the very perfection of manly vigor, grace, and elegance. Like Absalom, the praise of Israel, "from the sole of his foot even to the crown of his head there was no blemish in him." Methinks I see him now, sir, as was his wont to approach us with that stately mein, open hand, rich voice, and frank cordiality which seemed to belong to him alone, which indeed dignified his race, and presented in himself a brilliant type of the young manhood, courage, and gallantry of the noble State he represented. His morning salutation was to me, sir, a pleasure for the day. Others may not, but I do miss him.

How sudden, Mr. Speaker, was his taking off! When the news came and rang through this House we could not have been more appalled if a bolt from heaven at noon-day with the sun in his glory had rent asunder the dome of the Capitol. When but an hour after I entered his chamber and laid my hand upon that majestic brow, pulseless and cold as marble, how truly was it manifest "In the midst of life we are in death."

Mr. Speaker, what a transition! Think of it. At twelve o'clock, high noon, this man stood in noble stature and perfect health with every apparent promise of length of days and increasing honors, and at twelve o'clock at night he was dead, his body embalmed and on its way with congressional escort to his home for burial. Thus was our young brother stricken down and spirited away. Death indeed found in him "a shining mark."

How vain and transitory is life in its highest aspect; how futile man's ambition; how apparently worthless all his labors; how his brightest hopes are suddenly blasted! Here was high intellectual endowment, cultivated in the best schools of learning, chastened and accomplished by classical lore from the great old masters, whom he loved to repeat and praise. Here was solid learning in jurisprudence and eminence already in professional reputation and honors. Here was political ability of rare merit, just developing into large and comprehensive statesmanship. Here was pure character, admired and loved from birth to death. Here, too, if indeed it become eulogy, was a combination of personal lineaments with a grand outline that attracted the gaze of every beholder; a face as beautiful as the Apollo and a form that Phidias or Praxiteles would have chosen for a model. No prouder step ever graced the Avenue, no manlier person ever sat in the Capitol. All this vanished and gone, as it were, like the blaze of a meteor. Thus goes the glory of the world.

O man!

Boast not thyself of to-morrow: for thou knowest not what a day may bring forth.

Mr. Speaker, when our friends die we are apt to inquire or conjecture what were their last thoughts or expressions or how they received the final message. In what manner our young brother, so full of happiness and hope, welcomed the sudden and unexpected messenger we know not. Whether he had time to cast a look behind or a look beyond, we know not. It is said, sir, and it is a happy thought, that when man is about to be gat hered to his people or go to his fathers, visions of bright scenes and glorious companies gleam before his expiring gaze. Such happy close would have been in keeping with the life of our friend; and let us think that if in that final moment he could have reached our ears, he would have called to us:

Saw ye not now a blessed troop
Invite me to a banquet, whose bright faces
Cast thousand beams upon me like the sun?

May we not trust that our loved companion so departed, was so received, and is now seated in that glorious assembly in the realms of bliss!

Mr. Speaker, death itself is not without its consolations. Ecclesiastes taught that "a good name is better than precious ointment, and the day of death than the day of one's birth." Lord Bacon said: "Death hath this also, that it openeth the gate to good fame and extinguisheth envy." If a man die, shall he not live again? Death is but the end of care, and opens the door to that better and true life where He presides who, greater than all, has pronounced the glorious promise to man, "I am the resurrection and the life."

But, Mr. Speaker, my poor words are vain. I bring no fitting eulogy; I claim no philosophy of life and death. I teach no moral from this sad bereavement. Every heart must draw its own lesson, and that is better felt than expressed. I only know that our valiant young brother has gone from these Halls forever. Kentucky's budding promise, her blushing pride under national honors has been returned to her in a casket for the grave. Her metropolis—the city of his home—has honored him with a funeral pageant becoming a king, and loving hands have laid him away in the lap of his mother earth.

Mr. Speaker, Kentucky will cherish her distinguished dead, young and old, and ever honor those who honor her. Though blessed in climate and soil, prolific and pre-eminent in the productions of earth and animal, high advanced in the improvements and embellishments of civilized life, proud of all she possesses, yet, like the Roman mother, "her jewels are her sons." In coming time, when she shall build a pantheon to her great, the marble image of this younger son may perhaps be seen and admired like that of the beautiful young Augustus in the Vatican. Peace, peace, to his ashes! consolation to his friends and loved ones! gentle flowers for his tomb, and may sweet memories ever linger around the name of EDWARD YOUNG PARSONS!

O beate Sesti,
Vitæ summa brevis spem nos vetat inchoare longam.

Mr. MAISH. Mr. Speaker, I first met Mr. PARSONS on this floor shortly after the commencement of the present session of Congress. Our acquaintance rapidly grew into a firm and cordial friendship. In our brief association I learned to honor him for his virtues and respect him for his talents.

Nature had endowed him with superior mental faculties, which had been carefully cultivated in youth, and he preserved in manhood the tastes he then acquired. He was a man of genuine culture. Familiar with the best productions of the ancients, he loved to recall and dwell upon their beauties. He was especially fond of the German, and had read the master-pieces of that language. With the literature of his own language his acquaintance was extensive and intimate. It was apparent to those who knew him that he had read much and remembered what he had read.

Furthermore, he possessed a voice remarkable for its depth and compass, improved by all the graces of elocution. Thus qualified, he had before him a future full of hope and promise.

He died a little over thirty-four years of age; and yet I venture to say that "in all the points in which personal merit can be viewed; in science, in erudition, in taste, in honor, in generosity, in humanity, in every liberal sentiment, and every liberal accomplishment," he had few superiors in this body.

He was naturally of a retiring disposition, and seldom participated in the debates of this Chamber. Indeed he did so only when impelled by the interests of his constituency or his immediate duties as a member. In this, as in other deliberative bodies, the position a member occupies in public estimation is not always the true measure of his worth or abilities. If he is not fortunate in being allotted to prominent committees, he must make his reputation without the adventitious aids they afford. The committee on which Mr. PARSONS served did not invite newspaper reporters into its quiet retreat, nor did its labors receive much of the attention of the House nor the public, notwithstanding the duties of the members were arduous, important, and frequently involved much research and learning.

Mr. PARSONS, in this capacity, prepared a number of reports. They give evidence of a high order of ability, and show, too, how faithfully and conscientiously he performed his quiet official duties. Doubtless he longed sometimes to enter the lists in the intellectual combats here witnessed. His young ambition no doubt aspired to court the applause that the public arena of the House afforded. His unobtrusive nature made him a cheerful observer of the triumphs of others.

He was a man of warm impulses. His cordial manners and tender emotions constituted the most beautiful traits of his character. Envy found no place in his bosom. He had a word of good cheer for all, and, as I often observed, was among the first to lend the assuring hand and offer the encouraging word to his fellow-members.

Those of us who sat nearest to him will not soon forget his accustomed kindly greetings, his buoyant spirits, and harmless pleasantries. No longer will we see his manly presence; that fine, honest face, nor hear that deep-toned voice of EDWARD Y. PARSONS.

In the turmoil of business here, amid party strife and passion, the nobler qualities of our associates are too often overlooked. When death invades our Chamber our minds are brought to serious meditation. Then only do we fully realize the inner virtues of those whose death arrests our deliberations.

In EDWARD Y. PARSONS Kentucky has lost an honest, able, and faithful Representative and this House a valuable and efficient member.

In conclusion, permit me to say, Mr. Speaker, that few members have been removed by death from a seat in this House who will be more kindly remembered or sincerely regretted than our departed brother.

Mr. LAWRENCE. Mr. Speaker, the demise of a citizen of the United States while holding the position of a Representative in Congress can rarely ever fail to furnish some food for reflection. The loss of a member who has rendered long and useful service may naturally attract the widest attention. But the loss of one whose talents, education, and real merits have won the confidence of a constituency at an early age, whose career in Congress has been brilliant and useful, though comparatively brief, may be really greater than that of one whose "course is run." It is appointed unto all men once to die. He who has lived out his allotted time, who has finished his work, dies and disappoints no hopes. A life of usefulness *finished* finds its reward. Its purpose is complete. Its termination may indeed bring the pangs of sadness and sorrow. But sadder still it is when in the providence of God we are called to mourn the loss of one whose life in many respects has already accomplished much, but promising still more and more, is cut off in early manhood and in the midst of its usefulness.

In proportion as the inclination and capacity of a citizen and his opportunities for usefulness are great, to that extent will his loss be largely felt. There is perhaps no country in the world where so many opportunities for usefulness are open for a citizen to accomplish good among men as in this, the American Republic. Here is a land whose resources equal if they do not excel any other, and to a very large extent they await the hand of development and even of discovery. Here is a Government "of the people, by the people, and for the people."

Here is a Republic which invites to participation in its affairs the talents and usefulness of every citizen whom the people may select to represent them or who may be selected in pursuance of law. This *combination* of material resources and political advantages, offering so many inducements to industry, repaying it with rewards so diversified and so liberal, offering to talent so many and so inviting fields for usefulness, finds here an immense population grown and growing with unequaled rapidity. A century of national existence "looks down upon us" with its lessons of experience from which all are ready and willing to profit, and in this morning of a second centennial a united people are resolved that henceforth we shall continue one and indivisible.

It is at such a *time* as this, so full of instructions from the past, of promise and of hope for the future, and in a *country* like this, demanding so fully the energies of talent and industry, and in a *Government* like this, where every representative in Congress is charged with a trust in which he may be useful to our own and other nations, and among a *people* whose prosperity and happiness demand watchfulness, wisdom, forbearance, and justice in deliberation and legislation in our national councils, that we are called upon to chronicle the decease of our departed friend, the late Hon. EDWARD Y. PARSONS, of Kentucky. Truth and justice, even more than usage, demand that we perform the sad and solemn duty of paying a tribute of respect to the memory of one so gifted by nature, so cultured by study, endowed with so many good qualities of head and heart, that he shared the respect, the confidence, the admiration and love of all who really knew him.

It belongs more appropriately to the immediate Representatives from Kentucky rather than to me to sketch in detail the history and leading events in the life of their late colleague in this House, and this has been faithfully done. These are full of interest and instruction. They are such as to inspire young men with hope, and all men who know them with admiration.

It was my good fortune to make the personal acquaintance of our now departed friend at an early day in the present Congress. Even before that I knew of his deservedly high reputation as a scholar, as a lawyer, as a man of talents, and of the noble and generous impulses of his nature. I knew him as one of the leading lawyers of his native State of Kentucky, and of its largest commercial city of Louisville, distinguished for his learning, for his eloquence, and ability.

As one of the committee of this House which accompanied his remains to their last resting-place in the beautiful city of Louisville, which constituted a part of his district, I had opportunities to know that he shared the entire confidence and respect of the people whom he so ably and faithfully represented, and the sincerity of their sorrow at the loss they and the public sustained in his decease. Not Kentucky alone but the whole public indeed may well feel this bereavement.

For wise purposes it has been ordained by nature and nature's God that men shall be and are endowed with an infinite variety in their tastes and capacities. The diversified wants of society make this a necessity. Poets and painters, and orators and statesmen, and scientists and writers of varied styles and orders are in some sense "born, not made." There is no *superabundance* of the most useful and highest order of talent. In this we find the "concord of a general plan."

It was to this high order of talent that EDWARD Y. PARSONS belonged. He was an orator by nature, and culture had largely enriched the gifts which nature bestowed. His powers in this respect were so highly appreciated by those who knew him best that at an early age, while a tutor in the male high school of the city of Louisville, the board of school trustees instituted a chair of elocution and assigned him to its important duties. This, at so early an age, was no small honor in a city distinguished for the talent of its citizens and its patronage of the higher branches of education.

It is not very usual for a member of Congress during his first session to speak very frequently. Mr. PARSONS, though a new member, was by no means silent. He spoke when the interests of his constituents or the occasion required, and when he did so he spoke to the purpose ably and well. The State of Kentucky in common with others is deeply interested in the construction of the Texas and Pacific Railroad. On the 14th of June Mr. PARSONS addressed the House in support of a bill proposing to aid the construction of this road. He argued with marked ability the question of the constitutional power of Congress to pass the bill and the expediency of the measure. As a specimen of the *patriotic* sentiment which pervaded the entire speech I may quote a single paragraph, in which he said:

> If there be any sincerity in the oft-repeated asseverations made upon this floor during the present session of Congress that the disposition of the people is to forget past differences and in the practices of friendship and patriotism to perfect the Union of the States, and if it be true that a general amnesty is desired, it may be said that in the construction of this road as proposed an important step *will be taken in the direction of the consummation* wished. The North, the East, the West, and the South will join not only in the profitable embrace of commerce, but in that intercourse which, familiarizing each with all, strengthens the bond which now unites them and verifies the assertion of peace and good-will. From the Atlantic to the Pacific and from the Gulf to the lakes the effects of this great highway will be felt and its advantages realized. *No better period can be imagined than the present for the encouragement of sentiments of union and no more fitting monument can be erected to mark the complete reconciliation of the sections.*

And as a specimen of that eloquence which seemed to flow with easy grace and elegant force from his lips, I may quote another paragraph, in which he said:

> The ancient cities of the world have been celebrated for their arts and their arms. The fame of their sculpture and their architecture has reached even unto us. Their conquests were glorious, the scholars cultured, their poets and orators, who are with us to-day, incomparable, and on the pages of history their works are emblazoned. They have erected monuments to the energy, industry, grace, love, valor, and enterprise of their respective cities.
>
> Indebted, as we are, to their brilliant examples in literature and science for whatever of excellence we may have attained, we feel constrained to say that more enduring monuments than works of art, statuary, grouping, and painting remain for us to contemplate. The Appian Way will be remembered when the name of Cato is thought of only by the scholar, and the great roads of Rome will prove more lasting reminders of the success of her arts than the conquest of Gaul or the fame of Cæsar.
>
> Splendid as were their achievements in arms, material improvements in the territory of conquests are better remembered than the battles of warriors, and causeways and roads are the enduring monuments to glory Facilitating commerce, they destroy sloth in the mart; promoting intercourse, they abolish differences of opinion; and embracing sections, they establish harmony.

At an earlier day in the session, on the 16th of February, the House had under consideration a bill to re-organize the judiciary of the United States.

The bill proposed to create new courts of appeal. One of the questions presented on an amendment was whether one of these courts should be located at Cincinnati or Louisville.

In a few remarks which I submitted I advocated the location at Cincinnati. Mr. PARSONS replied with great force and power in an able speech in favor of the location at Louisville. Though he had no previous opportunity to know this question would arise, he met it with a force of logic which left nothing to be added on that side of the question and which proved his masterly ability in debate.

But it is unnecessary now to refer to more of his course in Congress. That is well understood here and by the public. However much members here may have differed in opinion on important questions of public policy, no one ever doubted the sincerity and honesty of purpose of Mr. PARSONS. He combined in his character that "*suaviter in modo et fortiter in re*" which inspired respect without giving offense to any.

The light of a great intellect has gone out. A citizen of Kentucky and of the United States, distinguished for learning, ability, and

talents, alike honest and honored in public and private life for mental and moral and personal worth, is no more.

Kentucky mourns his loss and the whole Republic shares alike her sorrow and her bereavement for it is not alone the loss of any State, but more even than a loss to all. This must be so, because we cannot fail to realize that truth so well announced by Sir William Jones, that:

—— men, high-minded men,
These constitute a state.

The universal sentiment of all who knew our now-departed friend is that as a husband, a father, as a member of society, as a private citizen, in all the relations of life he was kind, generous, just, endowed with every noble quality which rendered him worthy to be endeared to all.

The question was taken on the resolutions, and they were agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. RIDDLE: Papers relating to the claim of A. S. Hamilton, for whisky furnished the United States Army, to the Committee of Claims.

By Mr. WOOD, of New York: The petition of Henry Bauer, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *August* 2, 1876.

Prayer by Rev. J. J. READ, of Houston, Texas.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building was read twice by its title.

Mr. MORRILL. Upon conference with the Committee on Appropriations, I move that the bill be referred to the Committee on Appropriations.

The motion was agreed to.

REDEMPTION OF TAX LANDS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

The amendments of the House of Representatives were read; and, on motion of Mr. SHERMAN, referred to the Committee on Finance.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, inviting attention to a letter from the Chief of Engineers, in regard to the failure of the appropriation in the sundry civil bill for surveys and reconnaissances in military divisions and departments, and recommending the passage of an act making available the unexpended balance of the appropriation of February 10, 1875, amounting to $18,000; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. SPENCER. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and for other purposes, to report it with amendments and ask the passage of the resolution. As it is very short, and I do not think there will be any objection to it, I ask for its immediate consideration.

The Chief Clerk read the joint resolution.

The Committee on the District of Columbia proposed to amend it by striking out in lines 3 and 4 the words "two non-residents of the District of Columbia and one resident thereof" and inserting "three members of the House of Representatives;" in line 4, by striking out "appointed" and inserting "designated;" in lines 5 and 6, by striking out "two residents of said District and one non-resident thereof" and inserting "three Senators;" and in line 6, by striking out "selected" and inserting "designated;" so as to read:

That a commission consisting of three members of the House of Representatives, to be designated by the Speaker of the House, and three Senators, to be designated by the presiding officer of the Senate, is hereby appointed, &c.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SAULSBURY. I think it had better go over. It involves the raising of a commission composed of members of the Senate and House of Representatives to frame a government for the District, to sit during the recess. I think it is a wrong practice to raise committees to sit during the recess of Congress. At any rate, I think the joint resolution had better go over and let us think about it.

Mr. SPENCER. I will say to the Senator from Delaware that the joint resolution as proposed to be amended provides for the appointment of a select joint committee of the two Houses to sit during the recess in order to prepare a bill during the recess.

Mr. ALLISON. How much money does it appropriate?

Mr. SPENCER. Five thousand dollars is appropriated by the joint resolution as it passed the House, and the amount was not changed by the committee.

Mr. SAULSBURY. The whole matter ought to be printed with the amendments just reported.

Mr. SPENCER. I do not think $5,000 will be necessary. I think $2,000 will be sufficient for the purpose.

The PRESIDENT *pro tempore*. Does the Senator from Delaware object to the present consideration of the joint resolution?

Mr. SAULSBURY. Yes, sir.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution will be placed on the Calendar.

Mr. BOUTWELL. I am directed by the Committee to Examine the Several Branches of the Civil Service to report a bill authorizing the payment of pensions by the Treasurer of the United States. I will say that I report it now and ask to have it printed to go on the Calendar, not with the design of considering it at the present session, but I may state that I believe it will facilitate the payment of pensions, and enable pensioners to obtain their pensions at less cost, more expeditiously, and at a saving to the Government of about $200,000 a year.

The bill (S. No. 1013) authorizing the payment of pensions by the Treasurer of the United States was read and passed to the second reading.

Mr. WRIGHT. The Committee on Claims, to whom was referred a joint resolution of the General Assembly of the State of Arkansas, asking the passage of a law authorizing the adjustment and settlement of the claim of the widow and heirs of the late Peter T. Crutchfield, deceased, for moneys alleged to have been taken from him by the State of Arkansas while acting as United States marshal, have had the same under consideration, and recommend that it be referred to the Committee on the Judiciary. I will state in this connection that some two months since precisely such a resolution was referred to our committee, and it was reported back by us and referred to the Committee on the Judiciary. I ask that this joint resolution take the same course.

The report was agreed to.

Mr. COOPER, from the Committee on Finance, to whom was referred the bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the petition of Oliver Moses and others, asking indemnity for the loss of the ship John Carver, destroyed on the high seas by the rebel cruiser Jeff Davis, August 11, 1861, submitted the report thereon adopted by the committee at the last session of Congress, accompanied by a bill (S. No. 1015) for the relief of Oliver Moses, Frank O. Moses, Galen C. Moses, Charles Owen, Robert P. Monson, and George W. Edge, owners of the ship John Carver; which was read and passed to the second reading.

He also, from the same committee, to whom was referred the bill (S. No. 353) for the relief of William Talbert, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 940) for the relief of William S. Lawrenson, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 459) for the relief of George A. Stevens, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William C. Zantzinger, praying that the Admiral, Vice-Admiral and rear-admiral commanding a foreign station shall be allowed a secretary, entitled to the rank and allowances of a lieutenant in the Navy, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Charles F. Yeager, late second assistant engineer on the United States vessel Samson, praying the passage of a law authorizing the redistribution of prize-money arising from the sale of cotton alleged to have been captured on the Red River during the late war, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of A. C. Rhind, captain United States Navy, praying to be restored to his proper position on the active list of captains of the Navy so as to rank next below Commodore A. K. Hughes, asked to be discharged from its further consideration; which was agreed to.

Mr. ALLISON, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1016) for the relief of John H. Pickering; which was read and passed to the second reading.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 1017) authorizing the accounting officers of the Treasury to settle certain accounts pertaining to the Red Cloud in-

vestigating commission; which was read and passed to the second reading.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (S. No. 405) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, all of Philadelphia, Pennsylvania; the Union Transfer Company of Baltimore, Maryland; and John R. Graham, late of Philadelphia, now of Washington, District of Columbia, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 967) authorizing the survey of certain townships in Michigan and making an appropriation therefor, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of the Union Bank of Louisiana, praying compensation for certain confederate moneys seized under an order of Major-General Banks in 1863, submitted a report thereon, accompanied by a bill (S. No. 1018) for the relief of the Union National Bank of Louisiana, successor to the Union Bank of Louisiana.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. HOWE, from the Joint Committee on the Library, who were directed by a resolution of the Senate of May 30, 1876, to inquire into the propriety and expediency of collecting and printing in convenient form for use the legislative resolves and ordinances passed by the Continental Congress and the Congress of the Confederation, reported a bill (S. No. 1019) to provide for a reprint of the resolutions, ordinances, and acts passed by the Continental Congress and the Congress of the Confederation; which was read and passed to the second reading.

He also, from the same committee, to whom was referred the bill (S. No. 511) appropriating money to compensate Fisk Mills, sculptor, for the "plaster model of General Rawlins," submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

EMERICK W. HANSELL.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (H. R. No. 3184) granting a pension to Emerick W. Hansell, have instructed me to report it back with amendments, and as thus amended to recommend its passage. I wish to say in reporting the bill, unless there should be some morning business to interfere with it, that I think it belongs to that class of cases which ought to be considered at once. The House passed it as a pension bill. It is for the relief of Mr. Hansell, who was disabled in his defense of Mr. Seward at the time of his attempted assassination. The chairman of the Committee on Pensions [Mr. INGALLS] reported it from the Committee on Pensions. I do not remember whether he expressed any opinion on the merits of the case; but he said it was not thought proper to grant him a pension, because it might introduce a dangerous precedent, and hence he asked that it might be referred to the Committee on Claims, as it was more in the nature of a claim. We have amended the bill so as to provide for the allowance of $2,000, to be paid by the Secretary of the Treasury. If there be no objection, as this is a very old man, who is disabled and for some eleven years has been without any compensation, I should like to have the bill considered now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

> That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Emerick W. Hansell, of the city of Washington, in the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, on account of injuries received by said Hansell while in attendance upon the late William H. Seward, former Secretary of State, on the occasion of the attempted assassination of said Seward.

The amendment was agreed to.

Mr. KERNAN. I wish the gentleman who reported the bill would state a little more fully this case. We could not hear him over on this side.

Mr. WRIGHT. Mr. Hansell was in attendance upon the late William H. Seward at the time of his attempted assassination, and was injured so that he has been disabled ever since. The House passed a bill allowing him a pension, putting him on the pension-roll. The Pension Committee of the Senate concluded that it would be a dangerous precedent to put him on the pension-roll, and reported the bill back to the Senate for reference to the Committee on Claims. We have considered it, and instead of granting him a pension at so much per month, we allow him a gross sum of $2,000.

Mr. SAULSBURY. I should like to inquire of the Senator whether the injury he received was very serious and whether it has disabled him?

Mr. WRIGHT. The testimony of physicians is upon the record that he was disabled at the time and has been disabled since, so that he has been entirely unable to attend to any occupation or do any manual labor.

Mr. HAMLIN. I do not think I have heard any Senator state the fact that this is in accordance with what Congress has already done in relation to the other person who was present.

Mr. INGALLS. Mr. Robinson.

Mr. HAMLIN. Mr. Robinson, a citizen of Maine.

Mr. WRIGHT. I have not mentioned it, but the report shows that fact.

Mr. HAMLIN. It is the fact, that the other person who was very much disabled received a compensation of, I think, $5,000.

Mr. INGALLS. Five thousand dollars was the sum he received.

Mr. HAMLIN. And it was a most just act, in my judgment, as I believe this to be.

Mr. ANTHONY. I should like very much to have the amount in the bill increased to $5,000. I think it is a great shame that this Government did not pay the expenses of the sickness, slow recovery, and surgical treatment of the illustrious Secretary of State and all others who were injured in that attempt at assassination which sent a thrill of horror throughout every part of the country, the South as well as the North. I should very much like, if it will not interfere with the bill and if my friend from Iowa will accept it, to amend it so as to give him $5,000, which I think is a very small compensation for the injuries which this faithful man suffered and which have disabled him for the whole of his future life.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves an amendment increasing the amount from $2,000 to $5,000. The question is upon the amendment.

Mr. KERNAN. I should not want to disagree with the committee and increase the amount which they fixed, without hearing more facts than I have yet heard about this case. Is there a written report?

Mr. WRIGHT. There is a written report from the House, which was adopted by the Senate committee. The report recommends the payment of a pension, and we have put in a gross sum of $2,000.

Mr. KERNAN. Allow me to inquire how much was the pension fixed by the House?

Mr. WRIGHT. Eight dollars a month, dating back to 1865.

Mr. WITHERS. I will state that the Pension Committee did not feel themselves authorized to recommend the passage of the bill as a pension bill, because it was in a line of precedents which they did not approve, giving a pension for civil service. This man was not in the military service and therefore the Pension Committee declined to report the bill, but asked that it be referred to the Committee on Claims. The evidence before them of disability, however, I think was satisfactory; and I myself am far from objecting to the bill, believing that some compensation ought to be made for this injury.

Mr. SAULSBURY. I should like to inquire of the Senator from Iowa when this payment is to commence. It is an annual payment, I understand?

Mr. WRIGHT. No, it is the sum of $2,000 in gross.

Mr. KERNAN. Allow me to inquire what is the age of the man who was injured?

Mr. WRIGHT. The age is not given, except it is said that he is advanced in years, and disabled, and needy.

Mr. KERNAN. I submit that if we are to help this man we had better pass the bill as the committee reported it; because the House only gave him a pension of $96 a year, and I do not think we ought to make the gross amount larger than $2,000.

Mr. INGALLS. The beneficiary of this bill was one of the attendants upon the late Secretary Seward on the night of his attempted assassination. He was at that time a messenger in the State Department, and continued in the employment of the Government until in consequence of the injury that he received on that occasion he became entirely incapable of any further manual labor.

Mr. MERRIMON. How old is he?

Mr. INGALLS. He is now a man very advanced in years, and in the very last stages of decrepitude and infirmity in consequence of these injuries. The reason why the Committee on Pensions declined to pass a bill was twofold. In the first place, it provided for the payment of arrears back to the time when the injury was received, which is contrary to precedent and to law. In the second place, Mr. Hansell was not in the service of the Government at the time the injury was received, either in the military or naval arm. We therefore, to avoid the difficulty that would be established by a precedent of that kind, reported that the bill should be referred to the Committee on Claims with the suggestion that a sum in gross be allowed for the injuries he had received. My own impression is that inasmuch as Mr. Hansell only asked himself for $8 a month, he should receive a gross amount that when capitalized would give him an income that would be equivalent to the sum that he asked; that is from $96 to $100 a year.

I am aware that it is a very ungracious thing and a very difficult thing to attempt to argue against a sentiment, to resist an appeal that is made upon the ground of sympathy. So far as Mr. Hansell is concerned, of course no Senator here desires to say that he shall not be amply remunerated; but it does seem to me that we ought not to give any more than he has asked; and inasmuch as he himself has asked for but $8 a month, I can conceive that no good will be obtained by doubling the sum that when capitalized would give him an income equal to the sum that the pension would award to him. The $2,000, even at the lowest rate of interest that is allowed, 5 per cent., will allow him more than the annual compensation that he would receive under the pension.

The House bill, as the Senator from Ohio [Mr. SHERMAN] suggests, gives back pension for eleven years, which would be about $1,000 or

$1,100. It seems to me that the bill ought to pass as it comes from the Committee on Claims, and that in passing it we shall only do an act that is graceful and reasonable and just. As the Senator from Maine [Mr. HAMLIN] has said, one of the associates of Mr. Hansell, who was assaulted at the same time that he received his injuries, has been awarded by act of Congress the sum of $5,000.

Mr. WRIGHT. This whole question was considered by the committee and after looking the whole ground over we thought $2,000 was about a fair sum in view of what had been named by the House bill and what we understood was the claim of the petitioner, and we therefore recommended $2,000. I suggest to my friend from Rhode Island that he had better let the bill pass as it is.

Mr. ANTHONY. I shall follow the committee. I withdraw the amendment.

Mr. BOUTWELL. Mr. President, it is much better for this pensioner to take this House bill than to take the $2,000. There are eleven years of back pay due him at $96 a year.

Mr. INGALLS. How does the Senator say it is due to him?

Mr. BOUTWELL. I understood so from the bill.

Mr. INGALLS. The House proposed to give him that, but there is certainly nothing due him.

Mr. BOUTWELL. Certainly. I was only comparing the two bills to see which was the most advantageous to the party. The House bill will give him $1,056 in money at once and then will give him a pension of $96 a year. That $1,056 at 6 per cent. interest will yield him about $62, which would make $158 annual income; but if you give him $2,000 it is only $120.

Mr. WRIGHT. Under the House bill he would only get $96 a year.

Mr. BOUTWELL. And a thousand dollars back pay.

Mr. INGALLS. If the Senator from Massachusetts will allow me, this man has been in the employment of the State Department ever since his injury until within comparatively a recent time. He has had a constant income and has been employed by the Government at a reasonable compensation. Therefore he has no claim, equitable or legal, to back pay.

Mr. BOUTWELL. I ask whether the House bill does not allow him a pension from the time the injuries were suffered?

Mr. INGALLS. Yes, sir; but that is wrong in principle.

Mr. BOUTWELL. I am only considering whether the House bill or the proposition of the committee of the Senate is most favorable to the party. I am for doing the best I can for him. Therefore I should prefer giving him the pension granted by the House bill without any inquiry as to whether he has been in the service of the Government or not. If he had not served the Government he would have served somebody else and received his pay. He has rendered an equivalent for that. It is no compensation to him for the injuries he suffered at the time of the attempted assassination of Mr. Seward that he has been in the service either of the Government or somebody else and earned some money. We have nothing to do with that. If we intend to compensate him for that sacrifice and suffering, let us do it without inquiring whether he has earned something else or not. It is no part of our business whether he has been industrious and earned some money and received that money from the Government or a railway corporation.

I will say now, with the leave of the Senate, that there is a poor woman at work in a very subordinate capacity in the Treasury Department, whose name I cannot recall, who suffered at the same time and was disabled for many months from performing any labor whatever. As I cannot give her name I cannot move an amendment, but I certainly think her as deserving in the nature of her sufferings as this person, or Mr. Robinson, who has already been relieved.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Emerich W. Hansell."

WILLIAM K. SEBASTIAN.

Mr. CAMERON, of Wisconsin. The Committee on Privileges and Elections, to whom was referred the petition of the heirs of William K. Sebastian, deceased, formerly a Senator from the State of Arkansas, praying for the pay, perquisites, and emoluments of which he was deprived by being expelled from the Senate, have instructed me to report the petition back with a resolution and submit a written report. I ask that the resolution lie on the table until the report is printed, and I give notice that at an early day after the report is printed I shall call up the resolution for action.

The resolution is as follows:

Resolved by the Senate of the United States, That the preamble and resolution of this body of July 11, 1861, wherein and whereby the late William K. Sebastian, of Arkansas, an honorable and loyal Senator and member at the time of this body, was expelled for supposed disloyalty to the Government of the United States, be, and the same is hereby, revoked and annulled as of the day and date of its passage, in so far as the said Senator William K. Sebastian is concerned, and no further; and that without detriment on account of duties or rights of the Senator, obstructed or prevented by said act of expulsion, the Secretary or other proper officer of the Senate be, and he is hereby, authorized and directed to settle the unpaid accounts of the said Senator at the rates provided by the laws existing at the time, (the same to be certified by the President of the Senate,) and to be paid to the heirs of said Senator, or to their legal representatives, out of the contingent fund of the Senate.

The report was ordered to be printed.

EXPENSES OF COMMITTEE ON CHINESE IMMIGRATION.

Mr. DAWES. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution offered yesterday in reference to disbursing the fund for the expenses of the Committee on Chinese Immigration, find that it is necessary that a bill shall be passed to meet the difficulties of the case, and have instructed me to report a bill accordingly.

Mr. SARGENT. I ask that the bill be put on its passage.

Mr. DAWES. I think there will be no objection.

The bill (S. No. 1014) regulating the disbursement of certain moneys therein named was read three times, and passed. It provides that the disbursing officer of the Senate shall advance such parts of the sum appropriated to pay the expenses of the Joint Select Committee on Chinese Immigration, and ordered to be paid into the contingent fund of the Senate to the Sergeant-at-Arms of the Senate, as the chairman of the committee shall in writing direct for the purposes aforesaid, and the Sergeant-at-Arms shall, as soon as may be, make a detailed report of the expenditure thereof, with proper vouchers, which, when so made, shall be received by said disbursing officer and returned with his accounts to the proper officer of the Treasury Department.

The PRESIDENT *pro tempore*. The Chair appoints on that committee on the part of the Senate the Senator from Indiana, [Mr. MORTON,] the Senator from California, [Mr. SARGENT,] and the Senator from Tennessee, [Mr. COOPER.]

BILL INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1020) to punish embezzlement in the District of Columbia; which was read twice by its title, referred to the Committee for the District of Columbia, and ordered to be printed.

THOMAS H. HALSEY.

Mr. MORRILL. I ask that the bill (S. No. 912) for the relief of Thomas H. Halsey, paymaster, United States Army, which was accidentally referred to the Committee on Military Affairs, be referred to the Committee on Claims. I have once before made this request, but it does not seem to have got on the Journal.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the change of reference will be made.

IMPEACHMENT TRIAL.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 5,000 copies of the impeachment trial of William W. Belknap, including the opinions of Senators, be printed, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 350 copies for the use of the managers, and 200 copies for the use of the counsel.

HAMBURGH RIOT.

Mr. MORTON. I submit the following resolution:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. THURMAN. Let it lie over.

ERASTUS T. BUSSELL.

Mr. MORTON. I move to take up Senate bill No. 917.

The motion was agreed to; and the bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a "combined rubber and spiral steel spring" was considered as in Committee of the Whole.

The Committee on Patents reported an amendment, to strike out in line — the words "passage of this act" and insert "issue of the extension;" so as to read:

He is hereby authorized and empowered to extend said letters-patent to the said Erastus T. Bussell for seven years from and after the issue of the extension.

Mr. SAULSBURY. I understand from the reading of the bill that it is a proposition to extend a patent which expired in 1867.

Mr. MORTON. Authorizing an application to be made for it.

Mr. SAULSBURY. I think that very erroneous legislation. The extension of patents is not favored by the American people, and ought not to be, as a general rule. Here is a patent that expired some eight years ago, and the proposition now is to allow the party to make application for an extension. I think that the bill had better go over.

Mr. MORTON. The committee reported unanimously in favor of the bill, and the proviso will save any one from damages, so that no harm can result from it. I have the report here, and if the Senator would like to hear it read——

Mr. SAULSBURY. No; the statement of the Senator would be sufficient, but I cannot vote for a proposition of that kind myself.

Mr. MORTON. I hope the bill will pass.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SAULSBURY. This becomes a precedent, and if it be set here, we shall have applications for the extension of patents and for

the privilege of applying for the extensions of patents. I cannot vote for this bill. I believe it entirely wrong to pass bills for the extension of patents, as a general rule. I do not say there are not exceptions; but here is a patent that has expired years ago; the party has not been deriving any benefit from his patent and has acquiesced in its expiration, and now the proposition is, after the expiration of the patent, to extend it. It is a very bad practice. I hope the Senate will not pass the bill.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. SAULSBURY called for the yeas and nays, and they were ordered.

Mr. ANTHONY. How long is it since the patent expired? I did not understand as to that.

Mr. MORTON. The best statement will be to read the report. It is very brief, and shows this to be a very meritorious case.

Mr. ANTHONY. I understood that this had expired some years ago. There is one thing to be taken into consideration in that connection. The bill saves from reclamations all persons who have used the patent after the time that it expired. But suppose a man has invested capital, has erected works for the manufacture of this article, what is to become of his investment? I do not know that it is so in this case; I ask for information; but I can perceive that there might be great injustice in renewing a patent that had expired years ago, and which, being open to the whole public, the manufacture of the article had been undertaken all over the country.

Mr. MORTON. In answer to the question of the Senator from Rhode Island I ask to have the report read.

The Secretary read the following report, submitted by Mr. WADLEIGH, from the Committee on Patents, on the 28th of July:

The Committee on Patents, to whom was referred Senate bill No. 917, having had the same under consideration, are of opinion it ought to pass, and submit the following reasons:

First. This invention is a combined rubber and steel spiral spring of special value as a car-spring. It has gone into general use, and is now placed upon some fifty thousand cars, at a saving to the railroad public of $1,500,000, and neither the inventor nor his assignee has realized one dollar profit from the invention, and it appears to be no fault of theirs that they did not realize.

Second. The original letters-patent, issued the 29th of November, 1853, were defective, giving no protection to the owner. Bussell asked the Patent Office to give him a broad claim, covering his invention; but the then Commissioner required him to accept a restricted claim, which subordinated his patent to one of prior date, issued to one Fowler M. Ray. Although Bussell used due diligence, for almost the whole life-time of his said patent, to introduce his invention, he was everywhere met by the owners of the Ray patent, who succeeded in driving capital away from him, and prevented him from making one dollar out of his invention.

Third. Bussell's repeated failures lost him many hundred dollars, besides much valuable time, and after the Ray patent had expired he accepted an offer of $500 for the nine months' remnant of the life of his patent and one extension. His assignee obtained the extension in 1867, with the defects of the old patent perpetuated. When they began to make and sell this spring infringers saw the defects in the patent, and began a systematic piracy of Bussell's invention. His assignee surrendered the old letters-patent and asked for a re-issue, correcting its faults. The Patent Office granted the re-issue in 1870, and reversed the former action of the Office, giving a protective claim for the first time, not to Bussell, but to his assignee, which did not inure a dollar to Bussell's benefit.

Fourth. Bussell's assignee then entered a long and expensive litigation against infringers of this patent, in the United States court for the southern district of New York, and obtained a verdict which fully sustained the originality and distinctive character of Bussell's invention, sustained the claims in the re-issue of 1870, and enjoined infringers thereafter. This verdict did not come until 1874, when there was but three months left of the extended term of this patent. Bussell's assignee, therefore, held a monopoly of his invention for three months only.

Fifth. The inventor never enjoyed any monopoly of his said invention, but lost money and time because of it. His assignee only had three months of monopoly, and expended all his profits in suits against infringers.

For these reasons we recommend the passage of this bill for the sole benefit of the inventor.

The question being taken by yeas and nays, resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Allison, Bruce, Cameron of Wisconsin, Christiancy, Cragin, Dorsey, Hitchcock, Kernan, Key, Morton, Paddock, Spencer, Wadleigh, West, and Windom—15.

NAYS—Messrs. Anthony, Boutwell, Cameron of Pennsylvania, Cockrell, Eaton, Edmunds, Gordon, Hamilton, Harvey, Ingalls, Kelly, McCreery, McMillan, Maxey, Merrimon, Mitchell, Morrill, Randolph, Sargent, Saulsbury, Sherman, Wallace, Withers, and Wright—24.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Booth, Burnside, Clayton, Conkling, Conover, Cooper, Davis, Dawes, Dennis, Ferry, Frelinghuysen, Goldthwaite, Hamlin, Howe, Johnston, Jones of Florida, Jones of Nevada, Logan, McDonald, Norwood, Oglesby, Patterson, Ransom, Robertson, Sharon, Stevenson, Thurman, and Whyte—32.

So the bill was rejected.

Mr. EDMUNDS. I wish to enter a motion to reconsider the vote just taken. I voted against the bill because I thought it needed an important amendment to secure existing rights, and therefore I enter the motion to reconsider.

The PRESIDENT *pro tempore*. The motion will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; in which it requested the concurrence of the Senate.

PETERS AND REED.

Mr. WITHERS. I move to take up House bill No. 2287.

The motion was agreed to; and the consideration of the bill (H. R. No. 2287) for the relief of Peters and Reed, naval contractors at Norfolk navy-yard in the year 1860, was resumed as in Committee of the Whole.

Mr. BOUTWELL. Is this a bill which has once before been considered?

Mr. WITHERS. It is a bill to which the Senator objected previously.

Mr. BOUTWELL. Was the bill under discussion at that time?

Mr. SHERMAN. Let the report be read.

The Secretary proceeded to read the report of the House Committee, but before concluding he was interrupted by

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WITHERS. I hope we shall be allowed to complete this bill. It has passed the House twice and been reported favorably by two committees of this Senate. The Departn ent say the money is due and has never been paid.

Mr. ALLISON. I am told this proposition may give rise to debate.

Mr. LOGAN. I move that the Senate go into executive session. It is very important to have a short executive session. It will not take ten minutes. It is on a very important matter, and I hope the Senate will have a short executive session.

Mr. ALLISON. I ask that the regular order be taken up first.

Mr. SHERMAN. The river and harbor bill is before the Senate.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

EXECUTIVE SESSION.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were re-opened.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment reported by the Committee on Appropriations to insert as lines 73 and 74:

For repair of east pier at Cleveland, Ohio, $8,000.

Mr. SHERMAN. In order to avoid the criticism or controversy about this, I submit the following amendment to the amendment of the committee. Add thereto:

And the Secretary of War is hereby authorized to agree with the Pittsburgh and Cleveland Railroad Company for the free occupancy and use by it of said pier, upon such terms and conditions as he deems reasonable and just.

The letter from the Chief of Engineers read yesterday to the Senate shows distinctly that this pier ought to be repaired. He states:

That the condition of the inner end of the east pier of Cleveland Harbor is such as to require immediate repair to prevent its destruction and material injury to the harbor of Cleveland, and that the needed repairs may cost some $8,000.

The map shows that this breach is in the inner face of the east pier, and every man of ordinary intelligence will know that if that pier once breaks away, with the bank that is on the outer side of it sifting in, the harbor would at once fill it up probably in a single day; a single freshet, a single storm might cause injury to the extent of twenty times the cost of repairing the pier. There is no question about the necessity of its being repaired, and the Chief of Engineers says that necessity is apparent. But—and I learn this partly from information obtained since we adjourned last evening—there has been a controversy between an officer of engineers and an officer of the railroad company as to who should do certain work in connection with this business. It is perfectly manifest that the Government of the United States ought to repair this pier, that it ought to do the work because no other authority can go on there and to a certain extent impede the navigation of that harbor, except the Government of the United States. We would not allow any railroad company on any pretense whatever to undertake to repair or rebuild one of our piers. It will be necessary in order to repair the pier to make a coffer-dam, and we would not allow workmen unskilled and unprepared for that kind of work to enter on that harbor and repair the pier. It ought to be done by the United States.

But a question is made by the Engineer Department that this has been partly caused, not entirely, by the filling in of the land according to the riparian rights of the Cleveland and Pittsburgh Railroad on the outer side of the pier. That may be so; and if so the railroad company ought to pay some portion of this expense in the nature of damages. If they have caused this breach, they ought to be compelled to pay for it. There is no controversy as to the right of title. The railroad company own their land, as I understand. The pier, I take it, as a matter of course was built by the United States after gaining a proper title on which to build a public work.

Mr. EDMUNDS. How did it gain the title?

Mr. SHERMAN. I do not know; I am not prepared to say; but I take it as a matter of course that the United States took care to gain title to the ground occupied by its piers.

Mr. ALLISON. It is a very old work.

Mr. SHERMAN. It has been occupied there perhaps longer than I have lived. Under these circumstances, it is clear, first, that this work must be done; second, that it is right that the War Department or board of engineers should do it, because nobody else ought to be allowed to enter on that shallow harbor and repair the pier; and in the next place it seems to be right that the controversy between the United States and the railroad company should be settled, and if possible settled by agreement. The United States ought at once to assert its power or appeal to its courts. Thus, in any event this amendment ought to be adopted; the pier ought to be repaired by the Government of the United States, and then if the railroad company are trespassing on our rights we ought at once to assert those rights against the railroad. I have no sympathy with them in such a contest; but at the same time because two men, one an officer of the railroad company and another an officer of engineers, quarrel about who should do a particular work, I do not want the commerce of that port to be arrested and all the people interested in that commerce injured.

Mr. HOWE. I should like to hear the amendment.

Mr. SHERMAN. The amendment is copied from the language of the Secretary of War. Let the amendment I have offered be read.

The Chief Clerk read Mr. SHERMAN's amendment to the amendment.

Mr. SHERMAN. Here is what the Chief of Engineers says:

> It is further submitted whether the circumstances would not justify the granting of authority to the Secretary of War to yield the free occupancy and use to the Pittsburgh and Cleveland Railroad Company of such portion of the east pier as he might deem advisable upon the condition that the company immediately repair the pier and keep it in repair in future, the United States reserving a right of way over it at all times.

I have adopted the plan of leaving the terms entirely open to the Secretary of War, instead of requiring and authorizing the railroad company to enter upon the pier and repair it.

Mr. HOWE. But your statute, it seems to me, will settle the terms. The "free occupancy" must be the occupancy of the pier without any restriction and without any price.

Mr. SHERMAN. No; upon such terms and conditions as the Secretary of War may think reasonable. However, I am willing that the Senator shall draw the amendment in his own language. I have no care about the Pittsburgh and Cleveland Railroad Company. If they trespass upon the rights of the United States, I will join the Senator in asserting those rights.

Mr. HOWE. I want the Senate, the Legislature, to assert them.

Mr. SHERMAN. I agree with the Senator there.

Mr. HOWE. It looked to me, as I listened to the case yesterday, as if a railroad company had turned one of your breakwaters into a dock, taken possession of it, used it for a dock for forwarding purposes, and had actually ejected the Government from it.

Mr. SHERMAN. This is on the outside of the east pier, the land side of the east pier. Owning the land there, the company have filled in until they have extended beyond.

Mr. HOWE. The pier has a certain depth. That is what the Government built on and what the Government occupies.

Mr. SHERMAN. I understand the railroad company does not use that at all.

Mr. HOWE. I should infer from what the engineer says that the railroad does use it.

Mr. SHERMAN. I will read what the engineer says. He does say they have occupied it, but they do not put their railroad track on it.

Mr. HOWE. I do not know where the track runs.

Mr. SHERMAN. He says it is—

> Occupied by certain railroad companies for their own especial use and benefit, and has been retained in their possession to the present day, they having refused to vacate it even for repair, the necessity for some of which has grown out of their abuse of the structure.

Mr. HOWE. Part of their wharf, and they load from it; they transport over it from their depot to the boats.

Mr. SHERMAN. To some extent, although they have a front pier along the line of the lake, and I have seen coal and iron discharged there, but that could only be done when the lake was calm. Probably whenever there is a storm they have to come within the harbor and then may load over this pier, and I do not see why you should prevent them. I think the Government ought to allow not only this railroad company but all citizens to use this pier in that way.

Mr. HOWE. Undoubtedly there is no sort of objection to that. If the railroad company can give adequate security to maintain that which is a breakwater and maintain it as a dock, it answers as good a purpose as a breakwater, and there is no objection in the world that I see to the Government's relinquishing any portion of the work that somebody else will do. If the railroad company will maintain a dock there that is just as good as a breakwater, it answers every purpose.

Mr. SHERMAN. They have maintained a dock beyond this pier. They have a dock and breakwater far beyond this.

Mr. HOWE. Somewhere else.

Mr. SHERMAN. No, right outside beyond the breach; but it is said that was filling it with earth and putting buildings on this new earth has added to the weight which presses on the pier. That is what I understand the engineers to say; that is, the company have contributed partly to this breach themselves.

Mr. HOWE. That may be one of the difficulties, but the engineer complains of another, and that is that the railroad company has actually ejected the Government from the pier itself. Now, if the railroad company wants docking privileges, wharfing privileges there, I do not see any sort of objection to letting it have them, to letting it maintain the work so as to make the harbor good. But the railroad company has no right to ask the Government to maintain a breakwater there and give them the use of it for a dock. That cannot be done.

Mr. SHERMAN. But would you in the mean time until that controversy was settled suspend and allow this breach to go on and fill up that harbor in the event of a sudden storm?

Mr. HOWE. If the railroad company is responsible and is fit to become the lessee——

Mr. SHERMAN. The railroad company is not responsible enough to repair the damage that might be done.

Mr. HOWE. Is not equal to $8,000?

Mr. SHERMAN. Suppose they will not expend the $8,000, why not make them do so?

Mr. HOWE. Do you propose to lease this property to an irresponsible company not good for $8,000 on any terms?

Mr. SHERMAN. I propose to do this work by the Government, and let the railroad company have the use of it on terms fixed by the Secretary of War.

Mr. HOWE. The Senator's amendment is that the Government shall do this work, and not the railroad company. "The free occupancy" of it is given to the company. That is what the amendment is.

Mr. SHERMAN. The free occupancy upon such terms as the Secretary of War may think reasonable, and I have followed his language.

Mr. HOWE. What terms can the Secretary of War make with a company which is not responsible for $8,000?

Mr. SHERMAN. I did not say the company was not responsible. What I said was that the railroad company was not responsible for all the damages that might result from an open breach of the pier and the filling up of the harbor at the mouth of the river Cuyahoga. It would amount to hundreds of millions. It would stop the entire commerce of that whole region for a greater or less length of time. The Cleveland and Pittsburgh Railroad Company, as I know and perhaps the Senator knows, is a powerful corporation and amply sufficient to pay half a million of dollars.

Mr. HOWE. So I understand it, and now I submit to the candor of the Senator if that company has helped to destroy this pier, that is one reason why the company should help at least to restore it.

Mr. HOWE. And if the company wants it hereafter, that is only a reason why the company should restore it; but if they can have the use of it, it is a perfect reason why the Government should allow them to do it. Why not say——

Mr. THURMAN. I should like to know what has become of the five-minute rule?

Mr. SHERMAN. Will not the Senator from Wisconsin suggest an amendment to the proposition?

Mr. HOWE. I have spoken a dozen times under the five-minute rule.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair is informed that the debate has been proceeding by unanimous consent. The present occupant, having just come to the chair, was not aware until this moment that the five-minute rule had been adopted on this bill.

Mr. SARGENT. I object to debate beyond the time allowed.

Mr. THURMAN. I have a word to say on this and I will confine myself within my five minutes.

Mr. HOWE. What has become of the five-minute rule?

Mr. CONKLING. And the rule that no Senator shall speak but once?

Mr. THURMAN. I have not spoken on this at all.

Mr. EDMUNDS. Yesterday.

Mr. THURMAN. No, sir; that was on another amendment. All this is not to be taken out of my five minutes.

Suppose this railroad company had been partially the cause of the breach in this pier; suppose it were true that a man had gone there and put nitro-glycerine in and blown up the pier, or made a breach in it, is that any reason why there shall be any delay in protecting the pier until the Government shall recover damages from the man who threw the nitro-glycerine in to blow it up? What sort of an idea is that?

I know nothing about the merits of this controversy between the railroad company and the Government. I only know that the railroad company have been occupying certain territory there for twenty-three years, and the Government has not turned them off. But I do not care whether the railroad company is at fault or not. Here is the port of the largest city on the lakes, with the exception of Chicago, that is in danger of being blocked up for want of immediate repairs, and here is objection made to it because it is said some railroad company is in fault and is a trespasser. I do not care whether the railroad company is a trespasser or not; I do not care for this purpose if the railroad company has blown up the pier with nitro-glycerine. That is not the question here. The question is whether or not there shall be this delay in protecting the entrance to the harbor of Cleveland until there can be a settlement between the railroad company and the Government. I protest against such delay.

Mr. CONKLING. If the Senator from Ohio comes upon my close and does an injury and there it stops, a case has occurred such as he

has been discussing. If that injury consists in blowing down a part of my house, it would be very absurd for me to live without a house until the end of the suit against the Senator to mulct him in damages for his trespass. But suppose the Senator from Ohio comes upon my close and sets up a possession and maintains it, and when I attempt to restore my possession, he drives me off, and he persists day after day and year after year, from 1853 to 1876, in holding actual possession, the case would be somewhat different; and if I were asked to persist in expenditures to repair to-day what he destroys to-morrow and so keep on, not waiting for the result of an action nor bringing one nor doing anything except to succumb to his trespass, I think the line of action would be rather extraordinary.

Now, in the case of this pier, the trouble is as it was when it was proposed—I cannot find the act to see whether it became a law or not,—to release to the city of Cleveland the title to the pier to the end that it might fight out this controversy; and that trouble was and is this:

Respecting this pier, built by the United States, it is to be remarked that as far back as 1855 it was taken possession of and occupied by certain railroad companies for their own especial use and benefit, and has been retained in their possession to the present day, they having refused to vacate it even for repair, the necessity for some of which has grown out of

Not their use, but "their abuse of the structure;" and I call the attention of the Senator from Wisconsin to this. That is the report. Now, what is the fact about it? Here is a narrow tongue of space occupied by a pier, a wharf, and over that wharf this railway company trundles its ponderous traffic and crushes it down; and the question is whether the United States is to stand by and make appropriations year after year to build this pier up as fast as they crush it down.

One of two things is true: the United States owns this pier and the land it rests on, or it does not. If it does, these destroyers are trespassers, and they ought to be prosecuted, at least until the title is quieted and settled; they ought to be compelled, like other trespassers, to stand off, and the United States should maintain this pier as it would another. On the contrary, if the railroad company, either by prescription or by grant, has acquired a title with which it can defy all comers, including the United States, then this wharf belongs to the railroad company, and, like any other wharf belonging to a private person, ought to be maintained. If it becomes a public nuisance, because they let it fall down or let the stones fall into the harbor, then, like any other public nuisance, it may be abated in another form of action; and any man who runs a vessel licensed in the coastwise trade has his right of action to compel them to take out what they threw into the harbor, as stones or any other incumbrance which they put there, has he not? I believe that has been decided repeatedly.

I will vote for an appropriation for this pier, if pier it be; but, if it is a wharf of a railroad company to be used, and, in the language of this report, abused until it is crushed down, I cannot vote year after year to maintain, for the mere private utility of a corporation, a piece of property, although it stands adjacent to one of the harbors of the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONKLING. So have I. [Laughter.]

Mr. SARGENT. I wish to propose an amendment to the amendment. I understand it is the intention of the mover of the amendment to strike out the word "free."

Mr. SHERMAN. I will modify it in that way.

Mr. EDMUNDS. There are two amendments pending already.

Mr. SARGENT. Let my amendment be reported.

The PRESIDING OFFICER. The amendment will be reported for information.

The Chief Clerk read as follows:

And in case said railroad company shall neglect or refuse to make an agreement satisfactory to the Secretary of War, upon a certificate of that fact to the Attorney-General, it shall be the duty of the latter officer to enforce the rights of the United States in the premises by appropriate action.

The PRESIDING OFFICER. The amendment just read is not now in order, being in the third degree.

Mr. SHERMAN. I will accept it.

The PRESIDING OFFICER. The Senator from Ohio accepts the amendment suggested by the Senator from California.

Mr. EDMUNDS. Let it all be read.

The Chief Clerk read as follows:

And the Secretary of War is hereby authorized to agree with the Pittsburgh and Cleveland Railroad Company for such use and occupancy of said pier as is consistent with public interests, upon such terms and conditions as he deems reasonable and just; and in case said railroad company shall neglect or refuse to make an agreement satisfactory to the Secretary of War, upon a certificate of that fact to the Attorney-General, it shall be the duty of the latter officer to enforce the rights of the United States in the premises by appropriate action.

Mr. EDMUNDS. The Senator from New York has expressed so much better than I could my views on the main part of this case that I will confine myself to another topic. The thing that troubles me is the defect of information as to where is the right as between the United States and the State of Ohio, to begin with, and the people who are exercising that franchise under a grant from her. I understand the law to be perfectly well settled over and over again, so that it is no longer a question for debate, that the soil under the waters of Lake Erie at that place when this pier was built, some time before the year 1853, belonged to the State of Ohio, and that the United States had no right to it whatever; and upon that subject I wish to read one clause from a decision of the Supreme Court; and as this embraces a general question, if my five minutes run out too soon I must take the opportunity of making another motion so that I shall say what I wish to say all together.

The Supreme Court of the United States, in an Alabama matter of land under water just like this, say—and I only read the condensed part in order to save the time of the Senate:

The right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdiction, and they, and they only, have the constitutional power to exercise it.

Just before that the court has been referring to what was insisted about the power to regulate commerce as overriding that, and I do not read it but only call attention to the fact that the court is speaking of the very point of the power to regulate commerce.

Mr. SHERMAN. I will state to the Senator a fact that he is not aware of probably and that very few are aware of who were not born in Ohio, that the title in all that region of country never belonged to the State of Ohio or the United States, but belongs to the State of Connecticut and always belonged to the State of Connecticut and was reserved by Connecticut in the cession of western lands, and her right to all that territory was acknowledged by the United States. It will not change the argument, however.

Mr. EDMUNDS. It will not change the argument a particle, because in the case of Virginia and in the case of Georgia who ceded a part of the western territory, and the other cases, when they ceded it they had the absolute dominion; and it is immaterial to my purpose, therefore, whether the State of Connecticut or the State of Ohio had the dominion. I have no doubt under the existing state of things that the State of Ohio has the dominion and the State of Connecticut could not reserve a naked easement, a proprietary right in soil under the sea, so to speak, under the lake when she granted the lands adjacent and a sovereign State has been set up under it; and that is what the Supreme Court say as to the power of the United States in respect of land that we got from Spain and from France, which is exactly the same thing and appears in this very case that I hold in my hand. Now I will go on; the court say:

This right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters, would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty, and deprive the States of the power to exercise a numerous and important class of police powers.

That is what now by way of lease, so to speak, the amendment of the Senator from Ohio is, for the United States to exercise dominion over this soil and this structure upon it and make arrangement for its occupation by the railroad company. If the State of Ohio has ceded this land to the United States for this purpose, that is one thing; but I can find no evidence of that, and judging from the report of the engineer and from the earliest appropriations for this harbor, which began merely by digging it out to make it more navigable and building structures alongside this river, I have no doubt it was done, as in almost every other instance those things are done, by the sufferance of the State, doing a good thing for their benefit, not interfering with their jurisdiction or taking possession of anything, but merely clearing out a water highway within the limits of a State over which the State so far as dominion is concerned had exclusive jurisdiction. It may be that the State of Ohio has at some time granted to the United States, as the States do for dock-yards and such things, the dominion over the place where this pier stands. If that were so, we should be relieved of all difficulty so far as that condition of the case is concerned; but without the evidence of that having been done, the trouble with this amendment, or with any amendment except merely to go on and spend the money, is that we have no authority to make it; that the State of Ohio has a right to control the pier and to grant to anybody she likes the right to use it, because our building a pier upon her land gives us no right; her dominion is over it exclusive and conclusive. If, on the other hand, the State of Ohio has made a grant of this kind, this matter of course is relieved of all difficulty of that character. But it appears that somehow or in some way in the year 1853 the Cleveland and Pittsburgh Railroad Company (undoubtedly chartered by the State of Ohio, because otherwise it would have had no franchise to carry freights I suppose, certainly not until it reached the border of the State of Pennsylvania) had a franchise to build a railroad to this point on Lake Erie.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDMUNDS. I ask unanimous consent to go on for a minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the Senator will proceed for five minutes.

Mr. EDMUNDS. I shall be as brief as possible.

Mr. THURMAN. I think it all comes to the same thing, but when we have a five-minute rule the best way would be for the Senator to make a motion, which will give him as much time as he chooses to occupy.

Mr. EDMUNDS. I will make a motion. I move to recommit the bill to the committee. I hope no Senators will suppose I am trying to weary out their time, but I think while we are on this general topic we might as well talk it out and be done with it.

The PRESIDING OFFICER. The Senator from Vermont moves to recommit the bill to the Committee on Appropriations.

Mr. EDMUNDS. I think I have only a few words to say.

The War Department report to us that in the year 1853 the pier was taken possession of and occupied, not built alongside of but taken possession of and occupied, by certain railway companies for their own especial use and benefit, and has been retained in their possession to the present day. Therefore, you have the official information that for the period of twenty-three years, long enough to give a title under the statute of limitations as between private persons, this very property, now said to be the property of the United States, has been held in the adverse possession of a railroad company, claiming under some title or without, no matter what, the absolute and exclusive possession and use of the pier for its own benefit and enjoyment; and in the course of that use the War Department go on to say:

As the Engineer Department has been unable to get possession of the pier, no part of any appropriation by Congress has been expended upon it for repair. The subject was submitted to the attention of Congress in the report of the Chief of Engineers, January 26, 1867—

Nine years ago—

but no remedy has been provided.

Mr. CONKLING. That is a special report. I will hand to the Senator the report of 1867, containing six or eight lines on this point.

Mr. SHERMAN. That was not a report made to Congress.

Mr. EDMUNDS. That depends upon the question whether Congress has got any right to interfere. That is the very question I should like to be informed about, because it appears clear to me that we have no right to interfere unless the State of Ohio has granted to us the land on which this pier stands and the jurisdiction over it.

Mr. SHERMAN. I think, and my colleague concurs in the opinion, that the State of Ohio has passed a general law giving the jurisdiction of the United States in proper form in all cases of public buildings, piers, &c. I have sent for the statute.

Mr. EDMUNDS. I was going to say that it is only a minute to the place where the statute is, and we can see it. If we find such a statute of Ohio, of course we shall be relieved of this difficulty; but while this difficulty exists it seems to me totally impossible to agree to the amendment of the Senator from Ohio, because it is only putting us into trouble which will be difficult to get out of.

Mr. OGLESBY. May I ask the Senator a question in regard to a fact in this case?

Mr. EDMUNDS. Certainly.

Mr. OGLESBY. Does the track of the railroad company run on this pier or only alongside of the pier on the accretions?

Mr. SHERMAN. Only on the accretions. Here is the map.

Mr. EDMUNDS. I do not know. All I know is that the Department says in its responsible and official capacity that in 1853 the pier itself was taken possession of and occupied by the railroad companies for their own especial use and benefit, and has been retained in their possession to the present day. Whether the track, the iron, is actually on this pier, or whether the plank-work that holds the coal, the ore, the pork, and the iron is on the pier or not, I do not know; but I think it is entirely immaterial. It is of not the least consequence in the world, so far as I see, as they have got the possession of it and use it for railroad purposes in lading and unlading, whether their track is actually on it or on the side of it. They have got the exclusive possession of it as a private wharf, and I rather suspect every traveler who goes to Detroit by way of Cleveland from Pittsburgh and takes the steamboat leaves the car on the pier and gets into the steamboat on the other side of it as the private wharf of that company, excluding the public commerce of the lakes except as it is by sufferance allowed to land there to go on the railroad. That I suppose to be the fact, but I do not know it. At any rate, here we have the official report as I have stated. My friend from New York calls attention to the report of 1867 on this subject.

Mr. CONKLING. The Senator referred to a special report, and I refer him to the general report of that year.

Mr. EDMUNDS. This is the general report:

Inasmuch as the principal part of the east pier had been monopolized by a railroad company, it was decided by orders from the Engineer Department that no repairs should be done to the east pier at the expense of the United States. In my former reports I have fully set forth the uses and abuses of this pier, all of which still continues, and in consequence the old pier is fast going to destruction.

This was in 1867. The railroad company seems to have kept it in good condition for a wharf, but it may not be in good condition for a pier. I do not know where the difference would come in. It is good enough for them to run the railroad cars there and use it for all the purposes of passenger and freight traffic, but we are called upon to spend $8,000 in order to put it in a little better condition in respect of the harbor itself. That is the application.

I will now go on with this general question. The Supreme Court, in the case of Pollard's lessee vs. Hagan, proceed to say:

But in the hands of the States this power—

That is, the sovereign municipal power—

can never be used so as to affect the exercise of any national right of eminent domain or jurisdiction with which the United States have been invested by the Constitution. For, although the territorial limits of Alabama have extended all her sovereign power into the sea, it is there, as on the shore, but municipal power, subject to the Constitution of the United States and the laws which shall be made in pursuance thereof.

By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Secondly. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. (15 Curtis's Decisions of the Supreme Court of the United States, page 403.)

So that, Mr. President, it appears to me that until we know that the State of Ohio has granted jurisdiction over this old pier, now for twenty-three years the pier of a railway company in fact, and in its exclusive occupancy and possession, we ought not to be called upon to appropriate any money for it or to enter into any agreement with the parties in possession, because an agreement in the absence of a statute making a grant is a direct invasion of the sovereign rights of the State of Ohio.

I wish to say a word, while I am up, on a subject that was discussed the other day on this bill touching all the internal rivers and streams which it is proposed to improve above the falls to which naturally they are more or less navigable. I have before me an old case, decided as far back as 1852, of Veazie vs. Moor, to be found in 14 Howard. The facts in this case were that the State of Maine granted to certain persons the exclusive right to navigate the river Penobscot above its falls. Between the city of Bangor and Old Town, a distance of eight miles, the Penobscot passes over a fall, is crossed by four dams, but there is a railroad from Bangor to the steamboat landing at Old Town. On the 30th day of July, 1846, the Legislature of Maine granted to Moor and his associates the authority to improve the navigation of the Penobscot River above Old Town, and for that purpose they were authorized to deepen the channel, to cut down and remove any gravel or ledge, bars and rocks, &c., and made all the provisions for it. It then gave them as a consideration for that the exclusive right of navigation for the period, I believe, of twenty years. As it was navigable for steamboats for I do not know how far—I do not see the Senator from Maine, who can tell me—another steamboat man built a steamboat and ran an opposition line from Old Town up to the head of the upper navigation of the river. A suit was brought to prevent his doing it, and he defended on the ground that the State of Maine had undertaken to regulate commerce, as the State of New York did on the Hudson in the Fulton and Livingston steamboat cases, and therefore this act of the State of Maine was void and he had a right under the Constitution of the United States to run his steamboat on this navigable river. Now the court say:

Taking the term commerce in its broadest acceptation, supposing it to embrace not merely traffic, but the means and vehicles by which it is prosecuted, can it properly be made to include objects and purposes such as those contemplated by the law under review? Commerce with foreign nations must signify commerce which in some sense is necessarily connected with these nations, transactions which either immediately, or at some stage of their progress, must be extra-territorial. The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures or in the arts may ultimately become the subjects of foreign commerce, that the control of the means or the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase foreign commerce or fairly implied in any investiture of the power to regulate such commerce. A pretension as far reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce, and be borne either by turnpikes, canals, or railroads, from point to point within the several States, toward an ultimate destination, like the one above mentioned. Such a pretension would effectually prevent or paralyze every effort at internal improvement by the several States; for it cannot be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration derivable from which and all control over which might be immediately wrested from them, because such public works would be facilities for a commerce which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.

The rule here given with respect to the regulation of foreign commerce equally excludes from the regulation of commerce between the States and the Indian tribes the control over turnpikes, canals, or railroads, or the clearing and deepening of water-courses exclusively within the States, or the management of the transportation upon and by means of such improvements. In truth, the power vested in Congress by article 1, section 8, of the Constitution, was not designed to operate upon matters like those embraced in the statute of the State of Maine, and which are essentially local in their nature and extent. The design and object of that power, as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions, which local jealousies, or local and partial interests might be disposed to introduce and maintain. These were the views pressed upon the public attention by the advocates for the adoption of the Constitution, and in accordance therewith have been the expositions of this instrument propounded by this court in decisions quoted by counsel on either side of this cause, though differently applied by them. (30 Curtis's Decisions of the Supreme Court of the United States, pages 348, 349.)

Upon the whole, therefore, the court say that there is no authority to interfere in the exclusive jurisdiction of the State of Maine over this river above the falls, whether it is navigable from the east in the ordinary course. It does appear to me that several of the items that are still left in the bill are for improvements which are clearly beyond the constitutional power of the Congress of the United States, if the power to improve implies the power to control the thing improved and thereby trenches directly upon the power that belongs to a State.

Mr. MORTON. I should like to ask the Senator a question. Do I understand the Senator to assert that where the Government undertakes, for example, to improve a navigable river which is under the

jurisdiction of the United States, or to improve a harbor on a lake, the Government cannot make the improvement either upon the bank or by removing a bar without the consent of the State?

Mr. EDMUNDS. I undertake to say that the law is this, as settled by the Supreme Court, that the sovereign dominion over the soil under the waters and the shore of navigable water is in the States, and it follows as a necessary consequence that Congress can take no exclusive possession of it or control of it without the assent of the States. I will not undertake to say whether, if in the harbor of New York, where there is municipal jurisdiction of the State of New York, Congress were to blow up the rocks at Hell Gate the State of New York could bring an action of trespass against the engineer or not. I do not undertake to pass upon that question. It is quite unnecessary.

Mr. SHERMAN. We ought not to appropriate this money until we settle that.

Mr. EDMUNDS. But I say the law is clear that on the shore of navigable water, certainly on the shore of water not navigable, the State sovereignty in respect of preventing the erection of any thing that it does not want there, if it chooses to exercise that sovereignty, is absolute and complete.

Mr. MORTON. The Senator from Vermont states the law differently from what I have understood it to be. I understand that where the United States undertakes to improve a river which is under the jurisdiction of the United States as navigable water, it has the right to remove a bar from that river or to make an improvement upon the bank without the authority of the State, because it has jurisdiction over it as navigable water; but so far as private rights are concerned the case is different. So far as the State is concerned the United States has a right to improve the harbor of Cleveland without consulting the State of Ohio about it.

Mr. EDMUNDS. The Senator has brought together two very different ideas and made them look a little as if they were one. The right to improve navigable water with a view to an easement and the right to go over it when it is improved is common to the United States and to all the people of it. The State of Ohio unquestionably would have no authority at all to prevent, by any regulation of its own, or any obstruction of its own, the free use of navigable waters within that State. The States of Ohio and Kentucky together could not stop the navigation by building a bridge across the Ohio River. That is perfectly plain. But the Senator in that respect is referring to the easement, which relates to the regulation of commerce, and I am referring to the fact of exercising control over the soil within the limits of a State. Whether the private property is in a citizen or whether the private property is in a corporation is entirely immaterial. If the State of Ohio owns a hundred acres of land on the outside of the city of Cleveland where there are two feet of water, that land is hers as property; but, so far as commerce is concerned, the right of free navigation, so that you can run a track, or have a right of way in the water and over the land, is complete in all the citizens of Ohio and of the United States and the State cannot take it away except so far as is necessary to the exercise of her jurisdiction in building proper wharves out to a suitable depth of water. Can it be maintained that the United States could enter into a system of wharfage and take possession of the whole shore at Cleveland, New York, or anywhere else, under her power to regulate commerce, and proceed to construct wharves for the convenient access of vessels to the land? I never heard such a proposition as that advanced.

Mr. MORTON. Removing a bar is a very different thing from building a wharf.

Mr. EDMUNDS. Let us see whether it is a very different thing. A wharf is just as great a benefit to the interests of commerce, because commerce must come to the shore somewhere, as the removal of the obstruction is. They are both of the same kind, and they operate to the same end concurrently. One is entirely good for nothing without the other; so that you come right back to the question, when you take possession of the soil that lies within the limits of a State, you can only take possession of it by the consent of that State. When you want the right of way over that soil, that you have got by the Constitution of the United States, and you can regulate the exercise of that right, I think.

Mr. THURMAN. Mr. President, I do not want to prolong the debate. If we are to debate the constitutional question of the power of Congress to make works of internal improvement on this bill, and continue the debate, as that question has not been settled to everybody's satisfaction after a discussion of more than half a century, it is not very likely that this bill will pass at this session.

Mr. EDMUNDS. How can we help considering a question of this kind when it is involved in the bill?

Mr. THURMAN. I have only this to say in respect to the States-rights doctrine of my friend from Vermont, which is the most thorough States-rights doctrine that I have heard now for more than a quarter of a century. If his doctrine is true in regard to this particular appropriation, then it is valid against every provision in this bill.

Mr. EDMUNDS. Not by any means.

Mr. THURMAN. I say against every one of them. If the Government cannot repair this pier, which it has made at the mouth of the Cuyahoga River, on the theory that the State of Ohio has jurisdiction over the soil on which the pier is built, then I want to know how it can do any one of the things that are provided for in this bill. How can it improve Otter Creek, in Vermont? How can it build a breakwater in the Delaware? How can it do anything at all if this doctrine is true? The whole theory is very plain. The State of Ohio undoubtedly has jurisdiction to a certain extent under the waters of Lake Erie and on its shore. Whether it goes to the boundary between it and the British dominions, I do not undertake to say at this time. I should have to look to see what are the boundaries of Ohio in the enabling act before I could answer that question; but her jurisdiction, which is not private property, is a jurisdiction subject to the power of the General Government, exercising all the powers that are granted by the Constitution to the General Government. If the Constitution gives to the General Government the power to make such works of improvement as this, then the right and power of the State of Ohio is subordinate to this power of the General Government; and that is the whole of it. If the Constitution does not confer upon Congress any power to do the things which are provided in the bill, then it does not require any State sovereignty or anything else to defeat the whole bill; it must fall for want of constitutional power to enact it, for want of a delegated power to us. If the power is granted to the General Government to do these things, then the sovereignty of the State of which the Senator speaks, and its jurisdiction over the waters in which these works are to be built, is subordinate to the power which the General Government has to make these improvements.

One word about the merits of this matter, and I am done. This railroad company may for aught I know be in equity, and I think it is in equity, bound to maintain the pier, at least to make the needed improvements and repairs, or at any rate to contribute toward making them; but the fact is not that the railroad company has taken absolute and exclusive possession of the pier; but what is the fact? The Government built two piers at the mouth of the Cuyahoga River, the effect of which was to deepen the channel and wash out the bar by a system of jetties. The railroad companies were authorized by their charters to construct railroads from Cleveland to diverse places, from Cleveland to Cincinnati, from Cleveland along the lake shore, the Lake Shore road, from Cleveland to Pittsburgh, from Cleveland and Toledo to the lake. Where they should go in the city of Cleveland was a question for the municipal authorities to decide, and infinitely to the advantage of the city, preventing its streets from being cut up by these railroads, it authorized the companies to run their railroads under the bank on the shore of the lake. What did the railroad companies have to do? They had to drive piles for miles or more to protect their tracks. They built their tracks partly on piles and partly on the bank, and when they came up to this pier the Pittsburgh and Cleveland road built a structure, a platform, on piles and joined that platform up to the pier and occupied that platform with its tracks and with its derrick, and with its derrick raises the freight from the schooners or boats lying in the river by the pier and transfers it to the cars of the company, or *vice versa*. It has no structure at all upon the pier, but it exercises the power of loading and unloading by means of this derrick over the pier; and that anybody else could do who had a piece of property as this railroad company has, which it has reclaimed itself and made itself, to which the United States claims no title whatsoever. That is the whole of it. It is very true it may be trundling freight backward and forward there on trucks and the like, and that may have contributed to the injury of this pier. The amendment of my colleague would remedy that, which is the amendment suggested by the Engineer Department itself; but this thing that is going on there is of immense public interest. It makes a perfect connection between the water and the railroad, and is of immense public interest. Are we to delay the repairing of the pier, which was built by the Government a quarter of a century ago or more, and which is in danger if it caves in of seriously obstructing the entrance into the port of Cleveland, until this question can be settled between the Government and the railroad? I say no.

Mr. CONKLING. Mr. President, it often happens that it is useful in considering a case, first of all to fix the facts, and as I have succeeded now in finding the report which I had in mind before, made by Colonel P. J. Cram, of the Engineer Corps, and by the Chief Engineer of that corps transmitted to Congress in 1865, I beg to read a few words which I think will enable us all to understand more exactly the state and history of this matter:

In my report rendered 2d of November, 1864, upon the condition of this important harbor—

This is the harbor of Cleveland—

I described the abuses practiced upon this public property by private individuals and corporate companies in their use for private advantage of the east pier. So far from ceasing these abuses, they have been continued on an increasing scale, and it probably will not end until that pier is entirely destroyed; then a loud call will be made for the Government to build it up again. In consequence of my not being able without military force to get the entire possession of that pier out of the hands of those who are using it for private pecuniary advantage for docking purposes, no repairs have been put upon it at the public expense. But the west pier and the pier-head have been very thoroughly repaired, and both have been filled with stones, with the exception of a part of the inner sustaining work, put in to strengthen and preserve the old west pier.

I read that as a contribution to the question suggested by the Senator from Ohio, whether this corporation has in fact taken possession of the pier or not. This officer says military force would be necessary to enable him to dispossess it, and I should judge that must be a pretty good *possessio pedis*, which the railroad company is and was

asserting at the pier. I will read now to the Senate this part of the report as bearing upon another branch of this case:

I have—

Says Colonel Cram—

the statistics of the amount that is docked and kept on the Government east pier, by said companies and individuals, who have been using, and still continue to use it for their own benefit. If this dockage were computed at half what is charged on any private dock in the city, it would amount to more, per year, than the whole cost just estimated for the pier extension.

The companies then could well afford to build the extensions there, and forever keep them in repair, and do all the dredging required, in consideration of the use they now enjoy of the existing east pier. I think Congress should be called upon to enact for some arrangement to this effect.

I ask attention to this part of the report:

The number of tons handled on and over the east pier, in two articles alone, computed at one-half the dockage for the same at private docks, amounts in the past two and present years to $166,945.

Observe, this is only for the coal and ore. The iron, lumber, wood, timber, and other heavy articles they pile on and sell from that public pier is enormous. Going back, and estimating from the time that pier was built the value of the dockage, for which it has been used by companies and individuals, to the present time, I find to be $882,500!

The present year, 1865, this dock privilege, in coal and ore, will be worth to the occupants of the pier not less than $62,500, for which they pay nothing.

Mr. President, without reference to any constitutional questions or any location, this report suggests to me this inquiry: Can it be that any system of legislation or act of legislation is just or true which enables an individual, whether a natural person or a corporation, to occupy for nothing, reaping a pecuniary advantage in a brief space of time of $882,500, public property of the United States (so treated and assumed by the legislation) for nothing, to destroy and continue and persevere in destroying it, for a long series of years, the legislation resting upon the idea that, without any determination, recompense, settlement, termination of that condition of things, the Government is to continue by annual stipends to maintain perpetually this work, thus to be treated, that thus a private harvest may be reaped?

Mr. SHERMAN. The Senator from New York shows conclusively, beyond peradventure, that it is the duty of the Government of the United States at once to repair this pier, because of the amplitude of the interest involved in its repair. This work compared with hundreds of the provisions contained in the bill is simply out of all comparison. The Senator from New York says that the railroad companies in Cleveland and the citizens of Cleveland and the citizens of Ohio and of all that region of country have got the benefit of this pier to the extent of $882,000.

Mr. CONKLING. No, I beg my friend's pardon. I wish they had. What I say is given to us in a report which says the railroad company, not anybody else, have stored on, piled up, and sold what would amount to $882,000, and put it into their own pockets, and my friend's constituents have not received any benefit from it.

Mr. SHERMAN. As a matter of fact, every steamboat, every barge, every vessel of any kind whatever that comes into the harbor of Cleveland comes alongside the pier and gets the benefit of it.

Mr. EDMUNDS. Certainly; it is a wharf of the United States.

Mr. SHERMAN. As a wharf it is of common benefit and use to the whole people of the United States, shared in by every person who participates in that commerce; and now because that costs $8,000 you will refuse to repair a pier which yields an average of $800,000, but will draw snags out of the Little Kanawha! It is preposterous. The Cleveland and Pittsburgh road it seems own the land; they own the buildings; but all the railroads have joint rights there. All the railroads are interested in that matter, as the report shows. It is a fact, as I know myself, that for nearly a mile east of that pier, the ground is occupied by a series of railroads; and the railroads concentrate there, and do an immense amount of business. Suppose the Cleveland and Pittsburgh was to pay its share, suppose the Lake Shore was to pay its share, and some other party, Tom Jones, who owns a schooner ought to pay a part, will we say how much Tom Jones shall pay, how much the Cleveland and Pittsburgh Railroad Company shall pay, and how much the Lake Shore Railroad Company shall pay? This matter was brought to the attention of Congress ten years ago. My friend from New York has been chairman of the Committee on Commerce two or three years; the former Senator from Michigan [Mr. Chandler] for many years before that time. Why have they not provided a remedy for this if it is wrong?

Mr. CONKLING. Will the Senator from Ohio allow me to answer that?

Mr. SHERMAN. Certainly.

Mr. CONKLING. The Senator does me honor overmuch. I have only been chairman of the Committee on Commerce one session; but if my honorable friend will allow me I am quite sure, although I speak from recollection, because I do not think I can be mistaken about the thing, that with his assent we did pass a bill releasing to the city of Cleveland all title of the United States to this pier that she might deal with it. What became of that bill I do not know, but the Senator cannot have forgotten the discussion and the fact that a bill was passed in the Senate making what from my recollection I think would be a wholesome provision, such as I agree with him ought in some way to be made.

Mr. SHERMAN. I do not know about that. The Senator no doubt is correct in his recollection, but I do not remember about it. It does seem to me that for us to stand here on an appropriation of $8,000 for a work of such conceded importance, and then go by the millions almost upon works of unimportance, would be a strange spectacle. I am willing that the Secretary of War shall be authorized to impose terms and conditions upon these railroad companies so as to prevent any injury to this pier. It ought to be done, and the amendment I proposed in pursuance of the recommendation of the Engineer Department proposes to give that authority to the Secretary of War.

Now, Mr. President, I have no particular interest in this river and harbor bill, but I think we ought not to delay any longer a question of this kind. I do not think there is any constitutional question involved in it. It is simply a question whether on the whole the Government of the United States ought not to repair its own pier which it has held in its possession for now forty-six years, its title to which is unquestioned and unquestionable; or whether we shall wait to settle a petty controversy that has sprung up between the engineer in charge of the work and certain railroad companies as to how much each railroad company ought to pay to make up this $8,000.

Mr. ALLISON. I trust the Senator from Vermont will withdraw his motion to recommit, so that we can have a vote upon this question.

Mr. EDMUNDS. I will do it to oblige my friend.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The motion to recommit is withdrawn. The question is on the amendment of the Senator from Ohio to the amendment of the Committee on Appropriations, as modified.

Mr. EDMUNDS. I cannot move to amend it now; I shall have to wait until we get into the Senate. It will never amount to anything as it is.

Mr. SHERMAN. I shall be glad to hear the Senator's suggestion; perhaps I will accept it.

Mr. SAULSBURY. I have no doubt, from what I have heard from both the Senators from Ohio, that this appropriation is needed to repair this pier. The difficulty in my mind is whether there is not a recognition of a right in the railroad company by proposing an arrangement or agreement with that company. If that is true, if the railroad company has any interest whatever in the improvement, then I do not feel at liberty to vote an appropriation of money for the benefit of a railroad corporation or to advance in any respect the property of a railroad corporation. If I am satisfied that that is absolutely the property of the Government, I am ready to vote for the appropriation; but that is just my difficulty. I do not want to vote money out of the public Treasury to improve a pier belonging to a railroad company; and unless I can be satisfied that the railroad company has no interest in the pier, I cannot vote any appropriation of that kind. It seems to me that the amendment of the Senator from Ohio, impliedly at least, admits, by proposing that an arrangement shall be made with the company, that there is some right of property in that pier belonging to the railroad company.

Mr. SHERMAN. I offered the amendment because the engineer-in-chief recommended it. I do not admit that the railroad company has any right whatever, because that is the property of the United States; but it is a great easement not only to this company but to the whole people of that region that this business should go on as it has been going on for years. To deprive them of it would be to almost paralyze the commerce of the region.

Mr. SAULSBURY. But does not the company set up some claim of right?

Mr. SHERMAN. Not at all. They have built alongside of this pier and they have actually used it, and in that way have possession and practically have exclusive possession. The Senator will see from the amount of business done there and from the nature of the thing they would take possession.

Mr. SAULSBURY. Do they claim the right to control that pier?

Mr. SHERMAN. Never that I know of. They have a right to do business over it like other people.

Mr. SAULSBURY. I have no doubt from what I have heard that the appropriation is a wise and proper appropriation, provided there is no adverse claim by the railroad company, and that is just the difficulty in my mind. It seemed to me from the discussion that there must be some claim of use or occupancy set up by the railroad company.

Mr. THURMAN. I do not understand that the railroad company has ever set up the least right to that pier or the use or occupancy of that pier any more than any other corporation or individual, any more than the whole public have. The whole public use that pier when it is necessary. They run their trucks right over this part of the pier that is spoken of clear to the end of the pier. Everybody does it that sees fit. The only advantage the railroad company has is that it has built a platform which does belong to it and which adjoins the pier, and that gives it a local advantage perhaps, but an advantage that is worth millions of dollars to the general public.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN,] as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be reported.

The next amendment was to strike out lines 75, 76, and 77, as follows:

For the improvement of the harbor at New Haven, Connecticut, by constructing a breakwater, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 80 and 81, as follows:

For the improvement of the harbor at Milford, Connecticut, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 82 and 83, as follows:

For the improvement of the Housatonic River, Connecticut, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 84 and 85, as follows:

For the improvement of the harbor at Hyannis, Massachusetts, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 86 and 87, as follows:

For the improvement of Taunton River, Massachusetts, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 92 and 93, as follows:

For the improvement of Merrimac River, Massachusetts, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 94 and 95, as follows:

For the improvement of the entrance of Salem Harbor, Massachusetts, $10,000.

The amendment was agreed to.

The next amendment was in line 97, to strike out "twelve" and insert "ten;" and in the same line, after the word "dollars," to strike out "five" and insert "four;" so as to make the clause read:

For the improvement of Penobscot River, Maine, $10,000; $4,000 of which shall be expended at or near the "Narrows" in said river at Bucksport.

The amendment was agreed to.

The next amendment was to strike out lines 100 and 101, as follows:

For the improvement at Richmond Island, Maine, $15,000.

The amendment was agreed to.

The next amendment was in line 103, to reduce the appropriation for the improvement of Cocheco River, New Hampshire, from $15,000 to $14,000.

The amendment was agreed to.

The next amendment was in line 107, to reduce the appropriation for the improvement of the harbor at Swanton, Vermont, from $10,000 to $2,000.

The amendment was agreed to.

The next amendment was in line 109, to reduce the appropriation for the construction of Ice Harbor at Chester, Pennsylvania, from $6,000 to $2,600.

The amendment was agreed to.

The next amendment was to strike out lines 110 and 111, as follows:

For the improvement of Passaic River, New Jersey, $10,000.

Mr. FRELINGHUYSEN. I suppose if I say anything against striking out this item it will be considered that it is a local interest and that I have not regard to the general welfare of the United States. New Jersey has four hundred miles of sea-coast, and contributes toward the revenues of the country as much as, and I think more than, any State of its population. If you strike this out there is nothing at all in the bill for New Jersey.

Mr. CONKLING. Except the Hudson River improvement.

Mr. FRELINGHUYSEN. The Hudson River my friend from New York would hardly say belonged to New Jersey, for New York is in the habit——

Mr. CONKLING. A part of it stood for New Jersey, and the Senator had them put together in one sum of $66,000, so as to apply to both.

Mr. FRELINGHUYSEN. Then I hope it will be understood that $25,000 of that sum goes to improve the Hudson on the Jersey side. But this is a matter of $10,000 on an improvement which it was estimated would cost $100,000. Ninety thousand dollars has been spent, and this $10,000 will complete it. I think that the item had better stand in the bill.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out the lines.

The question being put, it was declared that the ayes appeared to prevail.

Mr. FRELINGHUYSEN called for a division.

Mr. ALLISON. I trust my friend from New Jersey will not disturb the harmony of this bill. We have appropriated in the bill just $5,000,000. I appreciate the strength of his appeal, but I think that Passaic River can get along for another year. This work is all dredging, and I think we can manage the Passaic River for another year without increasing the appropriation.

The PRESIDING OFFICER. Does the Senator from New Jersey insist upon a division?

Mr. FRELINGHUYSEN. No, sir; I will trust to my friend to have it righted elsewhere.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 120, to reduce the appropriation for the improvement of the Des Moines Rapids, Mississippi River, from $275,000 to $230,000.

The amendment was agreed to.

The next amendment was to strike out lines 122 and 123, as follows:

For the improvement of Elk River, Maryland, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 126 and 127, as follows:

For the improvement of the mouth of Occoquan River, Virginia, $2,400.

The amendment was agreed to.

The next amendment was to strike out lines 128 and 129, as follows:

For the improvement of Aquia Creek, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 130 and 131, as follows:

For the improvement of Nomoni Creek, Virginia, $1,000.

The amendment was agreed to.

The next amendment was to strike out lines 132 and 133, as follows:

For the improvement of Accotink Creek, Virginia, $4,000.

The amendment was agreed to.

The next amendment was in line 139, to increase the appropriation for the improvement of Cape Fear River, North Carolina, from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was in line 142, to reduce the appropriation for the improvement of the French Broad River between Brevard and the Buncombe County line, North Carolina, from $15,000 to $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 143 and 144, as follows:

For the improvement of Pamlico River, North Carolina, $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 145 and 146, as follows:

For the improvement of Clinch River, Tennessee, $12,000.

The amendment was agreed to.

The next amendment was to strike out lines 147 and 148, as follows:

For the improvement of the Hiawassee River, Tennessee, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 149 and 150, as follows:

For the improvement of the Powell River, Virginia and Tennessee, $10,000.

The amendment was agreed to.

The next amendment was in line 153, after the word "line," to strike out "twenty-five" and insert "fifteen;" in line 154, after the words "Smith's Shoals," strike out "twenty" and to insert "ten;" in line 155, after the words "Smith's Shoals," strike out "thirty" and insert "twenty-five;" and at the end of the clause to insert:

And from Smith's Shoals to the Falls of the Cumberland, $2,000.

So as to make the clause read:

For the improvement of Cumberland River above the city of Nashville, Tennessee, from Nashville to the Kentucky line, $15,000; and thence to the foot of Smith's Shoals, $10,000; and for Smith's Shoals, $5,000; and from Smith's Shoals to the Falls of the Cumberland, $2,000.

The amendment was agreed to.

The next amendment was in line 160, to reduce the appropriation "for the improvement of the Great Kanawha River, West Virginia, including the purchase of sites for dams and locks, not exceeding $15,000," from $300,000 to $270,000.

Mr. CONKLING. I ask the chairman to state where these "sites for dams and locks, not exceeding $15,000," are to be purchased or found?

Mr. DAVIS. I will answer.

Mr. CONKLING. Let me state the point of my question. We heard the other day, as we have heard on many bygone days, about the improvement of the Kanawha, for a certain distance, which my friend, I understand, once traversed. I want to know whether these dams and locks are with a view to the ultimate improvement, the estimate of which, I believe, was $35,000,000, or whether they concern only the part of the river which he knows is referred to, by what I have said.

Mr. DAVIS. It is near Charleston. This concerns the present locks, now in course of erection, and the purchase of sites for them, near Charleston. One is just below, and the other just above Charleston. There are two dams and locks now in course of construction.

Mr. CONKLING. How many new sites for dams and locks are to be bought? This appropriates for "the purchase of sites for dams and locks," not for those that are resident now or have been begun now, but for the purchase of new sites.

Mr. DAVIS. Two dams are already commenced where they approach the shore. The sites for those two dams, though they have been purchased and they have been at work on them, have not yet been paid for, because there was no appropriation applicable to that purpose. There is but $15,000 involved, or so much thereof as may be necessary. I understand there are but six or seven thousand dollars left for the present locks and future locks on this particular work that has been already commenced.

Mr. CONKLING. How many sites are to be purchased?

Mr. DAVIS. That I cannot answer. There are two now. There may be others after the work progresses. The limit is $15,000.

Mr. CONKLING. The Senator will see as quickly as I do the point of my question. If $15,000 be appropriated for the purchase of sites unnumbered, for dams and locks unlocated, he knows that it commits to the discretion of those who manage the business to purchase as many sites as they please and pay down a sum, no matter how small, upon each one within the limit of $15,000. Now if we mean to appropriate $15,000 to pay for two sites, we ought to say so; and if it is to pay for six sites we ought to say that. But I submit that inasmuch as the sites are not even located by being kept within boundaries between termini, but on the face of this bill may be anywhere on the Great Kanawha River in West Virginia, we ought either by metes and bounds or by specifying the maximum number of sites to say in some sense what we mean, and not to commit to sheer discretion whether they shall purchase two sites or ten sites or twenty sites, whether they shall be located on the Kanawha below Charleston or whether they shall range on the Kanawha from the place where it departs from the State of West Virginia to the place where it enters that State. As this language stands now, it is "for the improvement of the Great Kanawha River, West Virginia," and I do not think a correct construction would confine it to West Virginia. That locates the river.

The Great Kanawha River, West Virginia, including the purchase of sites for dams and locks not exceeding $15,000, $270,000.

If $15,000 will enable a payment to be made down so as to bind the bargain for the purchase of fifteen sites, that may be done, and they may be located anywhere; and in the interest of this improvement, if the Senator knows where these sites are to be and the number of them, I submit it should be stated in the bill "for the purchase of three sites" or "four sites" or "six sites" or whatever the number "for locks and dams." If no survey has been made, if nobody knows where they are to be, certainly the appropriation is premature.

Mr. DAVIS. This wording, I understand, is in accordance with the recommendation of the Department. I understand that there are two already commenced, and it is presumed that the $15,000 probably will purchase six or seven, whichever it is finally determined to build between the falls of the Great Kanawha and the Ohio River.

Mr. CONKLING. Then should it not say "between the falls of the Great Kanawha and the Ohio River?"

Mr. DAVIS. I have no objection to that. I think it would be very proper.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The proposed amendment will be read.

The CHIEF CLERK. After the word "locks" it is proposed to insert "between the great falls and the Ohio River."

Mr. DAVIS. Nobody objects to that.

Mr. WITHERS. Let it be done by general consent.

The PRESIDING OFFICER. The amendment of the committee will be so modified, if there be no objection.

Mr. ALLISON. Now I propose to add another amendment, "and full payment therefor," after the words just inserted, so that whatever locks or dams we purchase the sites shall be paid for.

The PRESIDING OFFICER. The amendment of the committee will be so modified, if there is no objection.

Mr. CONKLING. It should come in before the other amendment, so as to make the clause read:

For the improvement of the Great Kanawha River, West Virginia, including the purchase of sites for dams and locks and full payment therefor, between the great falls and the Ohio River, not exceeding $15,000, $270,000.

Mr. HARVEY. I suggest that the amendment would read a little better by saying "purchase of and full payment for," and letting the description of the sites and dams come in connection with the location.

Mr. ALLISON. I have no objection to that.

The PRESIDING OFFICER. If there be no objection that change of phraseology will be made. The Chair hears no objection. The question is on the amendment of the committee, as modified.

The amendment, as modified, was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 162, 163, 164, and 165:

For removal of Beaver and Nailor Bend Rocks, and for cleaning out snags and fallen trees in the Little Kanawha, West Virginia, $7,300.

The amendment was agreed to.

The next amendment was to strike out lines 170, 171, and 172, as follows:

For continuing the work of dredging and removing obstructions to navigation in Cypress Bayou, Texas, $30,000.

Mr. MAXEY. On a former occasion I explained the necessity of the work. The item passed the House of Representatives, and when it came here it was stricken out by the committee, just as it is stricken out now, and restored by the Senate. I fully explained then the reason for it, and I am of the same opinion still. I hope it will not be stricken out.

As to the next item, for the improvement of Sabine Pass, &c., immediately following, I explained that before, and the appropriation made by the House was retained by the Senate. I perceive that the committee propose to reduce it from $60,000 to $40,000.

I gave an explanation also as to the succeeding item for deepening the channel over the bar at the mouth of the Trinity River, draining some twenty-five or thirty counties engaged in the cotton trade. The appropriation is not for the improvement of the river, but removing the bar at the entrance of the bay. That was given before, but I see it stricken out again, though the appropriation is only $12,500.

The next item is for the improvement of Pass Cavallo Inlet, which is reduced from $40,000 to $20,000; and then there is $10,000 for the improvement of Aransas Pass, which is stricken out by the committee. I gave the reasons fully before. I hope the Senate will not agree to these amendments.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 177, to reduce the appropriation "for the improvement of Sabine Pass, and for improvement of Blue Buck Bar and Sabine Bay, and for deepening the channel over the bar at the mouth of the Sabine River, and for deepening of the channel over the bar at the mouth of Neches River, where these rivers enter Sabine Bay," from $60,000 to $40,000.

The amendment was agreed to.

The next amendment was to strike out lines 179, 180, and 181, as follows:

For deepening the channel over the bar at the mouth of the Trinity River where it enters Galveston Bay, $12,500.

The amendment was agreed to.

The next amendment was in line 183, to reduce the appropriation "for the improvement of Paso Cavallo, inlet to Matagorda Bay, Texas," from $40,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 184, 185, and 186, as follows:

For the improvement of Aransas Pass, and approaches to Rockport and Corpus Christi Harbors, Texas, $10,000.

The amendment was agreed to.

The next amendment was in line 188, to reduce the appropriation for the improvement of the Coosa River, Georgia, from $40,000 to $30,000.

Mr. SPENCER. I move to amend after the word "Georgia" by inserting "and Alabama, between Rome and the Selma, Rome and Dalton Railroad bridge." The chairman of the committee will accept the amendment.

Mr. ALLISON. I have no objection.

Mr. GORDON. That was the clause in the original bill.

Mr. ALLISON. It is a mere clerical omission here and ought to be in the bill.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was after the word "Arkansas," in line 189, to insert the words "and Louisiana," and in line 190, before the word "thousand," to strike out "eight" and insert "twelve;" so that the clause will read:

For the improvement of the Ouachita River, Arkansas and Louisiana, $12,000.

The amendment was agreed to.

The next amendment was to strike out lines 191 and 192, as follows:

For the improvement of the Tombigbee River, Alabama, $13,950.

Mr. SPENCER. I hope this amendment will not be adopted. There is manifest unfairness in it. Right above this is "the Ouachita River, Arkansas and Louisiana," where the appropriation is increased from $8,000 to $12,000; and here is the Tombigbee River, one of the finest and most beautiful streams in the South, that floats perhaps more cotton than almost any other river in the country, the appropriation for which is stricken out. I hope the amendment will not be agreed to.

Mr. CONKLING. What is the work to be done?

Mr. SPENCER. Cutting out snags and the general improvement of the river.

Mr. ALLISON. I trust that my good friend from Alabama will not press a division on this amendment.

Mr. SPENCER. I feel that I owe a duty to the constituency that I in part represent here to see some sort of justice done. I do not think the committee in this revised bill has been doing justice to the country generally.

Mr. ALLISON. I do not care to argue it.

The PRESIDING OFFICER. The question is on the amendment to strike out the clause.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 196, to increase the appropriation "for the improvement of the Lower Willamette and Columbia Rivers from Portland, Oregon, to the sea," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was in line 199, to increase the appropriation "for the improvement of the Upper Willamette River, Oregon," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 202 and 203, as follows:

For breakwater at Wilmington, California, $30,000.

The amendment was agreed to.

The next amendment was to strike out lines 204 and 205, as follows:

For the improvement of Sacramento and Feather Rivers, California, $15,000.

The amendment was agreed to.

The next amendment was in line 209, after the word "River," to strike out the words "below Stockton;" and in line 210, after the word "California," to strike out "to be applied below Stockton;" so that the clause will read:

For the improvement of San Joaquin River, California, $20,000.

Mr. CONKLING. I should like to inquire why it is that you strike out "below Stockton?" Where is it to be applied?

Mr. ALLISON. It is to be applied, in the discretion of the engineers, either above or below Stockton. There is a large commerce on the San Joaquin River above Stockton.

Mr. CONKLING. You do not mean by this that it shall not be applied below Stockton?

Mr. ALLISON. Not at all; we simply give them the whole river instead of a portion.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 212 and 213, as follows:

For the improvement of Monterey Harbor, California, $12,000.

The amendment was agreed to.

The next amendment was in line 215, to reduce the appropriation "for the improvement of the Delaware River below Petty's Island," from $50,000 to $40,000.

The amendment was agreed to.

The next amendment was in line 217, to reduce the appropriation "for removing raft in Red River and closing Tone's Bayou, Louisiana," from $40,000 to $35,000.

The amendment was agreed to.

The next amendment was in line 221, to increase the appropriation "for the improvement of the Schuylkill River, Pennsylvania," from $18,000 to $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 222, 223, and 224, as follows:

For the improvement of the Delaware River between Trenton and White Hill, New Jersey, $7,500.

The amendment was agreed to.

The next amendment was in line 226, to reduce the appropriation "for the improvement of the harbor at Bridgeport, Connecticut," from $15,000 to $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 231 and 232, as follows:

For the improvement of the harbor at Saugatuck, Michigan, $3,000.

The amendment was agreed to.

The next amendment was in line 236, to reduce the appropriation "for the improvement of the harbor at Manitowoc, Wisconsin," from $10,000 to $8,000.

The amendment was agreed to.

The next amendment was in line 238, to reduce the appropriation for the improvement of the harbor at Sheboygan, Wisconsin, from $8,000 to $6,000.

The amendment was agreed to.

The next amendment was in line 240, to reduce the appropriation for the improvement of the harbor at Port Washington, Wisconsin, from $12,500 to $8,000.

The amendment was agreed to.

The next amendment was in line 243, to increase the appropriation for the improvement of the harbor at Oswego, New York, from $70,000 to $90,000.

The amendment was agreed to.

The next amendment was to strike out lines 244 and 245, as follows:

For the improvement of the harbor at Waddington, New York, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 246, 247, and 248, as follows:

For the improvement of Harlem River, New York, $15,000, to be expended between Ward's Island and Hudson River.

Mr. KERNAN. I am very reluctant to interfere with the harmony of the report; but this is an appropriation made with a view to improve the Harlem River between the point named and the Hudson, where the tide ebbs and flows, and everybody familiar with the locality can appreciate how important it is. The work has been commenced, and this is a very small appropriation to continue it, much less than what it requires. It will enable the commerce to pass from the East River into the Hudson, the tide ebbing and flowing throughout the whole space, and it will greatly facilitate commerce and cheapen it and render a great deal of it more safe. I hope it will not be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out the clause.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in lines 249 and 250, after the words "Hudson River," to strike out "New York, twenty-five" and insert "sixty-six;" so as to make the clause read:

For the improvement of Hudson River, $66,000.

The amendment was agreed to.

The next amendment was to strike out lines 251 and 252, as follows:

For the improvement of Elk River, West Virginia, $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 259 and 260, as follows:

For the improvement of Mackey's Ferry, North Carolina, $3,000.

The amendment was agreed to.

The next amendment was in line 262, to reduce the appropriation for the improvement of the Yazoo River, Mississippi, from $22,000 to $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 263 and 264, as follows:

For the improvement of Pascagoula Bay, Mississippi, $10,000.

The amendment was agreed to.

The next amendment was in line 265, after the word "White," to strike out "and Saint Francis Rivers" and insert "River at Buffalo Shoals;" in line 266, after the word "Arkansas," to strike out "fifteen" and insert "ten;" and in line 267, after the word "dollars," to strike out "of which there shall be expended $10,000 upon White River and the remainder upon Saint Francis River;" so as to make the clause read:

For the improvement of White River at Buffalo Shoals, Arkansas, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 270 and 271, as follows:

For the improvement of the Perquimons River, North Carolina, $3,000.

The amendment was agreed to.

The next amendment was to strike out from line 274 to line 278, as follows:

For the improvement of the Rock Castle River, Kentucky, $2,000; and, in the discretion of the Secretary of War, to be expended on Cumberland and Rock Castle Rivers above Nashville, Tennessee, $23,000.

The amendment was agreed to.

The next amendment was in line 280, to reduce the appropriation "for the Etowah River, Georgia," from $15,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 282, to reduce the appropriation "for the improvement of the Ocmulgee River, Georgia," from $25,000 to $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 283 and 284, as follows:

For the improvement of the port of Darien, Georgia, $5,000.

Mr. GORDON. I should rather have the sense of the Senate on that amendment after I have repeated the statement which I made the other day. From this port is shipped one-fourth of the entire lumber exported from the United States. It is a port that really requires some improvement; very small; as is seen, only $5,000 is asked. There are some snags, logs that have drifted down from the hills above several hundred miles and have lodged in that port, and ought to be removed. I have nothing more to ask than the privilege of making that statement and taking the sense of the Senate.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 287, to reduce the appropriation "for the improvement of New River, from the lead-mines in Wythe County, Virginia, to the mouth of Greenbrier River, West Virginia," from $25,000 to $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 289 and 290, as follows:

For the improvement of the Mattapony River, Virginia, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 291 and 292, as follows:

For the improvement of the Pamunkey River, Virginia, $6,000.

The amendment was agreed to.

The next amendment was in line 294, to increase the appropriation "for the improvement of the harbor at Norfolk, Virginia," from $13,000 to $39,600.

The amendment was agreed to.

The next amendment was to strike out lines 298 and 299, as follows:

For the improvement of the Choctawhatchie River, Florida and Alabama, $5,000.

Mr. SPENCER. I hope this amendment will not be agreed to. I think this a great outrage to strike out a small appropriation of $5,000 for this important river. It drains a new lumber country just opened up, and there is nothing that will advantage commerce more than an appropriation for the improvement of the river. I hope the Senate will not agree to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 300 and 301, as follows:

For the improvement of the Apalachicola River, Florida, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 302 and 303, as follows:

For removing obstructions and deepening channel at the pass of Brazos Santiago, Texas, $10,000.

The amendment was agreed to.

The next amendment was in line 305, to reduce the appropriation "for continuing the improvement on the outer bar at Galveston, Texas," from $200,000 to $150,000.

The amendment was agreed to.

The next amendment was to strike out lines 307 and 308, as follows:

For the improvement of the French Broad River in Tennessee, $15,000.

The amendment was agreed to.

The next amendment was to strike out from line 309 to line 312, as follows:

For the improvement of the Missouri River at the point where it is cutting into the Kansas shore above Saint Joseph, Missouri, for the protection of the city of Saint Joseph, $10,000.

Mr. COCKRELL. I do hope the Senate will not agree to this amendment recommended by the committee. That amount is not to be expended in Missouri, and the way the bill is now arranged there is not one solitary cent of this $5,000,000 to be expended in Missouri. This is a matter of great necessity at this place. The river there, in consequence of some improvements that have heretofore been made and not having sufficient money to perfect them, is cutting rapidly into the Kansas shore and threatens to cut through, leaving an island in front of the city of Saint Joe, and also to leave the railroad bridge there entirely useless, of no value. I think that this small sum of $10,000 should certainly be given. I have the report of the engineer in charge of the work recommending even a larger amount than this and saying that it is a matter of public necessity.

The amendment was agreed to.

Mr. MAXEY. My attention was called away by the rapid reading, and I ask that lines 304, 305, and 306 be reconsidered.

The PRESIDING OFFICER. The vote will be reconsidered by unanimous consent, and the question will be on the amendment striking out those lines.

Mr. MAXEY. This amendment covers the most important harbor that we have in the State of Texas. It is one of the most unquestionable importance not only to the State of Texas but to the State of Kansas, to the State of Nebraska, and to the Indian Territory. The House bill is:

For continuing the improvement on the outer bar at Galveston, Texas, $200,000.

The amendment is to cut it down to $150,000. The engineer recommended $350,000. Considerable work has been done there, and a very small appropriation was recommended for continuance. The recommendation of two years ago was $400,000, and out of that $150,000 were appropriated. He again recommends $350,000 for the present year and urges it. This appropriation is urged in a letter sent here in January last with the report of the engineer in charge, Major Howell; by the officer in charge of the work and by the board of engineers, composed of Generals Tower, Wright, and Newton. If there are any three better engineers in all America than these three I have no knowledge of them, and I know that the young officer in charge of the work is a competent and able man. I have personally visited and inspected these works, and I have some knowledge of them myself.

It may be said that the work going on is an experiment. By reference to a paper which I hold in my hand it will be found that by a small sum placed there prior to December, 1875, the gabions which had been put down to form the jetty were not yet filled by sand; a storm arose before they could be filled with sand. They stood there in the water, and the engineer in charge, Major Howell, reports that it was to his utter amazement, when the storm was over and he was able to look into the work there, that the gabions were precisely in the place where they had been laid. These engineers, General Tower, General Newton, and General Wright, say that, notwithstanding all the storms, the resistance of the jetties is remarkable. They use a stronger word than that; they say it is unquestionable; and yet since that time, since they made that report in regard to that storm, a cyclone swept over that coast subsequent to all these reports, and the work withstood the storm triumphantly.

Now they say that if this gabion system, which I could explain to the Senate because I have examined it particularly, succeeds, it will save the United States Government millions of dollars, because it is the cheapest plan that has ever been adopted for improvements. That it is believed to be an eminently successful system we have only to look at the fact that Captain Eads is risking all his fortune in carrying out a similar system at the mouth of the Mississippi River. I say to the Senator in charge of this bill that if that system is successful it will save the United States Government millions of dollars. I say to him, for I have not time in a five-minute speech to read all these things, that the chief engineer says it is important to go on and with a sufficient appropriation to continue the work without interruption.

In the face of all these things I think I have been very reasonable, considering that the committee have struck me down $177,000, and I do ask that in this case the appropriation for the mouth of Galveston Harbor be made; and I call on every Senator here who has been to Galveston, any one that knows anything about the importance of the commerce of that place, whether that appropriation should not be left as the House left it.

The PRESIDING OFFICER. The Senator's time has expired. The action of the Senate on the amendment proposed by the committee in lines 304, 305, 306 having been reconsidered by unanimous consent, the question recurs, Will the Senate agree to the amendment?

Mr. ALLISON. We have appropriated in this bill $225,000 for the harbor at Galveston, $100,000 more than is given to any harbor in this bill, and a larger appropriation than is given in this bill to any improvement of harbors except the improvement of Hell Gate, New York. We were compelled under the instructions of the Senate to reduce this appropriation somewhat. The sum given here for this particular purpose is $150,000. It will go a long way toward building these jetties, and I trust the Senator from Texas will not press his opposition to the amendment.

Mr. MAXEY. I only desire to say in reply that I find $150,000 given to Cape Fear on a recommendation of $210,000, and I find $270,000 given to the Kanawha River, and $270,000 given to the Muscle Shoals.

The PRESIDING OFFICER. The Chair will remind the Senator that his time is exhausted on the pending amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 313 and 314 the following:

For the improvement of the Missouri River above the mouth of the Yellowstone, $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 315, 316, and 317, as follows:

For the improvement of the Upper Monongahela River near Morgantown, West Virginia, $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 320 and 321, as follows:

For the improvement of the Wicomico River, Maryland, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 322 and 323, as follows:

For the improvement of Big Sandy River, Kentucky and West Virginia, $25,000.

The amendment was agreed to.

The next amendment was in line 325, to reduce the appropriation "for the improvement of the harbor at Michigan City, Indiana," from $50,000 to $35,000.

Mr. MORTON. I hope that amendment will not be agreed to. Fifty thousand dollars is barely sufficient for the purpose. It is the only lake harbor we have. I trust the committee will not insist on the amendment.

Mr. ALLISON. I must insist. We were obliged to make a little reduction in this appropriation in order to carry out the general purpose of the Senate.

Mr. McDONALD. I desire to join with my colleague in insisting that the reduction ought not to take place. The original bill as it came from the House contained the amount of $50,000, and I regarded it as the very smallest sum that could properly be appropriated for the purpose. That was not changed when the bill was first reported to the Senate; it has only been changed in this report. I do trust it will be restored.

Mr. EDMUNDS. That would carry the bill above $5,000,000.

Mr. McDONALD. There is a disposition, I see, on the part of the Senate to abide by the report of the committee, and I feel that inclination myself very strongly. It is late in the session, and it will be difficult for every Senator to get what he desires; but this is the first time that this appropriation has been touched since it has been brought forward, and I hope it will commend itself to the Senate either now or in some other form as it originally stood, so that we shall not lose the benefit of the amount first placed in the bill. This is the only harbor south of Chicago on Lake Michigan, and the only harbor we have in the State of Indiana; and it is becoming a very important place not only to our State but to all that northern country.

Mr. MORTON. I trust the Senator from Iowa will not require this matter to be discussed. I see that he has enlarged the appropriations in many cases, and put in some new ones. There are two new ones immediately following this item. Here is the single appropriation in the State of Indiana for a lake harbor, the only one we have. It is $50,000. It is a small allowance for the work. To cut it down to $35,000 virtually destroys it; and if we are to be cut down, so far as I am concerned I shall feel myself under the necessity of antagonizing appropriations that are proposed here in the form of amendments. The Senator has got two in his own State immediately following this item. This is not just. I understand the merits of this appropriation. Fifty thousand dollars is small enough. To cut it down to $35,000 will very nearly destroy it and leave the work unfinished. I therefore appeal to the Senator from Iowa to withdraw his objection.

Mr. ALLISON. The Senator from Indiana calls attention to two amendments immediately following this, and gives me fair notice that he will antagonize those. If they are improper amendments of course the Senate will strike them out. Now, this harbor at Michigan City has been appropriated for a great many years, as the Senator is very well aware. The Engineer Bureau estimate only $60,000 for the completion of the work, and it is for the extension of the breakwater at this point, Michigan City, and for dredging. Of course $35,000 will not go as far toward building a breakwater as $60,000, the full estimate of the engineers, on a basis of $14,000,000. But I submit to my friends from Indiana that we have cut down this appropriation less than any estimate in the bill that I know of, and have given

them $35,000. If it were proper for me to say so, I might say that this was done at the very last moment, we having struck it down originally to only $40,000. I trust the Senators from Indiana will not for the sake of $15,000 for this harbor, whereas estimate of only $50,000 was originally made, disturb and destroy the harmony of this bill.

Mr. MORTON. I do not think the harmony of this bill requires this little appropriation for our only harbor to be virtually destroyed. It is in a very imperfect condition. It has been estimated that with $60,000 the breakwater can be so extended as to make our harbor safe and make it serviceable. To make it $35,000 is virtually to delay it and make it useless almost for another year. This is not required. Here follow two new appropriations not in the original bill:

For the improvement of the Rush Chute and the harbor of Burlington, Iowa, $10,000.

For the improvement of the harbor at Fort Madison, Iowa, $10,000.

Mr. SPENCER. I will state to the Senator, if he will allow me, that there were no appropriations last year for those two objects.

Mr. MORTON. No, they are new works. They come in here as amendments. I could go over the bill and pick out enough introductions of that kind, I think. All we ask is that a State that has but one lake harbor, and it is a pet of ours, and we think a good deal of it, should not be crippled and cut down until it is almost worthless, while there are plenty of works in the bill that, so far as importance is concerned, do not compare with it. This is an important harbor, and especially important to the State of Indiana.

Mr. McDONALD. I desire to state one fact to the Senate in reference to this harbor. As I have already stated, it is the only harbor on Lake Michigan south of Chicago, and has become of late years, since these improvements have made it of practical use and benefit, a harbor of refuge to a very great extent, as well as concentrating there a very large commerce from the upper lakes, and especially in the matter of timber. As I have already stated, this appropriation at $50,000 ran its length through the House and the Senate and the Senate committee in its first report, and this is the first time it has been touched. As we are not asking much, we should like very much indeed to have the item restored to that amount which would give it some efficiency in completing the harbor. There are some other reductions in this amended bill that touch our State which we do not propose to say anything about; but this is a matter that we are exceedingly anxious shall be restored to the original amount as fixed in the House bill.

Mr. ALLISON. Mr. President, this harbor at Michigan City has had hitherto $526,000 for its improvement. We have fed it from year to year and day by day for a great many years; and now the engineer estimates only $60,000 for continuing this work. We have given $35,000, and yet we are told that this is a destruction to this harbor at Michigan City. It is a mistaken statement. I will say to the Senator from Indiana [Mr. MORTON] that when we come to debate the two next amendments I shall be ready to meet him upon that subject, and to discuss whether they are new works or old works.

Let us take this bill as it stands on each particular amendment. If this is an unjust amendment, vote it down. If the committee have not exercised a proper and wise discretion in making a fair reduction here, vote this amendment down. When we come to the next amendments, if the Senator from Indiana wishes to assail them, I shall be ready to defend them, and the committee will be ready to defend them.

Mr. MORTON. One word. All we ask in this matter is justice. I have no objection to the Senator's amendments, though they are new works and they are not in the bill as it came from the House and were not in the former bill. They are not necessary, therefore, to the harmony of the bill. No appropriation was made for them last year. What my friend means in talking about the harmony of the bill and striking this appropriation down for that purpose and putting in these two new items, I do not very well comprehend. All we ask is to preserve this appropriation as it came from the House and as it passed the Senate before.

Mr. WEST. As a member of the committee that reported this bill and having voted to agree to this amendment, I should like to call the attention of the Senator from Indiana to the report of the engineers, in which they state that they had in hand and available on the 1st of July, 1875, $85,000 of preceding appropriations, that they have a large amount of that money now available, and this $60,000 they cannot use during the short season that this bill now contemplates. They have enough money there, and I do not think if the Senator was entirely familiar with the amounts that have been appropriated and are now available he would suppose that this reduction would in any way interfere with the prosecution of what the wants of commerce demand there.

Mr. MORTON. If my friend understood the plan of that work and what was necessary and the condition of the harbor, he would at once see the force of what I say about it. This is a smaller amount than they believe they can get on with, and there is no economy in cutting the appropriation down to $35,000. You save $15,000 here and you cripple the work, and perhaps you will put $15,000 in for Pipe Creek or some other place not in the bill before.

The PRESIDING OFFICER. The question is on the amendment in line 325.

The question being put, there were on a division—ayes 33, noes 9.

Mr. MORTON called for the yeas and nays, and they were ordered.

Mr. CONKLING. The yeas and nays being called for on this amendment, I wish to relieve myself from the possible appearance of seeming to be invidious, and therefore I will assign briefly my reason in regard to it.

The first amendment in this bill is to strike out altogether the appropriation for continuing the work in the harbor of Dunkirk, and I might borrow what the Senator from Indiana [Mr. MORTON] has said touching the work he speaks of as descriptive of the work I speak of. Following that amendment are three or four others striking out altogether appropriations for harbors and important harbors on Lake Ontario, on the northern frontier of New York, a fact which I mention only as showing that I know something about them. I cannot support the committee in striking out works which I do know about and which happen to be located in the State from which I come and which I know to be important works, which I know to be partially complete, and then vote to overrule the committee when it has reduced this estimate about 40 per cent. in a bill in which it has reduced the estimates as large 66⅔ per cent. or thereabouts. The total estimates are $14,000,000. The committee brings them down to $5,000,000, and as 5 is to 14 so is the general reduction. Here is a reduction which is left above the average reduction, and we are asked to override the committee on a state of case which applies not only to other instances but which applies to others equally meritorious where the committee have stricken out altogether the appropriations.

The Senators from Indiana must see that it is very awkward for Senators coming from the locality in which such utter refusal to appropriate has been recommended by the committee and concurred in by the Senate, to turn around now and make this more than an exceptional case to the general rule. It is said that the committee has put in two appropriations next to this item for which no appropriation was made before. That gives rise to a question. It was one of the Plinys, I believe, who supplicating Jupiter, rested his prayer mainly on the fact that he had never prayed before. Whether when a work comes here for which nothing has been voted before, it is in a less meritorious attitude than it would be if half a million dollars had been previously appropriated, is a question which we must meet when we come to those amendments. Not meaning at all to dispute the merits of this case, I must vote with the committee both because no invidious distinction has been applied to it, but it seems to me to have been exceptionally favored, and because of other cases in the bill for which I am sure a stronger argument can be made than can be made for this.

Mr. DAWES. I desire to invoke the sympathy of the Senate for Massachusetts in this connection. My colleague and I have been obliged to sit here and see Plymouth Harbor sacrificed to the spirit which has animated the committee in bringing forth this bill, the first harbor in which a vessel ever entered freighted with anything valuable to this continent, and without which I do not see any prospect of any more pilgrims ever landing upon this shore; a harbor which needs the appropriation that was in the bill originally, and without which the commerce of Massachusetts will seriously suffer. My colleague and myself upon a consultation felt as if it were due to Massachusetts and due to the commerce of that State and of the country, as well as to the ever-precious memories connected with Plymouth, to resist this attempt on the part of this committee to cut off entirely that appropriation; but in consideration of the desire to cut down the total appropriations to the lowest point, $5,000,000, we did not think it worth while to destroy the harmony of this bill. But if, after having passed by Massachusetts, and Plymouth with all its claims upon the consideration of this country, the Senate shall depart from that spirit with which they set out upon this bill, I feel as if it would be the duty of my colleague and myself to rally and move a reconsideration of the vote of the Senate upon the amendment striking out every dollar of appropriation for that harbor.

Mr. CHRISTIANCY. Allow me to ask a question. I wish to know of the Senator from Massachusetts whether the appropriation stricken out was for the removal of Plymouth Rock?

Mr. DAWES. No; my friend and his people in the far West and from all parts of this country have visited Plymouth so often and carried away so many mementoes of that rock that it is reduced to such small proportions as to make no obstruction on that account. It is the winds and the waves which flow in there upon that harbor and wash away the breakwater that cause trouble. I may be permitted to say that it is a harbor of refuge for the commerce of the Atlantic coast all along that portion of it, and my friend from Michigan knows what a harbor of refuge is, and without it I think the commerce of the coast will materially suffer.

Mr. MORTON. Mr. President——

The PRESIDING OFFICER. The Senator has spoken five minutes on the pending amendment.

Mr. MITCHELL. Mr. President——

Mr. LOGAN. What has Oregon to do with Plymouth Rock? [Laughter.]

Mr. MITCHELL. I do not know that Oregon has anything to do with Plymouth Rock particularly, but it has something to do with this bill and with this amendment. It would give me very great pleasure to vote with the honorable Senator from Indiana [Mr. MORTON] to increase his appropriation to what he deems that his State is entitled to, and under ordinary circumstances I should certainly do so with a

great deal of pleasure; but I intend to sustain the committee for two reasons: First, out of sympathy for the committee. I think they have labored diligently and long in order to perfect a bill that might meet with the approbation of a majority of the Senate. I shall sustain the committee again, because it is my religious belief that unless this bill is agreed to by the Senate as reported by the committee we shall not be able to pass a river and harbor bill in the Senate at this session. It is my conviction, from all that has taken place in reference to this bill in the many days that it has been under consideration here—nearly two weeks, I believe, altogether—that if we now break in upon it in any essential particular, either increasing or decreasing the appropriations as contained in the bill reported by the honorable Senator from Iowa, we shall not be able to agree upon any bill.

Now, sir, I suppose there are no Senators upon this floor who have a greater right to complain of this bill when we come to look to local interests than the Senators from Oregon. At the same time I am constrained by the considerations I have referred to and by others to refrain from doing anything in the interest of our section that would tend to disrupt or break up this bill. Why, Mr. President, we have on our coast, in which our people are immediately interested, in which the commerce of the whole Pacific coast I might say, the North Pacific coast at least has a deep interest, a river that has at least three branches that are two or three times longer, each of them, and deeper and wider and of more importance than nine-tenths of the rivers for which appropriations are made in the bill now under consideration. The Columbia River and its three forks, the Willamette, the Lewis Fork, and Clarke's Fork, are all of them mighty rivers compared with streams for which appropriations are made here.

Mr. EDMUNDS. What can you say of the Snake River?

Mr. MITCHELL. I refer to the Snake River also. It is a very important river, hundreds of miles in length, and navigable by large-sized steamboats. We enter one of the branches of the Columbia River over one hundred and ten miles from its mouth by ocean vessels drawing eighteen feet of water; and the mouth of the Mississippi, until you commenced putting your jetties there, did not have eight feet of water.

You talk about appropriation, and how much do we get? There are obstructions at certain points where by making a reasonable appropriation you can extend that navigation hundreds of miles farther into the interior. That is what we want appropriations for. The obstruction of the Cascades in the Columbia River is one mile and a half in length, for which an estimate has been made after a survey by the Engineer Department under the direction of Congress, and a recommendation has been made by the War Department in favor of the improvement; and that improvement, if made, would open up the navigation of this great river for hundreds of miles above; open up a country wider in extent than all of New England and two or three of the Middle States thrown in.

Mr. EDMUNDS. And with a greater population?

Mr. MITCHELL. And with a greater population as it will have at no very distant day if this is done, I will say to the honorable Senator from Vermont.

Then I say if any Senators have a right to complain here, it is not the Senators from Indiana nor the Senators from Illinois, nor the Senators from Vermont, but it is the Senators from Oregon representing this new country, not representing Plymouth Rock that was finished years ago; but representing a new country where appropriations are demanded in order to develop the resources of that great country.

Mr. DAWES. I should like to have the Senator tell us whether there would have been any Oregon if it had not been for Plymouth Rock. [Laughter.]

Mr. MITCHELL. Probably not.

Mr. COCKRELL. Mr. President, I should like to know why the Senators from Oregon have any right to complain of the committee of the Senate. They say that they are the Senators who have the right to complain. The committee of the Senate has increased the appropriations made by the House bill for the State of Oregon $45,000, and I think if they had increased the appropriations for the State of Mississippi and the rivers in it $45,000, I should be disposed to stand by them, too.

Mr. MORTON. Will my friend state what this bill does for the purpose of preserving harmony in regard to the appropriations in the State of New York?

Mr. COCKRELL. That is a very interesting question. The Senator from Indiana has the figures and can answer the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from Indiana has spoken five minutes on the pending amendment.

Mr. COCKRELL. I will yield to him to answer the question he has asked me, out of my time.

Mr. SARGENT. That is not in order.

Mr. MORTON. Then I move to recommit the bill. I simply wish to show what has been done to preserve the harmony of this bill, which takes $15,000 out of this single harbor in Indiana. This bill, according to the statement put in my hands by the Senator from Missouri, increases the appropriation for New York, at Buffalo $10,000; at Oak Orchard, $3,000; at East River or Hell Gate, $90,000; at Oswego, $20,000; for the Hudson River, $41,000; making an increase over the former bill of $110,000 for the State of New York. I should suppose the Senator from New York would be satisfied with the bill. In order to preserve the harmony of the bill and enable New York to get this increase and Oregon to get her increase of $45,000, and I do not know what other States, Indiana must in her single port be cut down $15,000, and the appropriation rendered inefficient.

I simply refer to this to show the character of this bill and what is necessary to preserve its harmony, and how important it is, so that its harmony should not be disturbed, that certain States should be largely increased and other States, having very little in the beginning, should have still less left to them. All this is in order to preserve the harmony of this appropriation bill! I think this is wrong. I do not think there is any justice in it. I think there is no economy in it. I do not wish to disturb the harmony of this proceeding, or mar the happy proportions of this bill. This harmony has been determined, and therefore I withdraw the application for the yeas and nays, but still with the distinct understanding that this is not right and that what has been largely added to one State ought not to be taken from the little given to another State.

Mr. EDMUNDS. We had better have the yeas and nays, as they have been ordered.

Mr. MORTON. I withdraw the motion to recommit.

Mr. LOGAN. I feel that this bill is of great importance, but at the same time I feel a good deal as the Senator from Indiana does in reference to one of the amendments made on an appropriation to the State of Illinois; but if the Senate determine to stand by the committee, I shall certainly be as agreeable as any other Senator on the subject.

The speech that was made by the Senator from Massachusetts [Mr. DAWES] really affected me very seriously. It was not only eloquent and able, but very feeling in reference to Plymouth Rock and the harbor at Plymouth Rock. We are, I suppose, to understand that on account of an appropriation for that harbor being stricken out no other Mayflower will ever land there and probably the population of Massachusetts will be decreased, and much injury done thereby to the great people of the United States of America; but there is an appropriation in the bill which I think would affect the people of Illinois about as seriously as the appropriation with reference to Plymouth Rock. I refer to the item following the item for the improvement of the harbor at Michigan City, Indiana:

For the improvement of the channel of the Mississippi River opposite the city of Saint Louis, Missouri, by the construction of a low dam accross the channel east of Arsenal Island, known as Cahokia Chute, and in the revetment of said island, $50,000.

I think that appropriation was a perfectly proper one and a very necessary one. I only rose for the purpose of saying that if the bill is not to be amended at all, I as a matter of course shall acquiesce in the report of the committee; but if the bill is amended I shall ask the Senate to re-instate this appropriation, believing that it is one of very great importance to that part of the country. I am very sorry to see that it was stricken out by the committee. I do not believe that there is an appropriation in this bill of a more worthy character than the appropriation which was made in the bill by the House, in reference to this particular item. I am very sorry the committee struck it out. If, however, the determination is to stand by the bill as reported, I most certainly shall acquiesce in the action of the committee, and submit to whatever the Senate shall agree to in this respect.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw the call for the yeas and nays?

Mr. MORTON. Yes, sir; I desire to preserve harmony.

The PRESIDING OFFICER. Is there objection to the call being withdrawn? The Chair hears none. The amendment is agreed to. The Clerk will report the next amendment.

The next amendment of the Committee on Appropriations was to strike out from line 326 to line 330, as follows:

For the improvement of the channel of the Mississippi River opposite the city of Saint Louis, Missouri, by the construction of a low dam across the channel east of Arsenal Island, known as Cahokia Chute, and in the revetment of said island, $50,000.

Mr. LOGAN. I should like to ask the Senator from Iowa what disposition is made of this $50,000 when it was stricken out of the bill, whether it was transferred to some other appropriation or whether it was stricken out absolutely and no benefits are to be received by any part of the country from it?

Mr. ALLISON. I think I comprehend very thoroughly the intimation of the honorable Senator from Illinois. I have no doubt that this improvement at Cahokia Chute is a very meritorious one. The engineer at Saint Louis in charge of that work was compelled to make a revised estimate of the work on the Mississippi River from the mouth of the Illinois to the mouth of the Ohio, having estimated for the improvements upon the river between those two points over $1,000,000. He was required by the Bureau of Engineers to reduce his estimates so as to come within a bill of four and a half or five million dollars. He did reduce the estimates and estimated for $355,000, leaving out in that estimate Cahokia Chute; in other words, that $355,000 ought to expended elsewhere on the Mississippi River before the work at Cahokia Chute should be commenced at all. The improvement at Cahokia Chute is simply the building of a stone wall across a chute in the Mississippi River on the Illinois shore, as the Senator from Illinois very well knows, the channel crossing the river from the Saint Louis side a little above that point, where a private

improvement was made by the State of Missouri on the western bank of the Mississippi River, against the protest of the engineer in charge.

Mr. EDMUNDS. Who had the jurisdiction there, the United States or the State of Missouri?

Mr. ALLISON. That constitutional question I of course have not examined; but this improvement of Cahokia Chute is made necessary from the fact that an obstruction was put in the river on the western bank by the city authorities of the city of Saint Louis or some authorities in the State of Missouri. Of course in bringing this bill down to the sum of $5,000,000 we believed that the money could be better expended upon other portions of this river than at this point. It is more I think in the nature of a private enterprise, although I must say there seems to be a necessity for this improvement.

I wish to reply now to the intimation of the Senator from Illinois, because I know what his intimation is, that this $50,000 has been inserted elsewhere in this bill.

Mr. LOGAN. I beg the Senator's pardon. I wish to say to the Senator that I intended no intimation of that kind whatever as to the next two propositions, because I know what they are.

Mr. ALLISON. Then I beg pardon of the Senator. The Mississippi River extends, as we all know, for a distance of three thousand miles, and there are appropriations in the bill for every portion of it. It is not fair, nor is it just, to say because we appropriate $200,000 for this river between the mouth of the Illinois and the mouth of the Ohio, that that is an appropriation for the State of Missouri. I heard a Senator from the State of Missouri say that there was not a dollar in the bill for his State. Two hundred thousand dollars of this appropriation is for an improvement along the State of Missouri on the Mississippi river, to say nothing of other appropriations; yet it is not fair to say that it is in the State of Missouri. Whatever appropriations are expended on the Mississippi River for the benefit of that river affect not only the commerce of all the people who live on that river, but the commerce of the State of Indiana and of the State of Massachusetts as well. We deemed it of sufficient importance at the very last session of Congress, by an almost unanimous vote of this body, to appropriate $6,000,000, in round numbers, for the purpose of opening the channel at the mouth of the Mississippi River to twenty-two feet in depth. If it is important to make these immense appropriations, as we did last year, for the improvement of the mouth of the river, will it be said that we shall not expend a reasonable sum, and less than one-third of the amount estimated for by the Engineer Bureau, to improve their river as it threads its way from the Falls of Saint Anthony to the mouth, where we appropriated $6,000,000? It happens that some of these improvements are bordering upon the State of Iowa. They are not Iowa improvements for that reason. Some of them border upon the State of Missouri, notably $200,000 appropriated by this bill. They are not Missouri improvements for that reason. Therefore I protest against statements made to the effect that there are local benefits or local considerations entering into these several appropriations for the Mississippi River. I should be glad to retain this amount for the improvement opposite the city of Saint Louis, but I do think they can stand it another year.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 330 the following:

For the improvement of Rush Chute and the harbor of Burlington, Iowa, $10,000.

The amendment was agreed to.

The next amendment was to insert after line 332 the following:

For the improvement of the harbor of Fort Madison, Iowa, $10,000.

Mr. SPENCER. I should like to inquire of the Senator from Iowa who has charge of this bill if the harbor at Fort Madison is a harbor of refuge?

Mr. ALLISON. It is a harbor of refuge. There is a penitentiary located at that place, the penitentiary of our State. [Laughter.]

Mr. EDMUNDS. That is enough. It is a good appropriation. The Senator need say no more.

Mr. MORTON. I understand the Senator from Iowa to say that there is a penitentiary at this place. Therefore I suppose that it is necessary to have a harbor there! I think I understand now the principle of this new bill; I did not comprehend it before. The other bill had gotten in it about $6,800,000, and it was referred back with the understanding that we should have a bill with about $5,000,000 in it. Of course there must be some leveling down; but it seems an advantage was taken to level up certain States to over $100,000 above what the appropriations were before. A little improvement in Indiana must be cut down, other little improvements must be cut down, and then appropriations for other States are enlarged so that the whole amount is diminished $1,800,000. I did not know that that was the purpose of it when the bill was recommitted. I thought the purpose was otherwise.

The PRESIDING OFFICER put the question upon the amendment and declared that the ayes prevailed.

Mr. MORTON. The amendment was not agreed to by the sound.

Mr. ALLISON. If it was not agreed to I desire to say one word.

Mr. EDMUNDS. The Chair said it was agreed to, and nobody questions the decision.

The PRESIDING OFFICER. Does the Senator from Iowa call for a division?

Mr. ALLISON. No, I do not call for a division.

The PRESIDING OFFICER. The amendment is agreed to.

The next amendment of the Committee on Appropriations was in line 338, to reduce the appropriation "for the improvement of Saint Mary's River and Saint Mary's Falls Canal, Michigan," from $200,000 to $150,000.

The amendment was agreed to.

The next amendment was in line 343, to reduce the appropriation "for the improvement of Au Sable River, Michigan," from $2,500 to $1,000.

The amendment was agreed to.

The next amendment was in line 349, to reduce the appropriation "for the improvement of the harbor at Kenosha, Wisconsin," from $9,000 to $8,000.

The amendment was agreed to.

The next amendment was to strike out lines 354 and 355, in the following words:

For the improvement of the harbor at Monroe, Michigan, $7,000.

The amendment was agreed to.

The next amendment was in line 359, to reduce the appropriation "for the improvement of the harbor at Thunder Bay, Michigan," from $15,000 to $4,500.

The amendment was agreed to.

The next amendment was to strike out lines 361 and 362, in the following words:

For the improvement of the harbor at McCargoe's Cove, Michigan, $15,000.

Mr. EDMUNDS. That is cruel, Mr. President, but I suppose we must submit to it for harmony!

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. EDMUNDS. O, no; I hear it with the rest.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 363 and 364, in the following words:

For the improvement of the harbor at Ashtabula, Ohio, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 367 and 368, in the following words:

For the improvement of Fairport Harbor, Ohio, $8,000.

The amendment was agreed to.

The next amendment was to insert after line 368, the following:

For repair of piers at mouth of Black River, Ohio, $6,000.

The amendment was agreed to.

The next amendment was in line 372, to increase the appropriation "for the improvement of the Fox and Wisconsin Rivers" from $190,000 to $270,000.

Mr. MORTON. Do I understand that this is an increase of $80,000 in this appropriation?

Mr. ALLISON. It is, absolutely.

Mr. MORTON. Here we can see where our little $15,000 appropriation went, and considerably more.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 374 and 375, in the following words:

For the improvement of the harbor at Norwalk, Connecticut, $7,000.

The amendment was agreed to.

The next amendment was to strike out lines 376 and 377, in the following words:

For the improvement of Shrewsbury River, New Jersey, $5,000.

Mr. RANDOLPH. I do not want to disturb the harmony that exists, and I do not believe I could if I wanted to do so. I have seen enough during the last hour or two to convince me that the harmony of this bill is not to be disturbed, and especially since the Senator from Indiana made his valorous test I have given up the hope of breaking what the Senator in charge is pleased to consider and state as the "harmony" of this bill. But I want to say a word as to the appropriations for the State that I in part represent. I have been very much perplexed to know upon what principle this bill proceeds. I find, by way of illustration, that the State of West Virginia obtains within 10 per cent. of that which was originally asked for. I find that the State of New Jersey gets 90 per cent. taken off and 10 per cent. left. I should like to have some gentleman who is upon the committee explain to me upon what principle they proceeded in forming this bill? The Senator from Connecticut [Mr. EATON] suggests to me that there is higher water up in the mountains of West Virginia than there is in the State of New Jersey. Possibly that is so.

Mr. WITHERS. I ask the Senator if appropriations are designed to be restricted to tide-water, and if so, I should like to see the authority for it.

Mr. RANDOLPH. I have not stated that the appropriations were to be restricted to tide-water; but I asked some member of the committee to explain to me why there should be only 10 per cent. taken off the State of West Virginia and 90 per cent. taken off the State of New Jersey.

As to this particular amendment, I have to say that it is extremely desirable that the clause should be left in the bill. I venture to say that the tonnage which comes into Shrewsbury River is more than

has gone over the Great Kanawha since the day the Great Kanawha was discovered. I am limited as to time, but I will state that of the $5,000,000 appropriated in the bill the State of New Jersey, with all its commerce, with all its contributions toward the revenues of the Federal Government, gets but $5,000, one-thousandth part. This is absurd. The bill is certainly the most incomplete that it has ever been my chance to legislate upon. It is quite incomplete, as far as New Jersey is concerned. I should like to have the Senator from Iowa, or some one who has investigated this matter thoroughly, give me a little explanation of it. I have no idea, however, that I am going to have the amendment rejected.

Mr. ALLISON. There seems to be an error running through all the debate on this bill. Senators seem to think that we have appropriated money here by States. My good friend from Indiana [Mr. MORTON] fell into that error.

Mr. FRELINGHUYSEN. I beg my friend's pardon, I do not say any such thing. You have not given New Jersey a cent.

Mr. ALLISON. That is precisely why we have not adopted the rule.

Mr. RANDOLPH. I should like to interrupt the Senator in order to say that so far as I am concerned I do not charge that the bill has proceeded upon the idea of equalizing the appropriations, allotting them to the several States and disbursing them equally.

Mr. ALLISON. I misunderstood the Senator. Of course we all know that Shrewsbury River is a short river. I suppose there is a great deal of local commerce upon that river, but in carefully examining the report of the engineer we could not find any specific statement as to what the intended improvement would be. We supposed it was dredging. I presume that was the object of the appropriation perhaps.

Mr. RANDOLPH. That was the object of it.

Mr. ALLISON. We followed the suggestion of Colonel Kurtz, the engineer in charge. In making his revised estimates he omitted this river entirely, and following his suggestion we of course struck out this sum. If there is any special reason why injustice has been done to New Jersey, I do not know it. Certainly no member of the committee had any intention of that sort.

Mr. FRELINGHUYSEN. There are some appropriations in this bill for the Hudson River and for the waters between Staten Island and New Jersey which are public thoroughfares, but if you strike this out there will not be anything in the bill which is properly for New Jersey. My friend from Indiana talks about a want of harmony in the bill. We would consider this bill musical if it said $35,000 to us; but it does not say anything. After all, I should like this little appropriation left in the bill. Nobody should be left to think that the Senate was under the impression that New Jersey was in fact out of the Union. We would like just a little recognition. The object of the appropriation is this: There is a sand-bar in that river; there are a great many steamers which carry produce daily to New York, plying up and down the river. It is really more on account of New York than New Jersey that I feel an interest in the appropriation, for I do not know what the inhabitants of that city would do if deprived of the nourishment which they receive from that fertile State.

Mr. CONKLING. Oysters?

Mr. FRELINGHUYSEN. The steamers get aground and they lose their cargoes, for our people are too honest to sell stale vegetables, and the articles are perishable. The people in that neighborhod are very desirous to have this little appropriation made.

Mr. MORTON. My friend from New Jersey seems to "understand how it is himself." A little while ago he voted, I observed, in favor of cutting Indiana down; he was anxious to preserve the harmony of the bill. He is not now so desirous upon that subject.

Mr. FRELINGHUYSEN. I believe there is considerable left in the bill for Indiana.

Mr. MORTON. I simply want to remark to my friend from Iowa, who says that the bill does not go by States, that of course it does not go by States. It only happens that by the merest chance in the world some States get their appropriations largely increased, while the little appropriations other States have are cut down to help make it up. Of course it is an accident; it does not go by States. The harmony of the bill requires this thing to be done.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 379, to increase the appropriation "for the improvement of the harbor at Erie, Pennsylvania," from $40,000 to $50,000.

Mr. MORTON. I inquire whether there is a penitentiary there or not? [Laughter.]

Mr. WALLACE. There is not.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 381, to increase the appropriation "for the improvement of the breakwater at Block Island, Rhode Island," from $20,000 to $40,000.

The amendment was agreed to.

The next amendment was to strike out lines 384 and 385, in the following words:

For the improvement of the harbor at Plymouth, Massachusetts, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 386 and 387, in the following words:

For the improvement of Providence River, Rhode Island, $5,000.

The amendment was agreed to.

The next amendment was to insert after line 387:

For the improvement of Little Narragansett Bay, Rhode Island and Connecticut, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 390 and 391, in the following words:

For the improvement of Otter Creek, Vermont, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 394 and 395, in the following words:

For the improvement of Belfast Harbor, Maine, $8,000.

The amendment was agreed to.

The next amendment was to strike out lines 398 and 399, in the following words:

For dredging Hudson River in front of Jersey City, $25,000.

The amendment was agreed to.

The next amendment was in line 405, to reduce the appropriation "for the improvement of the harbor at Provincetown, Massachusetts," from $5,000 to $4,000.

The amendment was agreed to.

The next amendment was to strike out lines 406 and 407, in the following words:

For the improvement of Ipswich River, Massachusetts, $5,000.

The amendment was agreed to.

The next amendment was in line 412, to reduce the appropriation "for the improvement of the harbor of refuge, Lake Huron, Michigan," from $100,000 to $75,000.

Mr. FERRY. I do not rise to ask for an increased appropriation, but I desire to offer an amendment inserting after the word "Michigan," in line 412, the words "including removal of the wreck of The City of Buffalo." I want to call the attention of the Senate to this matter, and especially the attention of the Senator from Vermont who raised the question that perhaps that wreck was of sufficient value to make it the great object of parties who owned it, and by this means they were seeking the Government money for the purpose of removing it for their own special interest. I was not informed at the time whether it was a sailing-vessel or a steamer. The Senator, if my recollection serves me, said he thought perhaps it might be a steamer. I hold in my hand a dispatch from General Weitzel, in command there, which I should like to have read, and then I think there will be no objection to the amendment which I shall propose.

The PRESIDING OFFICER. It will be reported by the Clerk.

The Chief Clerk read as follows:

DETROIT, MICHIGAN, *August* 1, 1876—1.36 P. M.

Hon. T. W. FERRY,
United States Senate, Washington:

The wreck of the sailing-vessel City of Buffalo is a worthless hulk lying in the way of work and use of the harbor of refuge at Sand Beach. Everything valuable has been removed from her by her owners. I intend to blow the whole thing to atoms if authorized by Congress to do so. Not the least job of any kind in it.

G. WEITZEL, *Major Engineers.*

Mr. FERRY. I now move after the word "Michigan," in line 412, to insert "including removal of the wreck of The City of Buffalo."

Mr. EDMUNDS. What I wish to ask is whether the intention of General Weitzel to blow up the whole thing includes the harbor of refuge. If it does, I am for it. [Laughter.]

Mr. FERRY. Perhaps if the Senator had paid special attention to the dispatch he might have construed it to cover the harbor, and if so I should be very happy to join with him in such an amendment.

Mr. EDMUNDS. Seriously, I should like to ask my friend from Michigan how it happens, if this be an obstruction to a public harbor, that the general provision for improving it does not cover the destruction of this wreck, unless it would be unlawful to destroy the wreck without an act of Congress?

Mr. FERRY. I cannot say why this dispatch was sent any further than that this matter was discussed in Congress and probably observed by General Weitzel. I did not instigate it. I know nothing about it only as it came to me. From the fact as stated in the dispatch it would seem as though the officer in charge ought not to be prevented from removing an obstruction which is a serious one to the development of the harbor. I cannot answer the question.

Mr. WRIGHT. I will state that if the wreck is outside of the harbor it would not come within the law, and therefore General Weitzel might desire this clause to be inserted.

Mr. FERRY. I should judge, in answer to the Senator from Iowa, that inasmuch as the question has been raised here and the amendment rejected, the supposition being that this wreck was of value, General Weitzel may have had a little sensibility in regard to the matter and be unwilling to act with such an expression of the Senate. I know nothing of the facts any more than they are revealed by the dispatch. The Senator has all the information I have on the matter.

Mr. EDMUNDS. We all know that telegraphic dispatches are always spontaneous; everybody has discovered that. They spring up, as they say monads do in the universe, without anything to start from.

Mr. FERRY. After what I have stated, does the Senator imply that I initiated this dispatch in any way, directly or indirectly?

Mr. EDMUNDS. My friend from Michigan must have a very critical disposition and a strange understanding of the English lan-

guage. I have said in the most explicit terms that we all know telegraphic dispatches originate spontaneously. I am sure there cannot be any misunderstanding about that. I do not see how I can possibly state it any stronger than that. We have heard all over the country all summer, if it is summer, that fact; everybody knows it; but it is not very material. Certainly if my friend supposes that in the way I have stated, or in any other way, I doubt what he says, I beg him to believe that I do not, most decidedly. Still, whether General Weitzel was moved by some original impulse that came to him from the beginning of the world to plump that dispatch at us at this moment, might be open to a little question; but I certainly accept what the Senator says. It would not do any harm if he had telegraphed to General Weitzel, as he has not, for he says he has not. It is perfectly proper for anybody to do that; but the real point after all, and that is the only one spoken of the other day, relates to the merit of this thing. We certainly do not want to get into a controversy, if we can help it, with the owners of this wreck respecting any claim for damages that may be made if General Weitzel destroys it. I supposed that the general appropriation for improving this harbor was to be expended in removing obstructions to the entrance to it and that might be in it. I suppose that must be the general object. Nothing is enumerated except the general object of improvement. If there is any special reason why it is necessary to say that this wreck shall be included more than it is to say that the sand on the bar, or trees, or bowlders, or whatever may be there, shall also be removed, then, if it be stated, I shall agree at once. The only reason I could think of, and that led me to make the inquiry, was that possibly there was a question of private ownership. If it is absolutely an abandoned thing, and as the Senator from Iowa [Mr. WRIGHT] suggests, it may be outside of the harbor, and not descriptively within the place to be improved, then I concede it would be proper to put in the clause. I do not care, after what the Senator from Michigan has stated, whether it is put in or not. I do not care to oppose it.

Mr. FERRY. I do not wish the Government to suffer. Perhaps the Senator will suggest an amendment to protect the Government. All I want is to meet the object of protecting the harbor. I suppose there will be no objection to the amendment which I have offered, but I am not tenacious about it.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Michigan to the amendment of the committee?

Mr. EDMUNDS. The Chair had better put it to a vote, for I do not want to vote for it.

Mr. SARGENT. I should like to inquire of the Senator from Vermont, as I was not present during the debate on this bill before, whether he speaks from some special information with reference to this particular wreck or upon the general question whether the United States would have the right to remove a wreck in the harbor and be liable therefor, in his opinion, for damages to the owners of the wreck?

Mr. EDMUNDS. I do not speak from any special information. I have not had a telegraphic dispatch from anybody.

Mr. SARGENT. I am not speaking about telegraphic dispatches.

Mr. EDMUNDS. Nor have I had any other special information. My inquiry the other day on this point arose from the fact that in the course of eight or ten years here I have seen one or two instances where we have exposed ourselves to a little difficulty in respect of enumerating what originally was private property in getting obstructions removed from harbors. Therefore the inquiry naturally suggested itself to my mind, why is it necessary, if this be an obstruction which it is lawful to remove, to enumerate it by name, and so I made the inquiry I did. I know nothing whatever about this subject except the general thing. Very likely it is as the Senator from Iowa [Mr. WRIGHT] has suggested, that the doubt is whether this abandoned and utterly derelict wreck, as is now suggested, lies within what is called the harbor or a little outside of it. If that is the explanation, of course it is all right.

Mr. ALLISON. We had a map showing that Sand Beach is a little outside of the harbor.

Mr. EDMUNDS. That may be.

Mr. SARGENT. I was going to say that there are a number of instances within my recollection of direct appropriations for removing wrecks from harbors, and I do not remember the condition ever coupled that it should not interfere with private rights.

Mr. EDMUNDS. I did not propose to couple such a condition.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. CHRISTIANCY. If the Senator from Vermont insists on his opposition to it, then I have a word to say.

Mr. EDMUNDS. I do not make any opposition except to say that I for one do not wish to be responsible for it. I do not make any opposition.

Mr. CHRISTIANCY. The Senator from Vermont has charged my colleague with being somewhat critical. With deference to him, I think I must say that the Senator from Vermont is a little hypercritical. The Senator from Vermont has all the information that either of the Senators from Michigan has upon this subject. Any one who knows General Weitzel, who is in charge of the lake-harbor improvements, would not be very apt to impute to him a design to get up some trick here by which some man is to make money out of the improvement of this harbor for the removal of this vessel. It seems to me the explanation suggested by the Senator from Iowa [Mr. WRIGHT] and the map referred to by the Senator in charge of the bill [Mr. ALLISON] show clearly enough that this is a very proper amendment, and that there is no cause for any suspicion whatever. I hope therefore that the amendment to the amendment will be adopted.

Mr. EDMUNDS. My friend from Michigan says that they have no more information than I have about this thing, and that I am hypercritical about it. What, then, is the attitude of the Senators who do not know any more than I do? What sort of "critical" is to be applied to them? Some other "critical" beginning with "h," or what sort?

Mr. CHRISTIANCY. Supercritical.

Mr. EDMUNDS. Well, we will call it "supercritical." I wish to say that whether I am hypercritical or not, I shall do just what I think is fit, within the rules of the Senate, and will take all the responsibilities. The Senator has intimated that I had some suspicion of the honor and good faith of General Weitzel. He had no right to say that from anything I have said. All I have said is quite the reverse, and I will repeat it so that General Weitzel and everybody else whoever reads what I have said may know that I believe General Weitzel to be an absolutely upright, skillful, and brave public officer, and that neither the Senators from Michigan nor from Vermont nor anybody else would influence his action in the slightest degree when he has charge of public interests. While I say that, I do not think that anybody, if we are all equal here, and I believe we are since we have ceased to be a mob, has any more right than any one Senator has to speak upon this bill or any other. If any doubt or difficulty arises or may be suggested, I think it is my duty as well as my privilege to bring it to the attention of the Senate. If there is nothing in it, the Senate of course will not agree to it. If the point is good, I suppose they will, whether it is in one State or another. I stated that I intended to make no opposition after this last explanation to this amendment, and only asked the Chair to submit it to a vote of the Senate so that it would not be said to be by unanimous consent; that is all.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan [Mr. FERRY] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 414, to reduce the appropriation "for the improvement of the Chippewa River, Wisconsin," from $15,000 to $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 415 and 416, in the following words:

For the improvement of the Osage River, Missouri, $25,000.

Mr. COCKRELL. I should like to ask the Senator from Iowa if the restoration of this very small amount for this very large river would interfere with the harmony of the bill? I think we ought to have this amount, and in my opinion it would make the bill more symmetrical, and, if possible, more harmonious than it is now. I do hope that the Senator from Iowa will withdraw the amendment of the committee and let the appropriation remain.

Mr. EDMUNDS. We cannot do that.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 418, to reduce the appropriation "for the improvement of the Wabash River, Indiana," from $75,000 to $70,000.

Mr. MORTON. This takes another $5,000 off and puts it "where it will do the most good," I take it, either the Fox and Wisconsin Rivers, or Hawkeye Chute, or some of the harbors.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 420, to reduce the appropriation "for the improvement of the harbor at Calumet, Illinois," from $25,000 to $20,000.

The amendment was agreed to.

The next amendment was in line 426, to increase the appropriation "for the improvement of the Upper Mississippi River" from $20,000 to $30,000, and to add after the word "dollars," in line 426, the words:

And $7,000 thereof may be applied in constructing the necessary machinery used in Captain Edward Bell's process for building wing-dams and applying said process in the improvement of said river—

So as to make the clause read:

For the improvement of the Upper Mississippi River, $30,000; and $7,000 thereof may be applied in constructing the necessary machinery used in Captain Edward Bell's process for building wing-dams and applying said process in the improvement of said river.

Mr. EDMUNDS. I ask to have the amendment divided so as to take the question on appropriating $30,000 first, because I do not think from the experience we have had that we ought to make special provision for any particular man's process under any circumstances. Nine times in ten that we have done it we have done a wrong to the Treasury and no good to the public service. Therefore I ask that the amendment may be divided.

The PRESIDING OFFICER. A division of the amendment being called for, the question is on the first branch of the amendment proposed by the committee in line 426, which is to strike out "$20,000" and substitute "$30,000."

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon the second branch of the amendment of the committee, adding lines 426, 427, 428, 429, and 430.

Mr. EDMUNDS. Everybody I suppose understands, I submit to my friend from Iowa, that the Engineer Department may take up this process or any other for these wing-dams, if they choose, so that it is not necessary to give them that authority.

Mr. ALLISON. They are not required to do so by this provision.

Mr. EDMUNDS. I know it, but in most of cases if they are not required to do it, if you name the particular thing, it is pressed upon them that Congress meant that they should do it, and they do it, and then we get into trouble.

Mr. McMILLAN. I hope this amendment will be concurred in. The improvement referred to in this amendment is one that has been called to the attention of the Chamber of Commerce of the city of Saint Paul and of the steamboat-men of the Mississippi River. The La Crosse Railroad Company, terminating at La Crosse, used this improvement, partially at least, in their work at the mouth of the river at La Crosse, and it has proved very beneficial. The Chamber of Commerce of Saint Paul sent to us a memorial requesting an appropriation for it, and I think the Legislature of Minnesota also did the same. I am very certain that the owners of the steamboats on the Upper Mississippi are very desirous that this process should be used. The clause is not imperative, as has been stated by the Senator in charge of the bill, but is left in the discretion of the engineers.

Mr. EDMUNDS. But would they not have that discretion without such a provision in the bill?

Mr. McMILLAN. I am sure if they can overcome the objection of the corps to use an improvement by a person outside of that corps, it will be one of merit; but by the mere permission to introduce this improvement, I am informed and have reason to believe, a great saving will result to the Government.

Mr. EDMUNDS. What is the object, may I ask my friend? If the Secretary of War has this authority now, as nobody disputes, what is the object of inserting these words?

Mr. McMILLAN. Merely to give this permission in the body of the bill, that perhaps the prejudices of the Engineer Corps may be put at rest and overcome to some extent.

The PRESIDING OFFICER put the question on the second branch of the amendment and declared that the ayes appeared to prevail.

Mr. EDMUNDS. I ask for a division, and on that I wish to say a word. I merely ask it in order that I may move to amend the amendment, if it is to be adopted, as I see it is, and I presume the Senator will not object to the amendment I propose. After the word "applied," in line 427, I move to amend the amendment by inserting the words:

If the Secretary of War shall deem it for the public interest.

So as to read:

And $7,000 thereof may be applied, if the Secretary of War shall deem it for the public interest, in constructing the necessary machinery," &c.

Mr. ALLISON and Mr. McMILLAN. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The second branch of the amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 432, to increase the appropriation "for the improvement of Rock Island Rapids, Mississippi," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was in line 434, to reduce the appropriation "for the improvement of the Mississippi, Missouri, and Arkansas Rivers" from $125,000 to $100,000, and to add after the word "dollars," in line 435, the following proviso:

Provided, That $40,000 of the above sum shall be expended on the Missouri River; and $10,000 thereof shall be expended for removing the bar at Fort Smith, Arkansas.

The amendment was agreed to.

The next amendment was in line 443, after the word "expended," to strike out the words "to prevent erosion and destruction of its banks," and after "Ohio River," in line 445, to insert:

And $5,000 of which are to be expended between islands No. 14 and No. 15, near the town of Kaskaskia, Illinois—

So as to make the clause read:

For the improvement of the Mississippi River between the mouths of the Illinois and Ohio Rivers, ($15,000 of which are to be expended between the mouths of the Illinois and Missouri Rivers and $20,000 of which are to be expended between the foot of Dickey Island and the mouth of the Ohio River, and $5,000 of which are to be expended between islands No. 14 and No. 15, near the town of Kaskaskia, Illinois,) $200,000.

Mr. OGLESBY. Without desiring to interrupt the progress of the bill, for I have agreed with the committee in all that has been proposed by it and am indisposed to do anything that shall fail to support them by the action of the Senate, I should like to ask the Senator from Iowa in charge of the bill if there is any objection to putting a clause in the amendment so as to restore it as it was when it passed the Senate before? I ask if there is any objection to striking out the word "twenty" in the four hundred and forty-second line and inserting "thirty," so as to increase the amount to be expended between the foot of Dickey Island and the mouth of the Ohio River from $20,000 to $30,000. It would not increase the total amount appropriated by the clause. The city of Cairo at the southern extremity of the great and flourishing State of Illinois has been seriously threatened for two or three years by an inroad from the Mississippi River. The city has gone on and put up an extensive levee along the bank of the Mississippi River above the town and as far as it is concerned it is now sufficiently fenced in; but if the river should continue its erosions it will rush in and cut in behind the city of Cairo and go in by the Ohio River above where it does now. I read the other day the recommendation of the engineer who has this matter in charge. He thinks that seventy-five or one hundred thousand dollars will sufficiently protect the city and country there. As it will hurt nobody and be a source of incalculable consolation to the citizens of Cairo and make that certain which is now uncertain "to a certain intent in general," I hope the Senator from Iowa will not object to letting it be put at $30,000 instead of $20,000.

Mr. EDMUNDS. Where does the amendment come in? Let it be reported.

Mr. ALLISON. In line 442.

Mr. OGLESBY. I move that "twenty" be stricken out and "thirty" inserted, so as to make it $30,000 instead of $20,000, without increasing or diminishing the total sum voted for the Mississippi River in the clause.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 442 it is proposed to strike out "$20,000" and insert "$30,000;" so as to read:

For the improvement of the Mississippi River between the mouths of the Illinois and Ohio Rivers, $15,000 of which are to be expended between the mouths of the Illinois and Missouri Rivers, and $30,000 of which are to be expended between the foot of Dickey Island and the mouth of the Ohio River, &c.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment reported by the committee, as amended.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 449 and 450 the following:

For removal of a bar in the Mississippi River opposite Dubuque, Iowa, $15,000.

The amendment was agreed to.

The next amendment was in line 452, to reduce the appropriation "for the improvement of the Ohio River" from $270,000 to $200,000.

The amendment was agreed to.

The next amendment was to strike out lines 453, 454, and 455, in the following words:

For examinations and surveys of rivers and harbors, and for incidental repairs of harbors, for which there is no special appropriation, $50,000.

The amendment was agreed to.

The next amendment was in line 461, after the words "Tennessee River," to strike out "$300,000" and insert "$270,000;" and in line 464, after the word "remaining," to strike out "$285,000" and insert "$255,000;" so as to make the clause read:

For the improvement of the Tennessee River, $270,000, $15,000 of which are to be expended above Chattanooga, and the remaining $255,000 are to be expended upon Muscle Shoals.

Mr. SPENCER. I hope this amendment will not be agreed to. This is a work of great national importance. I do not want to be uncharitable to the Senator from Iowa who has charge of this bill, but I cannot help noticing that I have failed to find any appropriation for the State of Iowa that has been cut down, while several have been increased and several new appropriations made. I think it very unfair that works of national importance like this should be decreased and new appropriations made for the State of Iowa for objects never heard of before. There is a harmony about that that does not suit me.

Mr. SARGENT. It seems to me it is only just to the Senator from Iowa to say that so far as the Committee on Appropriations are concerned he was but one of three of a subcommittee, and the whole matter was referred to the regular committee and carefully canvassed and each item agreed on there as the most judicious thing that could be done. There are several items struck from the State of Iowa, and it will be found that members of the Committee on Appropriations have suffered in this respect more than other Senators generally. I know in my own State two-fifths of all the appropriations were taken out of the bill.

Mr. SPENCER. Will the Senator point to any appropriations in the State of Iowa that have been cut down?

Mr. SARGENT. The Des Moines Rapids appropriation was cut down.

Mr. SPENCER. That is on the Mississippi River.

Mr. SARGENT. It is charged to Iowa, for Iowa is on the Mississippi River. In other words, I object to what I might say are captious objections to a single member of the Committee on Appropriations. Of course it was the duty allotted to the Senator from Iowa to report this bill. It might have been, however, any other member of the committee who, if assigned to the duty, would have done the same thing, and I presume then these remarks would have been applied to him. As far as the committee generally are concerned, they consented most willingly and cheerfully to reduce the bill; in my own case I know it was so, and I know it was so with reference to other members of the committee. We had iron-bound instructions; we were told to reduce the bill to $5,000,000; almost an impossible task, if you expected parties to be satisfied; but I think the committee might at least have the credit of having done the best they could conscien-

tiously to carry out the instructions of the Senate. As far as the Senator from Iowa is concerned, I know he endeavored to exhibit that spirit in the committee.

Mr. ALLISON. I desire to say one word in reference to the implications of the Senator from Alabama. As long as the Senator uses a jocular method I do not particularly object to his allusions to me; but the matter is becoming rather serious, and I wish to say now to the Senator from Alabama, without stating what occurred in the committee or elsewhere, that I followed his appropriation at $300,000 to the very last moment of time before it appeared in the Senate Chamber against what a good many other people thought was good judgment about this matter. That is all I will say in regard to this appropriation of his in which he claims that I have done him injustice.

Now let me turn to the State of Iowa. There is in this bill an appropriation coming from the House of $275,000 for an important national work in the State of Iowa. I consented, as every member of the committee knows, to the reduction of that work from time to time. When they wanted $45,000 off to bring the total within $5,000,000 I consented to take it off that appropriation rather than disturb members who seemed to have appropriations here that were necessary.

So far as the improvement at the Rock Island Rapids is concerned I am reminded by the Senator from Indiana and the Senator from Alabama that there is an increase of $5,000. The engineer in charge, Colonel Macomb, wrote to the Bureau of Engineers, and I have his letter here, that $50,000 was the least sum that ought to be appropriated for this great national highway, and I consented for the cutting of that down time and time again until it came down to $25,000, although the House appropriated only $20,000 in the beginning.

Senators seem to take the position here that the House of Representatives is immaculate on this appropriation bill, and that whatever comes here from the House comes here as the laws of the Medes and the Persians, not to be changed by jot or tittle. I take it that this appropriation bill is still within the discretion of the committees of this Senate and within the discretion of Senators; and because it comes here with a particular amount from the House of Representatives, that is no reason why we should not exercise our own judgment and say that it should be increased or diminished; yet Senators claim that we have done them injustice because we have felt compelled to reduce appropriations in certain respects and also compelled to increase other appropriations. When Senators charge this committee seriously with having done injustice to them, I respectfully submit that they are doing injustice to the committee.

I desire to say one word now about the Fort Madison improvement. It is an improvement in reality, not affecting the city of Fort Madison. It is an improvement made necessary from the fact that we have expended large sums of money in making a canal around the Des Moines Rapids, which has changed the current of the Mississippi River, as I explained the other day, by which two-fifths of it ran through what is called Nicota Chute, and the Engineer Bureau recommends that this chute shall be closed in order that the great current of the Mississippi River may be again turned into this canal built by the Government of the United States at an expense of more than a million dollars. I have endeavored to keep from this appropriation bill everything personal, so far as I could, and therefore I reply once for all to these several statements with reference to local affairs.

Mr. DAVIS. I want to say this in justice to the Senator who has charge of this bill. Up to the last moment he and other Senators, he especially, tried to save the $300,000 as it came from the House for the Tennessee River, and it was with the greatest reluctance that any change was made in that item; but it had to be done to come within the $5,000,000 within which the Senate had instructed the committee to limit the bill. I presume hardly any Senator is suited with the bill. Certainly, with regard to the interests I have partly in charge, I labored as hard as any one to try and protect them. There are a number of improvements stricken out that I objected to striking out and voted against striking out in committee; but that could not be helped. The committee did their very best after many hours' labor to get a bill that would cover the whole ground as best they could. It is true many of us are disappointed, but I think as a whole we had better accept it. I hope the Senator from Alabama will not personally allude to the gentleman in charge of the bill, for I assure him that that Senator did his best to save his $300,000.

Mr. WITHERS. I desire also to enter my statement here of responsibility for my proper proportion of this bill. I am as responsible for it probably as the Senator from Iowa or any other Senator. The committee to which this bill was intrusted with instructions felt themselves compelled to obey those instructions. In considering the bill and adjusting the appropriations under it, they did not conceive that they were required to conform to the House bill; for they, not very unnaturally, concluded that if it had been the desire of the Senate to have the House bill reported back they would have so instructed them, instead of instructing them to report a bill limiting the appropriation to $5,000,000. The committee, therefore, felt themselves fully authorized to reduce the whole of this bill and to adjust it according to their conceptions of right and justice. That they may have erred in thus adjusting it I certainly am free to admit; but it has one element or indication of fairness to which I would ask the attention of the Senate, and that is that there is not a single Senator on this floor, so far as I know, who is not dissatisfied with the bill. If there be a man on this floor who is satisfied with the bill as it is reported, I will pay a premium if he will stand up in his place and so announce. I have always heard that when an adjustment was made by referees or by arbitration or otherwise, which offended all the parties, it was a fair adjustment. And, judged by that standard, I think this bill must be a pretty fair one.

Now, sir, it is evident that we had to cut down the appropriations in many instances. If, however, subject-matters were presented which may have been new, which carried with them such evidences of merit as in the opinion of the committee justified an appropriation to them, the committee did not hesitate to make such appropriation; and, with regard to the particular item now under consideration, I can fully corroborate the statement made by the other members of the committee, and especially as to the fact that the Senator from Iowa who reports the bill hung on to the very last before he would consent to the reduction of the appropriation for the Tennessee River. It was only after the Senate was in session that the committee were withdrawn, and it was demonstrated that it was necessary that a considerable reduction should be made in order to bring the bill within the procrustean limits to which we were restricted by the vote of the Senate, that that appropriation was stricken down in order to make it conform in amount to the other appropriations of similar character, to wit, the Fox and Wisconsin Rivers and the Kanawha River, all three standing on precisely the same ground so far as the general merits and purposes of the appropriation were concerned.

Mr. SPENCER. I am very glad that the Senator from Iowa stood by the appropriation for the Tennessee River. If he had followed the suggestion I made to him I would have been better satisfied, however; but I am very glad to know it, and am very much obliged to him. It is very singular that some Senators on this floor are not satisfied with this bill. Some Senators from some States have come off very well. I suggest that the two Senators from Oregon ought to be abundantly satisfied. Their appropriations are $100,000 more in this bill than as it went to the committee. I cannot see why they should not be satisfied. I could mention some other States whose Senators I think ought to be satisfied. I should be satisfied if my State had fared as well.

Mr. MITCHELL. While it is true, as stated by the Senator from West Virginia, that there is probably not a Senator on the floor who is satisfied with the bill, and certainly the Senators from Oregon, notwithstanding the remark of my friend from Alabama, have more right to complain of the bill as reported than any other Senators here, still inasmuch as the Senate all this afternoon has agreed with the committee, has not overruled the committee in one respect, I hope that not much more of the time will be taken up by members of the committee in explanation, and that we shall be permitted to go on and come to a vote.

Mr. ALLISON. Not a word more.

Mr. MITCHELL. Oregon does complain, I will say to my friend from Alabama; Oregon has a right to complain of this bill; and it is only because I believe that if we do not vote for the bill as reported by the Senator from Iowa we shall get no river and harbor bill at all that I am constrained to go for it. Speaking about Oregon, there is a report on file here now, a unanimous report from the Committee on Transportation, recommending an appropriation at the present session of Congress of $250,000 to commence the work at the Cascades, and what does the Committee on Appropriations give us? The insignificant sum of $90,000. But at the same time I am willing to forego any disposition that I have to secure what is due to Oregon in order to get the work started, and get some kind of a river and harbor bill through.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 479, to increase the appropriation "for the construction of a canal around the Cascades of the Columbia River, in the State of Oregon," from $50,000 to $90,000.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 480, to insert:

> Of which amount the Secretary of War is authorized to expend so much as, in his judgment, may be necessary and proper to secure title and right of way for canal and locks, not exceeding the sum of $10,000; and whenever, in the prosecution of the said work, it shall have become necessary to obtain the right of way over any lands for the said canal and locks, the Secretary of War shall take possession of and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after having paid for the same, or secured the value thereof, which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State. The Department of Justice shall represent the interests of the United States in any legal proceedings under this act to obtain the right of way for said canal.

Mr. MITCHELL. I move to amend the amendment reported by the committee by inserting after the word "State," in line 493:

> And jurisdiction to hear and determine such proceedings is hereby conferred on the circuit court of the United States for the district of Oregon, and no appeal shall operate to stay proceedings.

Mr. CONKLING. I understand this proposition to be, not to authorize proceedings known in all the States to condemn private property for public use, but to confer on the circuit court of the United States authority to do something. It occurs to me that there is no act of Congress under which the United States courts condemn private property for public use. We have talked about that sometimes, but

I believe there is no such thing. There is a proceeding known in every State by which for public buildings and for other purposes the United States proceeds to condemn and have assessed private property for public use.

Mr. SARGENT. Through the State courts.

Mr. CONKLING. And do it through the State courts, the Senator from California suggests. Now I want to know if merely by an amendment conferring on the circuit court power to do this thing, there being no such act of Congress——

Mr. FRELINGHUYSEN. Had the Senator from New York observed what precedes the amendment offered by the Senator from Oregon—

Which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State—

I suppose the object of that was to give the power to condemn lands as to this particular improvement.

Mr. CONKLING. That sharpens my objection. I heard that read, and the fact that I seem to make myself so little understood is the only thing that leads me to doubt that I am right. Let me see if I can restate my position.

In the legislation of Congress there is no act that I know of conferring jurisdiction upon the national courts to proceed to condemn private property for public use in the States. Therefore there is no practice, there is no form of proceeding, there is no prescription of the mode in which such proceedings are to occur. On the other hand, until now since there were States and since there was a Government, private property has been taken, assessed, condemned, the title made over to the United States, under proceedings taken in the courts of the States and perfectly well known to the courts and to the jurisdiction. Now I inquire first, why it is proposed in this exceptional case to attempt to clothe the national jurisdiction with the right to do this thing; and second, if that is deemed necessary, why it is proposed in an amendment on the river and harbor bill by a mere suggestion prescribing nothing as to the number of jurors, or whether to be done by a jury or done by commissioners. It has been held, I believe, in the States that an act requiring commissioners to condemn property is constitutional, so that an appeal from the commissioners be given on which appeal a trial by jury may be had, because that preserves the theory of trial by jury. Here a court in which such proceedings are unknown, which has no practices, rules, forms, or statutes to govern it is in this case to entertain jurisdiction of this thing, after you say in this amendment that it is to be "ascertained in the mode prescribed by the laws of Oregon for the condemnation of lands for public uses in that State." That implies, and I suppose I may assume, that there are in Oregon statutes, and that there is there a court under which this may be done. If so, I inquire why it is that it is to be transferred to the Federal courts, and if transferred why by an amendment so naked as this the attempt is to be made?

Mr. MITCHELL. I must confess that I am very much surprised at the remarks of the honorable Senator from New York with reference to this amendment; but before I answer anything that is said I should like to inquire of him whether, in his judgment, the amendment as it stands as reported by the committee is ample in all respects to enable the Government of the United States to obtain control of this land and construct these locks?

Mr. CONKLING. I cannot answer yes or no to that question, but, to be brief, I will refer the Senator to a discussion held in this Chamber some time within two or three years in which I happen to remember as prominent the Senator from Ohio, [Mr. THURMAN,] in which the Senate considered the propriety of framing a statute to enable private property to be condemned by a proceeding in the Federal courts, in the course of which discussion various queries, objections, and difficulties appeared. If the Senator from Oregon asks me whether we have power to confer on the national courts authority to condemn property, that is one thing. If he asks me whether this amendment on the river and harbor bill merely suggesting that they shall do it without any thing more, is a good or sufficient way of doing it, I answer him upon my impression no.

Mr. KERNAN. I should like to ask the Senator from Oregon does he think that the Federal Government can by act of Congress take property in a State without the consent of the State?

Mr. CONKLING. That is one question for us.

Mr. MITCHELL. That is one question that arises, of course. So far as this amendment is concerned, I asked the Senator from New York whether, in his judgment, the amendment reported by the committee was sufficient to enable the United States to get control of this property so as to construct these canal locks?

Mr. CONKLING. Does the Senator mean the printed amendment?

Mr. MITCHELL. I mean the amendment printed, the one reported by the committee.

Mr. CONKLING. To be frank about it, I had not looked at that. I answered from what I heard read at the Clerk's desk.

Mr. MITCHELL. I thought from the remarks the Senator made he had not looked at this bill and did not know its precise phraseology.

Mr. CONKLING. I heard the Senator's amendment read and spoke to that.

Mr. BAYARD. I wish to ask the Senator from Oregon whether, by the laws of the State of Oregon, there is provision made for condemnation of land in that State by the United States for this purpose?

Mr. MITCHELL. Not by the United States, but there is a provision made in the general incorporation law of the State of Oregon for the condemnation of private property for public use where that property is claimed by a private corporation. That is the law of Oregon, and the reason I offered this amendment at this time was because I had some doubt myself, and some other Senators had suggested the same doubts——

Mr. BAYARD. The public use is for the public use of the State?

Mr. MITCHELL. Certainly. As I was about to say in order to finish my sentence, I had some doubt whether under that law property could be condemned in that State for the use of the United States.

Mr. BAYARD. I trust the Senate will pause long before they give their consent to the doctrine of this amendment. We have had the question raised in this body several times, and I am not aware that any decision can be found for it. I am not aware of any judicial decision of the courts of the United States, and certainly there has been no legislative precedent for any such claim of power on the part of the Government of the United States. If you can assume such a right to condemn lands *in invitum*, what becomes of the right of eminent domain which in all periods of the history of this Government has been supposed to be vested in the States themselves? This question, grave as it is, and none can be much graver, ought not to be disposed of in this way by a chance amendment in an appropriation bill. If the Senator will get from his State a condemnation of land under the State power and State laws for the purposes of the United States Government, the cession may be made, and if it is then right and proper for the interests of the Government to take the property so condemned at the price awarded, it will be proper to do it; and then the Senator will have proceeded in the usual and ordinary way for the purpose of acquiring title in the Government of the United States to land within State jurisdiction.

The proceeding is very familiar. We have constantly obtained sites for custom-houses, for post-offices, for forts, in which either the cession is made by the private owner as a matter of voluntary contract between the owner and the United States, which has quite as much right to buy as any other party, and after that is done there is usually a cession of jurisdiction to the United States over the land so purchased. But there are other cases. I remember very well a case in my own State where there was a necessity for light-house sites. An act of assembly was passed upon the suggestion of the Government officials by which the Government could come in there and by regular notice cause lands to be condemned for its use; but that was a statute limited, expressive of the subjects over which the jurisdiction was to extend, and providing for the proper cession of the land to the Government after the condemnation should have been fairly made and the compensation awarded. That has been the regular course heretofore.

I submit to the honorable Senator from Oregon that this is a new case without precedent. I think no act of Congress can be pointed to in which such a proceeding as this has been warranted. I feel friendly to the improvement, but I submit to him that a proper condemnation of this property under the laws of Oregon should precede the application to the United States to take jurisdiction or pay for the land.

Mr. EDMUNDS. I had some conversation with my learned friend from Oregon on this subject, and I understand from him, and of course he knows, that by the laws of Oregon private property can only be taken for public use designated under the authority of the State, such public use as the State has authorized to be made. Therefore, inasmuch as this public use has not been authorized by the State, this taking of private property, this provision to ascertain the value in the mode provided by the laws of Oregon, standing alone without any tribunal to carry it out, would have to be left to the State tribunals.

Mr. BAYARD. I do not understand that the State of Oregon has authorized the taking of land for public purposes of the United States but simply for the State.

Mr. EDMUNDS. That is exactly what I am saying; and therefore under the laws of Oregon an application to the State court must necessarily be rejected because the State court, even if we undertook to confer jurisdiction of that kind, could not get jurisdiction against private rights in my opinion under the laws of the United States and without the authority of their own laws. It would be just like a court of the State of New York or the State of Vermont undertaking to execute the law of a foreign country.

Mr. CONKLING. I wish the Senator would let me understand the Senator from Oregon. Does he say that there is no statute of Oregon under which the United States may take property for a public building or anything else?

Mr. MITCHELL. I know of no such statute in Oregon. There is a general incorporation law providing for the condemnation of private property for public use.

Mr. CONKLING. I suggest that Oregon had better prepare herself to receive appropriations for improvements.

Mr. MITCHELL. When I say public use, I mean that use to which a private corporation may desire to put property authorized by the law of the State.

Mr. EDMUNDS. That being the state of the law in Oregon, I think it must be perfectly manifest to everybody that under this amend-

ment as it stands no land could be got against the consent of the owner, if he did not choose to sell it at his own price. He could stop this improvement, if it be one, and I assume that is. Therefore it seems to be necessary, if we are going to legislate with any effect, to take some additional step. Now what is the additional step?

The amendment proposed by the Senator from Oregon confers by statute on the circuit court of the United States for that district jurisdiction to proceed for this condemnation. Then, as the Senator from New York very well inquired, how? We do not point out a code; but by reference to the existing code of Oregon applied to its own condemnation we authorize the circuit court of the United States, in conformity with that mode, and by just such methods as the State does it, to appropriate the land. Then the question is whether that is right. I do not see any ground to object to it, because it would not be fair or just, for it is exactly the way that other people do in the State. Then is it constitutional? It has been discussed so much that I will not discuss it any more. I believe it is myself; and I am informed, although I have not seen the decision, that the Supreme Court at its last session here has decided that the authority does exist. Assuming that to be so, as I believed it to be before, it appears to me that the amendment of the Senator from Oregon is essential to take any step under this provision in the bill.

Mr. MORTON. The Constitution provides:

Nor shall private property be taken for public use without just compensation.

That certainly carries with it the implication that it may be taken for public use with just compensation. But in the absence of that provision, is there or can there be any doubt about it? Is not this taking of private property for public use the necessary adjunct of sovereignty? How can you carry on government without it? If we have a right to have a post-office and we cannot rent one, we have a right to build one, and we cannot build one without buying the land, and if we cannot buy the land voluntarily, we have the right to take it. So with regard to a custom-house; so with regard to a fort; so with regard to any public building or public work whatever. If the Government has the right to make this improvement and the State of Oregon does not furnish the land and the people will not voluntarily sell it, the Government has a right to condemn it for that purpose. That right follows upon the first right, that is, the right and power to make the improvement.

One word further. Suppose the State of Oregon has no law by which private property can be condemned for public use; suppose it will make no law; suppose the people will not give up the land voluntarily; then the Government is powerless and can make no improvement, because the Government cannot of its own right condemn this property. Can that be so? What right has the State of Oregon to condemn the private property of the people of Oregon for the use of the United States or for the use of the State of California, or any other power, or government, or corporation? Oregon may provide for the seizure of private property for State uses, authorized by a State law, but not for the use of the United States or for the use of some other State. It comes right back to the point that if the Government has the right to make this improvement and cannot get this property voluntarily, it has a right to condemn it, and we have the power to confer on the courts of the United States the jurisdiction necessary for the condemnation of this property.

Mr. ANTHONY. We have got upon a question now that may be called the lawyer's delight. I can see the Revised Statutes going all over the Chamber, and there are over thirty lawyers here, and each will take his five minutes.

Mr. FRELINGHUYSEN. I should like to say to the Senator from Rhode Island, as the discussion may come up again, that I wish to call attention to a decision of the Supreme Court at the October term, 1875, that settles this whole question in favor of the right of the Government to condemn.

Mr. ANTHONY. If the Senator from Iowa will assent I will move to adjourn.

Mr. ALLISON. I think we can finish the bill in fifteen minutes.

Mr. EDMUNDS. You cannot finish it in fifteen minutes.

Mr. ANTHONY. We cannot to-night pass this bill, evidently, with this question. I move that the Senate adjourn.

The motion was agreed to; there being on a division—ayes 26, noes 20; and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 2, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. BAKER, of New York. On yesterday at the time my colleague [Mr. BEEBE] submitted a report from the majority of the Committee on Expenditures in the Navy Department, I submitted a report on behalf of that committee. The Journal as read makes no mention of the minority report.

The SPEAKER *pro tempore*. The Journal will be corrected in that regard.

The Journal, as corrected, was then approved.

SAILORS' HOME, SAN FRANCISCO.

Mr. PIPER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, and that the bill be now brought before the House for consideration.

Mr. WILSON, of Iowa. I desire to state that when this bill was reached in Committee of the Whole I objected to its consideration. Since that time I have looked into it and have become satisfied that the bill is a proper one and should pass.

Mr. BLAND. I do not wish to crowd out any bills for which there is unanimous consent. But if this bill should give rise to debate I shall have to object to it.

Mr. BANKS. I reserve my right to object to the bill until it is read.

The SPEAKER *pro tempore*. The Chair always reserves that right for every member, deeming it but fair that the House should have an opportunity to know what a bill is before the right to object is waived.

The bill was read, as follows:

Be it enacted, &c., That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two fifty-vara lots on which the old marine-hospital building now stands, fronting two hundred and seventy-five feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of one hundred and thirty-seven feet and six inches, as laid down on the official map of said city, to be used by the city and county of San Francisco solely for the purposes of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to, and again vest in, the United States.

Mr. TOWNSEND, of Pennsylvania. Is this bill recommended by any committee?

Mr. DUNNELL. It is reported from the Committee on Commerce.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole, and considering this bill in the House at this time?

There was no objection.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. KASSON. I desire to call the attention of the gentleman from California to one fact. This bill proposes to convey the title of this property to the city and county of San Francisco, which are two different corporations, I suppose. I think this mode of conveying the title is altogether imperfect.

Mr. HOLMAN. It seems to me it would be better to strike out the words "and county," so as to leave it "city of San Francisco."

Mr. PAGE. They are all one.

Mr. LUTTRELL. It is a consolidated government.

Mr. HOLMAN. Is it one corporation?

Mr. PAGE. It is one corporation, known as "the city and county of San Francisco."

Mr. RANDALL. This is really giving to the city of San Francisco public property, so far as I can understand.

Mr. FORT. No, it is not.

Mr. RANDALL. Is not this bill subject to the point of order that requires it to receive its first consideration in Committee of the Whole?

The SPEAKER *pro tempore*. This bill has been taken up by unanimous consent.

Mr. RANDALL. It is still subject to the point of order.

Mr. LUTTRELL. I hope the gentleman will make no objection.

Mr. WILSON, of Iowa. This bill was sent to the Committee of the Whole and there considered; and it is now taken out of the Committee of the Whole by unanimous consent.

The SPEAKER *pro tempore*. Upon examination of the Journal the Chair finds that this bill has already been considered in Committee of the Whole. Having been taken from the Committee of the Whole by unanimous consent of the House, without objection at the time, the Chair holds that it is not again subject to that point of order.

Mr. CONGER. This marine hospital was built with money derived from sailors.

Mr. LUTTRELL. Yes; from sailors.

Mr. CONGER. On account of its peculiarity of construction it is unfit for a hospital in that sense, and now it is asked that it be turned over to the Sailors' Friends' Society and others interested in sailors, it being no longer useful as a hospital.

Mr. RANDALL. If erected for a hospital, then the greater wrong to devote it to any other purpose.

Mr. CONGER. It is asked that it may be used as a sailors' home, equally beneficial and desirable to the sailor.

Mr. HOLMAN. I desire to ask a single question so that the real point may be understood. Do I understand from the gentleman from Michigan [Mr. CONGER] that this hospital building was erected by the Government out of funds given by the sailors?

Mr. CONGER. I do not mean that it was erected out of that fund. I mean to say that the sailors being taxed, formerly twenty cents a month, and now for the last few years forty cents a month upon all their wages, there has been accumulated in the Treasury a large fund not used directly for the erection of these buildings; but there is a

surplus in the Treasury above what is required for the expenses of these seamen's hospitals. Therefore the money from the sailors goes into the Treasury as a revenue, and as an offset for money appropriated by the Government to erect these hospitals.

Mr. FORT. The ladies of San Francisco propose to erect a building on these grounds as a home for the sailors.

Mr. CONGER. There is a building there now.

Mr. FORT. It is an old building, and not exactly fitted for this purpose.

Mr. PIPER. I now call the previous question.

Mr. LUTTRELL. I desire to say one word. Unless this bill is passed now this property will be a loss to the Government and to the seamen also.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; there being, ayes 82, noes not counted.

The bill was accordingly read the third time, and passed.

Mr. PIPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOLD AND SILVER COINAGE.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour begins at half past twelve o'clock. The pending business in the morning hour is the consideration of a bill reported from the Committee on Mines and Mining, being the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, on which the previous question has been demanded by the gentleman from Missouri, [Mr. BLAND.]

Mr. KASSON. Will the gentleman from Missouri allow me to make a proposition, accompanied with a statement of the reasons for it, not exceeding five minutes. I will make it as brief as I can?

Mr. BLAND. If the gentleman wants to make a proposition I will hear it; but I object to debate.

Mr. KASSON. I desire simply to state my reasons for making the proposition; if I cannot do that I must decline to submit the proposition.

Mr. BANKS. I hope the gentleman from Iowa [Mr. KASSON] will let us know what the proposition is; then we can tell whether we will hear his reasons or not.

Mr. KASSON. I desire at least three minutes to state my reasons.

Mr. BLAND. Very well; and I yield to the gentleman three minutes.

Mr. KASSON. Mr. Speaker, the practical difficulty with those members of this House who oppose this bill is the want of sufficient information to enable them to vote upon the numerous propositions embodied in the bill. They have desired such opportunity for examination as has been given by other parliamentary bodies of other countries that have examined such questions, namely, inquiries by a commission, with careful examination and a written report.

The present proposition is not merely to signify the right of payment of the public debt in silver nor for the reminting of the silver dollar. These are at this time comparatively minor questions in view of the number of silver dollars to be coined, but the propositions of this bill affect the wages of labor throughout the country; they affect the payment of all debts made since 1873; they affect——

Mr. BLAND. The gentleman is making an argument against the bill.

Mr. KASSON. This will, of course, not come out of my three minutes?

The SPEAKER *pro tempore*. The gentleman from Iowa is entitled to the floor for three minutes, and will proceed.

Mr. KASSON. These propositions affect the payment of over $1,000,000,000 of the savings of labor deposited in savings and other banks, for the measure apparently authorizes banks and bankers to pay such indebtedness in money depreciated by 10 per cent. below the paper deposited and 20 per cent. below gold. They affect all contracts touching the commerce of this country; they affect the payment of the farmers of the West for their surplus products sent to Europe; they reach every interest, every liability, every enterprise in the United States, and may precipitate a crisis in the money market by its effects upon the public credit.

Now, under these circumstances, those who are opposed to acting on this bill now, reserving their opinions as to the coinage and remonetization of the silver dollar, demand a commission of inquiry upon this subject; and the Committee on Banking and Currency has under consideration such a measure, which I suppose they will report to-morrow morning. For this reason we desire delay. Now my proposition is that in view of this one of two courses should be taken by the gentleman having charge of the bill: either to allow debate to run on to-day, no vote to be taken, and the bill resuming its place in the morning hour to-morrow; or to allow debate to go on, no vote to be taken, and the bill to stand over till the next session, in order to afford opportunity for the making of these very important inquiries, a day certain being fixed for the consideration of the subject next session.

The adoption of one of these two propositions the gentlemen opposed to this bill deem of vast importance to enable us to act properly and safely upon a question of this magnitude, affecting all the business interests of the country. I hope I have made these objections understood, though I should have been glad to give more specifically and at large the reasons arising upon the bill itself.

Mr. CASWELL. I ask that the amendments proposed to the bill yesterday be read.

Mr. BLAND. I object.

The SPEAKER *pro tempore*. The gentleman certainly has the right to ask for the reading of the bill or amendments.

Mr. BLAND. I desire to reply to the proposition of the gentleman from Ohio, [Mr. KASSON.]

The amendments offered yesterday were read.

Mr. BLAND. Mr. Speaker, I think this House will bear me out in the statement that I have not interposed any objection to debate on this bill; that I have not sought to clog legislation on this bill or any other. Only yesterday I offered that the bill should be debated till four o'clock; but that was objected to by the opponents of the bill.

The bill that demonetized silver in this country and perpetrated an injustice and fraud upon the people was passed through this House without even being read, in spite of the call of the honorable gentleman at present serving as Speaker of the House [Mr. KERR] for the reading of that bill. It was passed surreptitiously and without discussion, and was one of the grossest measures of injustice ever inflicted upon any people. Now, this bill simply aims to restore the currency of this country which existed at that time; yet we hear objections on this floor, sometimes in the form of demands for debate, sometimes in the form of opposition to debate.

Now, sir, I am willing to accept the proposition of the gentlemen from Iowa, that this bill shall be debated all day and that it shall take its place in the morning hour to-morrow, provided gentlemen opposing the bill will not filibuster away that morning hour to prevent the ordering of the previous question. If the gentleman will assure the House that in the morning hour to-morrow he and those who are acting with him will allow a vote upon the previous question and let the House determine without filibustering motions whether it is in favor of this bill or not, I agree to the proposition. All that I desire is an honest discussion and honest action; not obstruction to legislation on the one hand nor on the other forcing it through the House without proper consideration.

Mr. KASSON and Mr. GARFIELD rose.

Mr. BLAND. I wish to know whether they intend to filibuster.

Mr. KASSON. My proposition was——

Mr. BLAND. I understand the proposition, but I ask the gentleman from Iowa the question whether, if debate goes on to-day, the opponents of the bill will allow the previous question to be seconded to-morrow without filibustering? Will they let us have a vote on the question to-morrow?

Mr. KASSON. The only proposition I am authorized to make is that which I have made, that debate go on upon the bill to-day, and it shall then take its place to-morrow in the morning hour without prejudice to either side. I am not authorized to pledge either side of the House further than that.

Mr. HOLMAN. That will not do.

Mr. BLAND. The gentleman shows he is not honest in his proposition, but is ready to go on filibustering to prevent a vote on this bill. I demand the previous question.

Mr. HEWITT, of New York. I move the House do now adjourn, and on that motion demand the yeas and nays.

Mr. GARFIELD. I hope both sides will agree to go on with the debate to-day.

Mr. BLAND. I have no objection to go on with the debate to-day if it is agreed we shall have a vote to-morrow.

Mr. HOLMAN. Will the gentleman from Ohio indicate the time when he wishes the debate to close?

Mr. ODELL. I move that when the House adjourns to-day it adjourn to meet on Saturday next; and on that demand the yeas and nays.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, notified the House that the President *pro tempore* had appointed Mr. MORTON, Mr. SARGENT, and Mr. COOPER members on its part on the Joint Committee on Chinese Immigration, authorized by resolution of July 18, 1876.

It further announced that the President *pro tempore* had appointed Mr. WEST and Mr. COCKRELL members on its part of the commission to which was referred the subject of reform and re-organization of the Army by the fourth section of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

It further announced the passage of a bill (H. R. No. 3184) granting a pension to Emerick W. Hansell, with amendments; in which concurrence was requested.

It further announced the passage of a bill (S. No. 1014) regulating the disbursement of certain moneys therein named; in which concurrence was requested.

GOLD AND SILVER COINAGE.

The SPEAKER *pro tempore*. Pending the demand for the previous question the gentleman from New York [Mr. HEWITT) moved the

House adjourn, and pending that the gentleman from New York [Mr. ODELL] moved that when the House adjourns to-day it adjourn to meet on Saturday next, and on that demanded the yeas and nays.

The House divided; and there were—ayes 47, noes 85.

So (more than one-fifth of those present voting in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 3, nays 190, not voting 92; as follows:

YEAS—Messrs. Abram S. Hewitt, Odell, and Page -3.

NAYS—Messrs. Abbott, Adams, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Blair, Bland, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Dobbins, Dunnell, Durham, Eames, Eden, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Frye, Garfield, Gibson, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Haymond, Hays, Henderson, Henkle, Hereford, Hoar, Holman, Hopkins, House, Hubbell, Hunton, Hurlbut, Jenks, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Lewis, Lord, Luttrell, Lynch, Mackey, Maish, MacDougall, McCrary, McDill, McFarland, Meade, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, Neal, New, Norton, O'Neill, Packer, Payne, Phelps, John F. Philips, Pierce, Piper, Poppleton, Potter, Powell, Pratt, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Rusk, Sampson, Savage, Scales, Sheakley, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Spencer, Strait, Stenger, Stevenson, Stone, Stowell, Terry, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Erastus Wells, White, Whitthorne, Wigginton, Wike, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Woodburn, Yeates, and Young—190.

NOT VOTING—Messrs. Ainsworth, Ashe, Bass, Beebe, Bell, Blackburn, Bliss, Blount, Bradley, Burleigh, Campbell, Candler, Cason, Chapin, Cowan, Cox, Crapo, De Bolt, Denison, Douglas, Durand, Egbert, Ellis, Ely, Faulkner, Freeman, Fuller, Ganse, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hendee, Goldsmith W. Hewitt, Hill, Hoge, Hooker, Hoskins, Hunter, Hurd, Hyman, Frank Jones, Kelley, King, Knott, George M. Landers, Levy, Lynde, Magoon, McMahon, Money, O'Brien, Oliver, William A. Phillips, Plaisted, Platt, Purman, Rainey, James B. Reilly, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, Sparks, Springer, Swann, Tarbox, Thomas, Martin I. Townsend, John L. Vance, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Warren, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, and Woodworth—92.

So the House refused to adjourn over.

Mr. BLAND. Inasmuch as there is a disposition to filibuster during the morning hour, and knowing that it can be done to the end of the session, I am willing to agree to the proposition of the gentleman from Iowa, that debate go on to-day, and will take my chance of getting the previous question seconded in the morning hour to-morrow. Let them take the responsibility of filibustering to-morrow if they choose.

Mr. HOLMAN. I ask that this debate be allowed to run on until two o'clock to-morrow, and that then by common consent the vote shall be taken.

Mr. KASSON. I object to that in advance of debate.

Mr. GARFIELD. Let the debate go on first; we can tell better after matters have been discussed what should be done.

Mr. RANDALL. Let the arrangement be for debate during to-day only, for we cannot tell what to-morrow will bring forth.

Mr. GARFIELD. Very well; let the debate run to-day only.

Mr. RANDALL. I would prefer that to-day only be agreed upon, because to-morrow there may be other business requiring action.

Mr. HOAR. The gentleman from New York, [Mr. LORD,] the senior manager of the impeachment proceedings on the part of the House, desires to make a very brief report to the House by and by, which will take only a few minutes. I desire to have his right to make that report reserved.

Mr. RANDALL. That may be reserved.

Mr. HALE. It is understood that no arrangement of this kind to-day is to disturb the status of this bill as being confined to the morning hour hereafter? That should be fully understood.

The SPEAKER *pro tempore*. Whenever an arrangement is agreed upon by the gentlemen on the floor the Chair will state what it is.

Mr. RANDALL. The practical effect of the arrangement is to allow the debate to run to-day without reference to the expiration of the morning hour; and the bill comes up again in the morning hour to-morrow.

Mr. HALE. It does not disturb the position of the bill there? That should be fully understood.

Mr. BLAND. That is not exactly my proposition. It was that I should also have a morning hour to-morrow.

Mr. RANDALL. That nobody can deprive you of.

The SPEAKER *pro tempore*. The gentleman from Missouri will have the morning hour to-morrow.

Mr. HOLMAN. I ask unanimous consent that this proposition be agreed to: That debate shall proceed to-day and till one o'clock to-morrow, and that then the previous question be called and voted on, without the interposition of any dilatory motions.

Mr. GARFIELD. We cannot agree to that until we have had debate on the bill.

Mr. BLAND. I will make another proposition. If the gentleman from Iowa [Mr. KASSON] will agree that we shall take a vote to-morrow, I am willing that his proposition for a commission shall be admitted to be pending as a substitute to the bill, so that the House may decide between the two.

Mr. KASSON. I understood the gentleman from Missouri to say that in view of the circumstances he accepted the proposition I made, which was this: That by unanimous consent the debate shall go on to-day on this bill, no vote to be taken, and the gentleman not withdrawing his call for the previous question; and that to-morrow the bill resumes its place in the morning hour.

Mr. BLAND. And that the House gives its consent for a morning hour to-morrow.

The SPEAKER *pro tempore*. The House does not need to give such consent. The morning hour will stand independently of any consent of the House.

Mr. BLAND. I want it understood that I have submitted to the gentlemen who have shown a disposition to filibuster on this bill because I declined to admit the amendment for the appointment of a commission, that I am willing that the gentleman from Iowa should offer that proposition, and that it be admitted as a pending amendment.

Mr. KASSON. I think a proposition of that nature will be preferred by the Committee on Banking and Currency, but I have no authority to state it now.

Mr. TUCKER. Is there anything in this arrangement that would exclude any amendment that may be offered?

The SPEAKER *pro tempore*. No amendment can be offered to the bill pending the demand for the previous question.

Mr. BLAND. I have said that I am willing to withdraw the call for the previous question for the purpose of allowing amendments to be offered.

Mr. TUCKER. Generally?

Mr. BLAND. Yes, sir.

Mr. HALE. That the gentleman can do if this arrangement is made.

Mr. BLAND. I make the proposition that we have debate on this bill during the whole of to-day, and that we have the morning hour to-morrow, when I will call the previous question on the bill and the amendments which may be offered to it. If gentlemen want to amend it I am willing they should have an opportunity of doing so, provided the House will consent to giving me the morning hour to-morrow.

Mr. KASSON. To-morrow will take care of itself.

The SPEAKER *pro tempore*. What is the proposition as to the length of time to be given to the debate to-day?

Mr. GARFIELD. That it shall run through to-day except so far as interrupted by a statement of the managers of the impeachment or anything else by unanimous consent.

The SPEAKER *pro tempore*. The Chair will state the proposition to the House. The proposition of the gentleman from Missouri [Mr. BLAND] is that the pending bill shall be discussed during this day——

Mr. KASSON. The bill being kept in its present position.

The SPEAKER *pro tempore*. The bill retaining its present position, and coming up as it otherwise would as the pending business in the morning hour to-morrow.

Mr. WILSON, of Iowa. The motion for the previous question being withdrawn.

The SPEAKER *pro tempore*. The motion for the previous question to be regarded as pending in the hands of the gentleman from Missouri, [Mr. BLAND.]

Mr. HOAR. No, sir.

The SPEAKER *pro tempore*. The Chair certainly understands that it is part of the proposition of the gentleman from Missouri that the motion for the previous question shall not pass out of his control.

Mr. BLAND. Unless the House consents to the morning hour to-morrow.

The SPEAKER *pro tempore*. The Chair does not understand what the gentleman means by the House consenting to a morning hour to-morrow.

Mr. BLAND. I mean this, that conference committees may take me off the floor and occupy the whole time to-morrow.

Mr. HALE. I think there is no danger of that.

Mr. BLAND. But if the House consents to have a morning hour I will agree to that proposition.

Mr. HOAR. According to my understanding it is not in the power of the House to take from the conference committees the power to report at any time. That depends on the joint rule; and the House cannot take from them that power.

Mr. BLAND. If that consent is given it will mean that the conference committees agree to it, and I am willing to run the risk of their violating that agreement.

Mr. BANKS. It is necessary some reservation should be made in regard to the morning hour in order to secure it; because otherwise any question of privilege may deprive the House of the morning hour to-morrow, on which this arrangement depends.

The SPEAKER *pro tempore*. The Chair is waiting until some gentleman states what the exact proposition is. The Chair cannot understand what proposition is pending before the House.

Mr. HOLMAN. In view of the lateness of the hour in the session and the importance of disposing of such reports of committees of conference as are yet undisposed of, I suggest to the gentleman from Iowa [Mr. KASSON] that he modify his proposition so that four hours

shall be allowed for debate, subject to a call for the previous question to day or during the morning hour to-morrow.

Mr. KASSON. I object to the introduction of a new element to the prejudice of either party. The proposition to which the gentleman from Missouri makes no objection is that the debate shall proceed now under the present condition of the question, no vote to be taken to-day, and that to-morrow the bill shall resume its place in the morning hour under the call for the previous question.

The SPEAKER *pro tempore*. The Chair understands that proposition. Is it assented to by the House?

Mr. BLAND. I assent to it because I cannot do anything better.

Mr. BURCHARD, of Illinois. I understand then that the motion for the previous question is pending, but that by unanimous consent the debate is to be allowed to continue to-day.

The SPEAKER *pro tempore*. The Chair will state the proposition. The proposition of the gentleman from Iowa [Mr. KASSON] is that by unanimous consent this bill shall pend for debate during this day and that it shall resume its place, as it naturally would, in the morning hour to-morrow, and that it shall then be under the pending call for the previous question of the gentleman from Missouri [Mr. BLAND] which will exclude all amendments but those which the gentleman from Missouri yields for.

Mr. NEAL. I object to that.

Mr. WILSON, of Iowa. I desire to propose that the morning hour shall continue during the entire day without any other arrangement.

Mr. KASSON. O, no! that will not do.

The SPEAKER *pro tempore*. The question now is upon the motion of the gentleman from New York, [Mr. HEWITT,] that the House do now adjourn; upon which the yeas and nays have been demanded.

The question was taken upon ordering the yeas and nays; and on a division there were yeas 45, noes not counted.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 174, not voting 109; as follows:

YEAS—Messrs. Odell and Smalls—2.

NAYS—Messrs. Adams, Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Blair, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cason, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, Clymer, Cochrane, Conger, Cook, Crounse, Cutler, Danford, Davis, Davy, Dibrell, Dobbins, Dunnell, Durham, Eames, Eden, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Frye, Garfield, Gibson, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Haymond, Henderson, Henkle, Hereford, Holman, Hopkins, House, Hubbell, Hunton, Hurlbut, Jenks, Thomas L. Jones, Kasson, Kehr, Kimball, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Lewis, Luttrell, Lynch, Lynde, Mackey, Magoon, McDill, McFarland, McMahon, Meade, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, Neal, New, Norton, O'Neill, Packer, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Potter, Powell, Pratt, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Rusk, Sampson, Savage, Scales, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Strait, Stevenson, Stone, Teese, Terry, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, Waddell, Gilbert C. Walker, Walsh, Warren, Erastus Wells, White, Whiting, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Yeates, and Young—174.

NOT VOTING—Messrs. Abbott, Ashe, Bass, Beebe, Bell, Blackburn, Bliss, Blount, Bradley, William R. Brown, Burleigh, Campbell, Candler, Chapin, John B. Clark, jr., of Missouri, Collins, Cowan, Cox, Crapo, Culberson, Darrall, De Bolt, Denison, Douglas, Durand, Egbert, Ellis, Ely, Faulkner, Freeman, Fuller, Gause, Glover, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hooker, Hoskins, Hunter, Hurd, Hyman, Frank Jones, Joyce, Kelley, King, Knott, George M. Landers, Levy, Lord, Maish, MacDougall, McCrary, Money, O'Brien, Oliver, Page, Plaisted, Platt, Poppleton, Purman, James B. Reilly, Roberts, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, Sheakley, Sparks, Spencer, Springer, Stenger, Stowell, Swann, Tarbox, Thomas, Martin I. Townsend, John L. Vance, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Andrew Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—109.

So the House refused to adjourn.

ORDER OF BUSINESS.

Mr. JENKS. Has the morning hour expired?

The SPEAKER *pro tempore*. It has expired.

Mr. JENKS. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 2803) to provide for arrears of pensions on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same.

The SPEAKER *pro tempore*. The gentleman cannot make that motion.

Mr. JENKS. Then I move that the House resolve itself into Committee of the Whole on the state of the Union.

The question was taken on Mr. JENKS's motion; and on a division there were—ayes 54, noes 44; no quorum voting.

Mr. REAGAN. I call for tellers.

Tellers were ordered; and Mr. JENKS and Mr. HALE were appointed.

The House divided; and the tellers reported—ayes 84, noes 67.

So the motion was agreed to.

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. LORD. I ask unanimous consent before the House goes into Committee of the Whole on the state of the Union to submit a report of the managers of the impeachment of William W. Belknap, late Secretary of War.

The SPEAKER *pro tempore*. The Clerk will read the report.

The Clerk read as follows:

To the House of Representatives:

The managers on the part of the House to conduct the impeachment against William W. Belknap, late Secretary of War, respectfully report:

That the defendant, William W. Belknap, has been acquitted on all the articles presented against him, less than two-thirds of the Senators present voting "guilty." The final vote was 61; thirty-seven of the Senators voted "guilty," twenty-three "not guilty" for want of jurisdiction, one "not guilty," and one criticised a portion of the articles of impeachment, and stated that the offenses charged in other of the articles were not proven beyond a reasonable doubt. A change of five votes would have resulted in the conviction of the defendant by the two-thirds vote required by the Constitution.

The question of jurisdiction, raised by the plea of the defendant, was the first point presented to the court of impeachment. After a protracted and exhaustive argument, the court held that it had jurisdiction, notwithstanding the resignation of the defendant; and the managers proceeded to prove the offenses charged in the articles of impeachment, and after proving them so conclusively that only two Senators in any manner questioned the guilt of the defendant, the minority of the Senate refused to be governed by the deliberate judgment of the majority, that it had jurisdiction, and, in the form and mode before referred to, prevented the conviction of the defendant.

While exercising the power to vote "not guilty," it was practically asserted that there was no converse to the proposition, and therefore that Senators had no legal right to vote "guilty," however satisfied of the guilt of the accused.

Notwithstanding this result, the managers believe that great good will accrue from the impeachment and trial of the defendant. It has been settled thereby that persons who have held civil office in the United States are impeachable, and that the Senate has jurisdiction to try them, although years may elapse before the discovery of the offense or offenses subjecting them to impeachment. To such as are or may hereafter be among the civil officers of the United States, who have no higher plane of integrity than the rule that "honesty is the best policy," and it is conceded they are comparatively few, this decision will be a constant warning that impeachable offenses, though not discovered for years, may result in impeachment, conviction, and public disgrace. To settle this principle, so vitally important in securing the rectitude of the class of officers referred to, is worth infinitely more than all the time, labor, and expense of the protracted trial closed by the verdict of yesterday.

The trial and its discussions have presented also to the public mind clearer views of official accountability, and developed higher requirements of the advancing public sentiment.

All of which is respectfully submitted.

Mr. LORD. I move that this report be printed and laid upon the table.

The motion was agreed to.

Mr. LORD. I desire that by unanimous consent the managers be granted a few minutes to express their views in regard to this report. And I will now yield to Mr. Manager HOAR.

The SPEAKER *pro tempore*. That is a question entirely for the House to determine. Is there unanimous consent for a discussion of this report at this time?

Mr. CONGER. If there is to be further apology from the managers, I have no objection.

The SPEAKER *pro tempore*. The House has already ordered that it shall be resolved into Committee of the Whole, and the Chair only detained the House a few moments to receive the report of the managers.

Mr. HOAR. I merely desire to utter one or two sentences, which I would like to have accompany this report, and I ask leave of the House for that purpose.

There was no objection.

Mr. HOAR. It seems to me that the very grave public importance of the matter, a determination of which has just been officially reported to the House, and the very great importance and delicacy of the duty which has been imposed upon the managers by the House, justify me in asking permission to say one or two words in reference to what, in my judgment, has actually been accomplished.

An investigation into the parliamentary history of impeachment will satisfy everybody that the lovers of liberty and of good government, both in this country and in England, who took part in the formation of our Constitution, or in the defense in England of the great principles upon which our Constitution rests, regard the right to impeach every executive officer for abuses of public trust, as long as that person lives, whether in or out of office, to be one of the great safeguards of your constitutional popular government.

The language which was current at that day would seem extravagant if uttered upon this floor to-day by any member of this House. Mr. Burke, in his "Thoughts on the Cause of the Present Discontent," volume 1, page 397, objecting to the sharing by the House of Lords in the executive powers of the government, just as some persons object to-day to the usurpation by the Senate of an undue share in the power of appointment of executive officers, says:

The control of Parliament in this way upon the executory power is lost, because Parliament is made to partake in every considerable act of government.

And he adds:

Impeachment, that great guardian of purity of the Constitution, is in danger of being lost.

The wisdom and accuracy alike of that prediction is shown by the events of this winter. Mr. Monroe, the very embodiment of common sense, of caution, of moderation, a man who in public service had been largely in the executive branch of the Government, in a work upon government, which he left to be published after his death as containing his maturest counsels to his fellow-citizens, says:

The right of impeachment and of trial by the Legislature is the mainspring of the great machine of government. It is the pivot on which it turns. If preserved in full vigor and exercised with perfect integrity every branch will perform its duty.

Now, Mr. Speaker, whatever may be the result of this trial to the individual who has been impeached at the bar of the Senate, whatever may be the value to him of preserving the right to be a candidate for public office before his fellow-citizens hereafter, this great constitutional power of this House has in my judgment been vindicated and preserved by the decision of the great constitutional court before which the charge was made and by the more powerful, more permanent, more august decision in the opinion of the American people.

I have been in a position to know by very extensive personal correspondence and conversation the opinion of large numbers of the jurists of the country who are not at present engaged in political life or animated by any feelings of partisanship in regard to either political party; and I believe I have the right to affirm that, almost without any considerable exception—there are some exceptions—the judgment of the profession of the law, of the bench, and the bar corresponds with the judgment of this House and the judgment of the Senate that the right to judge in cases of impeachment for abuses of public trust is vested in the Senate on proper charges presented by the House, at whatever time in the life of the offender the offense may be discovered or the evidence of it be put in the power of the public prosecuting authorities.

That is the only question which is of importance here; and I believe the effect of this decision will be that for a century to come there will not be in the history of this country a repetition by a Cabinet officer or other high executive official of such offenses as have been disclosed and prosecuted in this trial. This House without distinction of party and this country without distinction of party may be grateful to the persons who have set in motion the mechanism for punishing this offense, and to the House of Representatives who, whether the particular sentence has received the support of two-thirds of the other branch or not, have made it impossible almost that these offenses should be repeated.

Mr. LORD. I ask unanimous consent that the gentleman from New York [Mr. LAPHAM] may be heard on behalf of the management for a few minutes.

There was no objection.

Mr. LAPHAM. I desire, Mr. Speaker, to detain the House for but a moment. It is very far from my desire or purpose to question the integrity or sincerity of the action of any Senator in voting upon the final question of "guilty" or "not guilty" in the case of the late Secretary of War, Mr. Belknap. But in view of the extraordinary position taken by the Senators who voted "not guilty," as adverted to in the report which the chairman of the board of managers has just made, I desire for a moment to call attention to a striking fact presented by the record in this case.

On the 7th of June last the Senate, after hearing discussion on the part of the counsel, retired in secret for the purpose of consultation, and unanimously, so far as I can learn, (for there is no dissent apparent upon the record,) agreed upon this order:

Ordered, That upon the 6th of July, 1876, at one o'clock p. m., the Senate sitting as a court of impeachment will proceed to hear the evidence on the merits of the trial in this case.

On the 6th of July, in pursuance of such order, the Senate entered upon the trial. The Senators who have at last voted "not guilty" were present most of them—at times, I may say, all of them—and participated in the conduct of the trial. They voted upon questions of the reception of evidence; they took part in the entire proceedings and heard the argument of counsel both on behalf of the managers and on behalf of the accused. Now, at last when the final vote is taken, they occupy to me the anamolous position of saying "All this has been *coram non judice* and void; we had no right to act; we had no jurisdiction to take evidence; and therefore we vote 'not guilty.'" To my mind that is a *non sequitur*.

I think the position taken by the Senator from Florida, that because he believed the Senate had no jurisdiction he could not vote at all on the question of guilt or innocence, is much the more consistent position for Senators to have taken.

And with calling the attention of the House and through the House of the country to this position assumed by the minority who have voted to acquit, I have, Mr. Speaker, performed the only duty which it seems to me incumbent for me to discharge in the case.

HON. CHARLES HAYS.

Mr. LORD. On behalf of the Judiciary Committee I ask unanimous consent that the report of the committee in regard to CHARLES HAYS may be printed in the RECORD and laid on the table.

There being no objection, it was ordered accordingly.

Mr. FRYE. On behalf of certain members of the Judiciary Committee, I ask to present their views and have them printed in the RECORD in the same connection.

There being no objection, it was ordered accordingly.

The majority and minority reports are as follows:

The Committee on the Judiciary, to whom it was referred to investigate certain charges made against CHARLES HAYS, a member of this House from the fourth congressional district of Alabama, relating to the appointment of Guy R. Beardslee as a cadet at the United States Military Academy, respectfully report:

The resolution suggests two subjects of inquiry.

First. Did the said CHARLES HAYS "falsely certify to the Secretary of War that the said Beardslee had been an actual *bona fide* resident of the said district for over two years previous to the nomination" of said Beardslee by said HAYS?

Second. Did the mother of said Beardslee pay to said HAYS the sum of $3,000 to obtain said nomination?

As to the first inquiry the committee report the following facts:

Mr. HAYS had made several nominations from his district for the United States Military Academy which for various reasons had failed.

On the 4th of March, A. D. 1874, (page 18,) and as the evidence tends to show after the adjournment of the Congress, the said HAYS nominated by writing the said Beardslee for an appointment as a cadet at said Military Academy from the said congressional district, and certified that said Beardslee resided in "Choctaw," in the "county of Choctaw, State of Alabama," and that he had "been an actual *bona fide* resident of the district for over two years.

At the time such certificate was made said Beardslee had never been in the State of Alabama, but then was in the city and State of New York, in which State he had always resided. The said HAYS delivered said certificate to one William Lilley, an attorney of the city of Washington, whose advertisements as to appointments to West Point had attracted the attention of Mrs. Beardslee, (pages 23, 31,) who took it to the city of New York and delivered it to one Professor Charlier, who paid him $3,000 therefor, and was afterward re-imbursed by Mrs. Beardslee, the mother of the said cadet.

On the back of said nomination is written, in the handwriting of said Lilley, (pages 42, 45, 46,) "Residence Blayden Springs, Choctaw, Alabama." (Page 62.)

Mr. Lilley testified that he told Mr. HAYS that Mr. Beardslee "was a *bona fide* resident of some spring (I forget the name) in Choctaw County, Alabama, and then he signed the certificate." (Page 14.)

Mr. John G. Stokes, who during the Forty-third Congress was the clerk of Mr. HAYS's committee, testified (page 57) that he heard said Lilley tell HAYS that the boy resided in Blayden Springs, Choctaw County; also that he, Lilley, told the witness so, and that the witness told HAYS so.

Immediately after such certificate was given, said Beardslee went to the State of Alabama for the purpose of obtaining a residence.

On his way, as advised by Professor Charlier, he stopped at Washington to see said Lilley. (Page 27.) He was asked to sign a certificate in blank and to procure his mother's signature also in blank, which was afterward falsely filled up by said Lilley by inserting that said Beardslee had actually resided in the fourth congressional district of Alabama for six years and eight months. Said Lilley also wrote a letter for said Beardslee to copy and sign, directed to the Secretary of War, under date of March 5, 1874, in which he makes said Beardslee state "my residence is Blayden Springs, Choctaw County, Alabama." (Page 63.)

In the written statement prepared and signed by Mr. HAYS, and verified by him under oath, he states three times that Lilley told him that Beardslee lived in Choctaw County, Alabama. His last statement relating to it in such previously prepared statement is, "I remember distinctly asking him where the boy lived and he replied, 'In Choctaw County,' Alabama." (Page 46.)

In his oral statement (page 47) he states that Lilley told him that Beardslee lived in Choctaw, Choctaw County, Alabama.

On page 48, after stating that he did not know that Lilley wrote on said nomination, "Residence, Blayden Springs, Choctaw, Alabama," he is asked:

"Question. Do you mean to testify that he made any other memorandum?

"Answer. None that I remember of.

"Q. I mean any other memorandum than the one on the back of the paper.

"A. No, sir; not that I remember."

The nomination, it will be borne in mind, reads as to residence, Choctaw, in the county of Choctaw. Mr. HAYS, so far from saying this was an inadvertence, in contradiction of all the evidence, affirms that Lilley wrote it on a piece of paper and handed it to him.

At page 49 Mr. HAYS is asked:

"Q. What led you to write in this certificate Choctaw, in the county of Choctaw?

"A. I got it from the paper that Lilley handed me; that is the way I came to write it. I should not have written it there if I had not believed that there was such a place."

The evidence discloses that there is no such place as Choctaw, in Choctaw County.

Mr. HAYS is asked, (page 48:)

"Q. Is there such a place as Choctaw in Choctaw County, Alabama?

"A. No, sir. I understand that there is not. I did not know it, however, at that time."

THE INTRODUCTION OF MR. HAYS AND YOUNG BEARDSLEE BY LILLEY.

Mr. Lilley affirms the entire innocence of Mr. HAYS; that he (Lilley) deceived him as to the residence of Beardslee, and that Mr. HAYS believed the boy was an actual, *bona fide* resident of his district. (Page 14.)

The evidence of young Beardslee has satisfied the committee that he was entirely sincere in the belief that it was sufficient to obtain admission to West Point that he should go from the State of New York after his nomination and reside in the State of Alabama sixty days. Assuming equal integrity on the part of Mr. HAYS, it is evident that should they be introduced so as to know each other and the relations in which they stood, an inquiry which one or the other would almost unavoidably make would expose the gross deception which Mr. Lilley, on his theory, was practicing upon them.

It would not be expected, therefore, that Mr. Lilley would voluntarily take the risk of introducing them to each other; not only because of such risk of exposure, but also because it would probably result in his being compelled to return the $3,000 which he had received for concocting and carrying on, as he claims, this double falsehood; and yet the evidence discloses that while young Beardslee was at his house in Washington, at the time before stated, he told him he expected Mr. HAYS on some business that morning, and that if he came he would introduce them. Mr. HAYS came, and he did introduce them.

This, of course, was entirely safe if Mr. HAYS understood the transaction and knew that Beardslee was on his way to Alabama to obtain, as he thought, a residence in that State. On the other hand, if Mr. HAYS believed that Beardslee lived in Alabama and thought, as he alleges, that he was then on his way from Alabama to New York, (page 49,) it would be expected that he would make some inquiry as to the time he left Alabama, or about his friends, or some other inquiry indicating that he felt at least some remote degree of interest in his *protégé*. But if he (HAYS) knew the real facts and that his *protégé* did not, his only safety was in the absolute silence which he maintained, except that he said, "I hope you will pass, as several others have failed." (Pages 25, 27, and 48.)

Mr. HAYS (page 48) gives as a reason for asking no question that he expected to see the young man again here in town, but admits that he made no inquiry as to where he was stopping or how long he would remain or any thing on the subject.

In regard to the testimony of Mr. Stokes that he told Mr. HAYS that Beardslee lived in Choctaw County, it appears from his own statement not only that he knew nothing except what he heard Mr. Lilley say, (pages 56, 57,) but Mr. HAYS admits (page 47) that Stokes had no knowledge excepting through Lilley.

Mr. HAYS is asked—

"Question. Did Mr. Stokes profess to know anything about it beside what Mr. Lilley told him?

"Answer. He only said that Lilley said that the boy was a resident of Choctaw County, Alabama, and that he was satisfied that he was.

"Q. Did Stokes claim to know anything about it of his own knowledge?

"A. No, sir; nothing that I know of except through Lilley."

The necessity which Mr. HAYS now feels for other representations than those

made by Mr. Lilley is evidenced by that part of his prepared statement in which he alleges:

"About this time I made the recommendation and certified to his actual residence in the fourth congressional district of Alabama, because from the representations of Lilley and Stokes I believed it true."

And yet his cross-examination just above stated shows that he had no information except from Lilley.

In regard to the second inquiry, the committee report that there is not sufficient evidence to show that Mr. HAYS shared in the $3,000 taken from Mrs. Beardslee for the appointment of her son. So far as Mrs Beardslee is concerned, she evidently had no knowledge that she was violating the law, and the same may be said of Professor Charlier. (See pages 8, 9.)

As to young Beardslee, there is no evidence but that he has acted in perfect good faith.

As regards Mr. Lilley, who claims to have practiced as an attorney here in Washington for many years, and who advertised that he could procure appointments, such a suggestion can hardly be made; on the contrary, from his own statements it is evident that he saw no way to get the $3,000 except through a system of gross deception, by procuring blank signatures and then filling the blanks with statements utterly false.

In regard to Mr. HAYS, the committee report that while the evidence may not be sufficient to find that he willfully made a fraudulent certificate, it still excites grave suspicions, and shows in any possible view a carelessness which ought not to be tolerated.

Giving Mr. HAYS the benefit of his own statement, the most that can be said in his favor is that with the fullest opportunity to ascertain the truth, he chose to rely upon the statement of Lilley, who he knew had no acquaintance or interests in his State and had every reason to suppose was acting for a consideration. If Mr. HAYS did not know the certificate was entirely false, he is certainly censurable for signing it on evidence so barren and so suspicious. But taking the testimony all together, this committee recommend that no further action be taken in the case.

VIEWS OF CERTAIN MEMBERS OF THE JUDICIARY COMMITTEE.

The undersigned entirely concur in the conclusion of the committee that no further action be taken in this case, but dissent from what purports to be the report of the majority in so far as it in any way reflects upon the honor or integrity of Mr. HAYS.

The investigation of the case has been of the most thorough and searching character. Every witness who could by possibility know anything of the facts of the case has been examined, cross-examined, re-examined; some of them recalled and again subjected to the most rigid examination; every trail that might lead to a disclosure of some improper conduct on the part of Mr. HAYS has been followed to the end. No pains has been spared by the committee to get the truth. After this thorough sifting of the case we desire to place it upon record that in our judgment there is no evidence that Mr. HAYS knew or had reason to believe that Young Beardslee was not a *bona fide* resident of his district at the time he nominated him. Nor is there any evidence whatever that he received or was to receive directly or indirectly any consideration whatever for this appointment. On the contrary the evidence is clear, explicit, direct, and emphatic that he never received anything whatever, directly or indirectly, nor was he directly or indirectly promised anything.

Mr. HAYS had made nominations before this one of cadets to West Point. Some had failed in the examination; one had declined. There was a vacancy to be filled from his district and one Lilley, with whom he had been acquainted for some years, requested him to appoint young Mr. Beardslee, representing the latter to be a *bona fide* resident of Choctaw County, in Mr. HAYS's district, and the son of a widow. John G. Stokes, who was clerk of the committee of which Mr. HAYS was chairman, also made the same representation. Mr. HAYS knew nothing of young Beardslee, and acted solely upon representations as to his residence, and it is nothing to his discredit that he did so. He represents a large district composed of fourteen counties. Choctaw is a remote county in that district—remote from railroad communication—in which Mr. HAYS had never been but twice in his life and then only very briefly, and he had scarcely a personal acquaintance in it. It is not therefore surprising that he should have acted upon the statements made by others as to the residence of young Beardslee. In making this nomination Mr. HAYS described Beardslee as of Choctaw, of the county of Choctaw, in the State of Alabama, and as having been a *bona fide* resident of the district for over two years. In doing so he acted upon the representations made to him as he might properly do, and the fact that he was unacquainted in the county and lived remote from it is ample excuse for his action in that behalf.

Lilley received $3,000 for procuring this appointment, but there is not only no reason to suspect that Mr. HAYS received any part of that money but there is also no reason to suspect that he had the slightest knowledge that Lilley was being paid for what he was doing.

In looking over this whole case we feel it to be due to Mr. HAYS, as a matter of justice, to say that there is no evidence to sustain the charges affecting his honor or integrity.

WM. P. FRYE.
WM. LAWRENCE.
GEO. F. HOAR.
FRANK H. HURD.
GEO. W. McCRARY.

By request of the above I annex a copy of the records of the committee, showing that only four of its members sustain what purports to be the report of the majority.

WM. P. FRYE.

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1876.

In the Committee on the Judiciary Mr. LORD called up his report in the matter of Hon. CHARLES HAYS. After lengthy discussion the report was adopted by the following vote:

AYES—Messrs. Knott, Ashe, Lord, and Caulfield—4.
NOES—Messrs. Hurd and Lawrence—2.
EXCUSED—Mr. Lynde—1.
ABSENT—Messrs. Hunton, McCrary, Frye, and Hoar—4.

I certify the above to be a true copy of the proceedings of the Judiciary Committee on July 19, 1876, in the case of CHARLES HAYS.

CHARLES WICKLIFFE BECKHAM,
Clerk Judiciary Committee House of Representatives.

GOVERNMENT HOSPITAL FOR INSANE—SURVEYS OF PUBLIC LANDS.

Mr. MUTCHLER. I ask unanimous consent to present at this time the report of the Committee on Expenditures in the Interior Department in regard to the management of the Government Hospital for the Insane; also the report of the same committee, together with the testimony, relative to surveys of public lands. The minority report on the latter subject will be presented in a day or two, when the gentleman from Ohio [Mr. WOODWORTH] shall return. I ask that these reports may be printed and recommitted.

Mr. CONGER. I object until both reports are ready.

Mr. MUTCHLER. They are both ready to be made, I understand; but owing to the absence of Mr. WOODWORTH the minority report has not been signed.

Mr. CONGER. If both reports are ready, I have no objection.

The SPEAKER *pro tempore*. If there be no objection, both these reports will be ordered to be printed and recommitted

Mr. WILSON, of Iowa. Not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. That will be understood; and if there be no objection the order requested will be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. JENKS. I now call for the regular order of business.

The SPEAKER *pro tempore*. The House has agreed to resolve itself into Committee of the Whole on the state of the Union.

Mr. JENKS. I ask, then, for the execution of the order of the House.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CLYMER in the chair.

The CHAIRMAN. The Clerk will report the title of the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. No. 53) to amend the third section of the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States."

Mr. WILSON, of Iowa. I rise, Mr. Chairman, for the purpose of moving the committee proceed to the execution of the order of the House making the bill (H. R. No. 2803) to provide for arrears of pensions on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same, the special order in Committee of the Whole.

There was some discussion had yesterday as to how the Committee of the Whole on the state of the Union proceeded to the consideration and disposition of matters referred to it. Rule 114, which I had read, points out very clearly how the committee shall proceed to dispose of such matters. But, sir, on the 22d of March the House suspended the rules and made the special order the bill to provide for arrears of pensions on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same. It was made the special order for the 5th of April and from day to day until disposed of. Now I cannot imagine what benefit that bill would derive from the suspension of the rules in that case unless it should be entitled to be first taken up when the House went into committee. Several other special orders were made, but they are all for a later day, and the common practice always has been when two orders are made in the same day to take up the one first made, and then the other special orders are pushed ahead and disposed of when the first one and others preceding them are out of the way.

If it is not a good point that the rules have been suspended to make this bill a special order and it takes precedence in Committee of the Whole, then it can be of no benefit to any bill to make it a special order in Committee of the Whole.

Now, Mr. Chairman, I make the point that the order of the House is this Committee of the Whole shall proceed to take up special orders in preference to bills regularly referred in the morning hour.

Mr. HOOKER. I do not know what the practice of the House has been on this subject, but I understand the ruling of the Chair yesterday, or rather of the Speaker before the House went into Committee of the Whole, to be that all bills which were upon the Calendar should be taken up in the order in which they came, and therefore there could be no favoritism to any special bill which had been made the subject of consideration for any specified period, unless the majority of the committee should by vote so decide. And on that point made yesterday on the proposition made by the gentleman from Illinois [Mr. HURLBUT] I asked the Chair whether or not the bill which was first on the Calendar would be the subject of consideration by the action of a majority of the committee, and I understood the Chair to rule such would be the case. I cannot understand any reason why, when the House has resolved itself into Committee of the Whole, it should not take up the bills in the order in which they stand upon the general Calendar; and the fact that the House has made a rule or order giving preference to a particular matter cannot supersede the general subject-matters of legislation which are under consideration when the House resolves itself into Committee of the Whole. And the Chair, I understand, ruled in accordance with this opinion, that it required the action of a majority of the committee to postpone any bill which superseded the particular bill it was desired by my friend from Ohio [Mr. RICE] to take up. I think the ruling was a correct one, because, if it is not a proper ruling, we would have every other bill on any other subject laid aside without the action of the majority of the committee for the consideration of the special order to which my friend from Iowa [Mr. WILSON] has referred. I think the ruling was properly made yesterday, that whatever action was taken on this subject should be action by a majority of the Committee of the Whole; that they had the right to say whether any measure made the subject of a special order should be considered in preference to a bill properly on the Calendar.

Mr. WILSON, of Iowa. The remarks of the gentleman from Mis-

sissippi referring to the ruling yesterday are correct. The point then raised was how bills were considered in Committee of the Whole on the state of the Union. Rule 114, which I had read, clearly shows how they are to be considered, and this bill to which I have called attention was made a special order under a suspension of the rules, of all the rules, including Rule 114, giving it preference over all other bills referred to the Committee of the Whole on the state of the Union. The Chair did not rule yesterday on the point I now suggest at all. He ruled yesterday in reference to the general rules, and especially in reference to Rule 114. This bill in reference to arrears of pensions, however, has the privilege and dignity of having been made under a suspension of all the rules, and particularly of Rule 114 now, as regards the consideration of bills the special order, and it is the right of any gentleman to have that special order first taken up for consideration. When it is taken up, the majority of the House can postpone its consideration, because it is a common principle of parliamentary law that the majority at no time shall be compelled to consider anything they do not want to consider. The only difference between my friend and myself is this, that he wants the call to begin at the top of the Calendar under Rule 114, and I wish to begin with the special order made under the suspending of Rule 114.

Mr. BURCHARD, of Illinois. In addition to what the gentleman from Iowa [Mr. WILSON] suggests, will the Chair allow me to say that the position of the gentleman from Mississippi [Mr. HOOKER] would lead to this conclusion, it seems to me, that the Committee of the Whole could do in regard to the postponement of a bill what the House would under his view have no power to do. Now, I think it has been the practice of the House when from time to time it makes special orders that those special orders are called up and have the preference under the order of the House; but if no order is made—no special order—then bills are to be considered under that rule in the order in which they stand on the Calendar.

Mr. BANKS. If the Chair will allow me, I desire to say that the effect of a special order is to give any member of the House the right on a particular day or any day thereafter to call that special order up for consideration; but if no member calls it up, it cannot be acted upon. The special order not being called, if the House votes to go into Committee of the Whole on the Calendar, the committee cannot make that a special order which the House has not made a special order to be called up. If the Chair understands me, my point is that where a special order is made and nobody calls for it, it cannot be acted upon. And if in the mean time the House goes into Committee of the Whole on the General Calendar and that special order is on the Calendar, it must be considered only when it is reached on the Calendar.

Mr. WILSON, of Iowa. My friend from Massachusetts must see that there is one difficulty here. This was made a special order in Committee of the Whole on the state of the Union, and consequently could not be called up in the House, nor until the House resolved itself into Committee of the Whole.

Mr. BANKS. The gentleman is mistaken. The effect of the special order is to give the member the right to move to go into Committee of the Whole on the day for which the special order is fixed.

Mr. WILSON, of Iowa. That cannot be the effect of a special order, because any member has a right to make that motion to suspend the rules that the House may resolve itself into Committee of the Whole House upon the Calendar at any time without making it a special order. And if the effect of making this bill a special order is not to give it precedence in Committee of the Whole, then I cannot imagine what the use of making it a special order is.

Mr. HOLMAN. I think the practice—what the rule may be I am not prepared to say—the practice has been where the House goes into Committee of the Whole on the state of the Union generally, without going into Committee of the Whole for the purpose of considering any specific bill which has been made a special order, that then the bills must be taken up in the order in which they stand on the Calendar; and the uniform practice when the object was to reach a specific bill has been to postpone the bills preceding it one after the other until the bill sought to be acted on is reached. Such has been the general practice, though I have not examined the rules on the subject.

Mr. HOOKER. I desire to say in answer to what has fallen from the gentleman from Iowa, and the suggestion made by the gentleman immediately in front of me, [Mr. RUSK,] that the proposition was made yesterday by my friend from Ohio [Mr. RICE] to go into Committee of the Whole on a specific bill, the bill now referred to by the gentleman from Iowa, and the Speaker decided that that could not be done. Subsequently my friend from Ohio modified his motion and moved to go into Committee of the Whole generally on the state of the Union without reference to the consideration of any specific measure of whatever character. And therefore the position, as I understand it, assumed by the gentleman from Massachusetts [Mr. BANKS] is the correct one; that it may have been in the power of the gentleman from Ohio or of any other member to move to go into Committee of the Whole for the consideration of a specific measure which had been made the special order for consideration for that day or any previous day; but after the ruling of the Chair my friend from Ohio moved to go into Committee of the Whole on the state of the Union for the consideration of the Calendar generally. And therefore I think the position of the gentleman from Massachusetts is impregnable; that when you do that you must take up the bills in the order in which they stand upon the general Calendar; but you may pass that by, as the gentleman from Iowa has suggested, by the consent of a majority of the committee. That is to say, the House having gone into Committee of the Whole on the state of the Union may say by the action of a majority, "we will consider this or that or the other measure; we will lay aside this or that bill;" but you must primarily consider the bill which stands first upon the Calendar.

Mr. WILSON, of Iowa. I desire to make a remark, Mr. Chairman, on just one point. The gentleman from Ohio [Mr. RICE] in making his motion yesterday, that the House should resolve itself into Committee of the Whole on the state of the Union for the purpose of considering a certain bill did not assert its precedence as being a special order. If he had asserted that that was a special order of the House and moved that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering that special order, the Chair would have been compelled to rule that the gentleman was entitled to make that motion.

Mr. HOOKER. But the Chair did not rule that way.

Mr. WILSON, of Iowa. The Chair did not enforce the rule. He was not required to rule upon the question of a special order, because the point was not made that this was a special order. Now, I cannot see what benefit will accrue from making a special order, or what force the special order of the House will have unless you enforce it when you go into Committee of the Whole.

Mr. HOAR. It seems to me that the consideration of our practice here settles this question, and that the Calendar itself shows what the practice of the House is. It is very clear that the committee cannot in any way change the order of the House, but that you must obey any special order of the House. Therefore, when the House orders in sending a bill to the Committee of the Whole that it shall be a special order for a particular day, the committee has no authority to do anything else on that day but to consider that bill. A little reflection will show the Chair how we always followed that practice out. Appropriation bills can be reported at any time, and the chairman of the Committee on Appropriations has the authority to move at any time, even during the morning hour, to suspend the rules and go into Committee of the Whole upon an appropriation bill; but he always gets before doing that, when he sends the bill to the committee, the order of the House that the appropriation bill shall be the order of the day for a certain day and from day to day until disposed of; otherwise his bill would take its place upon the Calendar, and you would have to lay aside all the other bills on the Calendar until you reached that bill. When bills are made special orders it is usual to waive the right of the Committee on Appropriations to except its bills from the special order; but if the Chair will look on the Calendar he will find that on the 3d of May a bill was made the special order for May 18, after the morning hour, and from day to day until disposed—a bill to apply the proceeds of sales of public lands to the education of the people.

He will also find that this bill relating to invalid pensions was upon the 3d of May made the special order for May 16 after the morning hour and from day to day thereafter until disposed of: A bill granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same.

It is the duty of the Committee of the Whole, it seems to me, to take up first the education bill made the special order for May 18 after the morning hour until disposed of.

Mr. WILSON, of Iowa. The gentleman will see that these orders were not made for the same day.

Mr. HOAR. The last order made for a special day takes precedence over the first. If the House orders that a bill shall be a special order for a particular day and then upon the next day orders that another bill shall be the special order for that day, the last order revokes the first.

Mr. WILSON, of Iowa. I beg to read to the gentleman from Iowa from page 219 of the Manual:

> Where two special orders are made for the same time, the one first made takes precedence.

Mr. HOAR. Then the gentleman from Iowa is right if there is an express rule on that question. But it comes to the same thing, because undoubtedly the committee can lay aside any bill.

Mr. WILSON, of Iowa. Certainly.

Mr. BURCHARD, of Illinois. I desire to refer the Chair to page 99 of Jefferson's Manual in Barclay's Digest, in which I think the rule is stated as to orders made in the House, and it seems to me that the same rule ought to apply to orders made for consideration in the Committee of the Whole. But the same reason applies to special orders made for consideration in the Committee of the Whole, namely, that the question which is made which is subject to the order is made privileged in a manner which repeals any general rule as to a special case; hence it gives it preference on the Calendar for consideration. I will read the extract:

> When any member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question "Whether the House will now proceed to the orders of the day?" they must be read and proceeded on in the course in which they stand; for priority of order gives priority of right, which cannot be taken away but by another special order.
>
> After these there are other privileged questions, which will require considerable explanation.

Mr. HOOKER. I will ask the gentleman a question. If you go into Committee of the Whole you must take up the special orders in the order in which they stand upon the Calendar.

Mr. BURCHARD, of Illinois. I understand the point made by the gentleman from Mississippi, but the order of the House has fixed the order for the consideration of this bill.

Mr. BANKS. But the effect of a special order is to give a member of the House the right on a particular day to move to go into Committee of the Whole on that order. If they do not do it, then the House does not go into Committee of the Whole, and if another member moves to go into Committee of the Whole upon the general Calendar, then the special order does not come up.

The CHAIRMAN. The Chair would say that the Committee of the Whole being a mere creature of the House, it is bound under all circumstances to obey any special and specific order of the House. The Chair refers the House to Rule 114, which covers the general practice in committee, and it is upon that alone that the Chair understands that the Speaker of the House decided yesterday. He was alluding, as he said, to the mere general orders on the Calendar, the question of special orders not having been raised, and therefore he did not decide the case as it now stands before the chairman of this committee. Now the order of the House being that on a certain day, and from day to day thereafter until disposed of, the bill should be considered, the Chair is clearly of the opinion that the committee should consider such order; that it is the duty of the committee to obey the order of the House and to so consider the bills in reference to their precedence in order. But it being a question that is important in view of the character of the bill, the Chairman will gladly submit the determination of the case to the action of the committee. Those who are of the opinion that the point of order raised by the gentleman from Iowa [Mr. WILSON] is well taken will rise and stand to be counted.

Mr. KASSON. What is the point of order?

The CHAIRMAN. The point of order is that the House, instead of the consideration of the first bill on the Calendar, must proceed to consider the special orders made by the House in the order of their dates.

Mr. RANDALL. In order of date?

The CHAIRMAN. Yes; in order of date.

Mr. WILSON, of Iowa. Has the question of reconsideration been raised upon this bill?

The CHAIRMAN. That question may arise after the vote has been taken on the point of order.

The question was put upon sustaining the point of order made by Mr. WILSON, of Iowa; and on a division there were—ayes 71, noes 33; no quorum voting.

Mr. HOOKER. I raise the question of order that no quorum voted.

The CHAIRMAN. The Chair asked twice whether a further count was desired, and he certainly did not hear any gentleman ask for it. If the gentleman from Mississippi [Mr. HOOKER] says that he called for a further count——

Mr. HOOKER. I rose before the Chair asked the question and raised the point that there was no quorum voting, and supposed that the Chair was about to appoint tellers.

The CHAIRMAN. Upon that statement the Chair will appoint tellers.

Mr. JENKS. I make the further point that this is merely for the instruction of the Chair, and is not in any way binding upon the Committee of the Whole.

Tellers were ordered; and Mr. HOOKER and Mr. JENKS were appointed.

The committee again divided; and the tellers reported that there were—ayes 98, noes 32.

The CHAIRMAN. No quorum having voted, it is the duty of the Chair under the rule to direct the roll of members to be called.

The roll was called; and the following members failed to answer to their names:

Messrs. Abbott, Ainsworth, Ashe, John H. Baker, William H. Baker, Banning, Bass, Beebe, Blackburn, Bland, Bliss, Blount, Bradley, Bright, Samuel D. Burchard, Burleigh, John H. Caldwell, Campbell, Candler, Cannon, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cowan, Cox, Crapo, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Faulkner, Freeman, Fuller, Gibson, Glover, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoge, Hoskins, Hunter, Hurd, Hurlbut, Frank Jones, Joyce, King, Knott, Franklin Landers, George M. Landers, Lane, Lapham, Le Moyne, Levy, Luttrell, Magoon, McCrary, Miller, Money, Morrison, New, O'Brien, Oliver, Page, Phelps, Plaisted, Platt, Powell, Purman, Randall, James B. Reilly, Miles Ross, Sobieski Ross, Scales, Schumaker, Seelye, Sheakley, Slemons, Sparks, Spencer, Springer, Stowell, Swann, Tarbox, Thomas, Martin I. Townsend, Washington Townsend, John L. Vance, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, G. Wiley Wells, Wheeler, White, Whitehouse, Andrew Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, and Woodworth—122.

The SPEAKER *pro tempore* having resumed the Chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union having found itself without a quorum, he had directed the roll of members to be called and now reported the names of the absentees to the House.

The SPEAKER *pro tempore*. If required, the Clerk will read the list of absentees.

Mr. BAKER, of Indiana. Will those who were absent at the time the roll was called be now permitted to answer to their names?

The SPEAKER *pro tempore*. Certainly not.

Mr. WILSON, of Iowa. How many members answered to their names on the call?

The SPEAKER *pro tempore*. The Chair is informed by the tally-clerk that one hundred and sixty-three answered to their names. That being more than a quorum, the gentleman from Pennsylvania [Mr. CLYMER] will now resume the chair as chairman of the Committee of the Whole.

Mr. EDEN. I move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is in order.

Mr. CONGER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CONGER. My point of order is that the rule must be observed and the names of the absentees read.

The SPEAKER *pro tempore*. If the gentleman insists upon it, it certainly shall be done. Pending that, however, the motion of the gentleman from Illinois [Mr. EDEN] that the House now adjourn is first in order.

Mr. JENKS. Can the House now adjourn, a quorum having answered to their names in Committee of the Whole?

The SPEAKER *pro tempore*. Certainly; the House can adjourn whenever it pleases. Before submitting the motion to adjourn, if there be no objection, the Chair will submit to the House certain requests.

WITHDRAWAL OF PAPERS.

Mr. JAMES B. REILLY asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Henry Parry, late assistant surgeon, United States Army.

LEAVE OF ABSENCE.

Mr. JAMES B. REILLY was granted leave of absence for one week.

ORDER OF BUSINESS.

The question was then taken upon the motion to adjourn, and it was not agreed to—ayes 57, noes 91.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CONGER] rises as to what is the regular order. The Committee of the Whole having found itself without a quorum, its chairman directed the roll to be called and reported to the House the names of the absentees. The gentleman from Michigan demands that those names shall be reported by the House.

Mr. CONGER. There has not yet been called the names of the absentees under the rule.

The SPEAKER *pro tempore*. There is no rule by which they can be called in Committee of the Whole; all that the Committee of the Whole can do is to report the list of the absentees to the House. If the gentleman desires those names to be read he has a right to have them read. Otherwise, as a quorum answered to their names, the House will at once resume its session in Committee of the Whole. Had no quorum answered to their names at the time the roll was called in Committee of the Whole, the only motion now in order would have been a motion to adjourn, or a motion for a call of the House. Does the gentleman from Michigan [Mr. CONGER] desire the names of the absentees to be reported to the House?

Mr. CONGER. My idea of the rule was that the names of the absentees must be called after the roll has been called.

The SPEAKER *pro tempore*. That is upon a call of the roll in the House.

Mr. CONGER. We are in the House now.

The SPEAKER *pro tempore*. That is true.

Mr. CONGER. And I ask that the names of the absentees be called for their answers.

Mr. WILSON, of Iowa. The uniform practice has been for the Speaker, when he finds that a quorum answered upon a call of the roll in Committee of the Whole, to immediately call the chairman of the Committee of the Whole to the chair, and the House resumes its session in Committee of the Whole without further order.

The SPEAKER *pro tempore*. That has not only been the uniform practice, but it is the plain and explicit rule of the House.

Mr. CONGER. I was of opinion that there was a different rule and a different custom. If the Chair, however, rules that that is the practice I will withdraw my call for the reading of the list of absentees.

The SPEAKER *pro tempore*. If the gentleman from Michigan will look at the rule he will find that it is as the Chair has stated. The gentleman from Pennsylvania [Mr. CLYMER] will again take the chair, and the Committee of the Whole will resume its session.

TRANSFER OF INDIAN BUREAU.

The House accordingly resolved itself into Committee of the Whole, (Mr CLYMER in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 2592) to transfer the conduct of Indian affairs from the Interior Department to the War Department.

The bill was read.

Mr. COOK. I yield the time to which I would be entitled to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. JENKS. I raise the point that this bill has already been passed.

The CHAIRMAN. The Clerk informs the Chair that such is not the fact. A similar bill has been passed by the House, but this particular bill has never before been acted upon.

Mr. WILSON, of Iowa. I rise to a privileged question under the rules. I move to postpone the special order. This can be done by a majority vote.

Mr. EDEN. But the gentleman has not the floor to make the motion.

The CHAIRMAN. The gentleman from Georgia [Mr. COOK] has yielded the floor to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. WILSON, of Iowa. But before the House begins the consideration of this bill the motion to postpone the special order is in order as a privileged question.

Mr. EDEN. But the gentleman has not the floor.

Mr. WILSON, of Iowa. The right to raise this question is one of which I cannot be deprived.

Mr. COOK. This bill is a special order in Committee of the Whole, and it has now been reached. I yield my time to the gentleman from Mississippi.

Mr. WILSON, of Iowa. If it is to be settled by unanimous consent that a certain gentleman is to speak, I have not a word to say; but I want to have it distinctly understood that the motion I have made is in order.

The CHAIRMAN. As the Chair understands, the gentleman raises the question of consideration.

Mr. WILSON, of Iowa. I object to the consideration of this bill; and Rule 114 says that in this case a majority shall decide whether the bill shall be considered or not. If there is any gentleman who desires to speak, I have no objection to his speaking.

The CHAIRMAN. The question is, Shall the consideration of this bill be postponed?

The question being taken, it was decided in the negative; there being ayes 40, noes not counted.

Mr. LAMAR. Mr. Chairman, I listened early in the session with great pleasure to an interesting and suggestive speech delivered by the gentleman from Massachusetts upon the proposition to amend the Constitution so as to make the President of the United States ineligible to a second term of service. I was struck with the views which he presented upon the subject of the relation of this proposed amendment "to the corrupt and debasing practices which have crept into the public service of the country." I do not propose to discuss that subject fully now; it is too large; but I may say as to the whole subject of civil-service reform that no cure can be successfully applied which does not secure that removal from office shall be made only for cause, and that the tribunal which decides that cause shall by its freedom from all interest or feeling as to the result guarantee the good faith and impartiality of its decision; and my object on this occasion is to discuss in this connection certain great agencies which through this service affect the public interests.

Mr. Chairman, it cannot be asserted that the practices and peculiar system of measures adopted by the present Administration for several years past command the approbation of a majority of the people of this country. On the contrary, the assertion may be ventured, with entire confidence in its accuracy, that the sentiment with which the greater portion of the American people regard the conduct of our public affairs is one of decided dissatisfaction and despondency. This sentiment is irrespective of the hostilities of party. Inside of the dominant party itself, among those in entire sympathy with the political principles which brought it into power—that is to say, among republicans of earnest purpose, self-abnegating patriotism, and unbiased intelligence—there is an anxious protest against the methods of administration, the tone and character of the public service, and the principles of legislation which have marked the action of the Government for many years past. It must also be admitted that this sentiment, so pronounced and so pervading, has not produced its legitimate effect upon the action of the Government, has wrought no change in the administration either as to character or policy.

This is a noteworthy fact in American politics.

In every country enjoying the privilege of representative government such a condition of public sentiment would have found its active political expression. In England, whence we have derived our parliamentary instincts and habits, in spite of the checks upon the popular will to be found in a hereditary peerage and monarchy, such a condition of public sentiment would produce a change in the administration in twenty-four hours. How then is it that in our Government, the completest representative of the popular will in theory that has ever existed, with no check or hinderance upon the prompt and free expression and application of public opinion to its machinery, depending for its vitality upon its ready and sensitive sympathy with the public conscience, such a condition of public sentiment fails to impress itself upon the administration? What is this mysterious and invisible influence which, paralyzing the free activities of the American people, prevents them from bringing the action of the Government into conformity with their will. We must believe that the moral character of our people is sound, that they enter upon the second century of their nationality with increased moral earnestness, with higher standards of public virtue and official rectitude, and with a more solemn sense of the needs of restoring their Government to the tone and purity of the earlier days of the Republic. The question then grows in urgency, what is it that prevents the sentiments of a free people from finding realization in the character and policy of its government? I desire to give a single example, which is typical of the general condition that I am trying to illustrate.

But a short time since a convention of the republican party of Massachusetts was called in Boston. The president of that convention, upon taking the chair, uttered the following significant remarks. After referring with eloquence to the proud achievements with which the party named was identified, he warned the convention "against the mistake of fighting the battles of the future upon the issues of the past."

In the year when a glad and patriotic people swells the chorus of a nation's jubilee, it is not by lighting again the camp-fires of conflicts that are ended, it is not by kindling anew passions that ought to subside, it is not by postponing the final hour of peace and reconciliation that victories deserve to be won.

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Speaking as a republican to fellow-republicans, I shall offer no apology for plain and honest words. No one who has watched the current of recent political events has failed to see a deep, wide-spread, and growing dissatisfaction with the management of national affairs.

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Have you any longer a doubt as to the causes which have wrought this change in our fortunes? Surely we have not abjured our creed. Our distinctive policy and aims were never more clearly affirmed, our traditions and the names of our great leaders never more reverently held.

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No, gentlemen, the protest is not against the record or the creed, but against the methods of administration; against dominant influences and tendencies that have debased the character and tone of the public service; against a leadership that has wielded power and patronage for its own ends and not for the public good; against a partisanship narrow, intense, and violent, that has usurped the place of a broad and enlightened statesmanship and repelled accessions of recognized character and ability as an element too repugnant to be tolerated; against a code of financial morality that has corrupted the standards of official honesty and turned places of public trust into opportunities of private gain or public plunder.

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Observe with me for a moment, gentlemen, some of the forces of opinion and sentiment that indicate the drift and demand of the hour. Note first the anxious looking for relief from the long-continued depression that rests upon the material interests of the country and the feeling that some change, some new dispensation, is essential to such relief.

It will be perceived that this gentleman here arraigns the vices and practices of the national administration, its lawless usurpations, the corruption which revels in its high places, the trifling with the important interests of finance and currency, the prostitution of public office to personal gain, in language which, if uttered upon this floor by a democrat, would be regarded as the exaggerations of partisan animosity. Yet, singular as it may seem, that convention was held in the interest, exclusively, of the great political organization under which these evils, thus characterized and thus held up to the reprobation of the American people, have been fastened on our Government. And these gentlemen, the members of the convention and the president of it, and perhaps large portions of their constituents, with all their talents and moral influence, are in active co-operation with the administration so denounced in the support of a political party which has indorsed that Administration and has in return been indorsed by it.

Now what is the influence which thus sweeps vast masses of a free and virtuous people into a course of conduct in direct contravention of their most solemn convictions and their most earnest purposes.

More than a quarter of a century ago one of the greatest of the great statesmen of America, Daniel Webster, declared that the power of the Executive of our National Government had increased until it had become dangerous to liberty, and he predicted that if ever the President, who was the head of the nation, should become the mere head of a party, such party could and would, by the sheer force of the political power and patronage which it grasped, maintain that power, from term to term, and continue any policy which it devised in direct resistance to the will of a majority of the people, unless that majority became overwhelming in numbers and rose to simultaneous action by some great excitement only short of civil revolution.

Another great statesman, from another extreme of the Union, belonging to a different school of politics, and yet his peer in intellect and patriotism, Mr. Calhoun declared that the patronage of this Government at that time—and it was nearly half a century ago—in the hands of the President was too great a power for the Chief Magistrate of a free people; that it was imperial in its character, giving him absolutely to the extent of that power more control than the autocrat of Russia; and he predicted when the corps of office-holders under this Government should reach one hundred thousand the people might almost as well surrender their liberty, the contest would be too unequal; for the party thus intrenched in power could show a vast superiority over the two-thirds of a popular majority scattered over the country unorganized and acting upon different grounds of opposition.

In the predictions of these two great statesmen we see developed the powerful agency which now nullifies the sentiment of a free people and prevents the application to the machinery of this Government of that great social force in all free governments, public opinion.

An intermediate and irresponsible body known as *the party* has interposed itself between the people and their Government; a body unknown to the Constitution, having no part in the civil apparatus of society, yet tyrannizing with selfish and relentless energy over both people and Government, converting the agents of the one, ay its highest officers, Cabinet officers, into the willing and active instruments in the advancement of its ambitious designs and employing the passions of the other as the servants of its partisan and mischievous purposes. This centralized party organization, forming as I said

no part of the Government, yet fastened upon it, intrenched in its interior departments, extending and ramifying its net-work of selfish power and dishonest influence to the remotest points and the obscurest neighborhoods of the Union, garrisoning with an army of 100,000 office-holders and a reserve of another 100,000 expectants every Department, every post-office, and every custom-house in the land, tempting men from honest industry into the dependence and servility of office-holding and office-seeking, wielded by a single will into unity of purpose and concert of action—this monstrous perversion of popular liberty is the great and insuperable obstacle to the reforms which the people demand—and which threatens to make this Government in all its departments the instrument of an irresponsible and despotic power.

But, sir, this, while it is the chief obstacle in the way of the harmonious co-operation of all the elements in favor of reform, is not the only one. There are thousands of voters too honest to flatter power, too independent not to speak their condemnation of its abuses, and brave enough to unite in the effort to overthrow their own party for the good of the country, who yet hesitate, in view of the uncertainty and responsibility attaching to the next step. They are reluctant to accept and co-operate with the democratic party as the instrument for inaugurating the system of measures which good government demands. Their objection to such a course is based on the apprehension that an improvement in the public service and reform in the methods of administration cannot be guaranteed by a mere change of party relations, by bringing the democratic party into the administration from which the other party has been expelled, with the same system at work, with the same amount of patronage, subject to the same tendencies, with the same control over its vast machinery, and addicted, as they charge, in the past periods of its power, to the same use of the patronage in its hands.

Sir, whether this apprehension be well-founded or not, there is one consideration touching this subject which should not be overlooked. It practically gives up the demand of the people for a reform in their Government. It is a virtual abandonment of the struggle. For though it may be possible or probable that the change of party may not insure this reform, it is unquestionably certain that no change at all will end all hope of reform. Sir, it is utterly impossible that the reforms desired can be effected by continuing in power the party whose debasement of the civil service of the country and corruption of its administration is the thing to be reformed. And the reason is obvious. This result arises from the fact that such vicious tendency is the predominating influence, the strongest principle of the political organization which controls the Government, while the counteracting element of purity and reform is weak and subordinate.

If this be so, if the controlling spirits of a party organization be those who represent its worst tendency, if they are the men of action and resolution, aggressive and dominant; while those who represent the other element are passive and inactive, acquiescent and submissive, it is utterly impossible that such an organization should reform itself by its own inherent and self-evolving energy; as impossible as it is for an insane mind to restore its own reason by its own will. In addition to this, the success of this party at the polls will of itself give immunity to the corrupt practices which are the subject of such universal condemnation. If the people of this country, at the ballot-box, in view of the great evils complained of, in view of the issue made against the present Administration and the bold acceptance of that issue by the Cincinnati convention, decide or indicate their feeling that they have other objects paramount to that of reform, such action is equivalent to a ratification of the existing system in all its enormity and closes all opportunity for overthrowing it. To say, then, that by a change we have no assurance of a better state of things, is the policy of despair, of abnegation. It is the surrender of liberty to power which Webster and Calhoun contemplated with such pungent apprehension.

On the other hand, if this great republican party with its imposing achievements of the past is hurled from power by the American people on account of the abuses of its civil service, on account of the practice of using the patronage of the Government for the purpose of consolidating party strength and controlling elections, such a defeat for such a cause will of itself inflict an incurable, if not a mortal, wound upon this pernicious system. It will of itself give to the successors in power a practical warning of a like fate if they pursue a like policy. These will come in holding their newly acquired power under a tenure of office, which tenure is an abstinence from the courses of their predecessors.

I do not overlook or undervalue the declarations of the republican candidate for the Presidency. I believe they are sincere. I applaud the sentiments and honor the author. But their significance must be measured, not by what he is willing to promise as a candidate, but by what he will be permitted to perform as a President. Sir, rarely in history have we seen the man who has the courage and resolution to put down the exacting tyranny of his own party, to impose upon it the impress of his own will, to infuse into it a higher life and say to the selfish and ambitious politicians who had chosen him as their tool, "Behold your master."

The character and fixed policy of the party of which he has consented to be the representative, the influences which are now combined in his support, are in direct opposition to those declarations. While these promises of the candidate are held out to the ear, the Administration which supports him itself is in every moment of its existence breaking them to the hope. While the republican candidate declares that there shall be no appointment as a reward for party service and no removals for party disservice, the Administration is eliminating from its own organization every element of reform that has by the mutations of appointment found its way there.

But there is an avenue of reform, available and effective, which a change of parties will open. One of the greatest sources of the abuse of patronage and the corruption of administration is to be found in the enormous revenues and expenditures of Government, making necessary this extravagant number of officers and agents to collect this revenue and dispense these expenditures. A system of retrenchment and reform, cutting down the revenues and expenditures to the most economical needs of the Government, would at once deprive the Executive of a large percentage of this patronage. To that policy the democratic party is not only pledged, but it has signalized its past administrations by a faithful adherence thereto, as a comparison of democratic administrations with that of the party now in power will abundantly demonstrate.

Sir, the objections which the people of this country have hitherto had to the re-ascendency of the democratic party have never grown out of its administration of the fiscal concerns of this Government. They are based upon its use of the powers of this Government for what was supposed to be the maintenance of the interests of the slave-holding sections of the country. All the lawless usurpations and misuse of powers of government charged against the democratic party have reference to those subjects and to those alone. Upon all other subjects, and in all other interests, when the democratic party surrendered the Government into the hands of their opponents, it was, in the language of one of its most eminent men, without a stain upon its honor, matchless in its splendor, incalculable in its strength, the wonder and admiration of the world. The power which the nation showed in the great civil conflict, its resources of men and material, its vast appliances, manufacturing, mechanical, and commercial, were but the rich harvesting of a period of sixty years under democratic rule out of seventy of the country's existence.

But, sir, there are other influences still more controlling which obstruct the tendencies of the people to change their administration of government. One of them is the apprehension of a large class of voters that the presidential election involves not merely questions of administrative reform but political principles of vital importance to the country. They believe that the great social and political transformations in the South which have resulted from the war of secession should be guaranteed a successful and peaceful working undisturbed by adverse influences. And they fear in the advent of the democratic party to power an influence unfavorable and dangerous to their stability and permanence. These misgivings, based upon their estimate of the past career and purposes of the democratic party, are strengthened by the fact to which they point, that the people of the South are united against the party which established the new order of things and in support of the party which opposed it, thus threatening the re-establishment of that southern sectional domination so repugnant to the sentiment and the purposes of the northern people. They therefore are not prepared, for the sake of correcting the disorders of administration, to peril the newly established condition of things by placing it in the hands of those who were originally inimical to its institution.

Without questioning the sincere acquiescence of the democratic party in the changes wrought by the constitutional amendments, they do not regard that party as sufficiently identified in its views and purposes with the objects of those amendments to guard them against the dangers of reactionary movements. They consider the supervision and intervention of the Federal authority as necessary to the exercise and protection of the rights which these amendments guarantee to the newly enfranchised race at the South, and that should the democratic party succeed, this necessary supervision will be withdrawn.

I have attempted, Mr. Chairman, to state these views fully in order that the southern people, the people whom I in part represent here, shall be fully apprised of the precise character and force of the public opinion which bears upon their present condition and their future destiny. I shall endeavor as a representative of the South to appreciate the value of these grave apprehensions. In doing so I shall speak as one who feels that he represents in part a people who even in their desolation are no unimportant element in the national life; who have accepted with manly sincerity the changes which the war has brought; who know that they have the confidence of the country to regain, but who are assured that, with a fuller and truer knowledge of their condition, their motives, and their purposes, to which it is our duty here to contribute they can claim and will receive, that restored trust and affection which can alone bind the great sections of this Republic in the unity of the spirit and in the bonds of peace—that peace which in these days of miserable discord almost passeth the understanding.

I believe the apprehension growing out of the united southern support of the democratic party is wholly unfounded and should not stand in the way of the aspirations of a great people for progress and reform in their Government. The idea that the South under any combination of parties will ever again obtain the control of this giant Republic and wield its destinies against the will of its mighty people is of all ideas the most visionary and baseless.

Sir, if such an idea has any effect whatever with the North, no such hallucination inflames the imagination of the South. The southern people are a prostrate people. They have been defeated in war, and they have been made to know and feel that the sacrifices, the humiliation, and helplessness of defeat are theirs; while the North have reaped the rich results of a victorious war, and have interfused them into the very elements of the national life and constitution. Their institutions, political and social, have been destroyed as completely as if an earthquake had overwhelmed them; their agricultural industries are disorganized; their fertile soil sterilized by an all-devouring taxation; their educational institutions languishing; their population impoverished and so inferior in numbers as to place them in every department of the Government in such a hopeless minority that, so far from ruling the interests of other sections, they are impotent to protect a single interest or right of their own.

Sir, even if such a dream were in their mind, the occasion for it is gone. The conflicts in the past grew out of questions connected with slavery, its area, and the maintenance of its constitutional right, its political privileges, and its property interests. These questions have been eliminated from the problem of American politics, and with them have gone all the passions and antagonisms to which they gave rise. Nor is there any influence or incident connected with their present condition which makes them not fully homogeneous with the whole American people; nor anything, except harsh and ungracious administration, to prevent their sympathy and identity with the interest and destiny of the American nation. She feels that she must be either part of the nation or its province; must be part of the Government or held in duress under it. With her people national patriotism is a philosophy, a moral and political necessity. To obey the laws of their country and to recognize its authority over themselves and their society as a mere matter of force and compulsion and fear, would be, as they well know, degrading to their character. As southern men, they know that to keep up the high moral standard of a high-spirited people obedience must emanate from patriotic love and not from ignoble fear. Their very sectionalism, which has hitherto tended to insulation, now identifies them with the national life and makes them cultivate that wider and broader patriotism which is coextensive with the Union. They have no aspirations not bounded by the horizon of that Union, no purpose adverse to the national instincts, no scheme that looks to the disturbance of the elective franchise as it exists in the Constitution.

In acting unitedly with the democratic party they are simply obeying the imperative law of self-preservation. It is not that they desire to reverse the policy of this Government as fixed and fortified in the fundamental law by the victorious forces of the Union, but simply because they desire to escape from the practical grievances and sufferings which the hostile and oppressive policy of the republican party brings upon them.

No, sir; the great constituency of a democratic administration, as must be seen by consulting the statistics of population, will be national, and not sectional. The President will be a citizen of the State of New York. The Vice-President will come from the mighty West. The public sentiment which will be brought to bear upon its conduct of public affairs will come from that quarter in which the physical and political power of the country so overwhelmingly preponderates, that which is the seat of population, commerce, the mechanic arts, and all scientific and material development. All the South can hope for is such an influence as moral and intellectual elevation will give her Representatives and a representative share of the benefits and responsibilities of the common Government, according to the measure of her resources and population.

Equally unfounded, I think, sir, is the apprehension that the results of the war as embodied in the Constitution are unsafe in the hands of the democratic party. Whatever may be the future administration of this country, freedom, citizenship, and suffrage are established institutions, embodied in the fundamental law, recognized in all statutes, Federal and State, enforced by courts, accepted and acted on by the people. To say that these conditions will be periled by trusting them to the party which opposed their original establishment, is to contradict the philosophy of history; and if acted upon would in every free government keep the administration of its affairs always in the hands of one single party. There has not been a single great measure in the constitutional history of England, not a single great reform which after its establishment by one party was not in the course of time, and a very short period, placed in the hands of the party originally opposed to it. Repeated instances might be given; indeed no instance to the contrary can be found. The repeal of the corn laws, the great measures for law reform, the more recent measures of parliamentary reform which brought England to the verge of revolution and came near sweeping from the English constitution the House of Lords, where the tory party had its greatest strength, have by the suffrages of the English people over and over again been placed in the hands of that tory party with perfect confidence of security. Indeed it is considered the very highest policy, after securing reforms adopted and pushed by the party of progress, to mature and consolidate them by placing them in the hands of the party of conservation and opposition. The democratic party, when these measures were proposed, stood by the inviolability of the Constitution and opposed them on that account. But this very principle of devotion to the Constitution, which forced that party into opposition, makes them now the safest custodians of those very innovations which by the vote of the people have become established parts of the Constitution itself.

Now, sir, is there anything in the relation of the democratic party, to this subject, or its creed, or its past conduct which would justify any such apprehension? Its reluctance to adopt the measure referred to has simply been a little later than that of the republican party. Its advocacy of slavery and all its incidents, its pledges to the exercise of the powers of government for its protection where it existed, was simply maintained for a short period after its republican opponents changed their policy.

Events have galloped upon this subject and both parties have been more or less the subjects of prodigious revolutions of sentiment. It was but a short time since, in 1861, that a republican House of Representatives by a large majority adopted resolutions in favor of the enforcement of the fugitive-slave provision of the Constitution and called upon the States to enact laws for remanding all fugitive slaves to their condition of servitude. It was but a few days prior to the publication of the proclamation of emancipation that the illustrious author of that historical document declared in a public letter that he would be in favor of establishing slavery if the doing so would save the Union. It was but a short time previous to the incorporation of these great amendments into our Constitution that State after State in the North by overwhelming popular majorities recorded what seemed to be an inflexible hostility to granting to this newly emancipated race any of the rights of citizenship. As late as 1865 the most distinguished war governors of the North were unequivocally opposed to the policy of incorporating the four millions of emancipated slaves into the political system of the country and investing them with citizenship and the right of voting.

I will next address myself to the objection that the accession to power of the democratic party will suspend the habitual surpervision by national authority over the conduct of affairs in the Southern States, and that such a suspension of that supervision and intervention will involve great peril to the enjoyment of the newly acquired rights of the race recently enfranchised in the South; and that the republican party, with all its misconduct and misgovernment, is still an evil necessary to be endured for another presidential term in order to secure these rights and the conditions upon which they are based.

Sir, I ask a patient, charitable consideration of the reply which it is my duty as a southern Representative to make on this subject. I think, sir, if gentlemen will accompany me into an examination of the causes which produced the present condition of things in the South, they will find that it does not grow out of any natural or necessary conflict of race or any desire to abridge the rights, political or personal, of any class of American citizens.

The first to which I would call attention is the sudden incorporation into the political system of the South of an element, not only incongruous with the political habitudes of our people and to the established conditions of their old society, but impossible except through time and education to be raised to that level of ordinary citizenship to which a century's training of freedom has elevated the white citizen of the country. The magnitude alone of this new element, 4,000,000 of people made citizens, 800,000 of them voters, made such in the twinkling of an eye, was of itself sufficient to shock and shatter the political order of any community on earth.

Mr. Chairman, but a short time since when it was proposed to admit the distant and sparsely settled Territory of New Mexico into our Federal community of States, the distinguished gentleman from Massachusetts, [Mr. HOAR,] who addressed the House to-day so impressively and so earnestly, objected strenuously to the measure upon the ground that that feeble population of 120,000 inhabitants, largely composed of Mexicans and Indians, because they could not read or speak the English language, was disqualified to exercise the privileges of citizenship, and should not therefore be admitted into the community of American States.

Mr. HOAR. My point was that a community made up of such people ought not to be admitted as a State; not that the individual should not be allowed to exercise the rights of citizenship.

Mr. LAMAR. Did the gentleman understand me as saying that?

Mr. HOAR. The gentleman used the phrase that such persons were disfranchised or should be disfranchised from exercising the rights of citizenship.

Mr. LAMAR. No, sir; the gentleman puts into my mouth a word which I did not use.

Mr. HOAR. I so understood the gentleman.

Mr. LAMAR. I repeat my proposition. The gentleman's ground, as I understood, was that a body of that sort composed of people speaking the Spanish language (not because they spoke that language, but because they could not read or write the English) was as a body unfit and disqualified, or rather unqualified, to discharge the duties of American citizenship, and therefore as a community should not be admitted into our Federal system.

Sir, but the other day a distinguished Senator from the Pacific coast made a most striking protest against the further immigration of Chinese into the community there, and still more recently both parties seemed to be vying with each other as to which should go furthest in preventing this admixture of the Mongolian race with ours. To illustrate the disturbing force of this measure, let us sup-

pose that in the six New England States and the States of New York and New Jersey, whose population corresponds most nearly to that of our Southern States, in one night 4,000,000 of unaccustomed, incongruous population, such as Mexicans and Chinese, should be incorporated into the political system of those Commonwealths, and by some paramount power outside of those States should be so compacted together as to gain control of all the departments of their government, of all the offices, all the institutions, State and municipal—in a word, invested with the entire sovereignty of their body-politic, I ask you would not the repose of society be disturbed; would not all assurance of law, of healthful industry, of business arrangements and investments—would not all confidence give way to dismay and perplexity, to restless fears, wild passions, and bloody scenes? Why, sir, the more splendid their political civilization, the more complex their system of laws, and the more perfectly adjusted their social and economic forces, and the higher the moral tone of their society, the more hideous would be the ruin and the more refined the agony of the people subjected to such a catastrophe.

But the case as supposed is not as strong as the case which actually occurred in the Southern States. The 4,000,000 of people who by a scratch of the pen were made citizens and crushed into our political system, the 800,000 voters and office-holders and legislators and magistrates, had just emerged from the immemorial condition of slaves.

This fearful experiment was regarded by thinking men all over the world with the profoundest concern and misgiving. It was viewed with disfavor by a large majority even of the republican party. Its most able and its most extreme leaders looked upon it as committing society to the sway of ignorance, servility, corruption, and tyranny; and such was their sentiment until the conflict of the republican party with President Johnson and one other cause, which I shall notice before I close, seemed to sweep away every consideration of reason and justice. In 1865, the year in which there was in the South certain legislation which has been the subject of much denunciation of the South and the occasion and excuse for the oppressive and humiliating methods which have been applied to her people—I say in that year Mr. O. P. MORTON in a message to the Legislature of Indiana used the following language:

It is a fact so manifest that it should not be called in question by any that a people who are just emerging from the barbarism of slavery are not qualified to become a part of our political system and take part not only in the government of themselves and their neighbors, but of the whole United States.

So far from believing that negro suffrage is a remedy for all of our national ills, I doubt whether it is a remedy for any, and rather believe that its enforcement by Congress would be more likely to subject the negro to a merciless persecution than to confer upon him any substantial benefit.

By some it is thought that suffrage is already cheap enough in this country; and the immediate transfer of more than half a million men from the bonds of slavery, with all the ignorance and the degradation upon them which the slavery of generations upon southern fields has produced, would be a declaration to the world that the exercise of American suffrage involves no intellectual or moral qualifications, and that there is no difference between an American freeman and an American slave which may not be removed by a mere act of Congress.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARFIELD. I ask that the gentleman's time may be extended, hoping that the same courtesy may be granted when the other side shall ask to be heard.

The CHAIRMAN. If there is no objection, the gentleman's time will be extended.

There was no objection.

Mr. LAMAR. Now, sir, in a speech which this gentleman made in Indiana before these people became invested with any political rights here is his language:

I believe that in the case of four million slaves just freed from bondage there should be a period of probation and preparation before they are brought to the exercise of political power. * * * What is their condition? Perhaps not one in five hundred—I might say one in a thousand—can read, and perhaps not one in five hundred is worth $5 in property of any kind.

Now, sir, notice the language of Mr. MORTON in the following sentences:

Can you conceive that a body of men, white or black, who have been in this condition, and their ancestors before them, are qualified to be immediately lifted from their present state into the full exercise of power, not only to govern themselves and their neighbors, but to take part in the government of the United States? Can they be regarded as intelligent and independent voters? The mere state of facts furnishes the answer to the question. * * * To say that such men—and it is no fault of theirs; it is simply a misfortune and a crime of this nation—to say that such men just emerged from slavery are qualified for the exercise of political power is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery.

Then he goes on with his objections to clothing these people with the rights of citizenship and suffrage. Says he:

The right to vote carries with it the right to hold office. You cannot say that the negro has a natural right to vote, but that he must vote only for white men for office.

Then, after demonstrating that point, he makes this conclusion:

If you enfranchise all the negroes in these States you will have at least twenty negro votes to one white vote, and in the work of reconstructing the States of South Carolina, Alabama, and Florida you will have a larger proportion—perhaps thirty colored votes to one white. Now, I ask you, what is to be the effect of that? The first effect will be, you will have colored State governments.

After going into a long argument to prove this fact he reaches this conclusion:

They will have colored governors and colored members of Congress and Senators and judges of the Supreme Court, &c. Very well; and suppose they do send colored Senators and Representatives to Congress; I have no doubt you will find men in the North who will be willing to sit beside them and will not think themselves degraded by so doing. I have nothing to say to this. I am simply discussing the political effect of it. In every State where there is a colored State government, a negro for governor and a negro for supreme judge, white emigration will cease; there will be no more white emigration to any such State. You cannot find the most ardent anti-slavery man in Wayne County who will go and locate in a State that has a colored State government.

Now, sir, why ascribe to the conduct of the people of the South this exclusion of emigration when here is predicted beforehand the result of the state of things which have occurred? Here is his conclusion:

I submit, then, however clearly and strongly we may admit the natural right of the negro—I submit it to the intelligence of the people that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about, and I believe would result in, a war of races.

Those are his predictions in 1865. Now what is his remedy? Here it is:

If I had the power I would arrange it in this way: I would give these men a probation and preparation; I would give them time to acquire a little property and get a little education; time to learn something about the simplest forms of business and prepare themselves for the exercise of political power.

Well, sir, that looks amiable and friendly toward these men. But why put them under this system of probation? For the benefit of the race? In order to elevate them? That is not the motive which upon that occasion he declared. Here is what he says:

At the end of ten, fifteen, or twenty years—

Sir, that time has not elapsed. What would he do at the end of ten, fifteen, or twenty years?

At the end of ten, fifteen, or twenty years let them come into the enjoyment of their political rights.

Why then?

By that time these States will have been so completely filled up by emigration from the North and from Europe *that the negroes will be in a permanent minority.*

There is his devotion to the colored race! Keep them ten, fifteen, or twenty years out of the enjoyment of their political rights, until under the influence of immigration the negroes shall be in a permanent minority!

Mr. GARFIELD. At what time of the year was that speech delivered?

Mr. LAMAR. September 29, 1865.

Why would they be in a permanent minority?

Because the negroes have no emigration, nothing but the natural increase; while we—

He actually identifies himself with the whites of the South.

A MEMBER. He was a white-liner then.

Mr. LAMAR. He goes here further than the white-liners—

While we have emigration from all the world and natural increase besides.

He would put them under probation and keep them out of their rights, as he calls them, ten or fifteen or twenty years; by which time they will be in a permanent minority, and there will be no danger of a war of races, because they cannot elect their own people.

Thus by postponing the thing—

Said he—

only to such times as the negroes are qualified to enjoy political rights, the dangers I have been considering would have fully passed away. Their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen than it now is in Massachusetts. In Massachusetts the negroes have exercised political rights for twenty-five years, and yet there has been no disturbance there, no conflict of races? Why? Because the negroes have been in the minority.

I ask, sir, to append the continuous extract to my remarks and one also from Governor Andrew, of Massachusetts.

Now, sir, if this terrible prospect struck this distinguished statesman in Indiana with such alarming effect, what must have been the shock to the people of the South upon whom the thunderbolt fell? If he foresaw this terrible avalanche and warned the people of Indiana who were beyond its destructive sweep, what must have been the appalled feeling, sir, of the southern society upon whom it was to be let loose? Such was his advice in Indiana. Now suppose him to be in the South; take Mr. MORTON from his gubernatorial chair in Indiana and put him in 1865 among the people of the South, and what would have been his advice? What in point of fact *was* his advice to the people of the South? What was the thing the people of the South were called upon to do at that time by this distinguished gentleman from the North as well as by a distinguished governor of Massachusetts whose views I ask permission to print with my remarks? His advice was: "You must not admit these people into the political system of this Government; they are not qualified to vote; they must not take part in the government of themselves or the government of their neighbors or any participation in the Federal Government of this country; and to keep it from them you must fix upon them a system of probation which will hold them down and keep them out of your political system until they are in a permanent minority."

That being his advice, is it strange, I repeat, that the people of the South just returned from the war, all their society in ruins, full of wretchedness and disappointment, this race emancipated lying upon their plantations, neither slave nor citizen and without any indication of the national sentiment that they were to become citizens; in disorder, without law—for the slave laws were abolished and they were at that time not within the provisions of the civil code which applied

to the white race—is it strange, sir, that in improvising legislation which under this terrible pressure, this appalling calamity, these bewildering changes, which have followed one upon the other with such rapidity—is it strange that that system should have some of the incidents of the old system?

Sir, is it to be arrayed against them until the end of time as an evidence on their part of a purpose to remand that people to the servitude of slavery? Measure these people by what the sentiment was at that time, and not by standards you have erected at this time. It was not a system which was well advised or well executed, for, sir, it was repealed by the Legislatures which passed it the very moment the public sentiment of the South could reach those who did pass it.

It is worthy of special attention that Governor MORTON predicts the results of this policy which have actually followed its adoption. If, sir, that policy furnishes an adequate and inevitable cause of these disorders which he beforehand said it would do, why now seek to attribute them, when they come, to a different cause? Why send investigating committees to the South to charge them upon the murderous and rebellious purposes of the whites?

This policy, so repugnant to Mr. MORTON's sentiment and view of public interest, so suggestive of the alarming results which have actually ensued, could not possibly have been less unacceptable to the southern people. With no prejudice against the negro, they regarded this clothing of him with the awful powers of government as exposing their society to the wildest disorder. But when the policy was fastened upon them they knew that they had a more tremendous stake in its well-working than any other people; they knew that the attempt to reverse or obstruct it would be ruinous; and they set to work with an earnestness for which I know they do not get credit to adjust their ruptured relations to the new order of things, and give it a free, fair, and successful development. It might have had such a development. There were agencies at the South of which Mr. MORTON took no note and which it is difficult from his stand-point to appreciate. Underneath the ruins of our political and social order we had uninjured the old civil institutions of Anglican and American liberty, the principles of the old common law, the mother of freedom and popular government and that Anglo-Saxon race of which we hear so much, so indestructible and invincible, accustomed to the handling of these institutions and trained in the discharge of the high duties of representative government.

True, we had those 4,000,000 blacks, just emerged, as Mr. MORTON would say, from the barbarism of slavery, now free and invested with citizenship, suffrage, and eligibility to political power. But though a distinct it was not an antagonistic element. Harmony, friendship, and confidence existed between these two races. Indescribable sympathies, old memories, kindly services mutually rendered, ties of childhood, of youth, of manhood, days of labor, days of battle, nights of watching, nights of anguish, had so intertwined the lives of that generation of southern men and women, white and black, that at the close of the war there was scarce a black man, woman, or child who did not have some endearing relation with a white man, woman, or child and was not also the object of a reciprocal attachment.

Under the operation of these benign influences, these friendly relations, and the workings of local self-government, there was a well-founded hope that society at the South might be reconstituted, even though it would have to be done with the *disjecta membra* of the old broken-up system. There was one difficulty in the way. The conflict between the republican party and Mr. Johnson began. I do not wish to say anything against his memory; but his championship, or seeming championship, of the South seemed to me more damaging than his hostility had been.

The result of that conflict was that the Federal Government assumed, as a political necessity, the exclusive prerogative of reconstructing government in the South. The policy of reconstruction excluded the white race (on account of its suspected disloyalty) as the basis of the new order. But as the black race was considered as incompetent to manage the new structures built for them, military power, for the first time in the history of the American Government, was employed as the force to put and keep in operation the machinery of civil government. I do not propose to discuss this policy, but simply to call special attention to one feature of it. All the measures in the furtherance of that policy, the Freedman's Bureau, which cut all connection of the two races sheer asunder, whose agents and officers were made judges to try and punish offenses by the whites against the rights of freedmen, without jury or the right of judicial appeal; the act dividing the South without reference to State lines into military districts, and vesting the power of appointing all civil officers in a commanding general; the acts for restoring civil governments, were all based upon this one idea of protecting the enfranchised black race against the wrongs anticipated from the disfranchised white race; and, as a matter of fact, therefore, this reconstruction legislation as conceived and enforced actually arrayed the two races into distinct and opposing classes, and drew the color-line as distinctly and perfectly as if such race distinction had been enjoined in the Constitution. The very first principle of government your new-made citizens saw in operation was the principle of race discrimination. The very first lesson in civil government which they learned was the proscription of the white race as an object of political distrust and resentment.

The strange spectacle of these two races locally intermingled, bound together by the strongest ties of interest and affection, yet as completely separated politically as if a deep gulf had sunk between them: the passions incident to party contests in which the contestants differ not in conviction, but in race, and now charged as one of the heavy items against the South, find their authorship and origin in the legislation of the Government and the action of its agents. One moment's consideration will convince any fair mind of this. The measures devised for the sole benefit, protection, and ascendency of one race will surely command the support of that race; and if the same policy disfranchises the other race, hurls it from its proud tradition into a condition rife with all the elements of humiliation, and deprives it even of its ancient guarantees against the oppression of arbitrary power, the inevitable effect is perforce to drive that race into opposition to those measures. Thus, I repeat by a policy which drew one race to its support and drove the other into opposition, the separation of the two was produced without the voluntary agency of either and against the natural tendencies of both.

The report of every investigating committee sent to the South confirms this; for, sir, the South has been subjected to an ordeal that no other community in the world has ever been subjected to. It has been uncovered and subjected to a microscopic investigation into all the details of its society. I hold in my hand a report made by Messrs. HOAR, FRYE, and WHEELER, in which, speaking of the state of things in Louisiana, one of the causes there mentioned is the fact that the Administration party is made up by massing together almost entirely the black vote with a few whites, largely from other States. These few whites largely from other States are a class of men who came as agents of the Freedman's Bureau, thence transferred to the military department, from which they were carried over by the bayonet to the reconstructed civil government. And there they have been maintained by the power of the Federal Government ever since, gorging themselves with the spoils of that plundered people until recently their grasp upon our throats has been broken by the protecting force of an enlightened public sentiment at the North and West. It is not my purpose to describe the character of the governments which resulted from this policy. I call attention simply to two principles they embodied. Gibbon, in his history of Rome, speaking of Egypt, says that the most absurd and oppressive system of government that can be conceived of is that which subjects the natives of a country to the domination of its own slaves. John Stuart Mill, in his work on representative government, says that a government administered by rulers responsible to the governed may be a good government according to the character of the constituency which it represents; but that a government administered by rulers who are not responsible to the people of the government, but to some other community or power, is one of the worst conceivable systems of government; and, sir, these hideous structures in the South were a composite of those two vicious systems. The people there were subjected to the domination of our former slaves; we were ruled over by men not responsible to the people governed, but to the Federal Government. Governor Chamberlain and Governor Kellogg come here to make their reports, and to get their instructions, and they neither think nor care for the people of Louisiana or South Carolina. No man has ever had the temerity, since I have been here, to defend or apologize for these governments. I shall cite only republican testimonies as to their character.

Now, sir, but a short time ago a great cry was raised that the elections of Louisiana were carried by intimidation and fraud and violence and by organized murder, and a subcommittee was sent to Louisiana for the purpose of investigating and bringing before this body what had occurred in that State. Well, the committee went, and they came back with a report. It was composed of two republicans and one democrat. I see attached to the report the name of the gentleman from Ohio, [Mr. FOSTER,] who addressed the House on the other day. His name was the first in the order of signatures to the report, and I presume he presented it. Here are his statements in relation to the condition of things in Louisiana. After speaking of one of the parishes that were taken as samples of these intimidations, taken by republicans, and selected as the worst cases that could be brought before the committee, Mr. FOSTER says:

> It so happens that that parish was taken as a sample parish of intimidation. Many witnesses from both parties were examined in reference to it; they show beyond question that there was a free, full, fair, and peaceable election and registration there. There was no evidence of any intimidation of voters practiced on the day of election, although it was asserted that intimidation of colored men before election had been effected by threats of refusal to employ them, or discharge them, if they voted the republican ticket. No evidence, either of discharge or of refusal to employ, was produced. Certain witnesses, themselves every one office-holders, testified generally to such action; but hardly any one was able to specify a single instance in which he heard of any employer so threatening or discharging any voter, or knew of any employé being so threatened or discharged. Not one single colored man throughout the entire parish was produced to testify, either to such a threat or to the execution of such a purpose, whether before or after the election.

"Upon the general subject of the state of affairs in the South, and as to whether the alleged wrongs to colored citizens for political offenses are real or were asserted without due foundation," he says:

> As a whole, they are constrained to say that the intention charged is not borne out by the facts before us. No general intimidation of republican voters was established; no colored man was produced who had been threatened or assaulted by any conservative because of political opinion, or discharged from employment, or refused employment. Of all those who testified to intimidation there was hardly any one who of his own knowledge could specify a reliable instance of such acts, and of the white men who were produced to testify generally upon such subjects,

very nearly all, if not every single one, was the holder of an office. Throughout the rural districts of the State the number of white republicans is very few; it hardly extends beyond those holding office and those connected with them. No witness, we believe, succeeded in naming, in any parish, five republicans who supported the Kellogg government who were not themselves office-holders or related to office-holders or those having official employment.

But that is not all. He testifies in this report that there was intimidation, that there was fraud, that there was murder committed for the purpose of carrying the elections; not that it was practiced by democrats on republicans, but by republicans upon democrats; that the black men who wished to vote the democratic ticket were the subjects of intimidation. I read further:

On the other hand, it was in evidence that blacks who sought to act with the conservative party were on their part sometimes exposed to enmity and abuse. In the interior, one colored man was shot for making a conservative speech; and in New Orleans, it appeared from the testimony that colored men who sought to cooperate with the conservatives were subject to so much abuse from the police, and otherwise, that an association of lawyers volunteered to protect them, but with little effect.

That was not the only kind of intimidation, but that was an intimidation which of all others does more to keep down the public spirit of a people and to strike down the spirit of liberty, the spirit of independence in which our institutions were founded. I call special attention to it, for it is well for the country to know the appliances that have been, and may be again, used to bring about a foredetermined result.

I read again:

On the other hand, applications to the United States commissioners in the various parishes, not only for alleged crimes, but because of alleged threats of discharge, non-employment, or other interference with political preference, were frequent. Upon these affidavits warrants were often issued, and white citizens arrested and bound over for trial. In many localities the Federal troops were detained for service under the marshals and assistant marshals, and not only made large arrests immediately before the election, but the reports that they were coming to particular neighborhoods about the election time for the purpose of such arrests served, as the conservatives claimed, to intimidate, and sometimes even to produce a stampede among the white voters.

I want the House to recollect that this is the testimony and report of a committee of whom a majority were republicans.

"That served to intimidate and produce a stampede among the white voters." Sir, I have seen two hundred good, plain men mount their horses and ride out of town without depositing their votes for fear of just such persecution.

But that is not all; he goes on to tell that there was a perfect despotism over that people, eating up all their substance by exorbitant taxation, taxing their real estate in the city of New Orleans up to a point beyond the rents and in some of the rural districts 8 per cent., and he quotes approvingly as an indication of the government there that the political power vested in the governor of the State was such as is scarcely exercised by any sovereign in the world. But the gentleman from Ohio in his last speech said that in this report he told some truths that bore heavily upon his own party. I was astounded at that declaration.

What! Does it bear heavily upon his party to report that a people charged with fraud, intimidation, and murder are not guilty? Does it bear hardly upon the republican party to prove that there is no such state of lawlessness and intimidation among a people who are writhing under all the oppression which corruption can invent and tyranny inflict? Is it a condition of republican success that the country should be told that there is murder and intimidation, and that if they are not there the truth which states the opposite bears hardly upon his party? Mighty God! Is it true that that is the nutriment upon which the party must live?

Sir, it did strike his party with amazement at the time, and another subcommittee, a thing which I never knew of before, went down to revise and review his action. They came back and reported some things which the gentleman did not report, some things which did not bear so heavily upon the party. It is due to them to say that upon the searching investigation which they made they came back and said that there was an organized system of violence and murder there for the purpose of intimidating voters and carrying elections and for the purpose of remanding these blacks into a condition something akin to their former servitude.

But the gentleman from Ohio would not yield to that; that would not suit him. He made another counter-report, and said:

We cannot agree to the report made to the committee by Messrs. HOAR, FRYE, and WHEELER. All laws inimical to the colored people of Louisiana, referred to in their report, have been repealed for years.

And he goes on to state that—

In the absence of any direct evidence that the late election was not free and fair, the assumption by the minority that enough colored voters were therefore prevented from voting to change the result of the election throughout the State is an assumption so violent as not to be received.

But even this report of Messrs. HOAR, FRYE, and WHEELER contains admissions almost as startling as the statements of Mr. FOSTER, and shows a state of things which, without resorting to any theory of bloody conspiracies, would produce disorders and violence among the most virtuous people on earth.

In the State of Louisiana there is a governor in office who owes his seat to the interference of the national power, which has recognized his title to his office, not by reason of any legal ascertainment of the fact by legal process, but has based its interference upon the illegal order of a judge.

Here is what Mr. HOAR says about it. He says, in the State of Louisiana there is a governor in office. Remember that this is the governor who has the power of a monarch, according to the testimony of a Federal judge now there.

How did it recognize it? If the governor owes his place to the interference of the national authority and that authority has not ascertained it by legal process, how did the national authority ascertain it and upon what did it base its interference? Mr. HOAR says it based its action "*solely on the illegal order of a judge.*" The judge who issued that illegal order, upon which the national authority based its action and interference, was driven to resignation by the fear of impending impeachment. But there sits that governor, who was put there by the national authority upon that illegal order, ruling that people with a scepter mightier than that of a monarch.

So much for the executive. How about the Legislature? Says Mr. HOAR:

In the same State there is a Legislature, one branch of which derives its authority partly from the same order.

What! The Legislature gets its authority from the same illegal order? Yes, sir; one branch of it does from the same illegal order. How about the other branch. Let Mr. HOAR answer:

The other being organized by a majority who have been established in power by another interference of the national Government, and which majority derives its title, not from any legal ascertainment of the fact, but from the certificate of a returning board which has misconceived and exceeded its legal authority.

Therefore, at the time that report was made every branch of that government exhibited to the American people the spectacle of an executive officer put there by national authority based upon an illegal order, one branch of the Legislature owing its authority to the same illegal order and the other branch having a majority based upon another illegal order. Illegality imbedded in illegality, and upon the whole a colossal despotism crushing down the rights and interests of that people.

Mr. HOAR. Will the gentleman from Mississippi [Mr. LAMAR] allow me to ask him if he thinks he has fairly stated the conclusions of my report upon the point to which he has referred?

Mr. LAMAR. Upon that particular point?

Mr. HOAR. Yes.

Mr. LAMAR. I think I have.

Mr. HOAR. I do not think so.

Mr. LAMAR. I will yield to the gentleman.

Mr. HOAR. The report which the gentleman does me the honor to quote from states that, in the opinion of those who signed it, Governor Kellogg had a majority of the legal votes of the people of Louisiana; but that any ascertainment of the legal result by legal evidence was prevented by the frauds of his political opponents, who had so manipulated and treated the registrations and the returns—had finally carried them off, I think—as to deprive them of any legal authority whatever. Thereupon the judge of the United States court, misconceiving or usurping his power—I do not undertake to say which—ordered Mr. Kellogg to be put in office, and on that order the United States executive officer based his interference.

Now, the committee found, first, that Governor Kellogg was the lawfully-chosen governor of the State of Louisiana by all the evidence they could get at; second, that his political opponents had by fraud destroyed the returns or their legal value—that they had done wrong to that extent; third, that the judge was unjustified in his order and the executive was without justification in relying on that order as authority for interfering. That is the statement of the report. I agree that the gentleman from Mississippi has the right to cite my report as evidence of gross misconduct on the part of republican officials in the State of Louisiana. I do not agree that he ought to cite my remarks as admissions against my own party unless he quotes the conclusions with which they were necessarily connected.

Mr. LAMAR. I think I can appeal to the recollection of all present that I said the gentleman in his report did say that there was intimidation and fraud and murder, and that the elections were carried by those appliances.

Mr. HOAR. I also said that in my judgment Governor Kellogg was lawfully elected.

Mr. LAMAR. I have not time to wrestle with the gentleman on that point; but I think if he will examine the report he will find its statement to be that the result could not be ascertained, but that in his opinion Mr. Kellogg received the majority of votes. Now I think I have the right to receive the gentleman's admissions and reject his conclusions, especially when I give him the opportunity, which I am always glad to do, to interpolate into my remarks any explanation he may please.

Mr. HOAR. The gentleman is perfectly at liberty to receive my admissions and reject my conclusions. I think, however, that he should not state the admissions without the other.

Mr. LAMAR. I will allow the gentleman always to state for himself his own propositions and conclusions, and I have yielded the floor to him for that purpose in order that they might not be unfairly stated in passing through the medium of my brain.

Mr. HOAR. I thank the gentleman for the very great courtesy with which he has allowed me to do so; and I say to him that I made this interruption of his eloquent and interesting speech with very great reluctance.

Mr. LAMAR. Now, sir, as to the character of the government there we have the gentleman's acknowledgment; and I reiterate that

it is not I, but the gentleman, who calls upon the American people to note the fact.

The American people are now brought face to face with this condition of things.

Then he goes on to show that the governor there owes his authority to the interference of the national power, not by the ascertainment of legal process, but by an illegal order of a judge, and that both the other departments of the government rest upon the same illegal basis. As to his opinion that the election was carried one way or the other, that is a mere matter of opinion; but when he himself proclaims voluntarily that the whole superstructure of executive and legislative power in that State is based upon the interference of the national authority, and that interference resting upon illegal orders, I think it is doing no injustice to him, nor to his conclusions, to hold that statement up before an astonished people.

The gentleman's report presents the state of things in Louisiana very graphically, and with telling effect against that people I admit. I do not think he rightly conceived their condition. He staid but a short time, and failed to note some of the most important elements of society there. He has concentrated his attention upon two classes: One the slaveholders, who are not the largest part of the white population, and the other the blacks. He overlooks that teeming population of non-slaveholders, the super-best race of men in the world. There is no order of men superior to those who were the non-slaveholders of the South. They were freemen and freeholders; free-soilers in the true sense of the term; for they worked their own land and reared families economical, independent, and virtuous; and they constitute one of the strongest forces of southern society at this time; yet the gentleman takes no note of them in his analysis of southern society.

What does the gentleman say about the character of this government that thus rests upon illegal intervention?

One fact is that there has been great maladministration by republican officials; there has been much dishonesty, much corruption in State and local administration in Louisiana. For this the republican party, especially under Warmoth's rule, are largely responsible, although in numerous instances their opponents have been equally to blame.

Again he says:

We do not overlook the causes which tend to excite deep feelings of discontent in the white native population of Louisiana. There has been great maladministration; public funds have been wasted, public credit impaired, and taxation is heavy.

What are these admissions? Illegal governments based upon interference of the national authority; maladministration, dishonesty, corruption, waste of public funds—which means embezzlement and the misappropriation of public money—loss of public credit. This is the despotism under which everything that is precious and beautiful and lovely in that State is withering and dying.

I have other testimony. The President of the United States in his last annual message said not a word upon the subject of the disorders of the South; for, sir, this cry of disorder, intimidation, and violence always comes up in this Hall and in this Federal metropolis just before an election when it is to be carried or just after an election when it is to be set aside. In the interim everything is quiet and orderly. But the President in his annual message before the last, speaking of these people in the South where these disorders occur, uses the following language:

I sympathize with their prostrate condition and would do all in my power to relieve them, acknowledging that in some instances they have had most trying governments to live under and very oppressive ones in the way of taxation for nominal improvements, not giving benefits equal to the hardships imposed.

Sir, take the features of that statement. What are they? Oppressive governments, burdens of taxation, and prostrate people. What greater woe can there be than this? What more accursed fate can befall a people than such a government as Mr. HOAR describes, illegal in its every department, marked by maladministration, and reeking with dishonesty and corruption; or, as Mr. FOSTER describes it, an infamous despotism, consuming all the resources of a people? Where, I repeat, on earth or in what age of the world have you not had violence and turbulence where a people are prostrated by the burdens of oppressive government, and tortured and impoverished by taxation? Where have you ever seen orderly, quiet, and peaceable citizens whose governors are lawless felons, whose ministerial officers are forgers and thieves, and their magistrates scoundrels?

And, sir, when this prostrate people writhing in their agony turn over and jostle these rickety establishments that would fall down of their own rot if let alone, when, as is almost inevitable, disorders occur, the national authority is called upon, the Federal Executive is invoked—for what? To protect the prostrate people against these illegal, dishonest, corrupt, and oppressive governments? No; but to protect and maintain these governments and to hold the people down in quiet submission to them! What a policy! This great Federal Government powerless for the protection of the people against oppressions of local government, but omnipotent to maintain those governments and enforce their oppressions.

Now, sir, I have read all this testimony with reluctance. My purpose has been to show that ample cause exists for these troubles in the South without attributing them to a spirit of cruel vindictiveness, or wild, restless, unlawful ambition on the part of southern whites. I have appealed to this evidence of earnest, leading republicans that the sudden enfranchisement of 800,000 slaves threatened the very evils which have come upon us. I do not arraign your policy. Its attempted reversal now would lead to a shock and ruin even worse than that which has resulted from its establishment. All we ask in common justice to the South is that you will reflect and act upon the fact that the governments you contrived have by your own testimony proved to you and to the world their utter incompetence to solve peaceably and prosperously a problem the difficulty of which we do not deny. When you point me to acts of violence I acknowledge and deplore them. But I ask you, who has governed the States where this violence occurs for the last ten years? Have we? Who have taxed us, controlled our Legislatures, filled our courts, received the patronage of the Federal Government, ruled over us at home and represented us here?

Sir, you cannot by Federal and military intervention preserve those governments without trampling out the liberties of whole Commonwealths, because those governments are in defiance of that highest and most sacred of all constitutions, the law of nature. God had so identified the interests of these two races by the necessities of climate and labor and old associations that time would soon have re-adjusted their new relations. It is not yet too late for such an adjustment. You have given the black race the most delicate, the most dangerous, as well as the most sacred of all privileges. Let that privilege be maintained inviolably. But give him real freedom, and do not make him the Janizary of party tyranny. Allow that race to learn what you have learned in New England and carried with you into that new empire of the West which your energy has created, that moral worth, intelligence and industry and wealth are the true foundations of a people's happiness and liberty, no matter what their color. Let it no longer rely upon Federal bayonets. They inspire a contempt for law and disqualify for self-government.

Sir, this race problem is capable of solution. Two English statesmen such as Lord Derby and Earl Russell, or Mr. Gladstone and Mr. Disraeli, could agree upon a basis of settlement in three days; and we could do the same here but for the interposition of the passions of party in the contest for the power and emoluments of government. It could be settled in this District and throughout the South without abridging universal suffrage or subjecting either race to the control of the other. Take the question out of national politics and it can be settled on a basis which would consolidate all the rights of the black man, make him free and equal with every citizen before the law, protected in the fruits of his labor, safe in his person, happy in his household, secure in the enjoyment of whatever he can in fair competition achieve, whether it be of fortune or fame, and thus secure to him a higher and better life than he now leads as the misguided and deluded constituency of dishonest office-holders.

I have not intended to intimate that the capacity of the black race for freedom and the duties of citizenship should be determined by the considerations which I presented. The freedom of this race, its citizenship, have not had a fair opportunity for favorable development at the South. Controlled through the authority of the Government by the worst men as they have been, it would be unjust to them to form any estimate of their capacity to meet the demands of their high position by the events of the last ten years.

Sir, we know that one great cause of the jealousy with which the southern people are regarded is the fact that they stand between the ambition of a party and the glittering prizes of honor and emoluments and patronage which the control of the Government for another four years will give. I believe, sir, if they could do so consistently with their constitutional obligations, our people would willingly stand aloof and let the northern people settle the question of President for themselves, upon the condition that there shall be no further intervention in their local affairs. But, sir, they cannot abnegate their rights and duties as American citizens and impose on themselves a sullen and inactive incivicism. They must go forward and keep abreast with American progress and American destiny, and take their share of the responsibility in the settlement of the questions in which all parts of the country are alike interested.

But it is asked why we are united in support of the democratic party. A celebrated author in his work on political ethics says that in the history of all free countries there is no instance of a people being unanimous in sentiment and action, unless they were made so by the imminence of some great and common peril or by the inspiration of some enthusiastic sentiment.

The people of the South are not moved by the latter. Even if the events of the war and the sufferings since the war had not, as they have done, crushed out all their party attachments, nearly one half the people of the South have no attachment to the democratic party, and in acting with it for the time being, they only obey, as I said before, the imperious law of self-preservation.

The motive which prompts their co-operation is not the expectation of filling cabinets and directing policies, but simply to get an administration which will not be unfriendly to them, an administration which in place of the appliances of force, subjugation, and domination, will give them amnesty, restoration to the privileges of American citizenship; which will accord to their States the same equal rights with other States in this Union; equality of consideration, equality of authority and jurisdiction over their own affairs; equality, sir, in exemption from the domination of their elections by the bayonet and by soldiers as the irresistible instruments of a revolting local despotism. Give them that, give them local self-government, and you will then see at last what will be the dawn of prosperity in all the industries and enterprises of the North; you will see, sir, a true southern *renaissance*, a real grand reconstruction of the South in

all the elements of social order, strength, justice, and equality of all her people. Rising from her confusion and distress, rejoicing in her newly-recovered liberty, prosperous, free, great, her sons and daughters of every race happy in her smile, she will greet your benignant Republic in the words of the inspired poet—

Thy gentleness hath made me great.

[Applause.]

APPENDIX.

[Extracts from the speech of Hon. O. P. MORTON, at Richmond, Indiana, September 29, 1865.]

NEGROES UNFIT TO VOTE.

I believe that in the case of 4,000,000 slaves just freed from bondage there should be a period of probation and preparation before they are brought to the exercise of political power. * * * What is their condition? Perhaps not one in five hundred—I might say one in a thousand—can read, and perhaps not one in five hundred is worth $5 in property of any kind. * * * Can you conceive that a body of men, white or black, who have been in this condition, and their ancestors before them, are qualified to be immediately lifted from their present state into the full exercise of political power, not only to govern themselves and their neighbors, but to take part in the Government of the United States? Can they be regarded as intelligent and independent voters? The mere state of facts furnishes the answer to the question. * * * To say that such men—and it is no fault of theirs; it is simply a misfortune and a crime of this nation—to say that such men, just emerged from slavery, are qualified for the exercise of political power is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery.

THE RIGHT TO VOTE INVOLVES THE RIGHT TO HOLD OFFICE.

The right to vote carries with it the right to hold office. You cannot say that the negro has a natural right to vote, but that he must vote only for white men for office. The right to vote carries with it the right to be voted for. When that right is conferred, you can make no discrimination, no distinction against the right to hold office; and the right to vote in a State carries with it the right to vote for President and members of Congress and for all Federal officers. The right of suffrage being conferred in South Carolina, for State purposes, under our Constitution, as I have before pointed out, carries with it the right to vote for President and Vice-President and members of Congress.

COLORED STATE GOVERNMENTS THE RESULT.

If you enfranchise all the negroes in these States you will have at least twenty negro votes to one white vote, and in the work of reconstructing the States of South Carolina, Alabama, and Florida you will have a larger proportion—perhaps thirty colored votes to one white. Now, I ask you, what is to be the effect of that? The first effect will be, you will have colored State governments. Under such a condition of things the negro would no more vote for a white man than you up here would vote for a black man. They would no more elect a white man than you would elect a black man. Human nature is the same, whether in a white or colored skin. There could be nothing that would confer more pleasure upon a man of that race, of course, than the elevation to political power of a man of his own race and color. Having secured power, they would retort upon us that which we have so steadily practiced upon them. If you give them the vote they will elect men of their own color, and we would have no right to blame them. We would rather think badly of them if they did not. I would ask you if the negroes of Hayti, or any other place where they are in a majority, have ever elected a white man to office? Under Mr. Sumner's plan you will give them an overwhelming majority in every one of these States, and you will give them the political power of the South.

That they will exercise this power by electing men of their own color is absolutely certain. Believing that human nature is the same under different complexions, that the negroes are not differently constituted from ourselves, and that they have like passions with us, we cannot doubt how this power will be exercised. Some will say that it is all right; if they can find colored men qualified, all right. There are enough colored men of education in the North to go to the South and fill every office there, and I have no doubt they stand ready to do it. Here we deny to them almost every right except that of mere personal liberty; and it is so in Illinois and many other northern States; and when you present to them the prospect of holding the highest offices in the gift of the people of the Southern States, rest assured they will embrace it. They will have colored governors and colored Members of Congress, and Senators, and judges of the Supreme Court, &c. Very well; and suppose they do send colored Senators and Representatives to Congress, I have no doubt you will find men in the North who will be willing to sit beside them and will not think themselves degraded by doing so. I have nothing to say to this. I am simply discussing the political effect of it. In every State where there is a colored State government, a negro for governor, and a negro for supreme judge, white emigration will cease; there will be no more white emigration to any such State. You cannot find the most ardent anti-slavery man in Wayne County who will go and locate in a State that has a colored State government. You will absolutely shut off at once and effectually all emigration from the northern States, and from Europe, too, whenever that event shall happen. Thus they will remain permanently colored States in the South. The white men who are now there would remove from them; they would not remain under such dominion.

EFFECT OF THEIR ENFRANCHISEMENT; A NEGRO BALANCE OF POWER.

Very well, say some; that is all very well if we can get the negroes to go there. But let me say that the colored States would be a balance of power in this country. I ask, is it desirable to have a colored State government? I say it is not; it is not for many reasons. One reason is that such States would perpetually constitute a balance of power. They would be held bound by that stringent tie that ever held men together: the tie of color and race, the tie of a down-trodden and despised race. As 300,000 slaveholders by a common tie were able to govern this nation for a long time, so 4,000,000 people, bound together by a much stronger tie, despised by the whole world as they have been, would constantly vote and act together; and their united vote would constitute a balance of power that might control the government of this nation.

I submit, then, however clearly and strongly we may admit the natural right of the negro—I submit it to the intelligence of the people that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about and, I believe, would result in a war of races.

THE SOLUTION OF THE DIFFICULTY.

Now the question turns up, how can this be avoided? If I had the power I would arrange it in this way: I would give these men a period of probation and preparation; I would give them time to acquire a little property and get a little education; time to learn something about the simplest forms of business and prepare themselves for the exercise of political power. At the end of ten, fifteen, or twenty years, let them come into the enjoyment of their political rights. By that time these States will have been so completely filled up by emigration from the North and from Europe that the negroes will be in a permanent minority. Why? Because the negroes have no emigration, nothing but the natural increase, while we have emigration from all the world and natural increase besides. Thus, by postponing the thing only to such times as the negroes are qualified to enjoy political rights, the dangers I have been considering would have fully passed away, their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen than it now is in Massachusetts. In Massachusetts the negroes have exercised political rights for twenty-five years, and yet there has been no disturbance there, no conflict of races. Why? Because the negroes have been in the minority.

[Extract from Governor Andrew's valedictory address.]

Governor Andrew, of Massachusetts, in his valedictory address delivered on 5th January, 1866, speaking of the basis of reconstruction in the South, uses the following language:

"It may be asked: Why not demand the suffrage for colored men, in season for their vote in the business of re-organization? My answer is, I assume that the colored men are in favor of those measures which the Union needs to have adopted. But it would be idle to re-organize those States by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on just where we now are. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority, aided by the freedmen on the one hand, against a majority of the white race on the other. I would not consent, having rescued those States by arms from secession and rebellion, to turn them over to anarchy and chaos."

In urging the necessity of securing the participation of the whites, under a general amnesty, in the control of the new governments, he says:

"I only know that we ought to demand, and to secure, the co-operation of the strongest and ablest minds and natural leaders of opinion in the South. If we cannot gain their support of the just measures needful for the work of safe re-organization, re-organization will be delusive and full of danger.

"Why not try them? They are the most hopeful subjects to deal with, in the very nature of the case. They have the brain and the experience and the education to enable them to understand the exigences of the present situation. They have the courage, as well as the skill, to lead the people in the direction their judgments point, in spite of their own and the popular prejudice. Weaker men, those of less experience, who have less hold on the public confidence, are comparatively powerless. Is it consistent with reason and our knowledge of human nature to believe the masses of southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? Re-organization in the South demands the aid of men of great moral courage, who can renounce their own past opinions and do it boldly; who can comprehend what the work is and what are the logical consequences of the new situation; men who have interests urging them to rise to the height of the occasion. They are not the strong men, from whom weak, vacillating counsels come; nor are they the great men, from whom come counsels born of prejudices and follies, having their root in an institution they know to be dead and buried beyond the hope of resurrection."

Mr. GARFIELD obtained the floor, but yielded to

Mr. COOK, who moved the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly a bill (H. R. No. 592) to transfer the conduct of Indian affairs from the Interior Department to the War Department, and had come to no resolution thereon.

PERSONAL EXPLANATION.

Mr. GOODE. I rise to a question of privilege. The CONGRESSIONAL RECORD which contains the proceedings of last Saturday represents me as having applied for and obtained an indefinite leave of absence. That is a mistake, as I did not apply for or obtain any such leave of absence. It would be an immaterial matter but for reference made to it for party puposes in certain public prints of the country.

The SPEAKER *pro tempore*. The correction will be made in the Journal and in the RECORD.

OSAGE LANDS IN KANSAS.

Mr. GOODIN. I ask by unanimous consent to take from the Speaker's table the bill (H. R. No. 3625) providing for the sale of Osage ceded lands in Kansas to actual settlers, returned from the Senate with amendments, in order that they may be non-concurred in and a committee of conference requested.

There was no objection.

Mr. CONGER. I do not object to the proposition of the gentleman from Kansas, if it is agreed that the amendments shall be printed in the RECORD.

Mr. GOODIN. The amendments of the Senate are all printed in this morning's RECORD, where they can be seen. I move that the amendments of the Senate be non-concurred in.

The motion was agreed to.

Mr. GOODIN. I now move that a committee of conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as managers of said conference on the part of the House, Mr. GOODIN, Mr. LANE, and Mr. MCDILL.

Mr. COX. I move the House do now adjourn.

Mr. JOHN REILLY. I move the following as an amendment to the motion to adjourn.

The Clerk read as follows:

Resolved, That when the House adjourns it be until eleven o'clock a. m. to-morrow, and that thereafter and until the close of the present session that hour be the regular hour of meeting; and that the hour between eleven and twelve be assigned first to the consideration of the pension bills on the Calendar, and next to receiving reports of committees, without considering the same.

The SPEAKER *pro tempore*. That involves a change of the rules, and cannot be entertained.

Mr. COX's motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. WILLIAMS, of Wisconsin, indefinitely.

And then (at five o'clock and twenty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CUTLER: Remonstrance of citizens of New Jersey against the licensing of prostitution in the District of Columbia by authority of Congress, to the Committee for the District of Columbia.

By Mr. THORNBURGH: The petition of Benjamin Baker, late private Company C, Ninth Tennessee Cavalry, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *August* 3, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, was read twice by its title.

Mr. SARGENT. The Committee on Naval Affairs, I believe, has a Senate bill relating to the same matter under consideration, and I move that this bill take that reference.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 24th ultimo, a statement of the aggregate number of civil officers employed in that Department from 1859 to 1875; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. I present the memorial of W. W. Corcoran, M. W. Galt & Brothers, and many other citizens, business men, residing on Pennsylvania avenue, remonstrating against the passage of the amendment offered by Senator DORSEY, July 31, 1876, extending the time for repaving Pennsylvania avenue. The memorialists say that they have already suffered great damage by the present condition of the Avenue, and they are anxious that the paving shall be completed as soon as possible. I move the reference of this memorial to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LOGAN. I ask that by unanimous consent it be agreed that House bill No. 58 be taken up, and then I will give way until after reports are made.

Mr. DAVIS. What is the bill?

The PRESIDENT *pro tempore*. It is the bounty bill.

Mr. SARGENT. Of course it is impossible to come to any conclusion on that bill in the morning hour.

Mr. LOGAN. I do not desire to interfere with morning business. I merely ask that the bill be taken up and then I will yield to morning business.

Mr. SARGENT. The Senator wishes to have the bill considered in the morning hour, I understand?

Mr. LOGAN. Yes, sir.

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. The Senator from California objects to the proposition of the Senator from Illinois. Reports of committees are in order.

Mr. INGALLS. The Committee on Pensions, to whom was referred the petition of the heirs of Daniel Spalding, deceased, have instructed me to report it back and ask to be discharged from its further consideration. It appears from an inspection of the papers that the claim is for contingent expenses, for clothing and equipments furnished by the ancestors of the petitioners during the war of 1812, and the committee ask that the papers may be referred to the Committee on Military Affairs.

The report was agreed to.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 923) authorizing the appointment of Acting Passed Assistant Surgeon Francis V. Greene as surgeon and of Acting Passed Assistant Surgeon Joseph J. Sowerby as assistant surgeon in the Navy, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 354) to give an American register to the steamboat Isabel, reported adversely thereon, and the bill was postponed indefinitely.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. JONES, of Nevada. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (S. R. No. 22) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, to report it with an amendment. I desire the immediate consideration of the joint resolution, as there is necessity for its speedy passage.

The PRESIDENT *pro tempore*. The joint resolution will be reported, subject to objection.

The Chief Clerk read the joint resolution.

Mr. EDMUNDS. It is very dangerous to act upon bills of this importance the very moment they are reported; but the Senator from Nevada says, and of course he is correct, that it is quite important that the action should be speedy. I have no objection to the bill being considered, subject to objection at any stage, so that if any difficulty shall arise it may go over and we may look at it. There are one or two amendments I want to suggest.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Postmaster-General to accept from the Pacific Mail Steamship Company, for service in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; these iron steamships to be substituted for the wooden side-wheel steamers now doing service under the act of Congress of February 7, 1865, they having been constructed in full with the requirements of said act; but nothing contained in the joint resolution shall be construed as an indorsement of any claim now pending, or as a basis of any claim which may hereafter be preferred against the United States by the steamship company, growing out of any existing law or contract whatever, excepting the law of February 7, 1865.

The joint resolution was reported from the Committee on Post-Offices and Post-Roads with an amendment in line 17, to strike out the word "existing" before "law;" so as to read:

That nothing herein contained shall be construed as an indorsement of any claim now pending, or as a basis of any claim which may hereafter be preferred against the United States by said steamship company, growing out of any law or contract whatever, excepting the law of February 7, 1865, above referred to.

The amendment was agreed to.

Mr. EDMUNDS. I have one or two amendments to suggest, and I have no doubt they will be entirely agreeable to the Senator from Nevada. In line 10 I move to strike out the word "the" and insert "any" after "for;" and to insert "lawfully" after "now" in that line; so as to read:

Said iron steamships to be substituted for any wooden side-wheel steamers now lawfully doing service under the act of Congress of February 6, 1865.

Mr. JONES, of Nevada. I have no objection to that amendment.

The amendment was agreed to.

Mr. EDMUNDS. I now move in lines 12 and 13 to strike out all after the words "eighteen hundred and sixty-five;" that is to strike out these words:

The same having been constructed in full with the requirements of said act.

That is a matter of fact that is quite unnecessary and it is not usual to put such a statement in a law, I believe.

The amendment was agreed to.

Mr. EDMUNDS. In line 14 I move to strike out the words "an indorsement of" and insert "creating, reviving, or recognizing;" so that it will read:

That nothing herein contained shall be construed as creating, reviving, or recognizing any claim now pending, or as a basis of any claim, &c.

The amendment was agreed to.

Mr. EDMUNDS. In line 18 I move to strike out the word "excepting" and insert "except such as may lawfully exist under;" so as to read:

Growing out of any existing law or contract whatever, except such as may lawfully exist under the law of February 7, 1865, above referred to.

It is the same idea the Senator had who draughted the joint resolution, and states it a little more fully.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships."

BILLS INTRODUCED.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1022) to provide for the taking of testimony to be used in the General Land Office; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1023) for the relief of George H. Giddings, of Texas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1024) for the relief of Henry M. Meade,

late paymaster in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1025) to authorize the Commissioner of Pensions to waive irregularities in declarations for pensions in certain cases; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1026) for the issue of silver coin and to make a silver dollar a legal tender; which was read twice by its title, ordered to lie on the table, and be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 23) in relation to the Hot Springs reservation, in the State of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DORSEY. I move that the joint resolution (S. R. No. 21) defining the meaning and intent of the act of June 11, 1870, entitled "An act in relation to the Hot Springs reservation in Arkansas," which was introduced by me the day before yesterday, be referred to the Committee on the Judiciary.

The motion was agreed to.

COLLECTORS OF INTERNAL REVENUE.

Mr. SHERMAN. I ask unanimous consent to reconsider the vote by which the bill (H. R. No. 2922) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts was indefinitely postponed on the report of the Committee on Finance. Upon official information received by me this morning, I ask that this vote be reconsidered and the bill recommitted to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

REPORT OF SOUTHERN CLAIMS COMMISSION.

Mr. WRIGHT. I rise to offer a resolution, and before I present it I wish to state one fact. It appears that by the act of March 3, 1875, provision was made for printing fifty copies of the summary report of the southern claims commission, that is, the list of claims that were rejected, twenty-five copies thereof for the use of the Senate and twenty-five for the use of the House. It seems that no provision was made in that act for giving to the southern claims commissioners themselves any copies of this report. My attention has been called to it by the commissioners. They think it but right and proper that at least five copies shall be given to them of the twenty-five, and I suppose there will be no objection on the part of the Senate to giving them these five copies, as they seem to be quite important for their use. At their request I have draughted the following resolution:

Resolved, That whenever the twenty-five printed and bound copies of the summary report of the commissioners of claims, ordered for the use of the Senate, are received by the Secretary of the Senate from the Public Printer, he shall deliver five copies thereof to the said Commissioners for their official use.

I trust there will be no objection to the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

ORDER OF BUSINESS.

Several Senators addressed the Chair.

Mr. EDMUNDS. I rise to move to take up the motion to reconsider Senate bill No. 917, relating to the patent of Erastus T. Bussell, which I made yesterday; but if there are any further resolutions, of course they are entitled to precedence.

The PRESIDENT *pro tempore*. The Senator from Iowa has not yielded the floor yet.

Mr. EDMUNDS. I supposed when a bill or a resolution was pessed the floor was empty for the moment.

Mr. WRIGHT. I shall not interfere with the Senator from Vermont. What I wished to propose to do was to take up House bill No. 3168, relating to partition of real estate in the District of Columbia. That bill the Senator from Vermont is familiar with; but I do not wish to interfere with him.

Mr. EDMUNDS. I wish the Senator from Iowa would let me take up the motion to reconsider.

Mr. DAVIS. I have a resolution to offer. There will be no objection to it, I know.

The PRESIDENT *pro tempore*. That being morning business takes precedence.

FUNERAL EXPENSES OF ALLEN T. CAPERTON.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate pay from the contingent fund of the Senate, upon the approval of the Committee to Audit and Control the Contingent Expenses, the expenditures made by the Sergeant-at-Arms on account of the death and burial of Hon. ALLEN T. CAPERTON, late a Senator from the State of West Virginia.

HAMBURGH RIOTS.

Mr. MORTON. I ask that the resolution I offered yesterday to print the President's message relating to troubles in South Carolina be referred to the Committee on Printing. I thought it was until just now.

The PRESIDENT *pro tempore*. It will be so referred, if there be no objection.

SIGNAL SERVICE CORPS.

Mr. SPENCER. I desire to call up and pass if possible during the morning hour a bill of general interest to which I do not think there can be any objection. I move to proceed to the consideration of Senate bill No. 731, to limit and fix the Signal Service.

The Chief Clerk read the bill.

Mr. SAULSBURY. I should like, before the bill is taken up, to know whether this service is required for the Signal Corps?

Mr. SPENCER. The bill has been very strongly recommended by the President of the United States, by the present and the late Secretary of War, and by the Signal Service itself, and also it is very strongly recommended by General Sherman, the General of the Army. The service has been emasculated by the sundry civil bill, and there will be no Signal Service unless this bill is passed. It is necessary in order to place the service on a permanent footing. There is a long report accompanying the bill which can be read, if the Senator desires.

Mr. MORTON. I think this matter will give rise to some debate. I should be glad to have the question of reconsideration proposed by the Senator from Vermont [Mr. EDMUNDS] disposed of.

Mr. SPENCER. This is a matter of general consequence to the country, and the matter that the Senator from Indiana speaks of is a local bill, entirely personal.

Mr. SAULSBURY. Let the bill go over.

Mr. LOGAN. If there is objection, of course I do not desire to say anything.

Mr. SPENCER. My motion is pending.

Mr. LOGAN. I merely desire to say, in addition to what the Senator from Alabama has stated, that this matter of organizing the Signal Service is a very important consideration. It does not affect the service so far as the Army is concerned, except that it puts it upon a basis where these officers cannot be taken away at the will and pleasure of anybody and assigned to other places after they have learned the duties of their office. The object of the bill is to establish the service upon a permanent basis, and it is a very important matter, I think, to the whole country. It does not change or affect the amount of money to be expended under the appropriation bill for the service. There are some amendments proposed by the Committee on Military Affairs, which I suggested myself, in reference to the pay of these officers, cutting them down to infantry pay instead of cavalry pay, but so far as expenses are concerned the bill does not affect the general cost of the service.

Mr. SAULSBURY. I think the bill had better go over.

Mr. McCREERY. The consideration of this bill having been objected to, I ask the Senate to proceed to the consideration of——

The PRESIDENT *pro tempore*. The question has not yet been submitted to the Senate. The Senator from Alabama moves the present consideration of the bill he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 731) to limit and fix the Signal Service. It authorizes the President to appoint, as assistants to the Chief Signal Officer, two majors, six officers who shall have the rank and pay of captains mounted, six who shall have the rank and pay of first lieutenants mounted, and six who shall have the rank and pay of second lieutenants mounted, or to detail as such assistants the said number of officers who shall have respectively the said rank and pay while so serving.

Section 2 provides that the enlisted force shall be maintained as hitherto upon duty, and not to exceed one hundred and fifty sergeants, thirty corporals, and three hundred privates; and the enlisted men of the Signal Service shall receive pay at the rates formerly fixed for enlisted men of the Signal Corps of the Army of similar grades; but all acts or parts of acts relating to the duties of the Chief Signal Officer and the Signal Service shall remain in force.

The amendment reported by the Committee on Military Affairs was to strike out the word "mounted" in lines 5 and 8 and in lieu thereof insert "of infantry."

Mr. LOGAN. The Senate will understand that that amendment, instead of giving cavalry pay, gives infantry pay, which reduces the expenses as they exist.

Mr. SAULSBURY. I inquire whether this bill does not increase the expense of the Signal Service?

Mr. LOGAN. No, sir.

Mr. SAULSBURY. My understanding is that in the sundry civil bill there was an appropriation for that service.

Mr. LOGAN. Yes, sir.

Mr. SAULSBURY. My impression is that this bill will increase the expense of that service and require an additional appropriation.

Mr. LOGAN. Not at all. The appropriation bill provides for the amount which shall be expended this year, and this bill does not affect that at all. These officers are paid in the Army and it is a part of the pay of the Army, and they are officers of the Army now. The effect of this amendment, as the Senator will see, is to reduce the pay of the officers from that of cavalry officers to that of infantry officers, which makes quite a difference so far as the pay is concerned.

Mr. SAULSBURY. If the Senator says that is the case, I have no objection to the present consideration of the bill.

Mr. LOGAN. It does not now increase it; that is certain, because we cannot get any further appropriation, and I would not ask for any

myself. The appropriation is less for this year and this bill does not affect it either directly or indirectly. All that this bill does is to make the service permanent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERASTUS T. BUSSELL.

Mr. EDMUNDS. Mr. President, I move as an act of justice to the gentleman whose patent matter was disposed of yesterday to take up the motion to reconsider that I entered yesterday in order that the matter may be now disposed of. I voted against the passage of the bill, coming in late, because it appeared to me that it was not sufficiently guarded in respect of articles that might be manufactured during the period that this patent has expired since 1874 and down to the new extension. With an amendment which I propose to offer, if it be reconsidered, to protect everybody who has manufactured articles during that time and to use them afterward, I should be willing to vote for the bill. I move, therefore, to take up the motion to reconsider.

The motion was agreed to; and the Senate proceeded to consider the motion to reconsider the vote by which the bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a "combined rubber and spiral steel spring" was rejected.

The motion to reconsider the vote on the passage of the bill was agreed to.

Mr. EDMUNDS. Now I move to reconsider the vote ordering the third reading of the bill, so that I may offer an amendment.

The motion was agreed to.

Mr. EDMUNDS. Now I move to add at the end of the present proviso the following words:

Nor in respect of any article manufactured during said time, nor shall any right exist to prevent the use of any such article so manufactured during the said time.

So that the proviso will read:

Provided, That no damages shall be collected of any person for an infringement of said patent between the time of the expiration of said patent and the time of the renewal of the same, nor in respect of any article manufactured during said time, nor shall any right exist to prevent the use of any such article so manufactured during the said time.

The word "during" in the print should be changed to "between."

Mr. CONKLING. The Senator from Vermont seems to be diverted for a moment. I suggest to him that that should be "after the extension and before the renewal thereof."

Mr. EDMUNDS. Yes, it should be so changed according to the print.

Mr. WADLEIGH. I will simply say to the Senator from New York and the Senator from Vermont that if they will reflect one moment they will see that nothing of that kind is necessary, because this extension when granted by the Commissioner, if it shall be granted, does not relate back to the expiration of the patent, and from the expiration of the patent until the extension is issued anybody can manufacture and anybody can sell articles thus manufactured without this inventor having any rights whatever against such a person under the law as it now stands, without any proviso in the bill at all.

Mr. CONKLING. I am not sure that that is not so as matter of law. I was talking about the sense of the amendment. If the amendment is necessary at all, it ought to mean something.

Mr. EDMUNDS. I do not dispute my friend's law; I am too wise for that. But I took it for granted that as there was a proviso in this bill of exactly this character, only that it was too narrow, the framer of the bill and the committee who reported it thought as a matter of precaution it was desirable to make an absolute and unquestioned security. Therefore my attention was only directed to perfecting the limitation contained in the proviso in the bill.

Mr. WADLEIGH. I will say now in reference to this bill as well as other bills reported from the Committee on Patents that that has been put in the bills for the purpose of not arousing any objection in the Senate and thereby obstructing their passage; but any lawyer will see on reflection that it is not necessary, because when there is no patent no right can be gained by the inventor.

Mr. EDMUNDS. But there was a patent, and it is to be renewed, and it depends upon the date when the renewal takes effect. If this man is to be re-instated as of his former estate in the regular way, under the principles of the patent law, then the extension would operate all the time unless there be special words to prevent it; but there is no use in spending time upon it. Certainly the amendment will not do any harm.

Mr. WADLEIGH. I do not object to it.

Mr. SAULSBURY. I voted against this bill yesterday on the general principle that the extension of patents is wrong. I am told that this patentee is a very worthy gentleman and very poor. I have no doubt that is true, and I do not want by any vote of mine to do him injustice; but I think as a general rule it is entirely wrong, and it is better that private individuals should suffer than the public generally suffer by granting the extension of patent-rights.

There is an admission in this bill that there have been springs manufactured by other parties than this gentleman, and precaution is taken to guard against the patentee having rights as against those parties so manufacturing; but you can see very readily how those parties may be damnified by the passage of this bill. In order to manufacture these articles after the expiration of the patent, they must necessarily have fitted themselves up for that purpose; they must have possessed themselves of the proper machinery, and may be engaged to-day in that business. You, therefore, by the extension of this patent stop these gentlemen, whoever they may be. I do not know that there is any such person; but I suppose that may be the case from the precaution that is taken to guard against any liability on their part. You at once render entirely useless all the capital they may have invested in machinery, shops, &c., necessary to manufacture these springs after the expiration of this gentleman's patent. We may be doing this gentleman a favor, but we may be doing great injustice and injury to other gentlemen by the passage of this bill. I do not wish to do this gentleman any injustice, and I do not want by any act of mine to do any injury to other parties who have engaged in this business after the expiration of this gentleman's patent. I therefore cannot vote for the bill.

Mr. WADLEIGH. I presume that the Senator from Delaware and myself will not disagree and that the Committee on Patents will not disagree with him in reference to the general rule which should be adopted in relation to the extensions of patents. I am opposed to any general extension of patents. I think they should not be extended except in some peculiar cases where great hardship has been suffered by the inventor and where justice and right demand that his patent should be extended for the purpose of giving to him what the Constitution gives him. In this case I assure the Senator from Delaware that no injustice of the kind to which he alludes can possibly happen. The committee examined into that question, and they ascertained that so far from any injustice being done to gentlemen who may have been engaged in manufacturing these articles there are none of those gentlemen who have not done great injustice to this inventor. They have been using his invention for years; they have been fighting him in the courts; they have been preventing him from getting any reward for his ingenuity, skill, labor, and time, and there are no manufacturers of these springs which have not been in existence for a long time infringing on the rights of this gentleman.

Mr. SARGENT. Did the court sustain him?

Mr. WADLEIGH. The courts sustained him in 1874.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DAVID DE HAVEN.

Mr. SARGENT. I move that the Senate proceed to the consideration of Senate bill No. 932, for the relief of David De Haven.

The motion was agreed to; and the bill (S. No. 932) for the relief of David De Haven was read the second time and considered as in Committee of the Whole. It provides for the payment to Captain De Haven, of Boonville, Missouri, of $50,000, in full payment and complete satisfaction of his claim against the Government of the United States for the steamboat Alonzo Child, of which he was former master and owner, and which boat was taken possession of by the officers of the Mississippi squadron, and used and appropriated for the benefit of the Government of the United States in the summer of 1862.

Mr. EDMUNDS. I should like to hear the report in that case read. That is quite a handsome little sum of money.

The Chief Clerk read the following report submitted by Mr. SARGENT, from the Committee on Naval Affairs, on the 21st of June:

The Committee on Naval Affairs, to whom was referred the claim of Captain David De Haven, of the State of Missouri, for the loss of the steamer Alonzo Child, beg leave to report that they have had the matter under consideration, and have carefully examined the evidence submitted in sppport of said claim and find the following facts fully established:

About the month of April, 1861, Captain David De Haven, the claimant, was the master and owner of the steamer known as the Alonzo Child, which was at that time a regular passenger-packet plying on the Mississippi River between Saint Louis and New Orleans. That about the middle of the said month of April the said packet cleared the port of Saint Louis on her regular trip, arriving safely at New Orleans, where she remained a short time to take in her cargo, and then left that port under regular clearance-papers from the United States custom-house for the port of Saint Louis.

That when opposite Memphis, Tennessee, on her upward-bound trip, that city being then in the hands of the confederates, a shot was fired across the bow of the said steamer from one of the confederate batteries and Captain De Haven was directed to bring his boat ashore. There being no alternative but to obey this order, the captain ran his boat ashore and made a landing.

As soon as this was accomplished his boat was boarded by a strong detachment of soldiers under one Captain Frank Hicks, the cargo discharged and confiscated, and the boat retained by the said Captain Hicks and his command.

Captain De Haven, finding himself completely in the power of the enemy, immediately proceeded to the headquarters of General Pillow, and made every effort in his power to get his boat released and to be allowed to pass up the river. In this, however, he entirely failed, and thinking that if he remained with his boat and kept his own men on board of her he could the better protect her from injury, and hoping that an opportunity would be afforded him to escape, he made a request to be permitted to remain with her, which was granted, and his officers and men remained with him on the boat until the confederates ran her into the Yazoo River, and blockaded her with rafts, so that she could not be got out, and then he left her, leaving two of his men on board of her to watch her, and to keep him advised of any change that might take place, and with instructions, also, that should the Federal forces get possession of the river and recapture her, to inform them that it was his boat, and also the circumstances of her capture by the confederate forces.

Captain De Haven, finding it useless to remain longer with his boat, with a view of getting beyond the confederate lines, and being himself in feeble health, went into the interior of the State, to Shelly Springs, where he remained a long time an invalid.

Some time in 1862, the Federals got possession of the Yazoo River, and found

this steamer lying at Yazoo City, with her cabin furniture undisturbed, bed and bedding sufficient to accommodate seventy-five men, and a cargo of yellow pine, consisting of about one hundred thousand feet, all of which, together with the boat, was taken possession of by the Mississippi squadron, under Admiral Porter, and the boat used in the naval service for nearly a year, when she was by them completely gutted, and her hull condemned and sold as a prize at Mound City, Illinois, and purchased by the Government.

The further fact appears that at the time that the Federal forces took possession of this boat, they were not only informed by the two men whom Captain De Haven had left on board of the boat that she was the property of Captain De Haven, and of the circumstances under which she was taken from him by the confederate forces, but that the chief engineer of the Mississippi squadron, who actually took possession of the boat, was well acquainted with Captain De Haven, had know him for a long time, and knew his boat, and as soon as they came in sight of the boat, told Admiral Porter that it was Captain De Haven's boat, the Alonzo Child, and that he knew him well, and that he was a loyal man.

It further appears that as soon as Captain De Haven was informed of the fact that the Federals had got possession of his boat, he sent a message to General Morgan L. Smith, with whom he was acquainted, and who was then in command of a division of the Federal forces at Snyder's Bluffs, the point to which she had been taken after her recapture, that the Federal forces had got possession of his boat, the Alonzo Child, and requested him to protect his interests therein.

It further appears that at the time the boat was taken possession of by the Federal forces she was nearly new, and had cost Captain De Haven $85,000 in gold, and the chief engineer of the Mississippi squadron, to whom she was turned over, and by whom she was used, swears that she could not have been built short of $125,000.

Captain De Haven was and is a resident of a loyal State, and his loyalty is established beyond question; and as to the merits of this case your committee are of the opinion that there can be no question. It is clearly proved that she was never employed in aid of the rebellion, by consent of her owner. On the contrary, her owner was a loyal man, and so known to the Federal officers in charge of the expedition which made the capture, and also to the Government officer at the time of the sale of her hull. This boat was not a lawful prize when taken possession of by the Government, and no act of condemnation could make her so; and the report of the honorable Secretary of the Navy shows that they did not consider it as a prize, and did not so treat it. They took it into the naval service and kept it for about two years, and during nine months of the time used it in the service; then, after appropriating everything but the hull, they had that sold and the proceeds distributed; and in the list of published prizes it is expressly excluded, and reported as taken into the naval service.

Your committee are, therefore, of opinion that it was the duty of the Government to have immediately restored the boat to her owner, or, if the exigencies of the service required her impressment, the Government was as much bound to pay for her as though she had never been captured by the enemy, and had been taken possession of within the Federal lines on her way up the river to Saint Louis.

The claimant, therefore, now stands as a claimant for the value of this boat, as though no such proceedings had been had.

Your committee, therefore, recommend that Captain David De Haven be paid the sum of $50,000, in full for the steamer Alonzo Child, the proof being clear that that sum is a small estimate of its value, and report the accompanying bill with a recommendation that it pass.

Mr. EDMUNDS. I should like to hear the report of the Secretary of the Navy referred to in that report read. This seems to me to be rather an extraordinary proposition.

Mr. BOUTWELL. I will ask the committee from which this report comes whether any inquiry has been made at the Treasury Department for information concerning this claim?

Mr. SARGENT. Yes, sir; and we have here copies of the opinion of the Second Comptroller and of the Auditor recognizing the claim so far as the facts are concerned and the loyalty of the claimant, and stating that the only provision of law under which they could proceed was one authorizing a payment for property taken in the military service of the country; and they state that that does not embrace the naval service; and on that, which might be considered a technicality, unquestionably a correct decision, and on that ground alone they rejected the claim for payment that was made there.

Mr. CRAGIN. They had no jurisdiction.

Mr. SARGENT. They held they had no jurisdiction of the case under the statute.

Mr. EDMUNDS. Then they could not try it.

Mr. SARGENT. They did not pass upon it for that reason.

Mr. EDMUNDS. I should like to hear the report of the Secretary of the Navy read.

Mr. SARGENT. I hold in my hand the report of the Secretary of the Navy, which is simply an extract from public documents showing that the schooner Alonzo Child was captured by the Mississippi squadron, taken to Springfield and taken into the naval service. This is a list of vessels captured and destroyed in violation of blockade or in battle, &c.

Mr. LOGAN. What was the time of the capture?

Mr. SARGENT. April, 1861.

Mr. LOGAN. I mean by our forces.

Mr. SARGENT. In 1862, at Yazoo City.

Mr. EDMUNDS. This report of the Secretary of the Navy, as it is called, seems to be a leaf cut out showing a table of vessels mentioned in a report of the Secretary of the Navy which I have sent for. The heading is as it here stands, "Statement of vessels captured and destroyed for violation of the blockade or in battle, &c., continued," and among others is the Alonzo Child, captured by the Mississippi squadron, sent to Springfield, which I suppose is in Missouri, and taken into the naval service. This was 1862-'63. Now the report of the committee shows that this vessel was captured by the confederates at the town of Memphis, Tennessee, in April, 1861, and that she remained in the possession of the confederate government, as we call it for short—the government of the rebellion—for about a year and a half, down to some time in 1862, when the Union forces recaptured her in the Yazoo River where the rebels had her fastened to keep her from being got away.

I should like to ask my friend from California, who, I see, made this report, on what authority of law it is that he states that this was not a lawful capture by the United States forces when we seized the vessel and got her back? I had the impression that the law was——

Mr. SARGENT. I think I did not say in the report that it was unlawful for the American forces to recapture her.

Mr. EDMUNDS. What I mean by "lawful capture" is a lawful capture *jure belli*, and that is one which changes the property and transfers the dominion from the government from which the capture was made into the government making the capture.

Mr. SARGENT. My impression is that the Senator would hardly desire that I should assume to instruct him upon the law on that point.

Mr. EDMUNDS. No; but I asked him to explain to the Senate what is stated in the report.

Mr. SARGENT. Unquestionably it is the law of nations, well settled and laid down by all the leading authorities and our own Supreme Court, that where a vessel or any other property or thing belonging to the citizens of one government has fallen into the possession of an enemy, on being recaptured by the forces of the nation friendly to the individual, it should be returned to him. I lay that down as a broad proposition and have proceeded on that theory in this report. I think I could show the Senate, if I had time, that that view is really sustained by the authorities.

Mr. EDMUNDS. If it is, then the Senator has got, probably, a pretty good ground for this report as far as I now understand him; but I certainly do not understand that to be the law. I ask the Senator to let this bill go over until to-morrow that we may look into it. If he is right about his law, he has taken one great step in favor of this claimant undoubtedly; but if the law should turn out to be the other way and it is only by special statute that a return is made after the enemy has had firm possession, as I believe they call it, that is, for twenty-four hours, then of course this was a lawful prize when the United States took possession of it again and the right of the individual owner was entirely gone when the confederates had captured her and kept her for twenty-four hours. If the Senator is right about the law, then the case certainly would fall within a class that deserves consideration. I do not know particularly about its merits, and the only thing that struck me in the report was that question of prize or international law—the law of capture.

Mr. SARGENT. I hold in my hand a memorandum of a report of the Second Comptroller in the case of the Anglo-American and Saint Charles presenting a claim for vessels taken by the Quartermaster's Department. I have had of course no opportunity to verify this memorandum as being from a written opinion of the Comptroller; but there are certain authorities cited here which agree with my idea of what the law is, and if the Senator will allow me, I should like to call his attention to this.

Mr. EDMUNDS. Certainly.

Mr. SARGENT. This memorandum says:

> Up to date of capture the vessels were within rebel jurisdiction and control.
>
> In such a case the right of *post liminium* obtains, "by virtue of which persons and things taken by the enemy are restored to their former state or country again into the possession of the nation to which they belonged."
>
> The sovereign is bound to protect the persons and property of his subjects, and to defend them against the enemy. When, therefore, a subject or any part of his property has fallen into the enemy's possession, should they come into the possession of his sovereign, it is undoubtedly his duty to restore them to their former condition, to re-establish the persons in all their rights and obligations, and to give back the effects to the owner; in a word, to replace everything in the same footing in which it stood previous to the enemy's capture. (Vattel, Book 3, chapter 14, page 392; *vide* Wheaton, *supra*, page 653.)
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> The time when the restitution takes place "as soon as such person or things captured by the enemy fall into the hands of soldiers belonging to their own nation, or are brought back to the army, the camp, the territories of the sovereign, or other places under their control." (*Vide* Vattel, *supra*, page 393, section 206.)

I think that is the law, and upon that theory of the law the report is drawn. The vessel was built a year or two, I think two years, before the capture by the confederates. She was nearly a new vessel at the time of her seizure.

Mr. EDMUNDS. Mr. President, I of course am not prepared to dispute Vattel or Wheaton; but I think if the Senator would look into the text he would find a very considerable qualification of that doctrine. I am very sure it was not so understood by the Government of the United States when in 1799 or thereabouts—I forget the exact date—we passed an act of Congress which provided that when property of American citizens which has been captured by the French, with whom we had a *quasi* war, should be recaptured by vessels of the United States, it should be delivered up to the owner upon an allowance of salvage to the receptors and pointing out how much salvage should be allowed and how much it should be. I certainly had the impression that the law was in respect of a vessel on navigable waters, whether she belonged to citizens of one of the belligerents or of a neutral power; that if she had been captured in due course of war by the other belligerent and recaptured after a period which is short, (I believe it is twenty-four hours, but I will not be sure about that;) but certainly after a long period like this when she has been in firm possession of the opposing belligerent and is recaptured, the recapture makes her a case of prize, and she is entitled to be condemned and the proceeds distributed. Upon this principle, wherever there is a state of belligerency between two parties who are recognized as belligerents as these were in this war of the rebellion, and one party

makes a capture and reduces that capture into firm and permanent possession, the right of the individual owner is absolutely extinguished. On this principle this steamer, the Alonzo Child, became the property of the Confederate States of America, public property; and it being their public property they might have sold it to anybody they liked and would have made a good title. Now, its being recaptured by the forces of the Union did not revive the property of the owner, but it divested the firm property that before existed in the confederated states and transferred it to the United States. On that principle it appears, although the vessel was taken into the Navy because they needed her on the spot, as soon as they could she was libeled in a prize court and condemned as prize of war. That is what the report states, as I understand. But my friend says in his report that—

This boat was not a lawful prize when taken possession of by the Government, and no act of condemnation could make her so.

That is exactly what I should like a little time to look into. If he is right in that statement, it takes us a large step forward in the case.

Mr. HAMLIN. I wish to ask the Senator from Vermont a question. Does he not recollect that we have treated other vessels precisely as the claimant in this case asks to be treated?

Mr. EDMUNDS. I do not remember any such case.

Mr. HAMLIN. I have an impression that there are several such cases.

The PRESIDENT *pro tempore*. The morning hour has expired, and the unfinished business is the river and harbor bill.

THE PUBLIC PRINTER.

Mr. ANTHONY. I wish to call attention to an error in an enrolled bill. The sundry civil appropriation bill contains a provision which was intended to abolish the office of Congressional Printer and to establish the office of Public Printer, with the same duties and obligations and responsibilities, but holding his office by a different appointment and by a different tenure. The bill as it was enrolled reads:

That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed.

There was no Public Printer at the time this bill was before us, and therefore this enrolled act, as I understand it, abolishes an office which did not exist, and the one which was intended to be abolished, I suppose, still exists. I move that the matter be referred to the Committee on the Judiciary.

Mr. EDMUNDS. What is the point? Why not refer it to the Committee on Printing?

Mr. ANTHONY. Because it is a legal question. Perhaps it should go to the Committee on Appropriations.

Mr. EDMUNDS. Let it go there.

The PRESIDENT *pro tempore*. The matter will be referred to the Committee on Appropriations, if there be no objection.

Mr. ANTHONY. It is an error in the enrolled bill. I have made inquiries at the State Department and have received a dispatch from the Secretary of State. So I suppose the office of Congressional Printer still exists.

TREASURY STATEMENTS AND ACCOUNTS.

Mr. DAVIS. It will be recollected a few days ago I gave notice that this morning I should ask the Senate to take up the report of the Committee on Finance on the Treasury discrepancies so that I might make some remarks. I then excepted the bill now pending. I now give notice that to-morrow morning, if this bill should be disposed of in the mean time, I shall ask the Senate to allow me to submit my remarks in the morning hour.

THE HAWAIIAN TREATY.

Mr. SARGENT. I ask leave to make a remark. The legislation to give effect to the Hawaiian treaty has been pending before the Senate for some time. We have been prevented from bringing it up by the fact that so much time was absorbed by the impeachment and other important matters. I shall ask the Senate as early as possible to give consideration to that legislation. Business interests are being somewhat disturbed for want of action. For these considerations and because of the importance of the measure, I shall ask its earliest consideration.

Mr. MITCHELL. I concur fully in that suggestion.

POST-ROUTE BILL.

Mr. HAMLIN. Allow me to say in that very connection that I shall ask the Senate to give consideration to the post-route bill as soon as the pending measure is disposed of, and I hope the Senate will give me an opportunity.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3625) providing for the sale of Osage ceded lands in Kansas to actual settlers, and requested a committee of conference on the disagreeing votes of the two Houses thereon; and that the Speaker of the House had appointed Mr. JOHN R. GOODIN of Kansas, Mr. LAFAYETTE LANE of Oregon, and Mr. JAMES W. MCDILL of Iowa, managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 982) providing for the completion of the Washington Monument; and

An act (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. MITCHELL to the amendment of the Committee on Appropriations as to a canal around the Cascades of the Columbia River, to insert after the word State:

And jurisdiction to hear and determine such proceedings is hereby conferred on the circuit court of the United States for the district of Oregon; and no appeal shall operate to stay proceedings.

So as to make the committee's amendment read:

Of which amount the Secretary of War is authorized to expend so much as, in his judgment, may be necessary and proper to secure title and right of way for canal and locks not exceeding the sum of $10,000; and whenever, in the prosecution of the said work, it shall have become necessary to obtain the right of way over any lands for the said canal and locks, the Secretary of War shall take possession of and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after having paid for the same, or secured the value thereof, which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State. And jurisdiction to hear and determine such proceedings is hereby conferred on the circuit court of the United States for the district of Oregon; and no appeal shall operate to stay proceedings. The Department of Justice shall represent the interests of the United States in any legal proceedings under this act to obtain the right of way for said canal.

Mr. MITCHELL. Mr. President, I had the honor yesterday to propose what I thought was a very innocent amendment to the river and harbor bill. To my surprise, however, it met with violent opposition from the honorable Senator who sits immediately behind me and also from certain other Senators. I did not yesterday evening, by reason of a motion made to adjourn by the honorable Senator from Rhode Island, [Mr. ANTHONY,] have an opportunity to reply to the objections made by these Senators to my amendment; and now in order that I may have that opportunity I shall do what I have never done before in the Senate, make a dilatory motion. I now move that the river and harbor bill be recommitted in order that I may have an opportunity to say what I desire to say in answer to what was said yesterday.

The PRESIDENT *pro tempore*. The Senator from Oregon moves the recommittal of the bill to the Committee on Appropriations. The question is on that motion.

Mr. MITCHELL. Now, Mr. President——

Mr. ALLISON. Before the Senator proceeds on that theory, I should like to make a suggestion. I do not wish to disturb him at all; but, if I understand the rule, a motion to recommit is also subject to the five-minute arrangement.

The PRESIDENT *pro tempore*. The five-minute rule only applies to amendments.

Mr. ALLISON. Then I have failed to read the rule correctly.

Mr. MITCHELL. Mr. President, yesterday the honorable Senator from Delaware [Mr. BAYARD] in making his objection to the amendment offered by myself used this language:

Mr. BAYARD. I trust the Senate will pause long before they give their consent to the doctrine of this amendment. We have had the question raised in this body several times, and I am not aware that any decision can be found for it. I am not aware of any judicial decision of the courts of the United States, and certainly there has been no legislative precedent for any such claim of power on the part of the Government of the United States. If you can assume such a right to condemn lands *in invitum*, what becomes of the right of eminent domain which in all periods of the history of this Government has been supposed to be vested in the States themselves?

The doctrine enunciated by the honorable Senator is that the Government of the United States has no power whatever to exercise the right of eminent domain over lands within a State desired for the use of the United States Government unless the consent of the State has been first had. In the course of the discussion, the honorable Senator who sits immediately behind me [Mr. CONKLING] used these words:

Mr. CONKLING. I wish the Senator would let me understand the Senator from Oregon. Does he say that there is no statute of Oregon under which the United States may take property for a public building or anything else?

Mr. MITCHELL. I know of no such statute in Oregon. There is a general incorporation law providing for the condemnation of private property for public use.

Mr. CONKLING. I suggest that Oregon had better prepare herself to receive appropriations for improvements.

Thereby concurring, as I understand, fully with the doctrine laid down by the honorable Senator from Delaware, which, as I have stated, is to the effect that the Government of the United States through its Congress has no power to exercise the right of eminent domain over lands within a State unless the consent of the State is first had.

Mr. CONKLING. Mr. President, the Senator will pardon me. Before he proceeds now to knock me down in argument, I wish to disclaim altogether the construction which he puts upon my remark. He commenced by saying that I had violently opposed this amend-

ment, whereas my impression was that I had merely undertaken to understand what the amendment means. Now he refers to my remark that Oregon had better prepare herself to receive improvements. I beg to state to him in advance that what I meant was exactly this: that inasmuch as the Legislature of the State of New York, with whose doings I am more familiar, and the Legislatures of all other States whose action has been brought to my knowledge in that connection, with which I am less familiar, have at all times spontaneously and readily done whatever was necessary to make over to the United States both possession and jurisdiction where that was necessary to the construction or completion of a work, I thought it would be well for Oregon, if she had not that kind of statute, to adopt it in order to remove any impediment which might be found in receiving such benefactions or benefits, if that be more accurate, conferred by the Congress of the United States.

Mr. MITCHELL. Mr. President, the only trouble with the position of the honorable Senator from New York is that the Supreme Court of the United States, as well as several other courts in the different States, have decided that, so far from the States having any power to exercise the right of eminent domain for the benefit of the United States, no such power exists.

Mr. CONKLING. I did not affirm that it did exist. I will affirm what I believe to be the law about it when I get the opportunity, but I do not wish words put in my mouth.

Mr. MITCHELL. I think I had a perfect right to infer from the language used by the honorable Senator from New York that it was his judgment that it was the duty of the State of Oregon, before coming to the Congress of the United States and asking for an appropriation in aid of a great internal improvement and for the condemnation of private property within the limits of the State of Oregon necessary for that improvement, to give its consent. That I understand to have been the position of the honorable Senator yesterday. If it is not his position to-day I am glad to see that he has reformed, and that he has accommodated his views to the decisions of the courts and the views of elementary writers on this particular subject.

I said yesterday before I had time to examine the authorities upon this point, that I was surprised at the position taken here that it was necessary to ask the consent of a State before the Congress of the United States could exercise the right of eminent domain in constructing a great public improvement. That never was the law. No court ever held that, so far as I know, and I am surprised at the honorable Senator from Delaware to-day in hearing him enunciate the doctrine that he has enunciated here. Why, Mr. President, that would have done very well under the old government of the confederation, where no power could be exercised by the Congress except those powers that were *expressly* delegated; and that is one reason why the government of the old Confederation was set aside by the people of this country who, in order to form a more perfect union, ordained and established the Constitution. But there are certain implied powers under the Constitution of the United States and there are certain express powers. What is one of the express powers? By article 1, section 8, of the Constitution Congress shall have power—

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

In regulating commerce they have a right under this clause, as has been decided over and over again, to encourage commerce, to promote commerce, and how is this done? By the improvement of our rivers and harbors, by the construction of canals, and by the building of railroads, if you please. As an incident to that power it becomes necessary to condemn private property, not only within the Territories, but within the States; and the constitutional question raised by the amendment that I have offered to this bill is simply whether the Congress of the United States can exercise the right of eminent domain over private property within a State without the consent of the State. It has been decided in Ohio; it has been decided in Michigan; it has been decided, I think, in California, and, better than all, at the last term of the Supreme Court of the United States the Supreme Court unanimously decided it. It is true Judge Field dissented from the judgment upon certain minor points involved, but upon the general question as to the right of Congress to exercise the right of eminent domain within a State, that question was finally and conclusively settled in the case of Mary R. Kohl and Others, Executors of John S. Kohl, *vs.* The United States, decided at the October term, 1875. The case came up from the State of Ohio in reference to the condemnation of land in Cincinnati.

Mr. SHERMAN. I will state to my friend, as I happen to know about it, that there was some difficulty in getting the needed legislation from the State of Ohio; indeed it was practically impossible; and therefore that made a test case of the authority of the United States which condemned a whole square in the city of Cincinnati, a square appraised at six or seven hundred thousand dollars. The matter was contested with great activity by many of the lot-owners, carried through all the stages of litigation, and it was intended by the Government of the United States to be a test case as to its right to condemn private property for public use.

Mr. CONKLING. That was for a custom-house and post-office?

Mr. SHERMAN. Yes, sir.

Mr. MITCHELL. Before proceeding to call the attention of the Senate to precisely what that decision is, I wish to refer to a few elementary authorities. Upon this point I refer first to Cooley's Constitutional Limitations. I read from page 525:

As under the peculiar American system the protection and regulation of private rights, privileges, and immunities in general properly pertain to the State governments, and those governments are expected to make provision for those conveniences and necessities which are usually provided for their citizens through the exercise of the right of eminent domain, the right itself, it would seem, must pertain to those governments also, rather than to the government of the nation; and such has been the conclusion of the authorities. In the new Territories, however, where the Government of the United States exercises sovereign authority, it possesses, as incident thereto, the right of eminent domain, which it may exercise directly or through the territorial governments; but this right passes from the nation to the newly formed State whenever the latter is admitted into the Union.

But now hear what follows:

So far, however, as the General Government may deem it important to appropriate lands or other property for its own purposes, and to enable it to perform its functions—as must sometimes be necessary in the case of forts, light-houses, military posts, or roads, and other conveniences and necessities of government—the General Government may still exercise the authority, as well within the State as within the Territory under its exclusive jurisdiction, and its right to do so may be supported by the same reasons which support the right in any case; that is to say, the absolute necessity that the means in the Government for performing its functions and perpetuating its existence should not be liable to be controlled or defeated by the want of consent of private parties or of any other authority.

I refer also to a very able decision made by Judge Cooley in the case of Trombley *vs.* Humphrey, 23 Michigan, page 471. In that able opinion, in discussing the powers of the General Government to exercise the right of eminent domain without the consent of the States, he uses this language, and here I take pleasure in stating that I learn from the report that my honorable friend from Michigan [Mr. CHRISTIANCY] participated in that decision:

Under the division of the power between the United States and the individual States, each has its sphere of sovereignty, within which it moves and operates without let or hinderance from the other, and within that sphere *it employs the eminent domain whenever needful to the complete and effectual exercise of its powers*, and with as little occasion or necessity for the permission or assistance of the other as if the two governments were wholly foreign to each other instead of being constructed as parts of one harmonious system.

The right to take private property for public purposes is an incident to all governments. (Baldwin, 205.)

And so it is, Mr. President, it is incident to all governments. It does not come, perhaps, so much from the Constitution as from the fact of sovereignty; as every sovereign State may exercise this right within its sphere, or else there is an end at once to all government. But not only so, the authority in the case of Michigan does not stop here; neither does the authority of the Supreme Court of the United States stop here; but they go further, and they uproot and undermine the suggestions and the positions made and taken yesterday by the honorable Senator from New York and the honorable Senator from Delaware.

Mr. SAULSBURY. Will the Senator allow me to ask him to reconcile what he is now expressing with the seventeenth paragraph of section 8 of article 1 of the Constitution, which says Congress shall have power—

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

I should like him to reconcile the opinion which he is now expressing with this clause; and then to answer this further interrogatory, whether he believes it is competent for the General Government to enter within the limits of a State and acquire property for any and for every purpose that Congress may determine?

Mr. MITCHELL. No question about it, Mr. President, provided that property is necessary to carry out any end that Congress may have in view within its sphere. I will answer the honorable Senator further that *that* provision of the Constitution does not apply and has no kind of reference to the question of the appropriation of property. It only refers to the exercise of jurisdiction over the property after it has been acquired. That has been decided. That was decided in the case in Michigan; that was decided by the Supreme Court of the United States in the case to which I have referred. I call the attention of the honorable Senator, in answer to his interrogatory, to the following in the case from Michigan. I read from the syllabus:

Consent of State not condition-precedent, only necessary to transfer jurisdiction. The consent of the State is not a condition-precedent to the taking of lands by the General Government. Its consent is required only for the purpose of a transfer of jurisdiction.

And the Supreme Court of the United States, I will say to the honorable Senator from Delaware, [Mr. SAULSBURY,] following up that idea and adopting the principle and I may say almost the very language of the supreme court of the State of Michigan, holds to the same view, as I will show. I now read from the decision of the Supreme Court of the United States in the case of Kohl *et al. vs.* The United States, decided at the October term, 1875, in which they use this language:

The consent of a State can never be a condition-precedent to its enjoyment. Such consent is needed only, if at all—

Even a doubt in the mind of the Supreme Court whether it is needed at all—

only, if at all, for the transfer of jurisdiction and of the right of exclusive legislation *after* the land shall have been acquired.

So it is not a condition-precedent to the taking of the land. It is a monstrous doctrine, let me say to the honorable Senator from Delaware, to hold that before the Congress of the United States can appropriate a foot of land for a fort or an arsenal or an armory or a light-house or a canal they must obtain the consent of the State or the consent of anybody else. Such a doctrine would destroy this Government and make it as powerless before the people as was the government of the Confederation, where they could not exercise any power except that power was *expressly* granted to them in the Articles of Confederation.

But, Mr. President, not only so, as I was about to say, when interrupted by the honorable Senator from Delaware, the decisions and the elementary writers on the subject go further, not merely to the effect that Congress may exercise this power, but they go further and say the States have no right to exercise it for the Federal Government, and why? For the simple reason that every sovereignty may exercise the right of eminent domain, for what purposes? For its own purposes, but not for the purposes of another. The right of eminent domain is a right recognized the world over, in all governments, in all sovereignties: in France by making compensation as we do here; in England frequently without making any compensation. That right, deemed so necessary to the welfare of a great government, is exercised time and again, and has been as I have said in England without making compensation, although they sometimes do make compensation. What is the law, then? Not as suggested by the honorable Senator from New York; not as stated and elaborated by the honorable Senator from Delaware, [Mr. BAYARD,] but just the reverse. The law is that no State within the Federal Government can condemn property for the use of the Federal Government.

Mr. CONKLING. I interpose now a second time. I have once said to the Senator from Oregon that I expressed no opinion on this question. I have read the RECORD, and I find that I expressed none. Having disclaimed it, he has now for the third time imputed to me what I never said or never intimated; and as I am not ambitious to have the Senator from Oregon associate my name with this debate—I will do that myself if I choose to do it—I ask him again to omit me when he refers to the Senators who have stated in the Senate the contrary of this doctrine. I said nothing about it; I maintained nothing about it. I have my view about it, which I will endeavor to state myself, inadequate as that statement may be compared with one which the Senator from Oregon may make. But now in good nature and in seriousness, I say to him again that I will thank him to omit me in this repetition time after time of what has been said by Senators.

Mr. MITCHELL. I certainly have no intention of doing the Senator from New York any injustice, nor am I ambitious to associate his name with a debate that he does not care to have it associated with; but, unfortunately, the Senator from New York himself associated his name with this debate; and, if I think it necessary or proper in defending the amendment which I have had the honor to offer and which the honorable Senator from New York, as he had a perfect right to do—because I do not question that for a minute—saw proper to question, then I cannot help it if it becomes necessary to refer to his name. Of course I shall feel compelled to do it, and shall do it, in perfect good nature, because I never get out of humor and I am not out of humor now; and I shall certainly say nothing intentionally to associate his name unpleasantly with this debate, or to place him in any awkward or false position. I thought I had a right to say what I have said after what the honorable Senator from New York had said in the suggestion he made yesterday, that Oregon had better prepare herself to receive appropriations for improvements. I will say to him in all candor, in all kindness, and in all good nature, and I will say to the Senate, that the State of Oregon assumes no such right, the State of Oregon assumes no such power as to dictate to the Government of the United States when it shall or shall not condemn private property within its limits for the purposes of a great public improvement in the interest of commerce.

Mr. President, as I was saying when interrupted by the honorable Senator from New York, the doctrine laid down in the case in Michigan and which was adopted by the Supreme Court of the United States in the decision to which I have attracted attention, is to this effect—not only to this effect, but is absolutely this, and I call the attention of the Senate to it and of every member of the Senate—namely, that a State of this Union, while it has the power under its right of eminent domain to condemn private property within its limits for the use of the State, for the use of corporations created by a State, has no power whatever, directly or indirectly, to condemn private property for the use of the United States. That is the doctrine, and, that being the doctrine, the State of Oregon has no power whatever to entertain jurisdiction to condemn property at the Cascades of the Columbia River for the use of the United States Government upon which to erect a canal and locks.

Now allow me to quote from these decisions to see whether or not I am correct. The supreme court of Michigan, Judge Cooley delivering the opinion in the case of Trombley *vs.* Humphrey, used this language:

The States of this Union possess the eminent domain for all legitimate purposes under their own sovereignty. They may take and appropriate lands for roads, canals, state-houses, court-houses, school-houses, and many other purposes needful to enable them to accomplish the objects for which their governments have been created by their people. But there are other public objects which, though to be accomplished within their territorial limits, are just as much beyond the scope of the eminent domain as possessed and exercised by them as they would be if to be accomplished within the exclusive jurisdiction of a foreign nation. Under the division of powers between the United States and the individual States each has its sphere of sovereignty within which it moves and operates without let or hinderance from the other, and within that sphere it employs the eminent domain wherever needful to the complete and effectual exercise of its powers, and with as little occasion or necessity for the permission or assistance of the other as if the two governments were wholly foreign to each other, instead of being constructed as parts of one harmonious system. For the one to enter the sphere of the other and employ its officers and machinery in the exercise of its eminent domain for the benefit of the other would not only be as much without warrant, but also as much a work of supererogation, as for the United States to exercise the like authority and employ the like agencies in a foreign country in order to appropriate individual property therein for the benefit of the government of such foreign country, which, as a sovereignty, had powers of its own fully adequate to the purpose.

In the exercise of its sovereignty, and as a part of its provision for the regulation, control, and protection of commerce—

Now, speaking of commerce—

the United States erects light-houses, and may without question seize the property of individuals for the purpose, observing the constitutional requirement of making due compensation therefor. To do this, would be but an ordinary exercise of the right of eminent domain. But when the State undertakes to do the same—

I call attention to this—

But when the State undertakes to do the same—not for any purposes of its own, but in order to turn the property over to the United States, the difficulties appear to us insurmountable. In the first place there can be no necessity for the exercise of this right by the States for this purpose, for the authority of the nation is ample for the supply of its own needs in this regard under all circumstances. In the second place, the eminent domain in any sovereignty exists only for its own purposes.

"Only for its own purposes." The United States cannot condemn property for the use of a State, neither can the sovereign power of a State condemn property for the use of the sovereignty of the United States. Each one is exclusive within its own sphere and its own jurisdiction.

But further:

And to furnish machinery to the General Government, under and by means which it is to appropriate lands for national objects, is not among the ends contemplated in the creation of the State government. Thus we perceive that the foundation upon which must repose the right to appropriate individual property against the will of the owner under the eminent domain is wholly wanting in the case before us. We do not doubt that the appropriation would have been effectual had the United States seen fit to accept the land and the owners to receive the compensation awarded; for a statute may transfer the title to land in any form the parties mutually assent to, (Embury *vs.* Conner, 3 New York, 511;) but, until the assent of both is signified, the proceedings are and must be wholly inoperative."

The Supreme Court of the United States, following in the line of that decision, delivered their opinion in the case of Kohl *vs.* The United States at the October term last. The opinion was delivered by Mr. Justice Strong, and it asserts the doctrine, as I have stated, positively and emphatically that the right of eminent domain not only exists in the General Government to condemn private property within a State for the use of the General Government, but that it is an *exclusive* right in the General Government and that no such right exists in the States whatever. I must be pardoned if I quote at length from this opinion in order that Senators may understand what they are doing in voting on this amendment.

It has not been seriously contended during the argument that the United States Government is without power to appropriate lands or other property within the States for its own uses and to enable it to perform its proper functions. Such an authority is essential to its independent existence and perpetuity. These cannot be preserved if the obstinacy of a private person or if any other authority can prevent the acquisition of the means or instruments by which alone governmental functions can be performed. The powers vested by the Constitution in the General Government demand for their exercise the acquisition of lands in all the States. These are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses.

This is another public purpose:

If the right to acquire property for such uses may be made a barren right by the unwillingness of property-holders to sell or by the action of a State prohibiting a sale to the Federal Government, the constitutional grants of power may be rendered nugatory and the Government is dependent for its practical existence upon the will of a State, or even upon that of a private citizen.

I call the attention of the honorable Senator from Delaware to this because it is a perfect answer, I think, to the interrogatory he propounded to me some time ago.

This cannot be,

Say the Supreme Court.

No one doubts the existence in the State governments of the right of eminent domain; a right distinct from and paramount to the right of ultimate ownership. It grows out of the necessities of their being, not out of the tenure by which lands are held. It may be exercised though the lands are not held by grant from the Government, either mediately or immediately, and independent of the consideration whether they would escheat to the Government in case of a failure of heirs. The right is the offspring of political necessity, and it is inseparable from sovereignty, unless denied to it by its fundamental law.

That is the doctrine of the Supreme Court upon this subject. Even though there were no implied power resulting from any express language used in the Constitution, still the right of eminent domain would exist necessarily in the General Government; and why? As a political necessity, as a matter growing out of the fact of sovereignty. The Supreme Court, proceeding further, say:

But it is no more necessary for the exercise of the powers of a State government than it is for the exercise of the conceded powers of the Federal Government. That Government is as sovereign within its sphere as the States are within theirs. True, its sphere is limited. Certain subjects only are committed to it, but its power over those subjects is as full and complete as is the power of the States over

the subjects to which their sovereignty extends. The power is not changed by its transfer to another holder.

But now I call attention to the other question decided by the Supreme Court, and that is the question as to the absence of all power in the States to exercise this right for the benefit of the Federal Government. The Supreme Court, in referring to the case of Trombley *vs.* Humphrey, 23 Michigan, page 471, say:

A different doctrine was asserted, founded we think upon better reason. The proper view of the right of eminent domain seems to be that it is a right belonging to a sovereignty to take private property for its own public use, and not for those of another. Beyond that there exists no necessity, which alone is the foundation of the right. If the United States have the power, it must be complete in itself. It can neither be enlarged nor diminished by a State. Nor can any State prescribe the manner in which it must be exercised. The consent of a State can never be a condition-precedent to its enjoyment. Such consent is needed only, if at all, for the transfer of jurisdiction and of the right of exclusive legislation after the land shall have been acquired.

This is the language of the Supreme Court of the United States. In reference to this pending amendment it was suggested by the Senator from New York [Mr. CONKLING] on yesterday that while it perhaps was, as stated by him, within the power of the Federal Government to confer jurisdiction on the Federal courts to condemn property, the amendment offered by myself was inefficient; that it would not have that effect, in that it did not prescribe how it should be done; whether by a court, or a commission, or a jury, or how. I beg to call the Senator's attention to this case in the Supreme Court, which perhaps proves enough to show that my amendment is not necessary at all, because the Supreme Court held in this case that it was not necessary that there should be any legislation by Congress further than a mere right to purchase property for the specific purpose in order to give the circuit court jurisdiction. In this very case of Kohl and Others *vs.* The United States, the only legislation as I believe on the subject was an act of Congress authorizing the Secretary of the Treasury to purchase property for the specific purpose required. No reference was made in the legislation whatever to any Federal court. No authority was given to the circuit court of the United States for the district of Ohio to try the case or to entertain jurisdiction, and yet the Supreme Court of the United States held that under their common-law powers, or rather under the grant of the Constitution conferring jurisdiction upon the Federal courts, they had the right to entertain jurisdiction in that proceeding and to condemn this property. From that part of the opinion Justice Field dissented. By an act of Congress approved March 2, 1872, the Secretary of the Treasury was authorized to purchase a suitable site for the erection of a building for the accommodation of the United States courts, customhouse, &c., in the city of Cincinnati, Ohio. The act was further amended June 10, 1872, by which a sum of money was therein appropriated and set apart "for the purchase at private sale or by condemnation of the ground for a site" for the building. The act did use the words "or by condemnation of the ground," for the purposes herein set forth. That was all the legislation there was by Congress conferring jurisdiction upon Federal courts to determine this question; and yet the Supreme Court of the United States held that they had the power to condemn this property without any further legislation upon the subject. Upon that point the Supreme Court say:

But it is contended on behalf of the plaintiffs in error that the circuit court had no jurisdiction of the proceedings. There is nothing in the acts of 1872, it is true, that directs the process by which the contemplated condemnation should be effected, or which expressly authorizes a proceeding in the circuit court to secure it. Doubtless Congress might have provided a mode of taking the land and determining the compensation to be made, which would have been exclusive of all other modes. They might have prescribed in what tribunal or by what agents the taking and the ascertainment of the just compensation should be accomplished. The mode might have been by a commission or it might have been referred expressly to the circuit court; but this, we think, was not necessary.

It is true my amendment goes a little further than the Supreme Court, that is a majority of them, say is necessary. Justice Field thought it was necessary that there should be some further legislation conferring jurisdiction than was contained in the act under consideration at that time. The Supreme Court say further:

The investment of the Secretary of the Treasury with power to obtain the land by condemnation, without prescribing the mode of exercising the power, gave him also the power to obtain it by any means that were competent to adjudge a condemnation. The judiciary act of 1789 conferred upon the circuit courts of the United States jurisdiction of all suits at common law, or in equity when the United States or any officer thereof, suing under the authority of any act of Congress, are plaintiffs. If, then, a proceeding to take land for public uses by condemnation may be a suit at common law, jurisdiction of it is vested in the circuit court. That it is a "suit" admits of no question. In Weston *vs.* Charleston, 2 Peters, 464, Chief Justice Marshall, speaking for this court, said "the term [suit] is certainly a very comprehensive one, and is understood to apply to any proceeding in a court of justice by which an individual pursues that remedy which the law affords. The modes of proceeding may be various, but if a right is litigated in a court of justice, the proceeding by which the decision of the court is sought is a suit."

I do not deem it necessary to read further from this decision. It is clear then that the law is well settled that the Congress has not only the right to do just what is proposed to be done by my amendment, but that the State of Oregon has no right whatever. That is the law of the land, and that is the reason why I offer the amendment, and I trust it may be adopted. I hope that the Senate will adopt this amendment. The honorable Senator from Delaware [Mr. BAYARD] yesterday very kindly stated that he felt friendly to this improvement, as I have no doubt he does. I will say to him that in my judgment, under the decision of the court to which I have attracted his attention this morning, unless this amendment is adopted, this improvement will in all probability be obstructed by the power in Oregon that has had control of the waters of the Columbia River ever since that river was discovered almost. The object of this legislation is to break down the monopoly that has seated itself in power at the Cascades of the Columbia River, and that has bid defiance to the people of Oregon in all past time. Will it be said now that before the Congress of the United States can have the privilege of constructing a canal and locks at that point in order to break down that monopoly and build up the commerce of that great and growing country they must kneel before that monopoly and before the power that perhaps it may exercise insidiously over the minds of a legislative assembly?

I hope, Mr. President, the amendment will be adopted. I hope that all objection will be withdrawn to the amendment. I am now satisfied that no objection whatever would have been made on yesterday either by the honorable Senator from New York or by the Senator from Delaware had they been advised of the very recent decision of the Supreme Court of the United States, of which I had no knowledge myself, I confess, until after this debate was opened.

I am sorry to have detained the Senate so long, and would not have done so had I not deemed it absolutely necessary to the great interest for which I have been contending in this body ever since I have had the honor of a seat here, namely, the removing of obstructions from and the opening up of the commerce of the second river on the continent.

I withdraw my motion to recommit the bill, having made it simply to avoid the restriction imposed by the five-minute rule, applicable to discussion on my amendment.

Mr. ALLISON. I suggest to my friend from Oregon that he do not reprove the committee again for occupying five minutes in explanation of the bill, as he did yesterday, as I observe he has now occupied an hour. If we are to pass this bill we have to omit debate upon great constitutional questions, to some extent at least.

Mr. MITCHELL. I am very sorry to have detained the Senate; but I think the honorable Senator from Iowa will find a sufficient excuse in what took place yesterday for me in the time that I have taken to-day. I certainly have not done so because I wanted to be heard talking on a constitutional question. It was because I want this amendment adopted and because I believe it is necessary to the commencement of this work, that I spoke at the length I did.

Mr. KELLY. I renew the motion to recommit the bill, for the purpose of making a few remarks.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The Senator from Oregon moves to recommit the bill.

Mr. KELLY. I would prefer really the amendment as reported by the committee with a slight modification. I think we had better derive the title of these lands through the laws of the State of Oregon. That has been the mode heretofore adopted; and it seems to me it stands upon better ground or at least quite as good ground as the mode prescribed by the amendment of my colleague to the amendment of the committee; and if that shall be voted down I shall offer an amendment to the amendment of the committee, which will make it read in this way:

That the Secretary of War shall take possession of and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after the title to the same shall be procured by the United States, under the laws of Oregon, in such manner as the Legislature of that State may prescribe.

I admit that at the present time under the existing laws there may be doubts whether the courts have the right to condemn land in case the United States cannot make this purchase. I refer to the constitution of the State of Oregon, which contains this clause:

Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in case of the State without such compensation first assessed and tendered.

The State has provided for the condemnation of lands by a corporation under the general law, and after so providing, section 52 of the act provides that:

Whenever the law authorizes private real property to be appropriated to public uses, the same may be entered upon, examined, surveyed, and selected in the mode prescribed by the statute giving such authority, and thereafter the State, county, or other municipal or public corporation therein, seeking and authorized to make such appropriation, may proceed in the mode in this title prescribed to have such property appropriated and the compensation therefor determined.

That authorizes the State, county, or any municipal corporation in the State to condemn lands. It does not include the United States. It does not say the United States may proceed to condemn lands for public use. Therefore the law in that respect perhaps does not authorize a condemnation of these lands by the United States; but the Legislature of Oregon will be in session in five weeks from this time and I doubt not that by a unanimous vote in both branches the Legislature will provide a mode by which the property may be condemned in the courts of Oregon. I have no doubt that when the matter is called to their attention this will be done. It will be necessary, according to my judgment, for the State of Oregon to sanction the purchase of the United States before any moneys shall be expended.

Mr. MITCHELL. I call the attention of my colleague to the fact that the Supreme Court of the United States decide emphatically that it is not necessary.

Mr. KELLY. I will presently refer to that point. I call the at-

tention of the Senate to section 355 of the Revised Statutes, which says:

no public money shall be expended upon any site or land purchased by the United States for the purpose of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the Legislature—

To this I call the attention of the Senate—

nor until the consent of the Legislature of the State in which the land or site may be, to such purchase, has been given.

Where the land is to be purchased for any building whatever, as the building of locks in this case for a canal, it is, in my judgment, within the purview of the statute. No money can be expended upon the construction of that canal and the locks until the assent of the State is given to that purchase. Here is a statute of the United States, and I presume it will be paramount and will control this case, to the effect that no officer of the United States shall be authorized to make an expenditure until the State has given its assent to the Federal Government making the purchase. That being the case, as I have said, the Legislature will shortly assemble, within a little more than a month from this time, and I have no doubt that the assent of the Legislature of Oregon will be given to this purchase and that it will at the same time authorize the lands to be condemned in such a way as it may deem proper and just.

As to the right of a State to condemn the land, I will say that this amendment substantially conforms to the law that was passed on the 3d of March, 1875, in relation to the Fox River improvements, where it is provided:

That whenever, in the prosecution and maintenance of the improvement of the Wisconsin and Fox Rivers, in the State of Wisconsin, it becomes necessary or proper, in the judgment of the Secretary of War, to take possession of any lands, or the right of way over any lands, for canals and cut-offs, or to use any earth-quarries or other material lying adjacent or near to the line of said improvement and needful for its prosecution or maintenance, the officers in charge of said works may, in the name of the United States, take possession of and use the same, after first having paid or secured to be paid the value thereof, which may have been ascertained in the mode provided by the laws of the State wherein such property lies.

That, it seems to me, is the proper way to have the lands condemned. I will say here that while the decision rendered in the State of Michigan is certainly a very able one, it is in direct opposition to two cases that had been decided before that time. I refer to a case in Massachusetts and especially to the case of Gilmer *vs.* Lime Point, decided by the supreme court of California, and reported in the eighteenth volume of the supreme court reports of that State. They there held, after an elaborate review of the law upon this subject, that the State has a right to take and condemn lands for the purpose of erecting buildings for the United States. The supreme court of California say:

The phrase employed in our Constitution is: "Nor shall private property be taken for public use without just compensation." The words "public use" here, mean a use which concerns the whole community, as distinguished from a particular individual or a particular number of individuals. It is not necessary, however, that each and every individual member of society should have the same degree of interest in this use, or be personally or directly affected by it, in order to make it public (18 California Reports, page 251.)

It may be for the public use of the State; it may be for the public use of the United States. Here let me say that this is in my judgment a correct view of the law. Where the constitution of Oregon says that private property may be taken for public use, it may be taken for the public use of the State or for any county in the State, or for the United States, where the benefit accrues to the people of that State.

Mr. MITCHELL. Will my colleague allow me a moment?

Mr. KELLY. Certainly.

Mr. MITCHELL. The Supreme Court of the United States decides the reverse and overrules all those decisions.

Mr. KELLY. I do not understand it so. I do not understand that the decision rendered at the last term of the court overrules them. The decision says that the United States have a right to proceed in their own courts and condemn land. There is no question about that; but the objection I make to the proposition of my colleagne is that there is no law at this time which authorizes the courts to proceed and assess the value. It is true that in the case referred to concerning the land for a custom-house in Cincinnati, the United States courts did proceed to take jurisdiction of the case. They proceeded to condemn lands, and undoubtedly it was the law of the land; but I question the propriety of the court undertaking to decide this matter without any law of the United States upon the subject. I admit it would be very proper, very appropriate, that such a law should be passed, especially after this decision has been made, but at present there is no law of this kind. Inasmuch as the State has the right, as I conceive, to acquire this title and transfer it to the United States, I think the amendment reported by the committee should be agreed to. I prefer, inasmuch as the State has a right to condemn as well as the United States, that the amendment as the committee have reported it should be adopted with slight modifications.

Therefore I shall vote against the amendment of my colleague, hoping that the amendment of the committee with the modification which I have suggested will be adopted, so as to proceed in the State courts to acquire this title. I have no doubt we can do it and proceed with this work. Not only the Legislature, but the courts of Oregon and every individual in the State, or nearly so, unless such individual happens to be adversely interested—the whole community, no doubt, will assist in acquiring the title to these lands and give them to the United States at a very moderate compensation. I think, therefore, the proper way is to intrust to that State the right to acquire this land and the right to transfer it immediately to the United States for their benefit.

I withdraw the motion to recommit the bill.

Mr. CHRISTIANCY. Mr. President, previous to 1871 or 1872 the practice I believe had been uniform, when the United States wished to obtain property in the States for public works of any kind, to borrow the power of eminent domain of the several States to acquire it. The right of the States to exercise that power for that purpose came first squarely out in the case that has been cited from Michigan, a case in the decision of which I participated, and for that reason I would not cite it here if the Supreme Court of the United States had not fully ratified it by the decision which they have recently made in the case of Kohl and Others *vs.* The United States. As to the substance of that decision I will proceed to state the point and then how far I think the decision of the United States court has affirmed the points in the case in Michigan. I read from the decision:

This State has no authority, by virtue of its eminent domain, to condemn private lands within its boundaries for the purpose of turning the same over to the United States for the erection and maintenance of light-houses thereon. Act No. 119 of 1867, (session laws, 1867, page 158,) which undertakes to authorize the governor to do this, is unconstitutional, for the reason that its enactments are not within the sphere of State powers, and if put in force would constitute an appropriation of the property of individuals without due process of law.

The eminent domain is the rightful authority which exists in every sovereignty to control and regulate those rights of a public nature which pertain to its citizens in common, and to appropriate and control individual property for the public benefit, as the public safety, necessity, convenience, and welfare may demand. It has its foundation in the imperative law of necessity, which alone justifies and limits its exercise.

The States of the Union cannot any more exercise this right within their territorial limits for purposes which under the division of powers between the United States and the individual States are within the sphere of the sovereignty of the United States than as if the two governments were wholly foreign to each other. Such purposes, though to be accomplished within the territorial limits of a State, are beyond the scope of the eminent domain of such State.

The United States in the control of its sovereignty, and as a part of its provision for the regulation, control, and protection of commerce, erects light-houses, and may in the exercise of its eminent domain, by observing the constitutional requirement of making due compensation thereof, seize and condemn the property of individuals for that purpose.

The right of eminent domain in any sovereignty exists only for its own purposes; and to furnish machinery to the General Government for it to appropriate lands for national objects is not among the ends contemplated in the creation of the State government.

The United States has never, by any legislation, undertaken to confer upon the States authority to judge of its needs of lands for national purposes or to assess the compensation it should pay, and any such judgment and assessment must, therefore, be wholly provisional and subject to its acceptance and ratification.

The aid of the State, as here attempted to be afforded, in obtaining a site for a light-house, is not analogous to the aid it gives the General Government in rendering its war power effectual.

The proceeding under said statute cannot be sustained on the ground of the interest of the State by reason of its coastwise commerce, in the establishment of light-houses upon these waters. The statute does not proceed on any theory of State interest.

Where, in a proceeding of this nature, the State abandons the proceeding before its completion, and the owner of the lands, sought to be taken, applies for *mandamus* to compel its being carried into effect, the question of the State power is of necessity involved. This right, if it exists at all, must be mutual.

The consent of the State is not a condition precedent to the taking of lands by the General Government. Its consent is required only for the purpose of a transfer of jurisdiction. (23 Michigan Reports, pages 471 and 472.)

Now I wish to see how far the Supreme Court of the United States have ratified that decision and how far they have approved or disapproved the case cited by the Senator from Oregon [Mr. KELLY] from the courts of California.

It is true—

Say the Supreme Court of the United States—

this power of the Federal Government has not heretofore been exercised adversely, but the non-user of a power does not disprove its existence.

That is the power of the Federal Government.

In some instances the States, by virtue of their own right of eminent domain, have condemned lands for the use of the General Government, and such condemnations have been sustained by their courts, without, however, denying the right of the United States to act independently of the States. Such was the ruling in Gilmer *vs.* Lime Point, 18 California, 229, where lands were condemned by a proceeding in a State court and under a State law for a United States fortification. A similar decision was made in Burt *vs.* The Merchants' Insurance Company, 106 Massachusetts, 356, where land was taken under a State law as a site for a post-office and subtreasury building. Neither of these cases denies the right of the Federal Government to have lands in the States condemned for its uses under its own power and by its own action. The question was whether the State could take lands for any other public use than that of the State. In Trombley *vs.* Humphrey, 23 Michigan, 471, a different doctrine was asserted, founded, we think, upon better reason.

The PRESIDING OFFICER. The Senator's time has expired. Shall he proceed by unanimous consent?

Mr. CONKLING. Are we under the five-minute rule?

The PRESIDING OFFICER. We are.

Mr. CONKLING. Did not the Senator from Oregon renew the motion to recommit the bill?

The PRESIDING OFFICER. He did and withdrew it when he sat down.

Mr. CONKLING. Then the Senator from Michigan can renew it and finish his reading.

Mr. CHRISTIANCY. I renew the motion to recommit the bill in order to conclude what I have to say.

The PRESIDING OFFICER. The Senator from Michigan will proceed.

Mr. CHRISTIANCY. The court say——

In Trombley vs. Humphrey, 23 Michigan, 471, a different doctrine was asserted, founded, we think, upon better reason. The proper view of the right of eminent domain seems to be that it is a right belonging to a sovereignty to take private property for its own public use and not for those of another. Beyond that there exists no necessity, which alone is the foundation of the right. If the United States have the power, it must be complete in itself. It can neither be enlarged nor diminished by a State. Nor can any State prescribe the manner in which it must be exercised. The consent of a State can never be a condition-precedent to its enjoyment. Such consent is needed only, if at all, for the transfer of jurisdiction and of the right of exclusive legislation after the land shall have been acquired.

Showing conclusively that the Supreme Court of the United States have approved the decision which I have just read from the State of Michigan in everything perhaps, I may say without any qualification; but in the application of it there may be an exception. It may be true that the supreme court of the State of Oregon might decide that they had the constitutional power to use the right of eminent domain for the benefit of the United States. That would be directly contrary to the decision in Michigan, but still it might be the law of that State, because the decision of the supreme court of that State might be beyond the reach of the Supreme Court of the United States. I am inclined to think it would be so, and therefore if the supreme court of the State of Oregon should so decide, that must be looked upon as a final decision. They have not yet so decided, as I understand, although the State of California has. But the Supreme Court of the United States have gone further. They have held that the right of eminent domain may be exercised by the United States authority and in the United States courts without the aid of an act of Congress; and that is the very point which arises upon this amendment. Under this decision I see no objection to the amendment offered by the Senator from Oregon [Mr. MITCHELL] to the amendment reported by the committee on the authority of the decision of the Supreme Court of the United States. I must frankly say that without that decision of the Supreme Court of the United States I should have thought we should be taking rather bold ground to say that the power of eminent domain on behalf of the United States could be exercised without the authority of an act of Congress regulating its exercise; but, after all, I am rather inclined to think the decision of that court is right in principle, and it certainly is the law of the land. It is based, as I understand it, upon this ground, that if the proceeding in the Federal court be of a character which sufficiently protects the rights of individuals, it may be done without an act of Congress; otherwise it cannot. That, I think, is the full extent of the decision, and to that extent I think the decision is right in principle; but it would be much better to have an act of Congress covering the whole ground. I see no objection, however, to the amendment as reported by the committee within the decision of the Supreme Court of the United States. But the amendment suggested by the Senator from Oregon [Mr. KELLY] based upon the decision in the eighteenth California Reports, might or might not be valid as the supreme court of the State of Oregon should or should not decide. Such I understand to be the legal positions involved in this amendment. For myself I am in favor of the amendment reported by the committee and opposed to that suggested by the Senator from Oregon, [Mr. KELLY.]

I withdraw the motion to recommit the bill.

The PRESIDING OFFICER. The motion to recommit is withdrawn. The pending question is upon the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

Mr. MITCHELL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 21; as follows:

YEAS—Messrs. Anthony, Bruce, Christiancy, Edmunds, Ferry, Hamlin, Harvey, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Sargent, West, and Wright—16.

NAYS—Messrs. Allison, Bayard, Cockrell, Conkling, Cooper, Davis, Eaton, Gordon, Ingalls, Jones of Florida, Kelly, Kernan, Key, Maxey, Merrimon, Randolph, Ransom, Saulsbury, Wallace, Whyte, and Withers—21.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Dawes, Dennis, Dorsey, Frelinghuysen, Goldthwaite, Hamilton, Hitchcock, Howe, Johnston, Jones of Nevada, McCreery, McDonald, Norwood, Paddock, Patterson, Robertson, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, and Windom—34.

So the amendment to the amendment was rejected.

Mr. KELLY. I now offer an amendment, which I ask the Clerk to report.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out of the amendment reported by the committee the words:

After having paid for the same, or secured the value thereof, which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State.

And in lieu of those words to insert:

After the title to the same shall be procured by the United States under the laws of Oregon in such manner as the Legislature of that State may prescribe.

So that, if amended, that portion of the amendment will read:

Of which amount the Secretary of War is authorized to expend so much as, in his judgment, may be necessary and proper to secure title and right of way for canal and locks, not exceeding the sum of $10,000; and whenever, in the prosecution of the said work, it shall have become necessary to obtain the right of way over any lands for the said canal and locks, the Secretary of War shall take possession of and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after the title to the same shall be procured by the United States under the laws of Oregon in such manner as the Legislature of that State may prescribe. The Department of Justice shall represent the interests of the United States in any legal proceedings under this act to obtain the right of way for said canal.

Mr. MORTON. I did not pay very careful attention to the reading of the decision of the Supreme Court; but I think I understand the drift of it, and it is this: that so far as the right of eminent domain is concerned the United States has it, and a State cannot give it to the United States. If the Government cannot procure the land by purchase, this amendment provides for obtaining it under the laws of Oregon; but according to principles that seem very well settled, Oregon cannot confer this right by her own law. She can take land for State purposes, but she cannot take land for United States purposes. The United States can take that herself and does not have to go to the State of Oregon. This amendment makes a muddle of this whole doctrine, and recognizes that the Government cannot get a foothold in a State even for a post-office or a public work or a custom-house without the consent of the State. As far as I am concerned I want to put my foot, small as it is, on that doctrine wherever I find it. That doctrine denies to the Government the power to have a post-office in a State by denying her a foothold. We recognize the converse of that proposition by denying to a State the power to tax United States bonds. We say if a State can tax United States bonds it can tax the bonds out of the State. If it be true that the Government cannot get a footing for a public work of any kind in a State without the consent of the State, then it is in the power of that State to keep the Government out. I will never recognize that doctrine, as far as I am concerned.

Mr. BAYARD. Mr. President, I always regret when I hear an argument in this Senate or elsewhere in the country based upon the idea that there is a necessary hostility upon the part of States toward the Federal Government. Why, sir, the States could scarcely exist, would certainly blot out their national existence, without this great tie of the Union to bind them, just as much as the Union itself must fall if the States are not preserved in their integrity; and by what method of reasoning is it that an American can suppose that a constituent portion of his country's Government is hostile to the existence of that Government? Mr. President, would it not have been as well to wait until there had been some suggestion on the part of some State that there was an unwillingness to aid in the necessary prosecution of the Government's business by making it a free grant of its lands or assisting in every way to give it jurisdiction over those portions of its territory necessary to the operations of the Federal Government?

Why, sir, there never has been a case in the history of this Government known to me in which there has been the least hesitancy on the part of a State freely to cede jurisdiction and aid in the establishment of Government works. What a spectacle does this bill present? We have had too much here in my opinion of local search for local advantage. It was to have Government works built in the State, Government moneys expended in the State, that we have seen so much ardor, so much just, prompt, quick apprehension of local advantage exhibited all over the Senate. Why, then, is the necessity to state this proposition, that in this community of feeling, each for mutual advantage, the Union covering the States with its blessings and the States maintaining the Union in its integrity, for suggesting here that there is danger to us as a people under a Federal Union that that Union will ever be injured or weakened by the refusal of a State to give us that aid or that cession of its territory which is necessary for Federal purposes?

Mr. MORTON. Will the Senator allow me to interrupt him?

Mr. BAYARD. Certainly.

Mr. MORTON. I did not suggest the idea that there is hostility; but I oppose the idea of making the Government of the United States dependent upon the consent of a State to own a custom-house in that State. There has been hostility in ten States where the Government would have been denied the right if she had applied for it and where she was even driven from her own property. It is of no use to talk about a thing of that kind being impossible; it is possible, because it has been. But the idea that I am combating is this, of making the United States dependent upon a State for the possession of any property in a State. I do not know that the time will ever come when a State will refuse it; but I do not want the Government to be in the position of depending upon a State. It destroys her sovereignty. The idea that lies at the bottom of that has been the author "of all our woe."

Mr. BAYARD. Mr. President, I exceedingly regret that it does not seem possible for the honorable Senator from Indiana to take part in a debate but what there must be a resuscitation or a reference to causes of past strife in no way necessarily connected, in no way in my opinion properly to be adduced in the consideration of this question before us. I was speaking only in a feeling of unity and peace, trying to show that the best hopes of this nation lie in the happiness of the people of the various States. That was my idea, and I do not think it at all necessary to assume a doubtful power or to make assertions of a doubtful power when there is no possible necessity for it and has been no suggestion of necessity for it. For my own part, I believe that this Government is just as likely to fall from hostility at the hands of those who have Federal power as it is at the hands of

those who have State power, because the existence of both is equally essential to the happiness and existence of each. Therefore it is that I resist when it is now put forth this first claim by an act of Congress to the exercise of that right known to lawyers as the right of eminent domain of the States, the right of Congress by a law to give either to representatives of the United States or other parties the power to take *in invitum* the property of private citizens for public use. That power has in the history of our Government always been exercised through the sovereign powers of the States. It has never yet been exercised under the authority of Congress by the Government of the United States, and I say therefore until there shall occur some occasion in which the interests of the Federal Government are obstructed selfishly, improperly, by the action of a State, the asserted power, for the exercise of which no necessity is shown to exist, will not be claimed. I would rather take a thing as a free gift from one whom I love and respect than have it with the feeling that he gave it to me under compulsion. There is no necessity for making this precedent in this case and I would pause before it is made.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KELLY. I do not deny the binding authority of the decision of the Supreme Court which has been read and commented on by my colleague and other Senators who have spoken. I do not deny that where the title cannot be procured through State authority or under State law the United States may acquire it as it did in the case of Kohl *vs.* The United States, in Cincinnati; but where the State is willing under its laws to have the property condemned, certainly the United States can acquire the title to the property they desire under the State law, and that is the mode which has been invariably pursued in all the States heretofore. I see no good reason why we should depart from it now, and I have therefore offered this amendment, knowing that the Legislature, that meets in five weeks from this time, will, as the California Legislature did in the Lime Point case, provide laws for the condemnation of its property in case it cannot be purchased. Feeling satisfied that the State of Oregon will do this, I have offered this amendment. I have no doubt that a law will be provided at the coming session by which this property may be condemned and the title acquired, and that the United States will get it as cheaply and perhaps more so than if they were to purchase it without any condemnation whatever. I know it is the interest of the people of that State that this work shall be prosecuted, and as I said before I am satisfied there will not be a dissenting voice in either house of the Legislature as to this mode of obtaining the title.

Mr. ALLISON. If the Legislature of Oregon desires to convey this property, it has ample power now. If it does not, I think some way will be found by which the United States can take possession of it if we appropriate this money.

Mr. KELLY. I should like to correct the Senator. There is no law at the present time in Oregon authorizing the United States to condemn land, and that is the reason why I have offered this amendment.

Mr. ALLISON. But the Legislature of Oregon meet in five weeks, and if they want this money expended in that State they will make some provision for it. If they do not the United States Government will find some way to do it. Therefore I move to lay the amendment on the table. I want to finish the bill some time.

Mr. MITCHELL. I rise to a point of order.

Mr. MORRILL. I wish to put an inquiry to the Senator from Iowa.

Mr. MITCHELL. My point of order is this, that the motion carries the bill with it.

The PRESIDING OFFICER. This is an appropriation bill.

Mr. MITCHELL. I raise the further point of order that this is not a general appropriation bill within the meaning of the rule.

The PRESIDING OFFICER. The Chair does not sustain the point. This is an appropriation bill within the rule.

Mr. MITCHELL. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Oregon appeals from the decision of the Chair.

Mr. EDMUNDS. I should like to hear the rule read.

The PRESIDING OFFICER. The rule will be read for the information of the Senate.

Mr. HAMLIN. Senators will find on reading the rule that all appropriation bills, excepting this one, shall go to a certain committee, thereby making this one, if there is any meaning in language.

Mr. EDMUNDS. I should like to hear that rule read.

The Chief Clerk read the second clause of Rule 30, as follows:

> All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred to the Committee on Appropriations, and all general appropriation bills shall be referred to the said committee; and in like manner notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.
>
> Any pending amendment to a general appropriation bill may be laid on the table without affecting the bill.

Mr. MITCHELL. The rule just read shows that this is not a general appropriation bill.

Mr. SARGENT. I ask that the second clause be read again.

The PRESIDING OFFICER. It will be read again for the information of the Senate.

The Chief Clerk read as follows:

> And in like manner notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.
>
> Any pending amendment to a general appropriation bill may be laid on the table without affecting the bill.

The PRESIDING OFFICER. The Chair will state the question. The motion of the Senator from Iowa is to lay upon the table the amendment of the Senator from Oregon to the right of the Chair, [Mr. KELLY.] The other Senator from Oregon [Mr. MITCHELL] raises the point of order that this carries with it the bill, which point the Chair overrules. From that decision the Senator from Oregon has appealed.

Mr. ALLISON. Now Oregon does not seem to have exhausted itself upon this particular measure, and I withdraw the motion to lay on the table.

The PRESIDING OFFICER. The Senator from Oregon withdraws the point of order, the Chair supposes?

Mr. MITCHELL. Yes, sir.

Mr. MORRILL. Now I desire to ask the Senator from Iowa a question. I notice in the phraseology reported as an amendment from the Committee on Appropriations that the Government is to take possession of—

> and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after having paid for the same, &c.—

they shall be condemned under the laws of Oregon. I desire to ask the Senator from Iowa if he thinks it would be a sufficient title upon the bare purchase on the part of the United States from an individual. I see that this does not provide for anything if it can be purchased previously. It strikes me that that is hardly enough. In nearly all cases where we have provided for acquiring lands we have provided that we shall have the consent of the Legislature that they are not to be taxed.

Mr. ALLISON. The Senator from Oregon [Mr. KELLY] read a provision which I understand applies to this clause as well as to all others, that the Attorney-General shall see that the title is perfect before any money is expended.

Mr. EDMUNDS. That relates merely to the title. This is a question of taxation.

Mr. MORRILL. The question is whether the Government of the United States can acquire a sufficient title to lands for public use by merely purchasing them of an individual. I think not.

Mr. ALLISON. I understand the point now of the Senator from Vermont. I think very likely that might be amended so as to cover the objection made.

Mr. KELLY. I think the consent of the State would cure it. The section of the Revised Statutes that I referred to before provides:

> No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever—

It may be a question whether the building of the locks of a canal is a public building.

Mr. EDMUNDS. I should think so.

Mr. KELLY. I think so too—

> or other public building of any kind whatever until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the Legislature of the State in which the land or site may be to such purchase has been given.

According to my construction of that, no money can be expended upon the site of this proposed canal until the assent of the Legislature of Oregon is given.

Mr. EDMUNDS. The trouble about that is it has not the slightest reference to a canal at all. It has reference, as the Senator has read it, to public buildings and things of that sort. If we have any right at all in this matter, it is a right that belongs to the United States under the Constitution, and not one that we are to acquire by virtue of any sovereign assent of a Legislature. Neither the Legislature of Oregon nor the Congress of the United States nor both put together can resort to any contrivance by which Congress is authorized to do a thing that the Constitution of the United States does not allow. I take it everybody will agree to that proposition.

The question then is whether the Constitution of the United States authorizes Congress to make this improvement around these rapids in the Columbia River by means of a canal instead of blowing the rocks out in the swift water and building locks right in the midst of the river. It is the same thing in substance exactly, just as year after year we have improved the Des Moines Rapids in Iowa, by going within the territorial jurisdiction of the State of Iowa either with or without its consent—I do not care which for my present point—and instead of taking rocks out of the channel of the river we have gone to the edge and are digging them out there to make a canal instead of a mere river lock. We either have the constitutional authority to do that or we have not. If we have the constitutional authority to do it then does it not follow that we have the constitutional authority to take every step necessary to do it? If we have not the constitutional authority to do it, how can the State of Oregon confer upon us the authority to do a thing that the Constitution of the United States has not authorized us to do?

Mr. MORTON. Allow me to ask my friend a question? What would be the worth of a title coming through the laws of Oregon?

Mr. EDMUNDS. The title possibly as a mere piece of private property, like private ownership, if you can suppose that for the general welfare the United States of America might possibly own a piece of private land that they took on execution for instance, might be worth something; it might be possibly something that we could sell. But when it comes to exercising the necessary sovereign dominion to regulate the persons by whom and the manner in which transit shall be made through it, with such conditions for security or tolls or anything else as we think proper to impose, then it is an entirely different question. If we have not the power to regulate the conditions upon which and the manner in which vessels are to go through this so-called canal, just as they do through the Louisville Canal and the Saint Mary's Canal around the falls of Saint Mary's, both of which are perfectly analogous cases, then we ought not to pass any such law at all; we ought not to spend a dollar of the money that belongs to the United States for such a purpose. So I regard the vote of the Senate against the amendment proposed by the Senator from Oregon [Mr. MITCHELL] as a definitive destruction of the whole appropriation, because as it now stands it is absolutely inoperative and must be so upon constitutional and legal principles; and this amendment proposed by the Senator from Oregon farthest from me [Mr. KELLY] does not help it a bit. It merely makes it a matter of trade and regulation depending upon the sovereign will of the State of Oregon. The constitutional rights of Congress do not depend upon the sovereign will of any State at all; and of course as my friend from Maine [Mr. HAMLIN] suggests she can exercise it without this language as well as with. It only clouds the subject and makes a concession in this bill which I never will vote for, that we have no right in the exercise of our constitutional powers granted, where we have the power to do anything at all to act without the consent of a State.

Taking it for granted that we have the power to make the improvement—and I think in this case we have—I will never admit that this power that we have to do this thing depends upon the will of anybody, because if it is a power at all it is a constitutional power and it exists because the Constitution gives it to us, and our power is sovereign and complete under the Constitution and does not depend upon the will of anybody. When it comes to political dominion in the sense of punishing crimes and that sort of thing, then the Constitution of the United States says that the United States, in respect of certain subjects—and I will take it for this purpose to mean all of them—shall have exclusive legislative power with the consent of the State, just as it has in the District of Columbia; and that makes it as to the State foreign territory. We do not want this for foreign territory. This is not the point for which we want it at all. It is not for the purpose of getting the legislative dominion in the sovereign sense of exercising the political power of making laws and furnishing an asylum for fugitives who may run over on to a lock in this canal. That is not it. That is entirely wide of the mark. That is all this provision of the Constitution has any reference to at all, and that is to give to the United States full dominion in the legal and public sense over such places in the States as the States may cede. The United States does not ask for any such legal and political dominion in respect of its jurisprudence and the execution of justice or anything of that kind; so that I hope we shall not utterly spoil this thing by adopting the amendment of the Senator from Oregon, [Mr. KELLY.]

Mr. MITCHELL. One word. I hope the amendment of my colleague will be voted down, because I think if the State had the power, which I am satisfied it has not, to do the thing that is proposed here, it can do it just as well under the amendment reported by the committee, and I think the amendment of my colleague would have this effect: After the title has been obtained in that way an appeal from the decision of the inferior court would tie the matter up, and proceedings could not go on until a final decision, until the title was determined; whereas under the general incorporation law of the State of Oregon we can secure the money to be paid and take the property.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. KELLY] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. MORRILL. I ask the Senator from Iowa if he chooses to leave this matter as it was originally reported, leaving it entirely in the power of the Secretary of War to purchase the lands, and take no other proceeding?

Mr. ALLISON. I think the bill is well enough as it stands; but I will examine that question further, and if anything further is necessary will see that it is put in in conference.

Mr. MORTON. It seems to me that the Government has the right to procure by purchase and direct deed from the vendor any property it has a right to own and hold for any purpose. The question of acquiring exclusive jurisdiction is another and distinct question. But if the Government has a right to own a piece of property, it has the right to buy it directly like an individual.

Mr. MORRILL. Would it not be subject to taxation as much as though owned by any individual, after such a purchase?

Mr. MORTON. That would be another question, which it would not be necessary to decide in deciding this particular point.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be read.

The next amendment of the Committee on Appropriations was in line 498, to reduce the appropriation "for the improvement of the harbor at Racine, Wisconsin," from $9,000 to $8,000.

The amendment was agreed to.

The next amendment was in line 500, to reduce the appropriation "for the continuing of the work on the ship-channel in Galveston Bay" from $100,000 to $75,000.

The amendment was agreed to.

Mr. ALLISON. I ask the Senate to disagree to the next amendment.

The next amendment was in line 501, in the clause making appropriation for the continuing of the work on the ship-channel in Galveston Bay, to strike out the words "to be expended between Red Fish Bar and Morgan's Point."

The amendment was rejected.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely:

Dan River, from Clarksville, Virginia, to Danville, Virginia.

New River, from the lead mines in Wythe County, Virginia, to the mouth of Wilson in Grayson County, Virginia.

Onancock Creek, Virginia.

Hunting Creek, Virginia.

Tonawanda Harbor, New York, on the east branch of Niagara River, at the mouth of Tonawanda Creek, and extending north and south therefrom.

Sackett's Harbor, New York.

Harbor at Whitehall, at the south end of Lake Champlain, to procure twelve feet of water.

Bayou Bartholomew, Arkansas.

Saline River, Arkansas.

Upper Arkansas River, commencing at Kansas City, in the State of Kansas, to Fort Smith, in the State of Arkansas.

Holston River, Tennessee, commencing above the mouth of French Broad River, to Union, Tennessee.

Nolachucky River, Tennessee, from its mouth to Warrensburgh.

Sunflower River, Mississippi.

Paul River, Mississippi.

Big Black River, Mississippi.

Towne Creek, Monroe County, Mississippi.

Chattahoochee River, from Columbus, Georgia, to Thompson's Bridge.

Examination and survey of the harbor at Annapolis, Maryland, and an estimate of the cost of the removal of the bars at the entrance thereto.

Western branch of the Patapsco River, from Light Street Bridge to Elk Ridge Landing.

Pocomoke River, Maryland.

Great Choptank River, between Denton and Greensborough, Maryland.

Head Haven Creek, at or near Easton Point, Talbot County, Maryland.

Laurel Creek, Kentucky.

Harbor at San Luis Obispo.

Coos Bay, Oregon.

Coquille River, Oregon.

The channel in Back River between the Kennebec, at Bath, Maine, and the Sheepscott River.

Manistee River, from its mouth to Sherman, Wexford County, Michigan.

From The Dalles of the Saint Croix River to Lake Superior in Minnesota, with a view to a water-route.

Port of Memphis, Tennessee, so as to ascertain what measures, if any, are necessary to protect the landings and wharf from further injury from the current of the Mississippi River, and the cost of the same.

Mouth of Bell River, Saint Clair County, Michigan.

Cohasset Harbor, Massachusetts.

Gloucester Harbor, Massachusetts.

Man-of-War Shoal at Boston, Massachusetts.

Breakwater at Fairweather Island, Connecticut.

Bayou Courtableau, from its mouth in the Atchafalaya River to Washington, Louisiana, with estimates of the cost of removing obstructions in said bayou so as to give a sufficient depth of water to accommodate the steamboats traveling on the bayou.

A survey to ascertain the practicability and cost of the construction of a sea-wall or breakwater for the protection of the city and harbor of Galveston, Texas, against storm floods from the Gulf of Mexico, to be paid for out of the appropriation for the survey of rivers and harbors.

A survey to ascertain the practicability and cost of the construction of a water-route for transportation from the mouth of Saint Mary's River on the borders of the States of Georgia and Florida through the Okefenokee Swamp and through the State of Florida to the most available and convenient point on the Gulf of Mexico; and that the sum of $7,500 be, and the same is hereby, appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

A survey for a ship-channel through Galveston Bay, beginning at twelve feet water in the mouth of the San Jacinto River, and running out of the mouth of said river east of Morgan's Point to the present channel, through Red Fish Bar; thence through the same, extending through Galveston Harbor, passing west of Half Moon Shoals and Pelican Island, and to twelve feet water in Galveston Channel; and to cause an estimate of the cost of the same to be made, and of the comparative merits of the same, with the route to the head of Bolivar Channel; and of the effects of the completion of each of said channels on the Galveston Harbor as to shoaling or deepening the same, and report the same to Congress by the 1st day of December, 1876.

A resurvey and estimate of the cost of deepening the channel across the bar at the mouth of the Brazos River, Texas, and an estimate of the capacity of the harbor at the mouth of the Brazos and its fitness for a harbor of refuge and naval station.

Harbors of Ashland and Bayfield, in Wisconsin.

Chaumont Bay, in Lake Ontario, New York.

The Missouri River, from the town of Saint Charles to the mouth of said Missouri River, with the view to protect the owners of land on the banks of said river, in Saint Charles County, Missouri, against the deflection and abrasion of the current of said river by reason of the erection of the Saint Charles bridge.

A survey and estimate of the damages, if any, done or to be done to riparian owners of lands and improvements thereon at or in front of the town of Venice, Illinois, near Saint Louis, Missouri, by reason of Government improvements made or to be made at or near said town of Venice.

Delaware River, near Cherry Island Flats.
Delaware River, near Petty's and Smith's Islands.

And in lieu thereof to insert:

And the sum of $40,000 is hereby appropriated for incidental repairs of harbors for which there is no special appropriation provided for by law and for examination and survey of such rivers and harbors as in the judgment of the Secretary of War will subserve the general interests of commerce.

Mr. ALLISON. There is one matter struck out of the second section that I supposed was in the first section. It relates to a survey of the ship-channel in Galveston Bay, from line 79 to 92 inclusive. That is not really a survey. It is an examination of the bay at Galveston with a view of ascertaining how best to expend the money appropriated and to be appropriated for that harbor, and the Engineer Bureau say that it is very desirable to make that survey. Therefore I want to reserve that portion of the section and insert it at the end of the first section.

Mr. MAXEY. I have here a diagram of the harbor.

Mr. ALLISON. It must be provided for. It is really to ascertain the best mode of improving Galveston Harbor.

Mr. INGALLS. Is the objection that is included between lines 113 and 118 intended as an addition to section 1 or as an independent section?

Mr. ALLISON. As an addition to section 1. It is not printed as we intended. We intended to have it inserted at the end of section 1, and then to strike out the second section, but by some mistake the amendment was inserted after.

Mr. EDMUNDS. It would be better to make it a separate section, as it is a separate subject.

Mr. ALLISON. It is not quite a separate subject. The sum of $40,000 is appropriated for incidental repairs of harbors for which there is no specific appropriation. Therefore it is really an appropriation for repairs as well as for new surveys.

Mr. EDMUNDS. I do not care about it. Take your choice.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

Mr. EDMUNDS. Where is the money to come from for this survey of the bay of Galveston?

Mr. ALLISON. It may come from the $40,000 or the principal appropriation for Galveston Harbor. We have appropriated $225,000 for Galveston Harbor, and there is a question as to the mode of making this improvement. So the engineers say, and they want authority to make the survey.

Mr. EDMUNDS. Why will it not fall under the clause at the end for the "examination and survey of such rivers and harbors as in the judgment of the Secretary of War will subserve the general interests of commerce?"

Mr. ALLISON. I think it would.

Mr. EDMUNDS. If that is left in, there is a direct direction to do a particular thing without any money to pay for it, whereas if you leave it under the general head, if the interests of commerce in the opinion of the Secretary of War warrant it he will make this very examination to which the Senator has alluded.

Mr. MAXEY. I think I can explain it to the Senate without difficulty. The survey is one of the very greatest importance. There are two distinct sets of improvements going on; one from Houston down through Buffalo Bayou and the San Jacinto River to the mouth, and then in Galveston Bay at the outer bar. That is one system. Then there is another system from Galveston to the outer bar. There is a conflict, and a very important one as an engineering question—I have examined the whole matter on the ground—as to where the ship-channel for the improvement from above, that is, from the Houston Harbor down, should run through the bay. It is contended by the people of Galveston that if it runs in the direction that it is sought to be run by the people of Houston, it will have the effect of creating an underdrain that will carry the waters of North Galveston Bay, which now furnish the water of Galveston, around Bolivar Point and will thus shoal Galveston Harbor. The Senate has limited the appropriation of $75,000 for the upper work that I referred to, to work between Morgan's Point and Red Fish Bar. That leaves the disputed question between Red Fish Bar and Bolivar's Point or the harbor of Galveston as the route may be determined by the engineers, and therefore it is an important question for the Senate to direct that survey to be made. It is a matter of the utmost consequence to those two peoples.

Mr. EDMUNDS. The same may be said, probably, of nine-tenths of all the clauses in this second section. This is to make an exception for a single survey of one particular locality when there are fifteen or twenty or perhaps thirty in the whole section. In lieu of all of them, the committee propose to give $40,000 for incidental repairs and for all these examinations, which covers this and all others. Now why we are to make a special exception in favor of this particular locality and require a survey there and require it nowhere else, I do not quite understand. I do not doubt that it is valuable and important. Many of the others are valuable and important; but when we have given this sum of money for this general purpose, if the Senator is correct, and I have no doubt he is, that this is a proper thing to do, then can there be any doubt that the Secretary of War will do it? Certainly he has authority under this amendment recommended by the committee to examine such harbors as in his judgment "will subserve the best interests of commerce?" I hope the Senator will not insist upon this clause; the result will be to get above the $5,000,000, and it is rather invidious.

Mr. MAXEY. I do not think it makes a particle of difference so far as that is concerned, because it will come out of the $40,000. But as will be seen by any one who understands engineering, the amount of $75,000 is limited from this point on which I have my finger [indicating on a diagram] down to Red Fish Bar here. [Indicating.]

Mr. EDMUNDS. Where is that limited?

Mr. MAXEY. In the bill. The continuation of that work, as claimed by those having an interest in the improvements above, is to run it according to the red line to Bolivar Point. [Indicating.] There is the city of Galveston; here is the North Galveston Bay. [Indicating.] They insist that if the channel is cut through there the embankments thrown up will necessarily create an underdrain which will throw this water of the North Galveston Bay now feeding Galveston Harbor around by Bolivar Point, and thus shoal Galveston Harbor.

Mr. SARGENT. Why will not that all be provided for under the second section as the committee propose it? If the engineers think that the survey should be made and that it is necessary for the general interests of commerce that it should be made, of course they will avail themselves of the allowance under the second section to expend money for the purpose.

Mr. MAXEY. Now I will go on and finish what I had to say. It is insisted by those above that it will not have that effect and that they will save several miles in getting to the outer bar by going the way they want. It is insisted by the people of Galveston that it will have that effect. Whether it will or not is a matter that I think a layman cannot determine. It will have to be determined by an engineer, and it is important to have it determined speedily, in order to make the $75,000 effective which is appropriated already to this work.

Mr. CONKLING. I confess I can see no objection to the request of the Senator from Texas, and I think the Senator from Vermont on reconsideration will see none. If the latter section of the bill as it now stands includes this, then the division of the amendment has no effect one way or the other. If, on the contrary, that latter provision is for any reason too narrow to embrace this, the effect will be not to increase appropriations made by the bill or any one of them, but to take from the money appropriated for this harbor enough to answer this need, which need is an essential one as affecting the providence and safety and good judgment with which the whole appropriation may be applied.

Surely, on that state of case I can see no objection to this proposition. It may be that that would be the law upon the general provision at the end. If so, my answer is, then it does no harm, and that I have a right to say because the committee has the evidence that the board of engineers and its chief consider this survey proper, consider it necessary. Therefore it would be certain to fall within the last section of the bill if for other reasons that section is broad enough to include it, and then there can be no possible reason, I submit, why we should not specifically nominate it in the bill to cure all doubt. On the other hand—and I repeat myself—if it should be held to fall without the concluding section of the bill and to require the payment of money not there devoted, then it comes out, not of any other money, not of any future appropriation, implies no increase of appropriation here, but it is simply subtracting that small sum, which we cannot now definitely determine, from the appropriation contained in the bill devoted to that harbor and to the security of that appropriation, to the well-doing of the work for which that appropriation is made. We are assured by the experts that this survey is needed. Now, either way, how can there be any reason why we should not allow the Senator from Texas to "make assurance double sure" by retaining these words?

Mr. EDMUNDS. Certainly I do not wish to stand in the way of the Senator from Texas in doing anything he wishes that does not cost the Government anything. I move to amend the part proposed to be stricken out by the committee, and which the Senator wishes to have retained, by adding after the word "six," in line 92, these words: "the cost thereof to be paid out of the $40,000 hereinafter mentioned," so as to make it clear and definite that the expense is to be borne by the forty-thousand-dollar appropriation.

Mr. CONKLING. The Senator from Texas does not object to that; it is in his interest.

Mr. MAXEY. I do not object to it at all.

Mr. ALLISON. I do not object.

Mr. SARGENT. Is it proposed to keep in the words in lines 1, 2, and 3 of section 2? To have this stand by itself would be singular.

Mr. ALLISON. No; we will change it to "to survey;" so as to read: "The Secretary of War is hereby directed to survey," &c.

Mr. CONKLING. The mode, I submit, should be to non-concur in the amendment striking out the lines named by the Senator from California, 1, 2, and 3, on page 22, so as to read:

That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely.

Then will follow this one point, and then will follow:

And the sum of $40,000 is hereby appropriated for incidental repairs of harbors for which there is no special appropriation provided for by law, and for examination and survey of such rivers and harbors as in the judgment of the Secretary of War will subserve the general interests of commerce.

But, to make it exactly grammatical, I suggest to the Senator from

Iowa that in line 2, in place of "examinations," it should be reduced to the singular; so as to read "to cause examination and survey," and then strike out "or both," "to be made at the following point," make that singular, "namely." Then will come in the words:

A survey for a ship-canal through Galveston Bay, &c.

Mr. ALLISON. I think we can arrange it in a moment. I ask the Senate to strike out all of section 2, and then we can re-insert what is needed.

Mr. CONKLING. Probably that is the shortest way.

Mr. HARVEY. I am opposed to the motion of the Senator from Iowa, for the reason that I think the striking out of all these surveys would be an admission that we have arrived at that degree of poverty referred to by the Senator from Wisconsin [Mr. HOWE] the other day, when he spoke of the condition of a farmer who was too poor to purchase seed to sow in the spring so as to raise a crop. Now, sir, if there is any ground for contemplating in the future any new improvements in the way of rivers and harbors, the best indication of where examinations should be made would be to take this bill as it stands, without the amendment offered by the committee. Here we find indicated a number of places in different portions of the country where it is believed that surveys will show improvements to be practicable, improvements which would be greatly beneficial to the commerce of the country. This is the way in which the great improvements that have already been made of this kind have been commenced, their feasibility ascertained; and, as has been said heretofore in this debate, this country is not yet finished; further improvements of this kind will be made; further improvements are needed; and to neglect to make surveys and take steps for the improvement of streams that may be made useful to the general commercial interests of the country will result in their being occupied by corporations such as have heretofore occupied a number of such places, and, like the robber barons of the Middle Ages, have made use of such occupation to levy tribute on the passing commerce of the whole country. The Senator from Oregon [Mr. MITCHELL] this morning eloquently described one instance of the kind, and many others are within the knowledge of every Senator here. I say that the neglect on the part of the General Government to take such measures to improve for the common interest of the people of all the States the natural facilities that exist for making easy the transmission from one portion of the country to the other of the different commodities produced here will result in leaving many opportunities for grasping corporations to take advantage.

For these reasons I think these surveys had better be made as the bill originally provided and be made as a thing separate from the appropriation "for incidental repairs of harbors for which there is no special appropriation provided for by law." It is better to take the judgment of Congress as to where these surveys should be made rather than the judgment of any Department. I hope, therefore, the Senate will not agree to the amendment of the committee.

Mr. ALLISON. The Senator from Kansas overlooks the fact that we have made here a specific appropriation for surveys. It will not add to the number of surveys that can be made to insert them in the bill. We have just $40,000 here for surveys. Now, if we name five hundred places to be surveyed, the cost of which would be two or three hundred thousand dollars, of course they would not all be made. Therefore, the committee, instead of inserting specific places, say "We will appropriate a specific amount and we will allow the Engineer Bureau to use this amount in making such surveys as the interests of commerce require." Therefore, I think the amendment proposed by the committee subserves the purpose the Senator from Kansas has in view much better than the bill as it came from the House. I hope, then, he will make no objection to this general feature as proposed by the amendment of the committee.

Mr. SARGENT. If the engineers would look into this bill to find out where important works of a general public interest should be established, I think they would be somewhat puzzled. They would find here Laurel Creek and Onancock Creek and Hunting Creek, and I suppose Fishing Creek, and a great many other creeks scattered all through here which have very forbidding names provided the names are to imply to us the idea of the interests of general commerce in the improvement of these creeks.

I might go further. It seems to me that there never were assorted together in a single bunch more absurdities than are found in this section which we propose to strike out. That there may be here and there an important public work I presume is beyond question. Those works the board of engineers will have their attention drawn to by the provision which the committee insert. I hope that they will overlook these fishing and hunting creeks.

The PRESIDENT *pro tempore*. The question is on the amendment striking out the whole of section 2.

The amendment was agreed to.

Mr. ALLISON. Now I move to insert after section 1 the following words:

SEC. 2. The Secretary of War is hereby directed to cause a survey for a ship channel through Galveston Bay, beginning at twelve feet water in the mouth of the San Jacinto River, and running out of the mouth of said river east of Morgan's Point to the present channel, through Red Fish Bar; thence through the same, extending through Galveston Harbor, passing west of Half-Moon Shoals and Pelican Island, and to twelve feet water in Galveston Channel; and to cause an estimate of the cost of the same to be made, and of the comparative merits of the same, with the route to the head of Bolivar Channel; and of the effects of the completion of each of said channels on the Galveston Harbor as to shoaling or deepening the same, and report the same to Congress by the 1st day of December, 1876, the cost thereof to be paid out of the $40,000 hereinafter appropriated.

The amendment was agreed to.

Mr. ALLISON. Now add the next amendment.

The CHIEF CLERK. It is proposed to add to the second section the following:

And the sum of $40,000 is hereby appropriated for incidental repairs of harbors for which there is no special appropriation provided for by law and for examination and survey of such rivers and harbors as in the judgment of the Secretary of War will subserve the general interests of commerce.

The amendment was agreed to.

Mr. WEST. All the amendments of the committee being now concluded, I desire to offer an amendment on page 21. In lieu of the proviso commencing on line 504 I offer this:

Provided, That this appropriation shall not be available whenever and so long as there shall be an open channel of eighteen feet of water to and from the sea through the South Pass of the Mississippi River.

This merely makes the occasion when that appropriation shall be available determined by Congress instead of by the Department.

The amendment was agreed to.

Mr. CONKLING. I offer the following amendment:

SEC. —. It shall not be lawful for any person or corporation to use or occupy any pier, breakwater, or other work of the United States without the written consent of the Secretary of War, and without compliance with such conditions as he shall prescribe, and such consent may be canceled at any time on one month's notice. And any person who, whether acting under the authority of a corporation or otherwise, shall knowingly violate the foregoing provisions, shall, on conviction thereof, be punished by imprisonment for not more than one year or by fine not greater than $500. This section shall take effect on the 1st day of October, 1876.

Mr. ALLISON. I suppose the object of that section is to reach the east pier at Cleveland.

Mr. CONKLING. Why does the Senator suppose that?

Mr. ALLISON. It may have some general effect that I do not understand. I only wanted to know what it meant.

Mr. HOWE. I move to amend the amendment by striking out the words beginning with the words "without the written consent of the Secretary of War" down to the clause which commences to state the penalty.

The PRESIDENT *pro tempore*. The Secretary will report the words proposed to be stricken out.

Mr. SARGENT. Would it be in order to refer that amendment to the Committee on Commerce?

The PRESIDENT *pro tempore*. Such a reference would carry the bill with it.

Mr. SARGENT. I merely make the suggestion. I object to legislation on appropriation bills. As to referring the whole bill, I would rather not do it. As the Senator from New York is the able chairman of the Committee on Commerce, I thought he could report back the proposition in such form that we should be able to understand it and act on it.

Mr. CONKLING. The Senator from California has evidently been absent from the Chamber. The Secretary has read this amendment twice with great facility and great clearness. If he had been here he would have heard it.

Mr. SARGENT. I was in my seat all the time, and noticed that it required the assistance of the Senator from New York to read the document.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to amend the amendment.

Mr. SAULSBURY. I inquire whether the amendment has been reported from any committee or whether it is in order, as it is legislation in reference to a general subject?

The PRESIDENT *pro tempore*. It involves no appropriation. It is in order.

Mr. SARGENT. Is it in order to move to lay it on the table?

The PRESIDENT *pro tempore*. It is.

Mr. SARGENT. Would that motion carry the bill?

The PRESIDENT *pro tempore*. It would.

Mr. SARGENT. It seems to me we ought not to put on this bill a provision affixing penalties which has not been examined or reported by any committee. I do not know but that judicious legislation in the direction of this amendment might be an advantage; but there certainly ought to be some exceptions. A vessel in distress might tie up against a pier on the land side of it to protect itself in case of a storm. I am not entirely sure that the language of the amendment would not prevent its taking refuge without having first obtained the consent of the Government in writing. I merely mention this. Perhaps it may be an extreme instance; but there may be exceptions to this rule. I see no reason why it should not follow the course of such important measures, and be considered and reported by a committee, especially when a new penal offense is invented and punishments are affixed to acts which are merely *mala prohibita*. Under this amendment, as I understand it, if a person desires to drive a cart over one of these piers he cannot do it without first having obtained the consent of the Secretary of War.

Mr. EDMUNDS. Why should he?

Mr. SARGENT. It might be very convenient and do no harm to any one, and it might be an accidental circumstance. It might be on an occasion of an accident, for instance, the sudden blocking up of a street by the falling of a house or some other occasion which might make it essential to do it. In other words, I do not believe the Gov-

ernment in that respect should be different from any private proprietor and complain of a trespass under such circumstances. The Senator from Vermont by his question would imply that he is in favor of this legislation, proposed in such a shape that it requires two or three Senators to assist the Clerk to read it, being put on the bill without examination. It is contrary to all his course in the Senate heretofore, as I have observed it, because on the simplest propositions he has insisted that it is contrary to the course of the Senate to act upon them without a report from a committee, and I myself on a number of occasions where I thought delay was injurious have consented to his suggestion that matters should go to the committees, believing perhaps that he might be right that in all cases these things should go to committees and be there considered and reported in form. In some cases where the urgency was very great, I have resisted the appeal, I believe, not always with success. I think we should follow the general rule, and legislation of this character fixing a new crime and putting penalties upon the heads of citizens of the United States should at any rate receive the ordinary examination which is given to a bill establishing a single post-route.

Mr. EDMUNDS. I do feel an interest in this amendment, because I consulted the Senator from New York about it before he offered it and also I consulted with the Senator from Ohio who is farthest from me, [Mr. THURMAN.] Of course what led to this amendment, which is perfectly germane to the bill, because it is merely for the protection of the property that we are trying to spend money to construct, everybody can see. The necessity for it has been made apparent from the circumstance referred to about the east pier at Cleveland, as the Senator from Ohio who sits nearest to me [Mr. SHERMAN] stated that he wanted to take these people by the throat and compel them to come to an understanding.

Mr. SHERMAN. I hope the Senator will not quote me as willing to send a man to the penitentiary because he crosses a pier to get to a bridge.

Mr. EDMUNDS. No; I will not quote the Senator from Ohio as being willing to send anybody to the penitentiary for occupying the Cleveland pier for twenty-three years to the exclusion of the United States, or to take any steps whatever to correct the abuse. I will not impute anything of the kind to him. Far be it from me to bring the Senator from Ohio into any such attitude as that.

Now I will begin again. Mr. President, the public works of the United States, its piers, breakwaters, &c., are built by the money of the people. They are not built, so far as we understand it, for private accommodation; they are built for the public protection of the water-ways, and not to furnish accommodations for ship-masters or anybody else to tie up to or to unload wood or iron or any other thing upon, or to make wharves of. If I am wrong about that, I hope the Senator from Ohio will correct me now. Of course I am not; he will agree to that; they are. Therefore, just like any other public building or structure of the United States, it ought to be protected against injury and occupation by private people against the interest and against the right of the United States.

Mr. SHERMAN. But where the private occupation and interest are perfectly convenient to and not injurious to the public use and occupation, it would be an outrage to prevent the people of the United States from using their own.

Mr. EDMUNDS. "Their own?"

Mr. SHERMAN. Yes.

Mr. EDMUNDS. So it would, but I respectfully submit to the honorable Senator that the Treasury of the United States in that sense is the "own" of the people of the United States, and I should be very glad to adopt his apparent doctrine and be at liberty to go in and fill my hat with greenbacks and walk off. It would be very convenient to me at this present time of distress.

Mr. SHERMAN. I do not agree to that proposition.

Mr. EDMUNDS. Then I do not agree to this one. They are both of them only the public property of the United States, and they belong to all the people in exactly the same way and in exactly the same degree, and the Senator has no right to use the pier at Cleveland or anywhere else for his private advantage any more than I have a right to use the money in the Treasury. The idea that either of us can do it because it belongs to the people of whom we are one is, it strikes me, somewhat outside of reason; I will not say absurd.

Now, then, we have had one instance. It is evident, I think, from the course of this debate that there are a good many others where private persons are injuring these piers in their use, as every use does injure to a certain degree, as the use of a house wears it out. They are using the piers and breakwaters of the United States because there does not happen to be any lawful way to stop it. Now, this is exactly such a law as applies to all the public buildings and public grounds of the United States to prevent injuries to public property. It is like the law of the State of Ohio about the public property at Columbus; and that is, that nobody shall injure or deface it or cut up a tree or injure the grass or do anything else under a penalty. Here there is an additional provision which does not exist in the other laws; and that is, that it may be done with the consent of the Secretary of War in writing.

Now, the Senator from California says, "Why in case of distress a ship ties up to it and that is a violation of your law." Suppose in a case of distress under the druggist act my friend goes to a druggist's and buys a bottle of laudanum, which under the laws of many of the States in cities he cannot buy without the certificate of his physician because it is a poison; but he needs the laudanum and the druggist sells it to him. That is a violation of the law; but who prosecutes that sort of a thing? Somebody runs his horse by accident or in a terrible storm into a public building and injures it a little. Nobody thinks of prosecuting it as criminal. Thus, sir, the illustration will not help it. This is a simple proposition now once for all, when we are spending millions a year for protecting the property of the Government of the United States against unlawful occupation without the assent of the Secretary of War.

Mr. ALLISON. If the object of this amendment were to correct the abuse spoken of at Cleveland, Ohio, I do not know that I should object to it; but it does seem to me that it covers a broader ground. The language is that no person or corporation shall use or occupy a pier, breakwater, or other improvement without the written consent of the Secretary of War. Here is a harbor with two piers at Saginaw, Michigan, if you please, or at some sea-port, say McCargoe's Cove, where vessels come in for what purpose? For the purpose of unloading a cargo or receiving a cargo? They land at one of these piers right there. How is a person to get his goods from that vessel to the shore without in a sense at least using or occupying or crossing the pier for that purpose?

I may be all wrong with reference to this subject, but I do not see what the object of having these piers can be unless it is for the use of the public, by which people who have conveyed property by land shall be enabled to communicate with the people who are conveying property by water in vessels.

Mr. EDMUNDS. Which party ought to control them, may I ask the Senator? Ought the Secretary of War to control these works or the United States, or ought private people to make them a common?

Mr. ALLISON. But if the vessel chooses to land at a pier or at a breakwater for the purpose of discharging its cargo, before it can use that pier or breakwater for that purpose, if this provision is inserted, it must secure, as I understand it, the written consent of the Secretary of War. I take it that these piers are for the public use and not for the specific use of corporations or particular individuals. They are open to the poor man's wagon or the rich man's wagon the same to unload a cargo from a vessel or to load a vessel with a fresh cargo. If I am entirely mistaken with reference to the scope of this amendment, then of course I may yield; but as I understand it now I cannot vote for it.

Mr. HOWE. I move an amendment, and I should like to have my amendment reported. I have kept the floor until this time in hopes that I should be recognized in the course of the afternoon.

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to strike out of the amendment after the words "United States" the following words:

> Without the written consent of the Secretary of War and without compliance with such conditions as he shall prescribe, and such consent may be canceled at any time on one month's notice.

The PRESIDENT *pro tempore*. The question is upon the amendment to the amendment.

Mr. HOWE. The proposition of the amendment moved by the Senator from New York is to say that your piers and breakwaters shall not be occupied for private purposes except by the written consent of the Secretary of War, which in two syllables says that the Secretary of War may lease all your piers and breakwaters on any terms that he sees fit and to anybody that he chooses. The amendment I have moved is to strike out that power. I do not believe that the Secretary of War should have that power. I think the Senator from Iowa is entirely mistaken, not as to the scope of the amendment, but as to the character of these structures. They are not built for the common use of the people of the United States. They are built in the interests of commerce. They are built to guard the entrance, not to make the harbor. That is a business that the United States has no right to engage in, but they are built to guide and guard the entrance into a harbor.

Mr. ALLISON. My friend will remember one thing, that where many of these piers have been constructed persons build wharves running along outside of them. It is so at Chicago, and at many other points with which I am perfectly familiar. They pile and build out along these piers.

Mr. HOWE. Where they do that, let them get possession of the breakwater in front of their wharves, and make it a part of the wharf, and we give it up.

Mr. SHERMAN. You cannot put the wharf on the breakwater.

Mr. SARGENT. You allow the Secretary of War to lease the breakwater under the amendment.

Mr. HOWE. I do not propose to allow the Secretary of War to lease at his pleasure $20,000,000 of property belonging to the United States.

Mr. SARGENT. My friend will agree with me, then, that the amendment is crude; that it needs perfecting. There are some things to be remedied, I admit, but it ought not to be done in this way.

Mr. HOWE. I think it will be perfect if you take that power away from the Secretary of War. Then your law would be a simple command to everybody, "keep off the property of the United States, or if you violate this law pay the penalty." Is anything simpler than that? Is anything more right than that? A river emptying into a

lake or an ocean or a sea is broad inside, but has a bar at the mouth, and the usual mode of improving, as we call it, that harbor or of getting an entrance into that harbor is to dredge out the bar and throw out breakwaters or piers to deep water to prevent the bar from forming again. The harbor is inside and away beyond these structures which are built by the Government. There wharves are built and those wharves are private property; but to turn these breakwaters themselves into wharves for the use of common carriers, it seems to me, is making a gross abuse of the property of the United States. That should not be done. They should not be permitted to take possession of it without conditions, and those conditions should not be in my judgment arbitrarily fixed by any one agent of the Government. In a case like that referred to at Cleveland, where a great corporation, for the sake of getting room for its business, builds out into the lake, reclaims the bottom of the lake and in the rear of the breakwater, I see it is very convenient for them to have the right to cross the breakwater; but there is but one condition on which they should have that right, and that is to get from the Government the right to make the breakwater a part of their wharf and maintain it as a part of their wharf. Take the breakwater away and the wharf is a breakwater. They first induce the Government to build so much pier that they can get in behind it, and then they take the pier as an annex to their wharf and make the Government keep it up. Is that right? Is that an honest use of the Government property? Certainly my friend from Iowa will not insist that it is. I do not think that any Senator can insist that it is. If that be not a proper use of the Government property, then the only question is whether you will insist upon giving the Secretary of War or any other one agent the right to lease all this property.

Mr. SARGENT. I think the trouble with the amendment is that it attempts to legislate generally, having in view simply a single case. I do not care to discuss the question of the breakwater or pier at Cleveland. The action of the railroad company there may be right or it may be wrong; but are we to lay down a general principle because a single bad instance, admitting it to be bad, has developed itself, and to do it in this hasty way without the consideration of consequences in other matters? It is bad policy. When I spoke a few moments ago I alluded to a few cases which I said might be extreme. The Senator from Vermont points out that they are extreme. Admit that they are extreme, but I can suggest other cases in point where this policy of the Government of the United States might operate with great hardship. I might refer to the case of training-walls, walls put along rivers in front of cities built by the United States to prevent the erosion of the banks. A provision of this kind came to us in this bill from the House and we struck out the words "to prevent erosion and destruction of its banks," because we were not exactly prepared to admit that the Government ought to take care of the banks of the river. It might involve a general care of the banks, as in the case of the levees of the Mississippi River, which is still a mooted question. Take a case of that kind. The Government has to my knowledge in some cases in the West built along the side of rivers near cities walls which may be called training-walls, to prevent the erosion of the banks or the encroachment of the river, sometimes to protect its own property and sometimes to protect the property of citizens. To say as to a wall of that kind thus built along the line of a river that nobody could cross it with teams, or freight, or anything of the kind, would be simply to shut out the people from access to a river upon which their commerce floats. Take the case of the levees of the Mississippi River. We have not yet admitted that the Government is liable to take care of this great flood of water which passes over and collects in many States of the Union and forces its way down by New Orleans to the Gulf of Mexico. We have not yet admitted the principle to its full extent that the Government of the United States and the people of the United States are bound to take care of this immense volume of water which pours down there and victimizes to a certain extent the inhabitants near the mouth of the Mississippi; yet to a certain extent we have admitted this principle by giving lands to aid in building levees along the banks of that river. It has been contended by Members and Senators from Louisiana and Mississippi that in equity the Government should go still further and should control this great volume of water which comes down upon them, which it is beyond their financial capacity to control for themselves. If ever that principle is admitted, the Government will take a step further and instead of merely giving land for the purpose of building levees along both banks of the Mississippi, will make appropriations of money to control this vast flood of water which has collected there through the States and forces itself down upon them.

If legislation like that proposed is now admitted, the Government could prevent any man from crossing those levees from the river to reach his farm or to go to any town, or village, or city, or hamlet which may be scattered along down the banks of that river. It is a Government work, and consequently without the permission of the Secretary of War in writing nobody could have access to the land from the river. Nobody could land a cargo or land persons or property without committing a trespass, without violating the laws of the United States, without becoming liable to having the penalties denounced by this proposed legislation fall on his head.

I say that such legislation ought to be carefully considered by a committee to see whether if it is done there will not be extreme cases where there will be hardship which we should in fact bring upon the people. I have heard it suggested with great force that there ought to be a rule regulating this property belonging to the United States. I think we should not consider on an appropriation bill any amendment which proposes to change an existing law, upon the principle which I know a good many eminent authorities on this floor have adopted. I say we ought to reject this legislation, especially where it is so obscure in its tendency that it may produce a hardship.

Mr. EDMUNDS. May I suggest to the Senator that this is not an appropriation bill to carry out any existing law at all. Every word in this bill is absolutely new legislation. There is not a line which entitles anybody to a dollar, whether we pass it or not, that he would get until we passed it. In the case of other appropriation bills, I suggest to my friend, it is quite different.

Mr. SARGENT. If it should be the judgment of the Senate that a river and harbor bill is not an appropriation bill in that sense which makes it unwholesome to put upon it general legislation affecting matters not really pertaining to the specific appropriations, then it ought to be put in the category of general appropriations, and if not, it ought not to receive any favor at the hands of the Senate.

Mr. EDMUNDS. It never was in the category of a general appropriation bill.

Mr. SARGENT. It has never been called a general appropriation bill, but it is called a bill making appropriation for rivers and harbors. The rule does use the word "general" with reference to it. It has been sent heretofore to the Committee on Commerce instead of the Committee on Appropriations; but there is not a single suggestion which could be made against legislation on the omnibus bill or the legislative bill which will not apply to this.

Mr. FRELINGHUYSEN. It seems to me that the owner of the shore has a right of adjacency to the water just as much as he owns the land. It may be, and I have no doubt in many of these cases it is the fact that these breakwaters and piers are so situated that they would cut off the owner from that adjacency and from the use of it. I do not think the United States or any other government has any right to do that. If it is necessary in order to get to the water to cross one of these piers, I think they have got a right to cross it.

Mr. EDMUNDS. Or cross anybody else's property?

Mr. FRELINGHUYSEN. Or cross anybody else's property. I do not think any government has a right to put a work between my property so as to destroy my right of adjacency to a great public highway.

Mr. EDMUNDS. Suppose the Government owns the land that the work is put on?

Mr. FRELINGHUYSEN. The Government does not own my land.

Mr. EDMUNDS. But it owns its own land where it builds its works.

Mr. THURMAN. If the Government makes a work which cuts off the proprietor of a shore from his right of access to the water, the Government must pay him under the Constitution before it makes the work from the right of which it thus deprives him. I suppose nobody will deny that the right to the exclusive possession of works constructed by the Government belongs to the Government. If it has a constitutional power to construct them at all it must have a right to exclusive possession of them, and must assert that right so far as it is necessary for their preservation. We had a year or two ago a proposition to put the improvements at the mouth of the Mississippi under the absolute military control of the Secretary of War under a sort of *quasi* military law authorizing him to make rules and regulations and to punish people for the violation of those rules and regulations; or rather that they should be punished for the violation not of the statute enacted by Congress, but of such rules and regulations as should be made by the Secretary of War.

I do not know that there is any very great necessity for the amendment proposed by the Senator from New York. One might infer there was not from the fact, and a very singular fact it is, that so far as I can discover there is not one single line in the statute-books of the United States for the protection of the public works of the United States, even this very Capitol in which we are legislating, or any other public building of any sort or description. I may have overlooked some of the statutes, but so far as the index to the Revised Statutes shows, and I do not claim that that is perfection at all, I have not been able to find one single statute for the protection of the public buildings or public works of the United States. I dare say there are some that I have overlooked, but certainly there is a very great want of legislation upon that subject. That tends to show that there has been no very great necessity for any such legislation, but yet there may be.

I have a word to say upon the amendment proposed by the Senator from Wisconsin. I understand the Senator from Wisconsin to move to strike out that clause in the amendment of the Senator from New York which authorizes the Secretary of War to give a permit to use and occupy, so as to make the prohibition absolute. It seems to me nothing could be more unwise than that. What injury is done? Take the case of Cleveland which is brought up in this discussion. What injury is done by the use that is made of the pier at that place?

Mr. HOWE. Eight thousand dollars.

Mr. THURMAN. Eight thousand dollars; and what is $8,000 compared to more than $800,000 of benefit to the public every year by the very use that is made there? What is it? It is there that the rail-

road system and the navigation of the lake are connected and in a way that they could not be connected anywhere else. That connection is an absolute necessity. All that can be said, and properly said, is that inasmuch as the railroad companies use the pier there in that manner, they ought to contribute to its maintenance. That is the whole of it; but to say absolutely and positively that they shall not be allowed to use it at all, that no freight shall go over that pier, that communication between the land and the water shall be absolutely severed, would be simply monstrous. It would be far better for commerce there that you had never built the pier at all but had left it to private enterprise to build docks. But you have built it; it is your property; you are entitled to it. You have prevented anybody else from building it. You have prevented the railroad companies or the city of Cleveland or private enterprise from building it. And now will you say that instead of benefiting commerce by building that pier you will put an absolute barrier upon commerce? I venture to say that if my friend will go to Cleveland and look at it, he will never for a moment think of such a proposition as that which he has now made. These are not two piers away out in the lake; these are two piers that begin at the bluff bank at the mouth of the river. Right at the bluff bank where the railroads run along, right where the railroads or the merchants or the land-owners would have built their docks, you saw fit, and wisely enough, to go and build these piers. Did anybody suppose that when you were building them you meant to erect a barrier between the lake and the land? No, Mr. President, I hope the Senate will not insist upon that.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. HOWE. I do not propose any absolute barrier between the wharf of the Cleveland Railway Company and the waters in the harbor at all. One of two things must happen. Either the right to use this pier must be conferred by Congress direct, or you must vest in some officer the power which it is proposed here to vest in the Secretary of War, the power to lease all your piers and breakwaters everywhere. I do not think that power ought to be intrusted in the hands of any one agent. It is too irresponsible. He makes no report; you have no way of keeping an account of it, no way of holding him to responsibility. It is the simplest thing in the world if that railroad company want to enjoy this pier as a part of their wharf for them to ask us to make it a part of their wharf, and to put upon them the responsibility of doing by the pier just what they do by the wharf. "We built it, we give it to you; you just take care of it." Is there anything wrong or hard in that?

Mr. THURMAN. Let me say to the Senator that I would not be willing to give the exclusive right of the pier to that railroad company. That pier is used there not simply by the railroad company alone, by any means. Everybody uses it. Trucks pass over it by the hundred every day right where this little part of it is used and clear out to the end of the pier.

Mr. HOWE. Just as they use the dock, but for the convenience of those who own the wharf and for the convenience of nobody else whatever. Nobody wants to go across that pier except to go on to the wharf, and the power that can now let them go on to the wharf of the company, if the company owns the pier, can let them go across the pier. That is all there is of it. A disposition to make a free gift of your structure to a railway company is simply another way, as it seems to me, of permitting the railway company to use it for nothing and oblige us to keep it up for nothing.

Mr. THURMAN. Will the Senator allow me a moment? The very object, as I understand it, of the amendment proposed by the Senator from New York is that the Secretary of War may compel this company which has the benefit of this pier to maintain it by such conditions as he may see fit to prescribe. If you cannot trust your Secretary of War, then find somebody else whom you can trust.

Mr. HOWE. Do I understand my friend from Ohio to say that he is willing to clothe the Secretary of War with the power to lease all the piers and docks of the United States?

Mr. THURMAN. No, sir; I do not think that there is any such thing as that contained in this proposition.

Mr. HOWE. Or to license the use of them?

Mr. THURMAN. Undoubtedly.

Mr. HOWE. Is not that a lease?

Mr. THURMAN. The license to use them may be a very proper thing when the public interest requires that they shall be used.

Mr. HOWE. I ask my friend again, is he willing to clothe the Secretary of War with the power to lease all the piers and breakwaters?

Mr. THURMAN. Where the public interest will not suffer by it, I am.

Mr. HOWE. And allow him to be the judge of whether the public interest suffers or not? If the Senator is willing to do that, I have got his position. I am not willing, and I think you had better not consent to it or insist upon it. I think I have as much confidence in the present Secretary of War as in anybody I know of, and shall probably have a reasonable degree of confidence in the next one; and I hope always to confide in them more or less. I would not grant that power myself. It is an unnecessary one which will bring your Secretaries into grave responsibilities. If I were Secretary of War, I would not take the responsibility; but if you insist upon clothing him with it, so be it.

Mr. EATON. I hope this amendment will be voted down and for this reason——

Mr. WHYTE. Do you refer to the amendment of the Senator from Wisconsin to the amendment?

Mr. EATON. So far as the amendment of the Senator from Wisconsin goes it is very well; but I refer to the amendment to which that is an amendment. I hope it will be voted down for this reason simply: It is very evident to any individual who lives in the neighborhood of public works that a power of this sort ought to be carefully scanned before it is given. That the Secretary of War here in Washington should be able to determine with regard to who shall occupy for one day, or one hour, or one week public buildings in any part of the United States, is simply impossible. It would simply be destructive to commerce. Here is a breakwater, for instance, at New Haven or at Stonington. Suppose I desire to use it. If it is proper that the United States through its officials should determine whether I may use it for one week or not, let the collector at that port give me permission, not the Secretary of War here in Washington. I am by no means certain that anything of this sort is necessary, but I am very certain that it will be utterly impossible for the Secretary of War to transact a business of that character. I trust the amendment will be voted down.

Mr. BAYARD. I am of the impression that at the earlier part of this session I heard very strong objections made to the ingrafting of anything upon money bills other than matters appropriate thereto. Here is now, however, a proposition to make a general law entirely penal upon all persons who shall, without the consent of one Cabinet officer, use certain necessary public works, breakwaters, piers, and the like. It seems to me that there are many objections practically to this proposition, and also objections for want of constitutional power. In the eighth section of the first article the power to exercise exclusive jurisdiction is given to Congress over what is now the District of Columbia—

> And to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings.

Under that clause unless there has been a cession of jurisdiction by the State to the General Government, the legislative power of the State still extends to the exclusion of the General Government. It is for that reason, I have no doubt, that a general law protecting public buildings or structures of the United States has not been placed heretofore upon the statute-book, because in many places these public works exist on territory the cession of legislative power over which has never yet been made by the State to the General Government. Therefore it seems to me that we should not certainly ingraft a general law of this kind upon an appropriation bill without paying heed to this constitutional restriction.

But independent of that question there is gross impracticability in the language of this proposed law. It prohibits the use of a breakwater without the consent of the Secretary of War. The use of the breakwater which lies at the mouth of the bay appurtenant to the State in which I live (and it is used by the commerce of the world almost) at different times in cases of storm is a necessity. They run in there at nightfall and they run out in the morning. They go in there for shelter in time of storm and they leave just so soon as safety will permit. Under certain circumstances, with the sudden storms arising on our coast, it is impossible for any merchant to know whether the occasion for seeking shelter behind the breakwater will come or not till the sudden gust shall come. Hatteras, for instance, the most dangerous point on our coast, is just out of the channel. This Delaware breakwater will sometimes have in the course of six hours as many as from three to five hundred vessels gathered there who will remain there possibly until the next day and possibly pass out in a few hours. How impracticable therefore it would be under the language of the amendment to fix a penalty for the use, for that is the language of this proposed law, of such a work as that without having the preceding license of an officer of the Cabinet!

Mr. EDMUNDS. May I ask the Senator a question? Does he understand that if a vessel anchors inside of the Delaware breakwater that is a use of the breakwater?

Mr. BAYARD. Unquestionably, under the language of the amendment. There is no other use which can be made excepting this. If the Senator will visit the Delaware breakwater he will find it has in it means of attaching vessels and mooring them for safety. That is a thing that arises under the emergency of the moment. The vessel may be in a sinking condition when she reaches there and wants to make fast to these various piles of stone that are arranged in the Delaware breakwater, and it has given the use of them for forty years.

Mr. EDMUNDS. I was inquiring of the anchorage inside. Is not that one method of shelter?

Mr. BAYARD. That is one method of use undoubtedly. To take shelter behind it is the usual method. To make fast to it for the purpose of safety is another method; and the necessity for that use can only be decided on the emergency, and that emergency occurs in times of storm and danger. As I said, it seems to me that it is inopportune and—I use the word with due respect—improper at this time to ingraft upon this money bill a feature of general legislation of a penal character, especially when, as I have suggested, it may be exceedingly doubtful whether the Government of the United States has had from the States that assignment of their jurisdiction which will enable us to exercise prohibitive legislation over the lands upon which the improvements have been made.

Mr. CONKLING. This in one sense is not my amendment. I did

not hold the pen which wrote it. It was prepared by another Senator, and as I understand on consultation with still other Senators. I offered it in the absence of the Senator who chiefly prepared it. Before offering it I read it, and one thing occurred to me as an objection in detail, and that touches the penalty, which I thought might be too heavy. A Senator sitting near me expressed that opinion. Another thing occurred to me, which was matter of detail, and one or two others have been suggested.

I rise, however, to speak of the general purpose and spirit of the amendment, and I am surprised somewhat at the way in which that is encountered. The Senator from Delaware seems to have no suggestion to make with a view to perfecting the amendment, but only such suggestions as show that he differs with it as it stands. In the absence of any attempt to improve it, and in the presence of objections to any attempt at such an amendment, I have this to say: In the first place, a river and harbor bill is not a regular appropriation bill proceeding under standing laws, of which we have heard so much and of which I have heard so much more of late in the Senate than I think is wholesomely instructive; but I have nothing to say on that subject now. This has nothing to do with existing law. It is a bill which proceeds by itself in and of itself, referring to no existing law and gauged by no statutes that exist.

Therefore there can be no objection to legislation, I submit, upon such a bill. It is a bill proceeding as some Senators would maintain, under the vagrant clause of the Constitution, the power to regulate commerce, and as others would maintain under the provision of the Constitution conferring on Congress power to appropriate money for the general welfare. Proceeding under one or both of these clauses its object is to devote money to augmenting and improving the channels of commerce belonging to the nation. When it goes into creeks, and sedges, and sluices, such as riparian owners have a right to control, I conceive that it goes beyond the pale of power. When, however, it is confined to the gateways of the nation, for such the harbors are, to the great navigable rivers of the nation, and therefore the highways of national commerce, can it be possible that Senators mean to maintain that in all cases, or in any one case, we shall appropriate the general treasure of the nation to erect and maintain costly structures that they may do the office of a private wharf? Is it possible that expensive cut-stone masonry is to be founded, and reared, and maintained by yearly appropriation to the end that a railway company, or anybody else, may enjoy at the public cost wharfage, the solid, enduring foundation kept up at the public expense over which they may trundle their ponderous traffic, and by dint of which they may enjoy their revenue? Here lay yesterday a report which, brought up to the present time, alleges that one railway company enjoying a wharf, maintained at the public cost has reaped nearly $2,000,000 of savings of wharfage, and therefore profit to them.

Mr. President, can it be that Senators intend, under any possible version of the power to appropriate money to improve commerce or regulate it among the States, that we are to plant works, costly works, and maintain them forever by yearly appropriations, to be used in lieu of works which otherwise private individuals must build and maintain; and to be used not only to their damage and destruction for private advantage, for private profit, and under the unchallenged understanding that when they have thus been used, damaged, crushed, destroyed, they are to be reared again from the common treasure? I apprehend no Senator will undertake to defend such a doctrine as that; and if not, then I beseech the Senate, should we not address ourselves to perfecting this amendment; and if the penalty is too rigorous relax it; if the provisions are not right adapt them, but not to leave ourselves in the predicament of being told that when a corporation seizes a public work of the United States and the engineer reports to us that a military force will be necessary to dispossess them, we have nothing on earth to do except to sit meekly by and once a year make an appropriation to build it up, for fear if we did not we should not assert the right we have to it. It seems to me that that is a conclusion too lame and impotent for the Senate to rest upon.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. SHERMAN. Certainly no one would desire more than myself to vote for any proposition that would protect public piers or any works built by the United States for the good of commerce. If this was a proposition of that kind, I certainly would vote for it; but it does seem to me that it goes too far. First, it makes a penitentiary offense of the most common, ordinary use of a pier. Forsooth, unless the person who is driven perhaps by the stress of necessity or by custom, and does what everybody does, can show the consent of the Secretary of War, he is liable to be indicted and sent to the penitentiary.

If the remedy is aimed at the particular case in point, it is totally unnecessary. Senators have entirely exaggerated the condition of things at Cleveland. There the Cuyahoga River, coming in contact with the lake, passes around the foot of a great bluff; I do not know how high, but I will say one hundred to one hundred and fifty feet high—quite a bluff. The Cleveland and Pittsburgh and other railroad companies, not this company alone but all the railroad companies, own pretty much all the land from the foot of the bluff, including all riparian rights to the lake and lying east of a certain pier built by the Government of the United States. The only way by which these great corporations can get to the lake or come into that city is by sweeping along down the bank of the lake and striking this Government pier at right angles, outside of the bluff and just where the bluff comes in contact with the waters of the lake.

Years ago Congress authorized the railroad companies to bridge this harbor, and now there is a bridge built by the Lake Shore road over these piers and resting on these very piers. That is a turn-bridge, so that it does not really impede commerce. Just below, outside of this, the Pittsburgh and Cleveland Railroad, as I understand under a contract with all the railroads, have built extensive warehouses and places where goods can be received and shipped. It is the only spot where it is possible to bring the business of the railroads in contact with the business of the lake. The character of the bluff, the character of the ground, the condition of affairs there, prevent that contact from being brought about anywhere else, because if the railroad was brought on the top of this bluff it would be impossible to lower and raise the enormous freight that passes at that particular place, from land to sea and from the sea to land. There alongside is that common wharf, because the wharf is used by everybody. Every boat that comes there, every schooner, every steamer, every canal-boat, that passes along this place laden with lumber or otherwise passing by, may be attached to this pier, and they all use the pier precisely to the extent that the Cleveland and Pittsburgh Railroad uses it; but they have built outside of the pier, east of the pier, their works. Besides they have extensive docks running out in parallel lines from this pier with breakwaters, and across in the face of them, and there that great business goes on, because they carry over their freight from the Cuyahoga River, which is the property of the people, not the property of the United States. It is the property of every citizen of the United States guaranteed by the fundamental law of Ohio, by the act which created it, as free to all. The people of the United States have to pass from the nature of things their property, their iron, their coal, their lumber, from the waters of the Cuyahoga River, which is not yours, over this pier into the warehouses built by the railroad to be transported for the wants of the world. Every officer of the railroad is to be sent to the penitentiary, every boat-owner, and every man who lands a vessel there is to be dealt with, because forsooth the Government of the United States have erected a pier between the navigable water of the Cuyahoga River and the only place where it can reach the great railroad commerce of the country. That is wrong. Senators have mistaken the facts. These railroad companies and these people are responsible men, and if the Government has any rights, or if the use of this pier by these railroads has been injurious to the Government, there is a remedy against them and it can be enforced.

Mr. EDMUNDS. What is the remedy?

Mr. SHERMAN. If the Senator himself will provide a simple remedy to prevent this pier from abuse or misuse, I will vote for it.

Mr. EDMUNDS. Why does not the Senator provide it himself, if he wants it taken by the throat?

Mr. SHERMAN. I did propose a remedy and that remedy is ample. It is to authorize civil proceedings to be commenced against this railroad company or anybody else who uses the property of the United States to its injury. All that these people engaged in the commerce of Cleveland do is to transport and transfer their private property from a navigable stream of the United States over to the railroad warehouses and the railroad tracks, and they cannot do it except by crossing your pier.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. SAULSBURY. If this proposition were based on any injury done to property of the United States, if the only effect it had was to protect the Government, I should vote for it. It seems to me the amendment is altogether too broad, and deprives every citizen of the United States from using in any manner, however slightly, any property of the United States enumerated in the amendment, without first coming to Washington and getting a permit from the Secretary of War. I can imagine very well how this would operate injuriously in a great many instances. Take for instance the Delaware breakwater, with which I am more familiar than I am with most other works of improvement. There is a breakwater established by the expenditure of some $2,000,000 for the protection of the commerce of the country. The Government seeing that that work was not complete, that the full protection which commerce required would not be complete without building out into the harbor thus made by the breakwater an iron pier, is now engaged in erecting such pier, and is expending some $250,000 or $300,000 on that pier. It is not yet completed. This bill contains a further appropriation of $30,000 for that pier. The object of the pier is that the commerce of the country which may take refuge in the harbor or breakwater may have the advantage of the pier and thereby communicate in cases of necessity with the shore. Yet if this amendment is agreed to, no man can even walk upon that pier without first coming and getting permission from the Secretary of War. The vessels in that harbor, however much distressed, could not land a crew or pass any portion of their crew to the land for succor or for aid. I think that that is entirely wrong. If the proposition was to hold any person responsible who does damage to the works of the Government, I would support it; but to exclude the use of it, the absolute use of it, without the permission of the Secretary of War, is entirely wrong. This bill for instance appropriates money for building locks on the Kanawha River, and yet no vessel could pass through those locks without permission. A vessel might perhaps come up from the Mississippi River and the captain would want to pass up the

Kanawha, but before he could pass through one of the locks under this amendment as proposed, as I understand it, he must first get the permission of the Secretary of War.

Now, the adoption of this provision, according to my understanding of it, will embarrass the commerce of the country much more than it will do good in the protection of the interests of the Government in taking care of its property. Then look at the penalty. I do not know why we should always have our bills filled with the fearful penalties of fine and imprisonment for every violation of a law, however trivial. I would rather see a civil remedy provided against the parties who may damnify the property of the Government than to be holding up over the people of this country the pains and penalties of imprisonment in the penitentiary. I cannot vote for a proposition of that kind.

In my judgment, therefore, we had better let this whole thing alone. At any rate without proper consideration we ought not to attach to a bill of this kind such a provision. Certainly I will not vote for the bill with any such provision in it. If the object is to defeat the bill, it will have that effect so far as my vote is concerned. I will not vote for a bill creating penal offenses to put my fellow-citizens in the penitentiary; I do not care where the amendment comes from that requires it. If you provide a civil remedy against parties who may injure the public property of the country, I will vote for such a proposition; but I will not vote for this.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin [Mr. HOWE] to the amendment of the Senator from New York, [Mr. CONKLING.]

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New York.

Mr. MERRIMON. It seems to me that this amendment, if enacted into a law, would be a very wise provision to protect the property of the Government. I am not exactly sure that it ought to be made in this bill. With a view, however, to perfect it, I would suggest to the Senator from New York if it shall become a part of the bill, that it be amended in this way: Insert next after the words "United States" in line 6 the words "for purposes of business," and substitute the word "willfully" for the word "knowingly," in line 10.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina to the amendment.

Mr. EDMUNDS. I do not think there is any objection to that.

Mr. MERRIMON. I think the word "willfully" is better than "knowingly." Take the case put awhile ago where a vessel in a storm is forced to go on the Government property; that act ought not to be punished.

Mr. OGLESBY. I should like to ask the Senator from North Carolina how far he means the expression "for purposes of business" to extend? Take the case of a vessel passing in between the piers from the lake and entering a river, the channel of which has been deepened or widened or both, and the Government has constructed stone walls or barriers along the banks of the river to prevent the caving in of the banks and thus to avoid obstruction to its navigation. Take the case of a vessel entering in between the piers, coming up the stream along the stone walls erected by the Government two or three feet wide, up against which the business of the city is all carried on; where the warehouses, store-houses, market-houses, retail establishments, elevators, &c., are built immediately against that stone wall. Does he mean or will the amendment be construed to mean that a vessel cannot run against that wall and discharge its cargo, and that persons occupying the buildings along the banks cannot cross that wall with their produce and put it on board of vessels without being characterized as carrying on business? Does he mean by those terms to exclude that sort of business? If he does, I think his amendment adds nothing whatever to the amendment suggested by the Senator from New York, and I can see that that Senator might very readily accept the suggestion. If, on the contrary, the Senator from North Carolina means by "business" a permanent occupation of the wharves, a permanent occupation of the piers, a permanent occupation of the breakwaters, I could get along with it with considerably less difficulty.

Look at the Chicago River for instance, a river that runs through the heart of the city, that is walled in as it were to prevent its banks from breaking in and stopping the channel. To say that steam-tugs, sailing-craft, steam-craft cannot go up by the side of an elevator or of the wholesale houses along there and tie to that wall or pass over that wall without committing a misdemeanor is going further than I am willing to go by my vote. I would inflict no penalty on commerce or any of the agents or instruments of commerce for such an occupation or such a use of a wall or a pier as that, whereas I should be perfectly willing to vote that no pier and no wall should be permanently and continuously occupied by any company or any person for gain or profit or business. I could go for that, but I certainly could not accept the construction which I think the language naturally bears.

Mr. MERRIMON. I do not intend the words to have any such construction as that attributed to them by the Senator from Illinois; nor do I think if this amendment should become a law any court would so construe them. If a breakwater is made for the accommodation of navigation and such purposes as he has indicated, it would be perfectly legitimate.

Mr. OGLESBY. The Senator misunderstood me. I did not say a breakwater. The breakwater is another instrument of defense around a harbor, altogether different from lining the banks of rivers through cities. Those are walls made to protect the water from the falling in and caving in of the banks, not to break the water off, but to break the dirt off.

Mr. MERRIMON. I do not care what improvement it is, whether it is a breakwater or whether it is a wharf; whatever it may be, if it is made for general use, to be used in a particular way in navigating a vessel or in unloading a vessel, every one would have the right to use it according to law. The proper construction to be placed upon these words is this: Wherever any one shall be using any public work of the character embraced by the amendment otherwise than as the law allows for purposes of business, in that case he shall be subject to the penalty. I think it is very plain that that is the only construction that can be placed upon it. If the law allows any shipper or any one having charge of a vessel to use the work for a lawful purpose, then it would be no violation of this proposition if it were the law to-day; but if he shall use it in a way other than that allowed by law for purposes of business, in that case he would be subject to the penalty. It seems to me these words are appropriate in this view. In the case of piers and many other public works along rivers persons might want to walk along them occasionally for pleasure and it would be very absurd to say that such penalties should be imposed upon persons who happened to walk on a pier or any other public work; but where they undertake to use it for purposes of business, and do it knowingly and willfully, then they ought to be subject to heavy penalties.

Mr. KERNAN. Mr. President, I think it is probably true that there should be some legislation to protect these works; but I submit that we are not prepared to make the appropriate legislation now. This provision would apply to every work built by the Government to improve rivers or harbors making it penal to trespass upon them, and I fear we should interrupt uses of some of these works that are very necessary and very beneficial to commerce. My suggestion is that this legislation should be had after an application to the War Department that we may have from the engineers and those who are familiar with the subject facts showing that there are wrongs done and what their general character is, so that we may frame penal legislation with more care than we can now. Therefore I submit we had better take this up as a separate subject, have a report from a committee which can be based upon information showing the character of legislation that will properly protect the public works and will not be a great obstruction to business in the ways suggested by the Senator from Illinois and some that I can imagine myself in reference to a few harbors that I am familiar with.

Mr. HARVEY. I presume the object of this amendment is to prevent the permanent occupation and use of public works by persons or corporations engaged in commercial business to the exclusion of other persons and corporations engaged in like business. If that is the object of the amendment, I am certainly in favor of the principle; but I agree with the Senator from New York who has just spoken that it had better be made the subject of a separate bill and considered in another connection.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina [Mr. MERRIMON] to the amendment of the Senator from New York, [Mr. CONKLING.]

Mr. CONKLING. I accept the amendment as I have a right to do having in form offered it, so that there need be no vote on that. After hearing the Senator from Illinois on my right [Mr. OGLESBY] and feeling that there is force in what he says, I suggest an amendment which if adopted will cause the first two lines of this proposed provision to read:

> It shall not be lawful for any person or corporation to continuously or permanently use or occupy any pier, breakwater, or other work, &c.

Mr. THURMAN. You have a right to modify your amendment.

Mr. CONKLING. I know I have; but I do not want to modify it without myself considering for a moment and getting the Senator, if he will, to consider the effect.

Mr. MORRILL. I would suggest the addition of the word "exclusively."

Mr. CONKLING. There the Senator will be "hoist with his own petard." He will scarcely find a case where one single person goes, without community with anybody else, and occupies exclusively one of these structures. In a case which I do not like to refer to because I do not want to be invidious, it appears that there is one king-bee in the hive that occupies, and then swarming in along with him are several other small interests, and it is all very good for them; but it is pretty hard for the people generally engaged in commerce and I should like to have a little share for the Senator's constituents and others who are called upon once a year to build up what is broken down by this proceeding. If it says "exclusively," for the reason I have stated and for an additional one which I might state, I do not think the statute will be operative; but if we say "whoever shall continuously and permanently"—those are the words used by the Senator from Illinois—squat upon the pier and stay there so that they will not go off, so that the engineer reports that it would require military force to dispossess them or to enable him to go on and do anything with the pier, then it would take hold.

Now I have a word to say to my colleague in answer to his suggestion. I do not know whether he means to vote for the river and

harbor bill as it stands or not. Assuming that he does, and that he is a friend of the bill, knowing as I do that he is a friend to some of the appropriations which it contains, I make to him this suggestion: I rather think from what I have heard that there may come a time when this bill will need friends; it is possible it may be scant of votes; and I also infer from what I hear and what has been revealed, not in one case only but less publicly revealed in two or three other cases, that there may be several Senators here who feel that if they are building piers or works of another sort—for it is not piers alone—for a railroad company or a coal company or a company engaged in getting out lumber or cord-wood, it may not make them any more animated than they would otherwise be in supporting this bill. Hence I believe in the interest of the bill that if my colleague or some other good lawyer in this body will take a little pains to perfect this amendment so that it will do no harm and so that in the estimation of some Senators it will guard some of those appropriations from being used for purposes which they believe to be wholly private purposes, and therefore in the sense of the Constitution unlawful purposes, he will be very likely to augment the chances of the bill. And therefore although, as I repeat, I did not prepare this amendment and probably should not have prepared it, but did offer it in the absence of Senators who did prepare it, I think he cannot devote a little time to any more useful or wholesome purpose touching this bill than to put in some safeguard which will prevent our receiving a report at the next session of Congress from the War Department and the Engineer Bureau that unless they are allowed to proceed under the war power by military force they cannot get enough possession of the piers which we have built up to repair them. I confess that every time I hear that proposition stated, or state it myself, it strikes me anew with some wonder that such a thing can be that a man, reducing it to the illustration of private ownership, who owns a work and has built it, says that without military force he cannot enjoy it himself for the uses for which it was built and cannot dispossess intruders and trespassers who monopolize it and devote it to their own use.

But, Mr. President, I have no interest in this amendment except that which I state, and certainly we should not pass an amendment going further than it ought to go; but I submit that if it is changed so as to be restricted to cases where they take continuous and permanent possession of public works for private purposes, it would be very difficult for any member of this body to object to that. Whether the statute will then be of enough vigor to enable you to apply it is a question which we must take the chance of; but it does seem to me that we ought to file some *caveat*, we ought to give some notice of some kind that this sort of proceeding shall stop.

Mr. LOGAN. Will the Secretary read the proposition again?

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

SEC. —. It shall not be lawful for any person or corporation to continuously or permanently use or occupy any pier, breakwater, or other work of the United States for the improvement of rivers or harbors or navigation in the United States for purposes of business without the written consent of the Secretary of War and without compliance with such conditions as he shall prescribe; and such consent may be canceled at any time on one month's notice. And any person who, whether acting under the authority of a corporation or otherwise, shall willfully violate the foregoing provisions shall on conviction thereof be punished by imprisonment for not more than one year or by fine not greater than $500. This section shall take effect on the 1st day of October, 1876.

Mr. CONKLING. Is there any objection to that now?

Mr. KERNAN. It has been changed since I heard it before to "continuously or permanently."

Mr. CONKLING. Does my colleague see any objection to that?

Mr. KERNAN. I cannot see any objection to that. It may have some good effect now.

The question being put, a division was called for on the amendment.

Mr. CONKLING. I will modify my amendment. Let us take the question in the best form. I modified my amendment so as to incorporate these words, finding that other Senators approved of them——

Mr. ALLISON. It is not modified.

Mr. CONKLING. The Senate voted under a misapprehension.

Mr. CHRISTIANCY. I wish to ask the Senator from New York one question: How corporations are to be punished under the language of the amendment?

Mr. CONKLING. If my friend will look to the amendment he will see that it includes corporations. Then he puts to me very naturally how are you to reach corporations. It has been decided in Massachusetts, for example, that a corporation can be indicted for assault and battery. I rather think if that is the law, that a corporation can be treated as a trespasser for coming forbidden upon a close not their own.

Mr. CHRISTIANCY. Can they be imprisoned?

Mr. CONKLING. There is a subsequent part of the amendment which the Senator from Maine [Mr. HAMLIN] has made a suggestion about. If the Senator thinks he had better strike out the imprisonment—I rather think, however, he had better not strike it out—that is a thing which can be done and the fine will go against the corporation. But a corporation not being a natural person acts only by its agents, and therefore if I, being the agent of a corporation, go upon a pier and take possession of it, I do it at my peril. In trespass all are principals, and in a misdemeanor or offense there is no agency, but I take my risk in my hand, and if they catch me doing this upon a pier I cannot answer this section by pleading that I am a conductor or ticket-seller of a steamboat company or a railway company. That would not answer the purpose with even a majority of whoever might try me as a court.

Mr. CHRISTIANCY. To a certain extent the Senator is correct undoubtedly, but the penalty of imprisonment it is very plain cannot apply to a corporation.

Mr. CONKLING. Strictly to a corporation it might not; but inasmuch as a corporation must act through men, and it does apply to them, you have there the safeguard.

Mr. SHERMAN. I ask the Senator from New York to remember, as he does no doubt, the condition of affairs at Chicago, and think how such a law as this would apply there. If I remember correctly there are immense elevators, the most important agencies of the great commerce of Chicago, built out alongside of these very piers, clear out far in the lake. They carry the railroad tracks, just as at Cleveland, alongside the piers to the other side of the elevator, and there the elevator built alongside the pier is using the pier every day; that is, all the wheat that goes to the city of New York from the city of Chicago is passed from the railroad to the elevator over the pier. It is used every day by everybody, especially by the owners of the elevator. It is not possible to carry on the business of the lakes otherwise. I suppose it is the same in Milwaukee.

Mr. CONKLING. I think the Senator's attention has been withdrawn a moment since the amendment was changed. As it is now it certainly would not act upon that, and I am free to say that I do not think it ought to. There may be force in what the Senator from Wisconsin [Mr. HOWE] said that we ought to so change it that this would in some way be the subject of joint contribution; but this does not affect that, and I do not think it should. It simply provides now that if persons or corporations take permanent possession and continuous possession of this work, then they must have some understanding with the Secretary of War about it, and he has power to interfere when it gets to be a grievance and say "Now you must limit this to the use I prescribe," if they persevere then he can act under the statute.

Mr. SHERMAN. Here, on the other hand, these buildings that have been put there by the acquiescence of the Government, to say the least, to promote the public interest and promote commerce have cost perhaps half a million, I think some of them more than that, perhaps a million of dollars; I have heard of one costing a million and a half of dollars. That is a permanent thing, therefore. It may be said their occupation of the pier is a permanent occupation, a continuous occupation.

Mr. CONKLING. Not at all.

Mr. SHERMAN. They do it every day and every hour; and at any moment a Secretary of War who chose to abuse the power conferred on him might at once arrest the whole progress of this enormous business. It does seem to me that we ought not to interfere in this way with what has gone along without objection and without law and without complaint, except as to the amount of $8,000, and I do not care who is made to pay that. If the Senator or anybody will make a proposition that will compel the railroad companies at Cleveland to repair, or anybody who uses a Government pier to repair, any loss or damage done to the pier by reason of their use or occupation, I shall be perfectly willing to vote for that. Indeed, I say that it is right that the Government of the United States ought not to maintain piers for the benefit of wharves and where the wharfage use of these piers does injury to the Government, impairs the foundation of the piers, or causes damage, some provision of law ought to be made, carefully guarded, by which the corporation should be compelled to pay that loss. But the use of these piers continuously and permanently is a necessary use in order to carry on the business of the people, and is a necessary use to make the harbor available and the piers available. Look at Chicago and the enormous business that is done there; and in Buffalo it is the same. I saw the thing there with the honorable Senator from New York. A train of cars comes in on one side of a great elevator. The elevator is owned by an elevator company; the pier is owned by the Government; the river is public property. The use of all these different great agencies of modern civilization has been carried on for years to the advantage of the public at large. If the use by the elevator should be injurious to the pier, the Government ought to have the power to require the elevator company to repair any damage caused by it. If the railroad has caused any injury to the elevator, it ought to be required to repair that damage.

Mr. EDMUNDS. The tenant ought to keep the landlord's property in repair. That is the general rule.

Mr. SHERMAN. Why do you not say so?

Mr. EDMUNDS. I do not regard it as landlord and tenant.

Mr. SHERMAN. Why do you not say that if in the use of a public pier any corporation or person shall injure the pier or do damage to the pier then there ought to be a remedy, and it ought to be a civil remedy, not a penitentiary remedy?

Mr. CONKLING. Why does not my honorable friend propose it?

Mr. SHERMAN. I did. I offered a proposition as an amendment to the very clause, so far as that particular case was concerned. I am willing to extend it to all.

Mr. EDMUNDS. How would it do to add—would this agree with my friend's motion?

Any person who shall unlawfully injure or unlawfully occupy (except in case of stress of weather) any pier, property, or other work of the United States for the improvement of rivers or harbors or navigation in the United States, shall, on conviction thereof, be punished by a fine not exceeding $100, &c.

Or, if that is too much, a fine not exceeding what the violator is willing to pay. How would that do?

Mr. SHERMAN. I should say, on the contrary, that the remedy ought to be a civil remedy. He should be required to repair the damage done, or in a suit to be brought by the United States to pay the damages. There is no trouble in dealing with this case. Wherever a company invests a million of dollars, or even $20,000, in the construction of a work alongside of a pier and does damage to that pier, it furnishes itself the security. I would make the property, as in the whisky cases, responsible for the damage done. Further than that it does not seem to me wise to go.

Mr. CONKLING. If I am not out of order, the Senator from Ohio has brought us to a time when I want to make one remark, and I wish I could get to it the attention of every Senator. Having a knowledge of river and harbor bills for a good many years, I believe if you might by an amendment such as we are discussing or in some other way separate from public works the idea that they can be used as private property, you would strike off a large percentage of all the applications for river and harbor improvements. To make plain my meaning, let me give an illustration. Wherever you find the terminus of a railroad, you find in that fact a great and pressing inducement to a harbor improvement. We can all see that for just and proper reasons inducements arise in such a case. But the particular thing to which I point is this: If there is a railway company that wishes to deliver coal in place of building a wharf to deliver coal, it wants if possible to have that wharf constructed at the public expense, and so with piers and with a variety of other works which can be found in this present report of the engineers. If you once establish the fact that they cannot occupy as their own that pier without paying for it as they would pay for any other wharf, that moment in many of these cases the great push for appropriations will cease.

Mr. President, it is not to touch a case like Buffalo, the local geography of which I think was not sharply present in the mind of my honorable friend from Ohio when he made his remarks. He will not find a case in Buffalo where the railroad runs, not on the land side of the elevator, but on the water side, a case where the railroad runs on the pier, but where the Erie Railroad or the New York Central runs its cars along the side of the elevator from which the legs go down into the hold of the vessel to snatch up the grain and put it in the elevator and deliver it over on the other side; but he will find elevators standing along normal to the basin or the water, and on the other side of those buildings is the railway track on which cars run underneath and over on the other side this cargo is delivered into them. They do not use the pier; they do not crush any masonry built by the Government. They are on the other side of the building. It stands between them and the water, down into which the Senator saw the long legs of the elevator put, taking out of the hold of a vessel and having disappeared beyond his view with almost incredible quickness the largest cargo that comes down in bulk.

Mr. SHERMAN. I was unfortunate if I described that at Chicago differently. The railroad is always on the left and the pier on the right.

Mr. CONKLING. Precisely.

Mr. SHERMAN. And the big building between.

Mr. CONKLING. Then my honorable friend will see that his case of an elevator is just the case that does not touch this. Why? Because by their own apparatus they connect the elevator with the hold of the vessel; the cargo passes off through the legs of the elevator, and my friend and a procession at the same time could march along on the pier, and he never would even know, unless he looked, that a great stream and torrent of grain was passing up from the hold of the vessel that lies outside into this tall building which becomes its receptacle. I do not wish, of course, anything which would interfere with that. I do wish if possible that we should come to a time when a man who wants to ship cord-wood or lumber will not come here and ask for an appropriation to build a pier or a wharf which will enable him to bring it conveniently up and load it from there into a vessel, and the same thing with corporations. I want it stopped, first because of what I conceive to be its illegality, and second because of what I believe to be the diminution of these appropriations many of which are applied, I will not say squandered, to such uses.

Mr. ALLISON. Mr. President, I do not know that I shall object to this amendment when perfected; but it seems to me that the debate has disclosed such a diversity of opinion with reference to the effect and scope of the amendment that it had better be eliminated from this bill. We have lived a great many years in this country improving harbors from year to year without any such provision.

Mr. CONKLING. Building wharves.

Mr. ALLISON. Building wharves or whatever. We have before us now a provision prepared by two or three eminent Senators and amended four or five times, and I have just seen the handy fingers of the honorable Senator from Michigan [Mr. CHRISTIANCY] at this amendment, and I have no doubt he will perfect it still more.

Mr. EDMUNDS. Has it been amended oftener than the bill has been in other respects?

Mr. ALLISON. It does seem to me that a careful committee may take hold of this question and do the subject better justice than we are likely to do here by tinkering over it for an hour or two at the tail end of this bill. The provision itself does not take effect until the 1st of October, by the amendment, so that only two months will intervene between that time and the next session of the Senate, when the Judiciary Committee, or the Committee on Commerce, or some other standing committee of this House familiar with the subject, could prepare a bill just to the Government of the United States and just to all the people of this country, because I do fear that at many places this amendment, if adopted in any form that it is likely to take, will do injustice to very good people who are engaged in one way and another in transacting business at these different places where harbors and piers have been erected.

Mr. EDMUNDS. May I ask the Senator a question? Is it any part of the business of the people of the United States to furnish out of its Treasury places for private people to do business and take possession of?

Mr. ALLISON. Certainly not. The Senator does not need to ask me that question.

Mr. EDMUNDS. I think it is very opportune to the Senator's argument.

Mr. ALLISON. It does seem singular that this great abuse all over this country has lain dormant for forty or fifty years and only been discovered at the tail end of this river and harbor bill. Therefore I suggest that if this matter is so vital and so important that you must make penal provisions with reference to it, put people in the penitentiary and fine them a thousand dollars or more, it is sufficiently important to require the careful attention and consideration of the Judiciary Committee of this body.

Mr. CHRISTIANCY. I move to amend the amendment in the latter part so as to read:

And any person who, whether acting under the authority of a corporation or otherwise, shall willfully violate the foregoing provisions shall, on conviction thereof, be punished, if an individual, by imprisonment not more than one year, or by fine not greater than $500, and if a corporation by fine of not more than $5,000 nor less than $500.

Mr. CONKLING. I accept that amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York, as amended.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WEST. Let it be reported as it stands now.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

SECTION —. That it shall not be lawful for any person or corporation to continuously or permanently use or occupy any pier, breakwater, or other work of the United States for the improvement of rivers or harbors or navigation in the United States, for purposes of business, without the written consent of the Secretary of War, and without compliance with such conditions as he shall prescribe; and such consent may be canceled at any time on one month's notice. And any person who, whether acting under the authority of a corporation or otherwise, shall willfully violate the foregoing provisions shall, on conviction thereof, be punished, if an individual, by imprisonment not more than one year or by fine not greater than $500, and if a corporation, by fine not more than $5,000 nor less than $500. This section shall take effect on the 1st day of October, 1876.

The question being taken by yeas and nays, resulted—yeas 14, nays 28; as follows:

YEAS—Messrs. Anthony, Christiancy, Cockrell, Conkling, Edmunds, Hamlin, Hitchcock, Howe, Kernan, Merrimon, Morrill, Oglesby, Thurman, and West—14.

NAYS—Messrs. Allison, Bayard, Boutwell, Cooper, Cragin, Davis, Dennis, Eaton, Ferry, Frelinghuysen, Harvey, Ingalls, Jones of Florida, Kelly, Key, McCreery, McDonald, McMillan, Maxey, Mitchell, Randolph, Ransom, Sargent, Saulsbury, Sherman, Windom, Withers, and Wright—28.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Dawes, Dorsey, Goldthwaite, Gordon, Hamilton, Johnston, Jones of Nevada, Logan, Morton, Norwood, Paddock, Patterson, Robertson, Sharon, Spencer, Stevenson, Wadleigh, Wallace, and Whyte—29.

So the amendment was rejected.

Mr. EDMUNDS. I offer the following amendment, to come in as a last section to the bill; and on it I ask for the yeas and nays:

Any person who shall unlawfully injure or unlawfully occupy—except in case of stress of weather—any pier, breakwater, or other work of the United States for the improvement of rivers or harbors, or navigation in the United States, shall, on conviction thereof, be punished by a fine not exceeding $100.

The yeas and nays were ordered.

Mr. ALLISON. I would suggest to the Senator from Vermont to strike out "except in case of stress of weather." I do not think that would be an unlawful occupation.

Mr. EDMUNDS. It might be unlawful in the sense of a trespass, and therefore I want to make it as acceptable as possible and ascertain if it is possible to put even the slightest check upon the sort of thing which seems to be going on at some places.

Mr. McMILLAN. I voted against the last amendment and I shall feel compelled to vote against this. I believe there is a wrong, perhaps, which requires some legislation, but I think the circumstances are such as to require any legislation proposed to be carefully considered by a committee, so that such legislation may be framed and placed upon the statute-book as will be certain to accomplish the purposes intended by it, and I think by legislating at this time and in this way great injury might be done to the interests of commerce where no such injury is intended. That is my only reason for opposing this amendment; but if a provision of this kind can be referred

to a proper committee and receive the consideration of such a committee, I should very cheerfully support it.

The question being taken by yeas and nays, resulted—yeas 15, nays 26; as follows:

YEAS—Messrs. Anthony, Cameron of Wisconsin, Cockrell, Conkling, Cragin, Edmunds, Hamlin, Howe, Kernan, Merrimon, Morrill, Oglesby, Thurman, Wadleigh, and West—15.

NAYS—Messrs. Allison, Bayard, Boutwell, Cooper, Dennis, Eaton, Ferry, Frelinghuysen, Gordon, Harvey, Ingalls, Jones of Florida, Kelly, Key, McCreery, McDonald, McMillan, Maxey, Randolph, Ransom, Sargent, Saulsbury, Sherman, Windom, Withers, and Wright—26.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Booth Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Nevada, Logan, Mitchell, Morton, Norwood, Paddock, Patterson, Robertson, Sharon, Spencer, Stevenson, Wallace, and Whyte—30.

So the amendment was rejected.

Mr. EDMUNDS. I see it has not got quite soft enough yet. I will try it again. I propose this amendment:

Any person who shall unlawfully injure—

Leaving out occupation entirely and confining it to mere injury—"any pier, breakwater," &c., "shall be punished by a fine not exceeding $100."

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

Any person who shall unlawfully injure any pier, breakwater, or other work of the United States for the improvement of rivers or harbors or navigation in the United States shall, on conviction thereof, be punished by a fine not exceeding $100.

Mr. SHERMAN. I simply desire to say that this proposition and all propositions of this kind are general legislation. This is general legislation applying to a great multitude of cases, and it ought to be referred to the appropriate committee. I shall vote against it on that ground. I am told by the Senator who has the bill in charge that there is no legislation on this bill of a general character. There is legislation affecting and regulating the expenditure of particular sums named in the bill.

Mr. EDMUNDS. The Senator from Ohio having no further objection to offer to the amendment itself, comes at last to the solid ground that this is legislation on an appropriation bill.

Mr. SHERMAN. Of a general character.

Mr. EDMUNDS. And legislation of a general character. What is the general character of this legislation? Its general character is just as general as the bill is, and not a bit more. The bill provides $5,000,000 to construct, improve, repair, and protect public works of internal improvement. This amendment proposes that if any person shall willfully and unlawfully injure one of these works of public improvement, he shall be subjected to the slight fine of $100, which will not send him to the penitentiary. Now, the Senator is struck with astonishment and says this is general legislation. It is not general legislation. It is specific legislation, applicable to the specific works that $5,000,000 of the money of the people of the United States is to be appropriated to build up and take care of. That is what it is, and nothing more. The objection that we have all or many of us made to legislating on appropriation bills that were merely to furnish money to carry on the Government according to the requisitions of existing law, is one thing; but when you sail out with a bill that has not in it any provision to carry out any existing law, but is absolutely fresh legislation though on an old subject, then in order to protect the uses to which we apply this money we propose that if any person commits an injury upon these works he shall be made responsible for it in a small penalty. That is the proposition.

Mr. FRELINGHUYSEN. I have had no opportunity to look at the statutes of the United States. If this matter was referred to a committte, that committee probably would examine it. It seems to me very strange if in all the legislation there is not some provision, some statute against malicious mischief or against destroying the public works of the United States or the works for improving the navigation of the rivers. The effect of this proposed statute is to reduce all those penalties down to $100 and to make that the punishment for all this mischief. Therefore it seems to me that this statute may be doing great damage. It may be really repealing many of the penalties which exist now for the protection of these very works.

Besides, the Senate has several times by its vote indicated that it did not wish to legislate upon this subject without its being referred to a committee, and I do not think that any amendment can be so drawn that I would vote for it.

Mr. EDMUNDS. I feel perfectly sure of that.

Mr. FRELINGHUYSEN. You may be assured of it.

Mr. EDMUNDS. I have been sure of it for some time. I will modify my amendment by putting the penalty up to not exceeding a thousand dollars. I do not think that I shall lose any votes by it, and it will make it look a little more respectable. Now I wish to say to my friend from New Jersey that several gentlemen have examined the statutes of the United States to see if there was any earthly way under existing law to prohibit the willful violation of the rights of the United States against the protest of the engineers and where nothing but the Army could be brought to bear to protect our works from absolute injury and destruction. Now, whether on a bill to which it is perfectly germane and to protect the very objects of the bill, it is possible to get a majority of this Senate to say that for such a piece of misconduct, not occupation, not use, but mere willful injury, the persons who do that thing shall be brought under the penalty of law, is the question.

Mr. SHERMAN. I do not agree that the river and harbor bill is not like any other appropriation bill. It is a bill to carry on existing works and to commence new works, and it ought to be treated as and is in its nature an appropriation bill.

As to general legislation the Senator from Vermont made a very interesting speech here the other day, one of great ability, to show that the conduct of the House of Representatives in undertaking to legislate in a wholesale manner upon an appropriation bill was not right and that we might very fairly stand upon that position. Here is an attempt to legislate not as to the particular works but as to all works, not those that are embraced in this bill but as to all the works of the United States, and all the property of the United States, to protect them.

Mr. EDMUNDS. O, no, sir; only river and harbor works for which this bill provides.

Mr. SHERMAN. There are many hundreds of millions of dollars, I may say, invested in other rivers and other harbors in works completed; and yet this section extends to them all. It is a penal law.

Mr. EDMUNDS. So it is.

Mr. SHERMAN. And are you to put on a river and harbor bill all the laws that we pass, all the penal statutes that ought to be invented by the Judiciary Committee, all the commercial regulations that ought to be invented by the Committee on Commerce? If so, there is no virtue in the rule we have been acting on. If this amendment is adopted, what can we say to the House when they have undertaken to change the salaries of all officers of the Government from the President down, the salaries they provided for being appropriated for in the bill that they sent to us? If they cannot change the salaries that are provided for in those bills, how can we on this bill put a penal statute as to public improvements that have been finished fifty years ago? I am perfectly willing to do anything to protect the public property; but the suggestion made by the Senator from New Jersey is perfectly correct, that this matter ought to be referred to the proper committee to examine it.

Mr. EDMUNDS. Let me ask the Senator if he has not himself moved to this very bill an amendment of legislation respecting the east pier in Cleveland Harbor?

Mr. SHERMAN. And that was perfectly proper, because the rule expressly authorizes where a particular sum of money is appropriated for a particular purpose an amendment of a legislative character to be offered in regard to that particular appropriation. The rule expressly provides for it, and that is perfectly germane always to every appropriation bill and is not controverted by any Senator whatever. That is where a particular appropriation is made, anything that directs the mode and manner of its expenditure is proper and pertinent to it.

Mr. EDMUNDS. That is just what the House have done about salaries. They appropriate money for salaries and provide that what they appropriate shall be in full for all that the men do.

Mr. SHERMAN. I think we are all astute enough to see the difference between a particular provision as to how a particular sum of money appropriated in a bill shall be expended and what results shall come from a general appropriation.

Mr. THURMAN. No one can deny the propriety of this proposition as an abstract proposition. The only objection to it is that it is proposed as a part of an appropriation bill. I leave it to those who have discussed that question whether it is proper on this bill or not. The Senator from Vermont says that the rule that no general legislation shall be had in appropriation bills applies only to those bills which appropriate money in pursuance of law for the necessary support of the Government, (and that is a very strong proposition,) and does not apply to a bill of this sort which is not necessary to maintain or support or carry on the Government. I leave that, however, to those who see fit to enter upon that discussion.

But what I have now to say is that my friend from Vermont has got down to what is a very fine point in this business, and that he might just as well give up. His amendment is not legislation that will get at the evil. The present proposition belongs to general legislation and does not at all touch the grievance which has been considered. I move, in hope that it will meet his assent and that of others, to strike out all after the word "that" in his amendment and insert:

The Secretary of War is hereby directed to report to Congress on the first Monday of December next what legislation is in his opinion necessary to protect the the breakwaters, piers, and other public works constructed by the United States.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. EDMUNDS. He will say that an appropriation of $10,000,000 is what is necessary to protect them. That is all we call upon him to do.

Mr. THURMAN. I mean against unlawful injury or occupation.

Mr. EDMUNDS. Would it not be a good thing to say it then, if that is what you mean?

Mr. THURMAN. Insert "against trespass upon or injury to the same."

Mr. CONKLING. I can see no objection to this amendment as it is modified now; except that it repeats inadequately what I take to be the existing law. It is manifestly under the statutes touching

the Secretary of War, the Engineer Corps, and the doing of river and harbor work, the duty of the Secretary of War in his report to present any facts bearing upon that subject. It manifestly was his duty to do it on the several occasions when he sent here reports, some of which I have read, calling attention in one instance, and it is not the only one, to this very thing for which the Senator from Ohio now inquires, to wit: not only trespass upon the piers of the United States, but damage done to them. And it is the duty of the President of the United States in sending his message to us to send along with it the report of the Secretary of War and the report of the Engineer Department which the Secretary of War by appending makes a part of his report. All that is the law now. All that, for aught I see, will be the law if this amendment is adopted; but the Senator from Ohio will take no offense I hope when I say that I cannot discover that this will add one particle of weight to the duty now imposed by law upon the President, the Secretary of War, and the head of the Engineer Department.

If the honorable Senator from Ohio will take the trouble to turn over the leaves of the last report, or the report before that, or the report before that, he will find in one case in all of them, and in other cases in some of them, attention sharply called to the abuse at which these amendments have been aimed, some of them running through a series of reports; so that he understands that is his duty now. In one case there was a specific recommendation that a certain trespasser ought to be compelled to do certain things, and the words of the recommendation were "It is recommended to Congress to require that arrangement to be made." Now the honorable Senator puts at the end of this bill a little notice to the Secretary of War that he is expected to keep on telling this story to Congress. Well, the best of men will bear watching. I do not think it will hurt the Secretary of War any or do us any good.

Mr. THURMAN. I have a word to say. If it is the duty of the Secretary of War to report to Congress what my amendment proposes he shall report, and if he has not performed that duty in time past through all the long years that the law has existed it is time to waken him up. If this provision be adopted, then he will make the report.

Mr. CONKLING. But he has performed the duty. He has made the report, and it lies on our tables.

Mr. HOWE. Mr. President, I cannot vote for the amendment offered by the Senator from Ohio. It seems to me that that is rather a severe measure. I felt at the outset of this debate as though I should like to do a little something to check these wrongs; but I have learned in the course of it already that this right to use the piers and breakwaters of the United States is one of the inalienable rights of our people. The only thing I think left for us to do is to amend the Declaration of Independence and include among those inalienable rights there set forth not merely the right to life, liberty, and the pursuit of happiness, but the right to use the piers and breakwaters of the United States. But having recognized that as one of the inalienable rights, why do you wish to threaten the people with the deprivation of those rights? Shall we not lay ourselves liable to some sort of process for slandering their title? Here is an intimation, quite plain, quite specific, that the Secretary of War may possibly make a report which will incite us to trample on that right, to abrogate it, in point of fact to snatch it away from the people. I do not think it is worth while to hold out any threat of that sort, but leave the people in the quiet, the profitable enjoyment of this right.

Besides, it seems to me there is another objection to it. It throws the whole penalty, if there is a wrong in the use of this property, not upon those who commit the wrong, but upon the Secretary of War.

The Senator from Vermont has proposed a penalty of $100, not to exceed that.

Mr. EDMUNDS. I have modified it up to a thousand.

Mr. HOWE. To be imposed upon those who committed the wrong. The Senator could not vote for that; that was selfish. The Senator from Ohio concludes that, although we will not put $100 on those who will commit the wrong, we will put on the Secretary of War the penalty of making a report here which, when it comes in, will be how instructive to the Senate I will not undertake to say. But if we cannot come to the conclusion to protect this property without a report of the Secretary of War, I fear we shall not with a report. If we mean to protect this property, if we mean to secure it to the Government of the United States, if we mean to protect it against trespassers and against injury for private profit, I take it we know just as well how to do it to-day as we shall know after having heard from the Secretary of War.

Mr. THURMAN. These works are under the charge and control of the Secretary of War. I think it is well to hear from him whether any legislation is necessary for their protection. That is matter of detail of which this Senate cannot necessarily take notice, cannot have the information upon which to legislate without its being communicated to the Senate Here is an officer charged with the superintendence and control of these great public works. I think for one that we ought to hear from him whether legislation is necessary in the direction of the amendment offered by the Senator from Vermont.

Mr. EDMUNDS. Has he not already reported to us over and over again that in one case in the Senator's own State wrong-doers have taken exclusive possession and exclude the authorities of the United States and that a military force is necessary to get possession?

Mr. THURMAN. A subordinate officer of the Engineer Department has made that report, and that is all.

Mr. CONKLING. O, no!

Mr. EDMUNDS. That the Secretary has transmitted to us.

Mr. CONKLING. The subordinate officer has made it to the chief; the chief has made it to the Secretary of War; the Secretary of War has made it to the President; and the President has sent it here with his message.

Mr. THURMAN. And after all that red-tape it is nothing but the report of Colonel Cram, the subordinate officer. I want to know from the responsible head of the Department whether or not the facts require that there should be legislation.

Mr. CONKLING. Does the Senator expect the Secretary of War to go around in person and look at all these works?

Mr. THURMAN. No; but I do expect that if he is worthy to be Secretary of War, through all the agencies under his control and subject to his direction he will get such facts as any other minister in any other government in the world would submit to the legislature.

Mr. HOWE. I would suggest to the Senator from Vermont whether he had not better change the penalty imposed in his amendment so as to provide that whenever any person is convicted of a trespass upon any of the piers or breakwaters of the United States the Secretary of War shall be sentenced to make a report. [Laughter.]

Mr. HARVEY. If it be in order I wish to express the belief that whenever the Committee on the Judiciary or the Committee on Commerce shall bring forward a bill for the protection of this property it will receive the assent of nearly if not every Senator.

Mr. MORRILL. I think this last proposition of the Senator from Ohio is altogether too severe, and I move to amend by inserting after the words "Secretary of War" the words—

The railroad corporation now occupying the pier at Cleveland thereto consenting. [Laughter.]

Mr. ALLISON. Is that in order?

The PRESIDENT *pro tempore*. The Chair will look and see.

Mr. THURMAN. That implies that there is somebody on this floor representing that railroad interest. I have to say to the Senator from Vermont that if there is any such person it is not I. I have said again and again in this discussion that in my judgment that railroad company ought to maintain that pier. I have said again and again that that railroad company derives benefits from that pier that ought to be a sufficient ground for compelling it to maintain it, and I voted for the proposition of his colleague for the very purpose of compelling that company to maintain that pier, knowing at the same time that the use made of that pier by that railroad company was worth millions of dollars to the people of the United States, knowing that it is the sheerest and most narrow-minded idea in the world to condemn that use. But I am not here to say that that railroad company ought not to maintain that pier. What is it that I propose by my amendment? The Senator's colleague proposed an amendment that seemed to wake up nearly half the Senators on this floor. Every Senator who represented a State in which there was a work of public improvement was alarmed lest some interest might be interfered with, lest some fisherman, some schooner interest, some steamboat interest, some barge interest might be interfered with by the Senator's colleague's amendment. I thought the Senator's colleague's proposition was a wise provision and voted for it; but it was voted down, voted down in the Senate; and now the Senator seeks to turn into ridicule a proposition to obtain from the head of that Department that has charge of this whole subject the information on which we want to legislate by a particular fling at the port of Cleveland!

Mr. MORRILL. Mr. President, it was not my purpose to throw any imputation upon the Senator from Ohio or anybody else; but it seemed to me that we had spent almost the entire day upon this proposition beginning and setting out for some large reforming and that we had dwindled down so far that at the present time I regarded all the propositions in relation to this matter as entirely worthless and that we had better proceed and pass the bill without anything. It was for no other purpose than to show, as I thought, that there had been perhaps too much tenderness exercised toward this corporation that has usurped, as I understand, for twenty-three years the occupancy of this pier, and now that it was in a dilapidated state refused either to repair it or to allow the United States to do it. I thought there was a little too much tenderness toward that corporation, and that after having spent this long time and coming down to so fine a point as this we might as well get rid of the whole subject as spend any more time upon it.

The PRESIDENT *pro tempore*. The Senator from Vermont proposes an amendment to the amendment proposed by the Senator from Ohio——

Mr. MORRILL. I withdraw my amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio to the amendment of the Senator from Vermont.

Mr. HAMLIN. I have an amendment to that amendment which I trust the Senator from Ohio will accept. I move to add:

And the Secretary of War is hereby directed to report to Congress at its next session all the instances in the United States in which piers, breakwaters, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same.

Mr. THURMAN. I accept that.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio will be so modified.

Mr. KERNAN. I suggest to the Senator from Maine to put in "unlawfully" before "used."

Mr. EDMUNDS. No; let us find out all sorts of cases.

Mr. HAMLIN. I offer this amendment because at some subsequent time we may act on the subject, about which I have a great deal of doubt; but if that time should ever come, it would be desirable that we have full information. We have it not now.

Mr. FRELINGHUYSEN. What becomes of the amendment offered by the Senator from Vermont, [Mr. EDMUNDS.]

The PRESIDENT *pro tempore*. This is an amendment to it striking out and inserting.

Mr. THURMAN. A substitute for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio as a substitute for the proposition of the Senator from Vermont.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as thus amended.

The amendment was agreed to.

Mr. EDMUNDS. I now offer the following amendment to come in at the end of the amendment just adopted, which is the last draught I sent to the Chair:

Any person who shall unlawfully injure any pier or breakwater, or other work of the United States for the improvement of rivers or harbors or navigation in the United States, shall, on conviction thereof, be punished by a fine not exceeding $1,000.

Mr. FRELINGHUYSEN. It seems to me that that would be a bad amendment to adopt. While it may be that there is not on our statute-book any law imposing a penalty for these injuries to public works——

Mr. EDMUNDS. Unlawful injuries.

Mr. FRELINGHUYSEN. Unlawful injuries to public works, yet I suppose that if in the State of Illinois or Ohio, where these works are located, any person should take gunpowder and maliciously destroy them, it would be an offense that their statutes would certainly apply to, and a person so offending would be sent properly to the penitentiary, probably for life. It may be that our passing this law making the penalty a mere pecuniary fine of $1,000 would not affect that State law.

Mr. EDMUNDS. What does the Senator think about that point?

Mr. FRELINGHUYSEN. That may be so; I am not entirely certain; but whether it is or not, there is that comity existing between the Federal Government and the State government that I do not think a judge would impose a greater fine, unless he was compelled by the State statutes, than the United States had said should be imposed for that offense. This shows the impropriety of our legislating without referring these subjects to a committee; and my friend from Vermont, for the first time I think since I have known him, has departed from his rule of insisting that statutes of this character should take that direction.

Mr. EDMUNDS. Mr. President, I have not departed from any rule of conduct at all. I have taken the liberty as other Senators have, when a bill is under discussion and a great abuse necessary to be corrected by legislation relating to the subject of that very bill comes to light, to propose in my humble way some redress against it. That is all; so that I believe I am within the line of my own precedents.

Now, the Senator says the objection to this is that it interferes with State comity. The Senator had better repeal all our laws against counterfeiting the coinage, for the States all have laws of that kind, and a great many others that operate upon the same persons and upon the same class of subjects and upon the very same acts. The United States and the States pass their independent laws without any reference to whether the penalty is great or small in either case. The statute-books are full of such cases; and I never heard before that legislation was asked even to be postponed on the ground that we were to inquire what is the condition of a State law about some public interest of the United States which by possibility might be protected under it. I do not think that argument will stand.

I do not want to occupy time; but in order to make the amendment I hope acceptable to everybody, before "unlawfully" I wish to insert the words "willfully and," so that it shall be a willful and unlawful injury of this particular class of public property mentioned in this bill.

Mr. FRELINGHUYSEN. I should like to ask my friend one question, whether he thinks that a court in Ohio, if we fix this penalty at a thousand dollars, would in any event impose a greater penalty under the State law than we had indicated?

Mr. EDMUNDS. I do most certainly. I have that respect for the courts of the State of Ohio that leads me——

Mr. FRELINGHUYSEN. They would have that respect for us to suppose that we would fix the right penalty.

Mr. EDMUNDS. I have forgotten which one of us it was who was speaking. I have that respect for the courts of the State of Ohio that leads me to believe those courts in executing their own laws will do it independently, on their own judgment, according to the justice of each particular case that is brought judicially before them, and I have no doubt they will do so; and so of the courts of New Jersey. If they think their penalties are adequate and the case requires their imposition, if they are five times what this is, if such a case could possibly occur, where they had jurisdiction over the question, as I do not believe there is one in the whole United States, then they would impose the penalty. There is nothing to be feared from that. Here is a clause that was put on about the Eads affair at the mouth of the Mississippi in the last river and harbor bill.

That any person maliciously or intentionally—

I have it "willfully"—

injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and if found guilty he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

I offer a measure in respect to this very class of public works mentioned in this bill and all of them that are mentioned in it. One section of this bill covers the other public works that are not named specifically and provides for their repair and improvement. So the Senator from Ohio is wrong in saying that there is a single work to which this bill does not apply and to which the amendment does not. I do hope that as now modified the Senate will agree to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 17; as follows:

YEAS—Messrs. Anthony, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Dawes, Edmunds, Ferry, Hamlin, Hitchcock, Howe, Kernan, Key, McMillan, Merrimon, Mitchell, Morrill, Oglesby, Paddock, Ransom, Sargent, Thurman, West, and Windom—26.

NAYS—Messrs. Allison, Bayard, Cooper, Davis, Dennis, Eaton, Frelinghuysen, Jones of Florida, Kelly, McCreery, Maxey, Norwood, Randolph, Sherman, Wadleigh, Withers, and Wright—17.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Dorsey, Goldthwaite, Gordon, Hamilton, Harvey, Ingalls, Johnston, Jones of Nevada, Logan, McDonald, Morton, Patterson, Robertson, Saulsbury, Sharon, Spencer, Stevenson, Wallace, and Whyte—28.

So the amendment was agreed to.

Mr. FRELINGHUYSEN. I would call the attention of my friend from Vermont to the amendment just adopted and ask whether it does not have the effect of repealing the act in reference to the protection of the work at the mouth of the Mississippi River. There the penalty is a fine or imprisonment or both. This is for the protection of all the works of the United States, and is only a fine, which I think is an illustration of this mode of legislation without laws going to a committee.

Mr. EDMUNDS. It is a very good illustration, inasmuch as we had the law before us and read it, and inasmuch as the Senator saw the point before and ought to have contributed his valuable experience to making it right. I beg to assure my distinguished friend that I do not think it would be very bad if it did. If it does repeal it, we have a new law for a thousand dollars fine instead of a law for fine and imprisonment, as it is; so that I think the public interest may possibly be protected to the extent of this small amendment in that case.

Mr. FRELINGHUYSEN. But my impression was that the object of the Senator was to make the law more stringent for the protection of these works, instead of making it more lenient.

Mr. EDMUNDS. No, it was not either fear of making it more stringent for the protection of the Eads work or making it more lenient. It was to apply the law to all the works of the United States, there being no law now against willful injuries by people who are unlawfully doing wrong to them. That was it. The Senator does not like that sort of law; I do; and so we have disposed of the subject.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. I wish to ask that one or two of the amendments of the committee be reserved. I will hunt them up. I had them marked on my bill.

Mr. HARVEY. I wish to reserve the amendment on page 13, beginning at line 309 and running to line 312.

Mr. THURMAN. I ask unanimous consent to give notice that as soon as this bill is disposed of I shall ask the Senate to proceed to the consideration of the bill reported by the Judiciary Committee in respect to the Pacific Rail roads.

Mr. HAMLIN. I want to repeat a notice that I gave in advance of my friend from Ohio, that I shall ask the Senate to take up the post-route bill if I can get the floor.

Mr. SARGENT. If there is any virtue in notices, I desire to say that I wish to call before the Senate the important measure giving effect to the Hawaiian treaty.

Mr. CONKLING. I wish to give notice that there are several bills on the Calendar which I shall endeavor to get the Senate to consider as soon as circumstances will permit.

Mr. ALLISON. I ask that all the amendments not reserved be concurred in, so that we may make some progress.

Mr. EDMUNDS. I want to reserve the amendment from line 162 to line 165. That is about the fallen trees in the Little Kanawha River. I think most of the others are in the text of the bill, and are not necessary to be reserved.

Mr. CONKLING. I am told it was said the other day in the Senate during my absence, which absence was not greater than five minutes, that the State of New York had managed in this last revision of the bill to profit about $100,000, I am told the statement was; I have not looked at the RECORD. I think it is worth my while to put on record the truth in that regard, which is that the committee struck out entirely from the State of New York appropriations amounting to $44,000. They reduced other appropriations. The whole addition made—for there were additions—amounts to exactly $95,000. Of that addition $90,000 concerns the removal of rocks at Hell Gate, and although I do not wish to repeat what I said once before about Hell Gate, I wish to be sure that the Senate does not forget that, although Hell Gate is in waters geographically within the limits of the State of New York, it has no more to do with the State of New York than with any and every other State on the Atlantic coast, except so far as the commerce of one State may be greater than that of another.

Mr. THURMAN. May I interrupt the Senator to ask what is the question under consideration?

Mr. CONKLING. The pending question is on concurring in the amendments made as in Committee of the Whole, and I am speaking to that question.

Mr. THURMAN. But on what particular amendment?

Mr. CONKLING. I am speaking on all of them now. They are all pending in gross.

Mr. EDMUNDS. They are not yet separated.

Mr. CONKLING. The rocks at Hell Gate are hidden rocks lying in an arm of the sea, in a great strait, which strait I want to remind the Senator from Ohio when it is cleared will shorten the trip of seagoing vessels to Europe three hundred miles.

Mr. THURMAN. My dear friend from New York, I beg now to say that I am for Heil Gate all the time. [Laughter.]

Mr. CONKLING. I know there is a certain affinity between the gate of hell and the Senator from Ohio. [Laughter.] I was not arguing to dispute that proposition; but speaking of this particular Hell Gate, I object to its being located, in the sense of a work local in character, in the State of New York and charged to her account in the river and harbor bill; and therefore I am observing that all the vessels which traverse Long Island Sound are exposed to the danger of these rocks. Therefore I am observing that these rocks lie at the bottom of an arm of the sea, of a great strait of national commerce, in no sense applicable to this bill and in no other sense known among men local in the State of New York. And now I say that dismissing Hell Gate the committee in its last revision has stricken down the appropriations for the State of New York $85,000—and I say it because I repeat that in my absence the other day it was intimated that in the harmony of this bill it had come to pass that $100,000 had been added to the benefits which the State of New York would have enjoyed under the original bill. I wish to correct that statement, and to say that this $85,000 taken from the bill has not been withdrawn from creeks, from rivers subject to the police power of the State of New York, and belonging to it, but withdrawn from great harbors on inland seas, thereby meaning Lake Erie and Lake Ontario. The harbor of Dunkirk, the terminus of the Erie Railway, has been striken out altogether, so that not a penny remains for it. So for four harbors on Lake Ontario, the shores of which are bold, the billows of which are stormy, the coast of which is little indented, the harbors of which are few and far between, all appropriation has been stricken from the bill. When I state these facts the Senate will be able to see to what extent New York as a State, in a local sense, has profited by the revision of the committee. In lieu of all these reductions and of all these obliterations nothing appears to compensate New York in the bill, except that for every State from Maine to Texas, for every State interested in the ocean commerce of this country, whether coastwise or not, to shorten the track of seagoing ships to Europe three hundred miles, and to remove a dangerous and lurking cluster of rocks invisible to the eye in a great arm of the sea, I repeat $90,000 has been added to the appropriations.

Mr. President, concluding these observations, and hearing Senators reserve special amendments, I wish I could have an arrangement, which would be very innocent and very little, by which I might have passed over in the Senate these amendments which in a row strike out everything for the harbors of New York, to the end that if I find that the Senate is going to overrule the committee in respect of other amendments I may have my opportunity, without being at the head of the class, of seeing whether I might not ask the Senate to do that for New York also. But I know it would be just like my friend from Iowa to object to this, and, therefore, I will not ask for it; but I wish to say that I shall feel at liberty to move to reconsider the action of the Senate, if the Senate concurs in the amendments of the committee striking out New York and then overrules them touching other States.

Mr. THURMAN. Mr. President, when I was a very young boy my mother put into my hand Knickerbocker's History of New York, and I read in it the adventures of those who went up and met with great misfortunes at what was then called Hurl Gate, but is now called Hell Gate, and ever since that time I have longed for and desired to vote for an improvement of that strait. I therefore fully sympathize with the Senator from New York, and am willing to vote for almost any sum to improve Hell Gate, or Hurl Gate, or whatever is its proper name; and I agree with him that to talk of that strait as being within the limits of the State of New York, and limited by that circumstance, instead of being a great entrance to the whole Republic, is the silliest of all absurdities. But I submit to my friend that he had better take this bill as it is, because, while there is Hurl Gate, there is the improvement of Fort Madison, in Iowa; there is the improvement of the Raccoon fork of no-named creek in somewhere else that I never heard of. In other words, this bill is just like every other bill of this sort—a bill in which everybody seeks to get the most that he can for his own locality, without regard to the Constitution of the United States, or without regard to public utility. Therefore I would advise my friend from New York to let Hurl Gate go with what it has.

Mr. COCKRELL. Mr. President, the statement that the Senate committee had increased the appropriations for the State of New York $110,000 was made by the Senator from Indiana [Mr. MORTON] upon the figures which I gave him. I propose now to show the correctness of that proposition. On page 1 $18,000 was stricken out for Dunkirk; on page 2 $6,000 was stricken out for Olcott; on page 2 $5,000 was stricken out for the improvement of the harbor at Pultneyville, New York; on page 2 $5,000 was stricken out for the improvement of the harbor at Great Sodus Bay; on page 11 $5,000 was stricken out for the improvement of the harbor at Waddington, New York; and on page 11 $15,000 was stricken out for the improvement of Harlem River. That makes a decrease of $54,000. On page 1 $10,000 is added for Buffalo; on page 2 $3,000 is added for Oak Orchard; on page 2 $90,000 is added for East River and Hell Gate, and on page 11 $20,000 is added for Oswego; and on the same page $41,000 is added for the Hudson River, in New York, making a total of $164,000; and when you deduct $54,000 of decrease from that, you leave a square increase of $110,000. It will not do for the distinguished Senator from New York to nod his ambrosial locks in this direction and say that the appropriation for Hell Gate is not in the State of New York. It is an appropriation to be expended in the improvement of that place, and the State of New York derives the benefit from it. It may be that ultimate benefits will be derived by other States and other communities; but the benefit is given directly to the State of New York. I think the assertion which was made by the Senator from Indiana is true, that the appropriations were increased by the Senate committee $110,000, and that New York reaps the benefit of that amount.

Mr. CONKLING. My honorable friend, the Senator from the greatest State in the Union, and the brightest star in the radiant galaxy of States, if that was his description, has been perhaps imperfectly heard all over the Chamber, and therefore I beg to repeat first his statement that $110,000 has been added for the State of New York, and he makes it up by including this item "for the improvement of the Hudson River, New York, $25,000." It now stands $66,000, and he says that is an addition of $41,000. Let me show him how plain a tale will put him down. If he will turn over to page 17 he will find that there stood—

For dredging Hudson River in front of Jersey City $25,000.

That was stricken out. In other words, that appropriation and the other appropriation was lumped; and now, if my friend will take his pencil and deduct $25,000 from $41,000, he will find that he has fallen into one error. When the honorable Senator comes to prove as a geographical and commercial fact that Hell Gate is local to the State of New York, the demonstration is so plain that I have nothing to say about it. It is like the seventh proposition of Euclid which has been called the *pons asinorum*, thereby meaning the bridge of asses.

Mr. MCCREERY. I give notice that I reserve the amendment making an appropriation of $270,000 for the Great Kanawha in West Virginia, line 158 to line 161. I also reserve the proposition striking out $25,000 for the improvement of the Big Sandy River in Kentucky and West Virginia.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments except those that have been reserved for separate vote.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The first reserved amendment will be read.

The CHIEF CLERK. Page 13, line 309 to 312, the Senate as in Committee of the Whole struck out:

For the improvement of the Missouri River at the point where it is cutting into the Kansas shore above Saint Joseph, Missouri, for the protection of the city of Saint Joseph, $10,000.

Mr. HARVEY. I wish to say a few words on that, and I will begin by disclaiming any intention to disturb the harmony of this bill about which we heard so much yesterday and something to-day. Harmony in any sense of the word is a good thing to have about the house. In this connection I think the word is used in a musical sense. This bill is legislation set to music; and I have no disposition to disturb it, as I have said. I think it is a little too much neglected in this utilitarian age. I know of a poet who is skeptical about "the music of the spheres" because he never heard it; but the harmony of this bill is audible, I think, to the dullest ears, and I only desire to add if possible to the harmony of the bill by restoring the keynote of the symphony; and that I deem to be the little improvement provided for in this item.

This is for an improvement on the Missouri River between the States of Kansas and Missouri—two of the best States in the Union—

and the improvement is upon the greatest river on the continent in the middle of its course. It is an improvement necessary to prevent the destruction of navigation upon that river; to prevent the destruction of the city of Saint Joseph on the Missouri River, and to prevent the destruction of the navigation of the river by the dispersion of the waters over a great space of ground on the Kansas side which will so shallow the stream as to make a permanent and insuperable obstacle to navigation. The navigation of this river is of great use to the whole country. It is of present immediate use in transporting supplies to the Army of the United States engaged in war with the hostile Sioux on the northwestern frontier. I think there should be no opposition to it. It is the only thing that is asked for in the whole central portion of the continent. It is true that it is located a long way from Hell Gate, and from McCargoe's Cove, Mackey's Ferry, and the eastern pier at Cleveland; but, sir, it is deserving of consideration nevertheless. I am in earnest about this matter, and I really believe that this appropriation should be restored.

Now, sir, what is the ground of the objection to it, if any? It must be because it is said that this bill must be limited to $5,000,000. Whence the necessity for that limit? The object of this bill is to provide for the improvement of facilities for commerce. The great mistake was in recommitting this bill with instructions to limit it to $5,000,000. The consequence of that vote has been that every Senator on the floor, when he comes to consider the improvements of which he has particular knowledge, admits that the appropriation is inadequate.

If it is legitimate and proper to make improvements for this purpose they should be made with a view to their adequacy. If it is illegitimate and improper, then making such a little bill will not be regarded as an excuse for it. I ask why the limit to five millions? It was only proposed when the bill passed the Senate before making it about a million and a half more. At this very session we appropriated for a great show at Philadelphia just about the amount of money that has been or will be saved by this cutting down. Have we placed ourselves in something like the position of the family that sold the cooking-stove to get money to go to the circus? Let us not on the question of the little sum of $10,000 obstruct the navigation of the great Missouri River, and leave the whole interior of this country without a single appropriation for the protection of its commercial interests.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment striking out this item.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be reported.

The CHIEF CLERK. The next reserved amendment made as in Committee of the Whole is in lines 156 and 157.

Mr. HARVEY. I believe I voted under a misapprehension on the last amendment. Was the vote to concur in the amendment of the committee?

The PRESIDENT *pro tempore*. It was. The Chair observed that the Senator from Kansas concurred. [Laughter.]

Mr. HARVEY. I ask that the vote be taken again. The Senate must certainly have been under a misapprehension, as I was.

Several SENATORS. No; we knew what it was.

The PRESIDENT *pro tempore*. Is there objection to taking the vote again? ["No."] The Chair will put the question again.

Mr. SARGENT. The Senator from Kansas made a very pleasant speech indeed. I admired the speech very much, but I will not speak about the harmony of the bill.

Mr. HARVEY. Having voted so loud, I carried the amendment myself. [Laughter.] It is for that reason I ask for a reconsideration.

Mr. SARGENT. It shows that the instincts of the Senator were right if he was not exactly observing what he was doing. I trust, however, the Senate will stand by the votes it has given up to this time, at any rate so far as not to increase the appropriations in the bill.

The amendment was concurred in.

The next reserved amendment was in lines 156 and 157, to insert:

And from Smith's Shoals to the Falls of the Cumberland, $2,000.

Mr. EDMUNDS. I wish to ask my honored friend in charge of the bill to explain this business about "Smith's Shoals to the Falls of the Cumberland," what it is, who recommends it, &c.

Mr. ALLISON. I will do so with great pleasure. This Cumberland River extends through the States of Tennessee and Kentucky, and the people living along the river and in its neighborhood have no railway facilities whatever, and from information received by the committee we were satisfied that the expenditure of a small sum of money here would be of very great benefit to the people living along this stream in securing them a method of transportation for their crops.

Mr. EDMUNDS. Where do they carry them?

Mr. ALLISON. All along down the Cumberland River.

Mr. EDMUNDS. Is there a recommendation of the engineers for this?

Mr. ALLISON. No, sir; there is no recommendation of the engineers, I believe, for this particular expenditure. There is a recommendation for the general improvement of this river from Nashville to the falls of the Cumberland.

Mr. EDMUNDS. Has there been public money spent on this section of the river before?

Mr. ALLISON. No, sir.

Mr. EDMUNDS. This appears to me to be entirely outside.

Mr. ALLISON. My friend from Virginia reminds me that this $2,000 is to remove certain obstructions in the Upper Cumberland by which the people can reach the coal-mines situated at the falls.

Mr. WITHERS. There are large deposits of coal which are located just above the falls, and the object is to remove these obstructions so as to utilize that coal and bring it down the river to Nashville and other points.

Mr. ALLISON. I will say to the Senator from Vermont that this united appropriation for the Cumberland above Nashville appeals very strongly to the committee; and although no money has been expended hitherto upon the Cumberland above Nashville, we felt the force of the fact that there is no railway communication for all the good people who live along this river, and that by providing a small sum of money these people can secure a fair river navigation for a great many miles.

Mr. EDMUNDS. That is just it. I sympathize with the people who live in that neighborhood as much as my friend from Iowa does; but my question is whether we have any right to tax the people of the United States for their local advantage because they have not a railroad and because they happen to live in an interior part of a State where the rivers are not navigable. That is the point.

Mr. ALLISON. I will not argue the question with the Senator. I will not occupy time.

Mr. EDMUNDS. The Senator is not occupying time; I am occupying time, [laughter,] at least I thought I was entitled to the floor. I am not occupying time for the purpose of occupying time; but feeling some responsibility as a Senator of the United States not to vote for measures that seem to me to be plainly beyond the constitutional power of Congress, however strong my sympathy may be for a particular people in a particular neighborhood, I feel justified in half the time the Senator has taken in answer to my inquiry in stating my opposition to this measure.

It is not because I do not like the people. I do like them. It is not because I would not do everything in my power to aid them; but the public money of the United States is committed to my charge for one as a trust, under specific direction contained in the Constitution that I shall only appropriate it to national objects and in a particular way. Then the question is, Is this fairly within the true construction of the Constitution a national object? The Senator evidently confesses that it is not. It has never hitherto been thought to be by the Congress of the United States. It is the beginning of appropriations indefinite in extent and amount for the improvement of a river in a State that does not in any fair sense fall within national jurisdiction. That is my objection, and that is all.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment.

The amendment was concurred in; there being on a division—ayes 30, noes 9.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted in the bill as lines 162, 163, 164, and 165 the following:

For removal of Beaver and Nailor Bend Rocks, and for cleaning out snags and fallen trees in the Little Kanawha, West Virginia, $7,300.

Mr. EDMUNDS. I should like to ask the Senator in charge what the recommendation of the engineers is on that subject and whether there has been a former appropriation and whether this is a great national highway within the constitutional sense.

Mr. ALLISON. This is a great national highway, I will say to the Senator, known as the Little Kanawha. This expenditure is below Bulltown in West Virginia. [Laughter.] I will have the Secretary read what the engineer says upon this subject. Before doing so, however, I will call attention to the fact that this river has been surveyed for improvement on a much more extensive scale than that reported by the committee.

Mr. EDMUNDS. This is the skirmishing line of appropriations.

Mr. ALLISON. The Clerk will read just what is said by the engineer in the report I send to the desk:

The Clerk read as follows:

Should the cost of extending the existing slack-water system be considered too great, it might be considered proper to appropriate a small sum for the removal of the Beaver Rocks and the rock in Nailor Bend, and for clearing out the snags and fallen trees. For this work I would estimate as follows:

Removal of Beaver and Nailor Bend Rocks:	
Five hundred and fifty yards rock excavation, at $4	$2,200
Three months' snagging, at $1,700 per month	5,100
	7,300

Mr. ALLISON. That is just the amount appropriated.

Mr. EDMUNDS. That is all it might be considered proper to give for two or three months' snagging.

The amendment was concurred in; there being on a division—ayes 30, noes 10.

The PRESIDENT *pro tempore*. The amendment reserved by the Senator from Kentucky [Mr. MCCREERY] will be reported.

The CHIEF CLERK. In line 160 the Senate, acting as in Committee of the Whole, struck out "300" and inserted "270;" so as to read:

For the improvement of the Great Kanawha River, West Virginia, including the purchase of sites for dams and locks, not exceeding $15,000, $270,000.

Mr. McCREERY. Mr. President, I wish to submit a proposition, the modest merit of which will commend it to the favorable consideration of the Senate if it is understood. My proposition will not increase the appropriation a single cent. I move to reduce the appropriation for the Great Kanawha River from $270,000 to $250,000, and, if I am successful in this, I shall ask the Senate to appropriate $20,000 for the improvement of Big Sandy River, the boundary line between Kentucky and West Virginia, so it will be observed that nothing is added to the expenditure.

Mr. MERRIMON. Where was the appropriation for the Big Sandy stricken out in the bill?

Mr. McCREERY. On page 14, lines 322 and 323. The region lying contiguous to the Big Sandy River is probably as rich or richer in mineral resources than any other portion of the United States. Its products are salt, coal, and iron, and the safe and easy transportation of these articles is not only a matter of importance to the people along that river, but would be equally beneficial to the people throughout the West and Southwest. I do not propose at this late hour to consume the time of the Senate in argument on this subject, but any man who is acquainted with these water-courses or any man who will take the trouble to look at a map will hardly fail to acknowledge that the Big Sandy is entitled to as much as the Great Kanawha.

Mr. EDMUNDS. Is it just as large on the map?

Mr. McCREERY. It is about as large on the map and about the same size when you come to see it.

Mr. WITHERS. O, no.

Mr. McCREERY. Yes, sir; that is my opinion, and I have seen them both. I will not contend, however, as to the relative dimensions of these rivers, but I do claim that if the Great Kanawha is entitled to a quarter of a million the Big Sandy should have as much as $20,000. It is so absurd and preposterous to grant these large amounts to the former and to deny anything to the latter that the mere statement almost impeaches the justice of the Senate. I hope, therefore, that my demand will receive your individual support.

Mr. DAVIS. As the Big Kanawha has been discussed sufficiently, I will not say a word about it.

Mr. EDMUNDS. I do not think it has been.

Mr. DAVIS. We may differ. As to the Big Sandy, I fully agree with what the Senator from Kentucky has said. As a member of the Committee on Appropriations, but not being a member of the subcommittee, I labored as hard as I knew how to persuade the committee that the Big Sandy ought to be retained as it was in the bill as it came from the House. I thought I did my whole duty there to have it retained. I failed in that as I did in the Elk River improvement, that was $20,000 as it came from the House, and as I did for the Monongahela with $25,000 as it came from the House. I will add but one word in regard to the Monongahela. Without my knowledge, or without any agency of mine, a few moments ago I received a telegram. I concluded to have nothing to say about the matter but let the bill pass as it came from the committee. The telegram is dated:

CINCINNATI, OHIO, *August* 3, 1876.

Senator DAVIS:

The engineer probably did not know my full name, for I have never met him but once that I know of in my life.

We need $10,000 for Upper Monongahela. Navigation will be stopped for a year without the appropriation is made. Letter by mail.

Yet I thought it was unnecessary to say one word about the Monongahela, though as the bill came from the House it appropriated $25,000 for its improvement.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment of the committee to reduce the appropriation in line 160 from $270,000 to $250,000, with a view to appropriating $20,000 for the Big Sandy.

Mr. LOGAN. We can have a division of the question, I suppose.

The PRESIDENT *pro tempore*. The first question will be on reducing the amount agreed to as in Committee of the Whole from $270,000 to $250,000.

Mr. ALLISON. I feel bound to say that if it is dangerous to swap horses while crossing a stream I think it is very dangerous to swap rivers at the close of this bill, because if we begin to transfer from one of these great rivers to the other I am afraid the harmony of the bill will be seriously disturbed the very moment the end is reached.

The question being put, there were on a division—ayes 22, noes 20.

Mr. ALLISON. I ask for the yeas and nays; and I give notice that in my judgment it is the end of the bill if the amendment is adopted.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 25; as follows:

YEAS—Messrs. Bayard, Cockrell, Dennis, Eaton, Edmunds, Gordon, Hitchcock, Jones of Florida, Kelly, McCreery, Merrimon, Oglesby, Paddock, Patterson, Randolph, Thurman, and Wadleigh—17.

NAYS—Messrs. Allison, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Cooper, Cragin, Davis, Dawes, Ferry, Frelinghuysen, Hamlin, Harvey, Howe, Logan, McMillan, Maxey, Mitchell, Morrill, Norwood, Sargent, West, Windom, Withers, and Wright—25.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bogy, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conkling, Conover, Dorsey, Goldthwaite, Hamilton, Ingalls, Johnston, Jones of Nevada, Kernan, Key, McDonald, Morton, Ransom, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, and Whyte—29.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment in line 160, made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT *pro tempore*. All the amendments of the committee have been concurred in. The bill is still open to amendment.

Mr. EDMUNDS. I offer an amendment. I move to strike out all after the enacting clause of the bill and insert:

That the sum of $3,000,000 is hereby appropriated, to be expended for the repair and preservation of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as best to subserve the interests of commerce; and he is required to report to Congress at the opening of its December session all the expenditures made under the provisions of this act up to that time in detail.

In support of this amendment I only have a single word to say. The Treasury is deficient in money. The commerce of the United States has gone on without the sum of money that is appropriated in the bill for a great many years. If there is any one object in respect of which we can economize safely, without doing essential injustice to anybody, it is not to launch out into these works at this time. My amendment proposes to appropriate $3,000,000 for the preservation and repair of all that we have and gives nothing for new works. Explaining it in that way, I ask for the yeas and nays on its adoption.

The yeas and nays were ordered.

Mr. COCKRELL. I am practically in favor of reform and retrenchment, and I should like exceedingly to see the amount appropriated for rivers and harbors this year brought within the limits of $4,000,000. I think that would be enough. I would not object to the amount fixed by the Senator from Vermont, but I cannot vote for the manner in which it is to be expended. I think that the Senate with its committees is just as competent to decide where and in what sum this amount shall be expended as the Department to which it is proposed to intrust it. While I am in favor of reducing the present bill, I hope when the bill has reached its final stage and is in such a condition that the amounts can be reduced so that we can strike off 20 per cent. from every appropriation in it. Still I cannot support this amendment.

Mr. EDMUNDS. I merely wish to say one word in reply. I beg to call the attention of my honorable friend to the fact that this amendment commits no greater discretion to the Secretary of War than is committed by the bill itself. It does not authorize him to inaugurate any new works but it only requires him out of this money to preserve and repair the works we have. The commerce of the United States, as I have once said, has gone on with the works, and less than the works, that we have now, through times of prosperity and adversity, and peace and war. Now we come to a time when there is depression. We come to a time when the Treasury is scant of money, and when the income of the United States is greatly diminished. Then the question is whether we cannot in this instance and in this way save a few millions of dollars, and not lose anything, by taking what is necessary to preserve from decay and keep in repair the things we have. No new discretion is confided to the Secretary of War at all.

Mr. THURMAN. The amendment offered by the Senator from Vermont recognizes the fact that Congress has power to appropriate for the objects in this bill, for it proposes that a certain sum shall be put under the control of the Secretary of War to maintain works that have been ordered and constructed under act of Congress. It therefore recognizes in the fullest measure that Congress in ordering those works and providing for their construction has not violated or gone beyond the Constitution of the Republic.

Mr. EDMUNDS. It does not recognize, I submit to my friend, any thing of the kind. It takes an existing fact. It goes into nothing new, but takes legislation for which I am not responsible, nor the Senate in particular, and just says what we have got, whether we have got it by right or wrong, we will keep from going to decay until we see what we will do with it.

Mr. THURMAN. I think if we have got *per fas aut nefas* what we have, we are not entitled to maintain that which we have got *per nefas*. Therefore I say that the proposition of the Senator from Vermont is a full recognition of the legislation on this subject that has preceded this Congress, and it proposes to maintain those works, but not to do anything in addition to those works. That is a simple question. It is not a question of constitutional law. It is not a question whether we should or should not provide for new works; but it is simply a question whether we should stop where we are and do nothing for the succeeding year. No man believes more than I do that these river and harbor bills have been great abuses. No man believes more than I do that the Constitution has been greatly stretched in river and harbor bills. But I do not know that at the end of a session of Congress it is the time to say that we will confirm everything that has been done and to say now at this session that we will do nothing more.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 31; as follows:

YEAS—Messrs. Booth, Boutwell, Conkling, Cragin, Dawes, Edmunds, Hamlin, Hitchcock, Logan, Morrill, Oglesby, and Wadleigh—12.

NAYS—Messrs. Allison, Bayard, Cameron of Wisconsin, Christiancy, Cockrell,

Cooper, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Harvey, Howe, Jones of Florida, Kelly, Kernan, Key, McCreery, McMillan, Maxey, Merrimon, Norwood, Paddock, Patterson, Ransom, Sargent, Thurman, West, Windom, Withers, and Wright—31.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bogy, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dorsey, Eaton, Goldthwaite, Hamilton, Ingalls, Johnston, Jones of Nevada, McDonald, Mitchell, Morton, Randolph, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, and Whyte—28.

So the amendment was rejected.

Mr. COCKRELL. I now move that 20 per cent. be stricken from each amount named in the bill, so that the aggregate amount appropriated by the bill shall be $4,000,000. That will be striking out one-fifth, and let each appropriation in the bill bear its proportion of the reduction.

Mr. CONKLING. That is not in order.

Mr. EDMUNDS. I guess that is in order.

Mr. HAMLIN. O, no.

The PRESIDENT *pro tempore*. The Senate having agreed to the amendments, it is not in order. The question is on the third reading of the bill.

Mr. EDMUNDS. I want to rise to this point of order if the Chair will allow me: It certainly appears to me it is in order. The only objection I have to it is that the reduction is not large enough. If it is in order I shall propose to amend by making it 30 per cent. instead of 20 per cent.; but I submit respectfully to the Chair that the bill being now perfected, a change which involves all, as well those items that have not been disturbed at all as those that have been fixed, in connection is an entirely different proposition. For instance, we have said here, by an amendment, for the improvement of the Cape Fear River, $150,000, over $100,000 as it was in the House bill. Then we have said:

For the construction of piers in Delaware Bay, near Lewes, Delaware, $30,000.

The proposition of the Senator from Missouri is, taking those two things together, to reduce them both 20 per cent. I submit with as much earnestness as I am capable of that that is clearly in order, because it is an entirely different proposition. It is not to make the $150,000 by itself less than it was before, but it takes everything, as well that which we have changed as that we have not changed, which makes an entire proposition that the Senate has not voted upon.

The PRESIDENT *pro tempore*. The Senate has agreed to the bill as it now stands. Unless something is proposed to be added to it, or stricken out and added, it is not in order.

Mr. EDMUNDS. We have not agreed to the bill as it now stands where no amendments have been made at all, and that is more than half of it.

The PRESIDENT *pro tempore*. The Chair rules that the proposition is not in order. Does the Senator from Vermont appeal from the decision of the Chair?

Mr. EDMUNDS. I am in favor of this proposition of the Senator from Missouri and I believe it to be in order. I mean I am in favor of it when it is properly corrected.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate. Shall the proposition of the Senator from Missouri [Mr. COCKRELL] be received?

The question being put, there were on a division—ayes 8, noes 22.

Mr. EDMUNDS. I think I can make in order the substance of the proposition. I move an additional section in the following words:

SEC. 3. That 25 per cent. of each of the amounts hereinbefore appropriated shall be retained in the Treasury and not expended until after the 1st day of July, 1877.

Mr. WITHERS. That would be making an appropriation for the next fiscal year.

The PRESIDENT *pro tempore*. The Secretary will report the amendment and the Chair will submit it to the Senate.

The Chief Clerk read the amendment.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. EDMUNDS and Mr. HAMLIN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 33, nays 11; as follows:

YEAS—Messrs. Allison, Bayard, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Cooper, Davis, Dawes, Dennis, Ferry, Frelinghuysen, Gordon, Harvey, Howe, Kelly, Key, McMillan, Maxey, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Patterson, Randolph, Ransom, Sargent, Thurman, West, Windom, Withers, and Wright—33.

NAYS—Messrs. Cockrell, Conkling, Eaton, Edmunds, Hamlin, Hitchcock, Jones of Florida, Logan, McCreery, Morrill, and Wadleigh—11.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bogy, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Dorsey, Goldthwaithe, Hamilton, Ingalls, Johnston, Jones of Nevada, Kernan, McDonald, Morton, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, and Whyte—27.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland.

The message also announced that the House had passed a concurrent resolution for the adjournment of both Houses of Congress without day on Monday next, August 7, A. D. 1876, at twelve o'clock noon; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a resolution authorizing the Joint Committee on Enrolled Bills of the two Houses to correct an error in the bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes; and by inserting the word "not" on the second page of the enrolled bill next to the last line between the words "shall" and "be."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877; and

A bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming.

HAMBURGH RIOT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print 10,000 extra copies of the President's message in regard to the Hamburgh massacre, have directed me to report the same back without amendment. My colleague on the committee [Mr. SAULSBURY] is not in favor of it, and I will not ask that it be taken up in his absence.

ORDER OF BUSINESS.

Mr. HAMLIN. I move that the Senate proceed to the consideration of the bill (H. R. No. 3628) establishing post-roads.

Mr. THURMAN. Is that motion amendable?

The PRESIDENT *pro tempore*. A motion to take up a bill for present consideration is not amendable.

Mr. HAMLIN. It is not my intention to act upon the bill to-night but to let it remain the unfinished business for to-morrow.

Mr. THURMAN. Then I hope the motion will be voted down in order that we may take up the Pacific railroad bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WRIGHT. I wish to say that I shall vote against taking up any other bill until I can get a chance to take up what is known as the southern claims bill; and I now appeal to the Senate and submit to the Senate whether they will take up this bill or the bill that I mention. I ask a vote of the Senate upon that question.

Mr. HAMLIN. I want to say one word. This is a bill affecting every section of the broad land. Twice we had it before the body for consideration and twice I yielded at the earnest importunity of other Senators. If the Senate do not deem the bill of importance enough to take it up, I shall not consider it my duty again to ask them to do so.

Mr. THURMAN. Is this motion debatable?

The PRESIDENT *pro tempore*. Not on the merits, but the question of taking it up is debatable.

Mr. THURMAN. If it is debatable on the question of preference of one bill over another, I will state that I hope the Senate instead of taking up a bill to establish post-routes for which there is no use will take up a bill to secure to this Government the repayment of more than $140,000,000.

Mr. WRIGHT. I wish to say one thing before the vote is taken, if I can have the attention of the Senate. On the 22d of June I reported the bill from the Committee on Claims to which I have referred. I have tried on three occasions to get it up. At one time I had the floor and made the motion, and yielded to the Senator having the pending appropriation bill in charge, and thus gave way. This bill is in the nature of an appropriation bill, and as such it ought to be considered by the Senate and ought to have preference. These claims were allowed and reported to Congress on the first day of the present session. For eight months these parties have been kept out of their money. The bill has passed the House, has been examined by the committee, and had had its careful attention. There are sums of money appropriated by it ranging from $10 to as many thousand and more. They are poor, needy parties. If they are to have this money it ought to be given to them and the matter ought to be decided. I do not wish to antagonize any bill, but I esteem it my duty to appeal to the Senate to give this bill an opportunity. We can pass the bill in my judgment in fifteen minutes if we take it up. I am certain we can pass it in that time unless the reading of it is asked for. There are but two or three amendments to the bill. I now appeal to the Senate to give me an opportunity to take up this bill.

Mr. CONKLING. I suggest to the Senator to take it up after the post-route bill is out of the way.

Mr. LOGAN. I am very certain that all of the bills the Senators desire to have taken up are very important bills, but I think I am in charge of one that is equally as important, and I want to know before the Senate adjourns this session whether there is a majority of the Senate in favor of it or not I have always found a majority in favor of it when there was no chance to take it up. Every time there

is a majority for it when it cannot be taken up, and I want to know whether there will be a majority when it can be taken up or not. It is House bill No. 58. The Senator from Ohio [Mr. THURMAN] says he has a bill which will save several millions of dollars. The Senator from Iowa [Mr. WRIGHT] has a bill which will pay some poor people some money. I hope they will get it if they deserve it. I have a bill here to pay the soldiers of this country a debt that the Government owes them and has owed them for fourteen years. I want to know, after this bill has passed the House five times and the Senate once, whether the Senate is now going to pay them a debt that the Government owes, which it can be demonstrated it owes. I ask that House bill No. 58 be taken up. I propose whenever the bill moved by the Senator from Maine is taken up to move to lay it aside in order to take up the bill I have named.

POST-ROUTE BILL.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to take up the bill (H. R. No. 3628) establishing post-roads, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 9; as follows:

YEAS—Messrs. Allison, Bayard, Cameron of Wisconsin, Cockrell, Conkling, Cooper, Cragin, Davis, Dennis, Eaton, Ferry, Frelinghuysen, Gordon, Hamlin, Hitchcock, Howe, Jones of Florida, Kelly, Kernan, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Patterson, Randolph, West, Windom, and Withers—30.

NAYS—Messrs. Booth, Christiancy, Harvey, Logan, McCreery, Oglesby, Sargent, Thurman, and Wright—9

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bogy, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dorsey, Edmunds, Goldthwaite, Hamilton, Ingalls, Johnston, Jones of Nevada, McDonald, McMillan, Morrill, Morton, Ransom, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wadleigh, Wallace, and Whyte—32.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. SARGENT. I move that the Senate now adjourn.

Mr. LOGAN. Will the Senator withdraw his motion for a moment?

Mr. SARGENT. For what purpose?

Mr. LOGAN. I wish to make a motion in reference to adjournment.

Mr. SARGENT. I do not wish to withdraw the motion to take up any other business.

Mr. LOGAN. I am not going to offer to take up any other business. I said I would move to lay aside the post-route bill after it was up and substitute House bill No. 58.

Mr. SARGENT. Then I insist on my motion to adjourn.

Mr. LOGAN. If the Senator will hear me, I say I will not offer that now, but I want to offer a motion in reference to adjournment. I want to move that when the Senate adjourns it be to meet at twelve o'clock to-morrow.

Mr. SARGENT. I withdraw the motion for that purpose.

Mr. LOGAN. I move that when the Senate adjourns it be to meet at twelve o'clock to-morrow.

The motion was agreed to.

Mr. SARGENT. I now renew my motion that the Senate adjourn.

The motion was agreed to; and (at six o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

VINDICATION OF MR. KNOTT.

Mr. HURD. Mr. Speaker, I rise to a privileged report. Some weeks since a resolution was introduced into the House by the gentleman from Maine, [Mr. Blaine,] relating to a telegram which had been received by the chairman of the Judiciary Committee of this House, purporting to come from one Josiah Caldwell. This resolution was referred to the Committee on the Judiciary, with instructions to report immediately to the House. After considerable testimony had been taken by the committee relative to the receiving and the original preparation of the dispatch, a meeting of the whole committee was held to determine upon the character of the report which should be made to the House. By the unanimous vote of that committee I have been instructed to report to the House as follows; which report I will myself read, if there be no objection.

Mr. HURD proceeded to read the report.

Mr. HOLMAN. I wish to inquire whether this unanimous consent goes further than simply to allow the report to be read.

The SPEAKER *pro tempore*. The Chair understands this to be a privileged report, the committee being authorized to report at any time.

Mr. HURD resumed and concluded the reading of the report, which is as follows:

The Judiciary Committee, to whom was referred the resolution of the House, relating to a telegram received by Hon. J. PROCTOR KNOTT, its chairman, from one Josiah Caldwell, concerning an investigation authorized by a resolution introduced into the House by Mr. TARBOX, of Massachusetts, would report—

That while the investigation contemplated under that resolution was in progress it was developed that one Josiah Caldwell had made certain statements to parties as to the subject-matter of that inquiry. These statements were offered in evidence before the committee, but they were excluded upon the grounds, first, that they were irrelevant to the subject-matter of the Tarbox resolution and, second, that Caldwell was in Europe and therefore beyond the reach of the process of this House. Under these circumstances it was determined by the committee that a telegram should be sent by the chairman to Caldwell, asking him to appear before the committee to testify.

After the action of the committee, and before any communication had been had with Caldwell, a telegram purporting to come from him was delivered to the chairman, as follows:

"Have just read in New York papers Scott's evidence about our bond transaction and can fully corroborate it. I never gave Blaine any Fort Smith bonds, directly or otherwise. I have three foreign railway contracts on my hands, which makes it impossible for me to leave without great pecuniary loss or would gladly, voluntarily come home and so testify. Can make affidavit to this effect and mail it if desired."

The resolution referred to your committee in substance demands that this telegram be made part of the testimony taken by the subcommittee engaged in the investigation under the Tarbox resolution.

If this demand is to be complied with, it must be upon the ground that such telegram is competent evidence in this investigation; for otherwise the proposition would be that incompetent testimony might be introduced to establish facts before a tribunal constituted by this House.

The sole question in this view of the case is, is this telegram competent evidence?

It is impossible to conceive upon what ground such a proposition can be maintained.

In the first place, with the concession that the telegram came from Mr. Caldwell, its statements cannot be received as evidence, because not made under oath. It would be singular, indeed, if in an investigation where witnesses actually present before the committee are required to be sworn, the unsworn statements of an absent person should be admitted as testimony. Such a rule would make too uncertain proceedings before an investigating committee, proceedings which require limit and definiteness rather than wider latitude.

But in the second place, when the telegram was received by the chairman, there was not the slightest evidence that it had been sent by Mr. Caldwell. As it stood then, it simply appeared that a message with Mr. Caldwell's name subscribed to it had been delivered to the chairman of the committee.

But no one will pretend that this establishes the fact that Mr. Caldwell sent the message. In every case, when the contents of a telegram are to be proven, or its authenticity is to be established, the original message written by the sender must be produced. It is true, that secondary evidence may be admitted, but then, only after such proof of the loss or destruction of the original as is required to make such evidence admissible in other cases.

In Matteson *vs.* Noyes, 25 Illinois, page 59, it is said:

"The paper filed at the office from which the message is sent is of course the original, and that which is received by the person to whom it was sent purports to be a copy. If the dispatch is sought to be used in evidence the original must be produced and its execution proved precisely as any other instrument or its absence accounted for in the same mode before the copy can be received."

The same doctrine is maintained in Williams *vs.* Buckell, 37 Mississippi, 682; Durkee *vs.* The Vermont Central Railroad Company, 29 Vermont, 59; and Howley *vs.* Whipple, 48 New Hampshire, 487.

In the third place it may be said that, while the message received is not evidence, yet its receipt gave rise to a presumption that it was sent by Mr. Caldwell and that its contents are his statements. As to this it may be remarked that it had already been decided by the Judiciary Committee, in this very investigation, that statements made by Mr. Caldwell to others who were present before the committee to testify as to them were not admissible in evidence. The rule established by the committee, by that action, seems decisive of the present question, for the same reasons which required the rejection of the oral statements of Mr. Caldwell should exclude his written statements, and certainly such statements as are contained in what is only a copy of his writing. But it has been repeatedly decided that a copy of a message raises no presumption as to the original. In Howley *vs.* Whipple, 48 New Hampshire, 487, it was held that "the fact that a telegram was sent to a person at a particular place, and an answer received by telegraph at the office from which the original telegram was sent, purporting to come from that person at that place, is no proof he was there at that time." If an answer to a telegram afford no presumption that the person sending such answer was at the place from which it purports to be sent, *a fortiori* no such presumption can arise where the message is not in answer to another previously sent; and if no presumption could arise (to speak of the present case) that Caldwell was in London on the 31st of May, certainly none will be claimed to arise that the message received was a copy of an original deposited in London.

It has been charged that the withholding by the chairman of this message from the subcommittee conducting this inquiry was a suppression of evidence, and that the ordinary presumptions arising from such suppression could be claimed as against him, so far as they would relate to persons interested in the result of the investigation. The unreasonableness of such a claim is manifest when the principles of law established upon this point are considered. It is the suppression of *instruments of evidence* that is condemned by the rule of law. But in this case the message received was not an instrument of evidence; and therefore withholding it is not suppression of evidence.

It must be recollected, in this connection, that the chairman of the committee was not a member of the committee conducting the investigation. His only duty in reference to that inquiry was that imposed upon him by the general committee, of securing the attendance of Mr. Caldwell to testify. Suppose Caldwell had been within the United States where process could have been served upon him; would any one pretend that a message from him upon the subject-matter of the investigation, before a subpœna had been served, should be presented to the subcommittee as evidence? If not, then, how does Caldwell's absence from the country change the rules of evidence as to his telegram? Such a message from a witness might be of use in enabling the chairman to get service upon him in the one case, or to communicate with him in the other; but in both cases it should be regarded as a message for the chairman only, to be used as he should determine, *not as evidence in the inquiry, but to accomplish the object contemplated by the committee, namely, to bring the person before it to testify.* In the accomplishment of that result it is manifest that by the action of the committee the whole discretion was intrusted to the chairman. No person ought to complain, providing that discretion were exercised in good faith. If the object were to procure the attendance of Caldwell, it is manifest that it could be better accomplished by withholding the telegram from the committee than by spreading it upon the records as evidence; for if Caldwell could testify by a telegraphic dispatch, there would be little likelihood of his crossing the Atlantic to appear before the committee.

Other considerations seem to have occasioned doubts in the mind of the chairman as to whether the telegram really originated with Mr. Caldwell or not, which doubts, from the testimony since taken, he appears to have been justified in entertaining. That testimony, however, shows that while a telegram of which this was substantially a copy was sent by Mr. Reed, a former clerk of Caldwell, to him, it was in fact adopted and forwarded to the chairman by Mr. Caldwell. From these considerations the chairman felt warranted in withholding the telegram from

the committee until an inquiry could be made as to the circumstances attending its origination.

Your committee therefore would report (1) that the telegram received by the chairman from Mr. Caldwell was not evidence and could not have been received as such without a violation of the rule before that time, established by the committee; (2) that withholding it was not a suppression of an instrument of evidence; (3) and that the whole subject as to procuring the attendance of Mr. Caldwell to testify had been referred to the chairman of the committee, and that all communications with or from Caldwell in reference to such subject were in the hands of the chairman, to be used according to his discretion in accomplishing the object of the committee, and that no just complaint can be made of any use of such communications, providing the discretion were fairly and reasonably exercised.

Your committee would further report that they are satisfied from all the circumstances that the chairman in withholding the dispatch from the committee acted in good faith and without any purpose to injure any person involved in the investigation, and would recommend that the further consideration of the resolution be indefinitely postponed.

Mr. HURD. I move the previous question upon the adoption of this report.

The previous question was seconded and the main question ordered.

Mr. HURD. I now yield to the gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Committee on the Judiciary, who desires to make a statement to the House.

Mr. KNOTT. Mr. Speaker, satisfied, so far as I was personally, with the unanimous report of the Committee on the Judiciary which has just been read, completely exonerating me from any suspicion, either of a mistake in judgment or of having been actuated by any unworthy motive in relation to the matter reported upon, I had determined not to tax the patience of the House with a single word of my own until my attention was called to the following paragraph in a recent issue of the Philadelphia North American:

Josiah Caldwell has written a letter to the wife of General Sherman reiterating his entire procedure in the matter of his previous correspondence concerning Mr. Blaine's connection with the Fort Smith Railroad bonds. Re-asserting the validity of the dispatch purposely and infamously suppressed by Mr. PROCTOR KNOTT, this letter will freshly awaken the contempt of the country for a man who holding one of the highest positions in Congress could so debase himself as to seek to conceal positive evidence of the innocence of a political foe. Mr. KNOTT and his allies succeeded in keeping Mr. Blaine from the Presidency, but KNOTT at least covered himself with ineffaceable dishonor.

Since I have seen the utter and inexcusable ignorance or palpable disregard of the facts as well as the unprovoked malignity displayed in this and similar paragraphs in other papers, I feel impelled by an inexorable sense of duty to myself as well as to certain other gentlemen of the committee of which I have the honor to be chairman to ask the attention of the House to a few remarks in relation to the subject under present consideration. I do so, however, sir, under the most painful feeling of embarrassment. It is always extremely distasteful to me to be compelled to allude to myself in any manner or under any circumstances whatever, and it is peculiarly so at this time. Especially in the absence of the late member from Maine, [Mr. Blaine,] who for the promotion of his own personal ends, and, as I shall always believe, with a full knowledge of all the facts, found it necessary to make upon this floor the unjustifiable and disingenuous imputations embodied in the resolution which has given occasion for the report just submitted. Notwithstanding the erroneous impressions with which the public mind was filled by the sublime piece of acting exhibited by the late member from Maine when this matter was for the first time and so theatrically brought to the attention of the House and the country; notwithstanding the floods of calumny and vituperation which were poured out upon me by the press of his party, and which from the paragraph I have just read it seems have not yet subsided; conscious of the correctness of my own judgment and of the rectitude of my own intentions; conscious that I had done nothing more nor less than my simple duty; conscious that I had done precisely what I ought to have done and what I would do again under similar circumstances, I waited long and patiently for his re-appearance upon this floor before opening my lips in my own vindication to be disappointed at last by the announcement of his resignation; for, sir, I had many things to say concerning his connection with this matter which I was anxious to say in his hearing here upon this floor, face to face and eye to eye, where he could have the amplest possible opportunity to be heard in reply, but which I could not and cannot now afford to say in his absence.

But, sir, he is not here. It is said that the hand of God is upon him; that he is sick; that he has found it necessary for the recuperation of his overtaxed and shattered energies, physical as well as mental, to abandon the arena in which he had so frequently displayed the most marvelous skill as a parliamentary gladiator before vindicating his personal and political integrity, which had been so fiercely assailed by members of his own political party.

However that may be, it is entirely immaterial to what I now propose to say. Whether he be really afflicted either in body or mind or only simulating disease; whether he has been actually prostrated by a protracted attack of "brain fag" or has been merely playing the part of the "old soldier" in order to postpone investigation until the popular interest in his personal concerns shall have somewhat abated, I do not know or pretend to know. I only know he is not here and does not intend to be. I shall therefore allude to him only so far as may be absolutely necessary to a proper understanding of the simple statement of facts which I propose at this time to submit solely for my own vindication upon the face of the record, in which my reputation for integrity and fairness has been wantonly and causelessly assailed.

And, sir, I desire in the very outset to call the attention of the House and the country to the pregnant fact that not a single one of the many damaging and disgraceful charges and insinuations which have been made against Mr. Blaine can be truthfully attributed to the partisan zeal or personal malignity of his political opponents. In every solitary instance they have emanated from the bosom of his own political household. In every instance they have originated with members of his own party organization. In proof of this I need not trouble the House by referring to the numerous damaging articles and letters which from time to time appeared in some of the newspapers of his own party connecting his name in no very reputable manner with various railroad corporations, and which he sought to countervail by repeatedly rising to personal explanations upon this floor instead of promptly and defiantly demanding an investigation, as he did on the occasion of the memorable Credit Mobilier scandal. I will merely call attention to the following article which appeared in the Cincinnati Gazette, a leading and influential republican newspaper, on the 27th of April; and I do so because it has a direct and immediate connection with the matter in hand:

CINCINNATI, *April* 26.

The Gazette to-morrow morning will publish an interview with Mr. John C. S. Harrison, of Indianapolis. Mr. Harrison makes the following statement: At the September (1872) meeting of the board of directors of the Union Pacific Railroad, at which I was present, the president of the board, Mr. Horace F. Clark, called the attention of the directors to a letter from the president of the Fort Smith and Little Rock Land Grant Railroad with reference to some bonds of that road held by the Union Pacific company. Desiring to know something more about these bonds, I made a motion to appoint a committee of three to investigate and report before the adjournment of the board as to how they came into its possession, and all matters connected therewith. Thereupon E. H. Rollins, the secretary took me to one side and told me that I must withdraw that motion for an investigation of the bond transaction as it would involve James G. Blaine. He said the fall elections were near at hand, and Blaine was a candidate for re-election to Congress in Maine. An exposure of the transaction just at that time would be sure to defeat him. With that I withdrew the motion. Subsequently I took J. H. Millard, of Omaha, who was and still remains a Government director, to Mr. Rollins, and in his presence asked Rollins if I understood him correctly in relation to the bond transaction involving Mr. Blaine. He repeated that I did, and that an investigation would be sure to kill off Mr. Blaine at the approaching election. Afterward, when the investigating committee of which Jeremiah M. Wilson was chairman was in session, and E. H. Rollins was on the stand, I telegraphed Wilson to ask the witness certain questions concerning the Fort Smith and Little Rock bonds, but in noticing the daily reports of the committee afterward I saw that no such questions were asked. On the 3d of February, 1873, I wrote to Wilson, chairman of the committee, more fully about the matter, detailing the facts that I have just stated, but I did not mention Blaine's name. I stated that the transaction implicated a prominent member of the republican party. That letter was copied into my regular letter-book at Indianapolis, and can be referred to at any time. I never received any answer to the letter to Wilson, but on the 26th of February, just twenty-three days later, Mr. Delano, Secretary of the Interior, wrote a letter to a prominent republican official, saying it was deemed best on the part of the Government to change the entire board of directors of the Union Pacific Railroad, and that he therefore proposed to appoint some one from Indiana in the place of J. S. C. Harrison. This proposition of Delano met with such strong opposition that it was abandoned and none of the directors were removed. We were engaged at that time in making an active fight against the Wyoming Coal Company, which was swindling the United States out of $500,000 or $600,000 a year.

If the committee want that letter of Delano's they can find a copy of it in the Interior Department. Bear in mind that this action on my part as a Government director, and the correspondence to which I have referred, and the effort on the part of Secretary Delano to have me removed from the board of directors occurred in 1872, and early in 1873, just about the time of the re-election of President Grant, and when neither Mr. Blaine nor any other man was spoken of in connection with the Presidency of 1876. It is therefore unreasonable to suppose that anybody at that stage of the proceedings was interested in defeating Mr. Blaine's presidential aspirations. This whole Little Rock bond matter would have been investigated by the United States court at the time but for the killing off of the Credit Mobilier suits. I showed to Mr. Jenks, the Government's special attorney, who, with three others, was charged with investigating the affair, this order of the executive committee:

"NEW YORK, *December* 16, 1871.

"*Ordered*, That Morton, Bliss & Co. be authorized to draw on the treasurer of this company for $64,000 payable at forty days from date, and hold as collateral security for the company seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company's bonds, $1,000 each."

He made a copy of it in my presence and would have entered suit upon it at once had not all these Credit Mobilier suits failed in the courts, being ruled out on demurrer. In conclusion I have to say that I am ready and willing at any time to go before the Judiciary Committee of the House and make oath to the facts in this statement.

After this article had appeared and been extensively copied in the newspapers throughout the country, the gentleman from Massachusetts [Mr. TARBOX] submitted the following resolution, which was agreed to:

Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore

Be it resolved, That the Committee on the Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the committtee have power to send for persons and papers.

This resolution was adopted on the 2d of May, and at once referred to a subcommittee consisting of the gentleman from Virginia, [Mr. HUNTON,] the gentleman from North Carolina, [Mr. ASHE,] and the gentleman from Ohio, [Mr. LAWRENCE,] which had been appointed some time previously to investigate the transactions of the various Pacific railroad companies as required by a resolution introduced by

the gentleman from California [Mr. LUTTRELL] and agreed to January 31.

This subcommittee was selected, as I have stated on a former occasion, without the slightest reference to Mr. Blaine whatever, and long before I had an intimation, or a suspicion even, that he would turn out to be "the man under the hay," or that the proposed investigation into the condition and transactions of those corporations would disclose anything affecting his reputation in the least possible degree. The gentlemen composing that subcommittee proceeded at once and in good faith to the inquiry committed to them with the honest intention of concluding the investigation so far as Mr. Blaine might be involved in it if possible before the meeting of the republican convention at Cincinnati, before which it was understood he would be a prominent candidate for the presidential nomination.

Among the numerous witnesses summoned was Mr. John C. S. Harrison, of Indianapolis, who was sworn and examined on the 15th of May, and who reiterated upon his oath in the most unequivocal and emphatic manner the statements I have already read from the Cincinnati Gazette, accompanied by a solemn asseveration of the kindest possible feeling toward Mr. Blaine and an earnestly expressed hope that he would come out of the investigation, to use his own language, "clear and bright."

This, as a natural matter, of course led at once to the necessity of calling Mr. E. A. Rollins, the secretary and treasurer of the Union Pacific Railroad Company, a prominent citizen of New Hampshire, and at present the Senator-elect from that State. Whether this witness was himself suffering from a recent attack of "brain fag," or was afflicted with that sudden and convenient dereliction of memory which frequently characterizes the average congressional witness, or whether he was simply endeavoring to tax the patience or test the ingenuity of the gentlemen who were examining him, I will not undertake to determine; but I will say, sir, that no unprejudiced mind, I care not what may be the cast of its political convictions, can read the record of his testimony without feeling fully satisfied that he considered himself under no legal obligation to remember anything that could not be proven by some other witness. And I will say, moreover, that nothing could more closely resemble the tedious and painful process of extracting from him what little he did see proper to remember than the unsatisfactory and vexatious operation of twisting a "possum" out of a hollow log.

The delivery of his testimony afforded a beautiful example of what the doctors would call "a breech presentation," and the *accouchement* was consequently a very protracted as well as an exceedingly delicate undertaking. Read his testimony, sir, and you will be convinced that the hundred eyes of Argus never watched the "Golden Fleece" more vigilantly than this doubled-and-twisted railroad official was disposed to guard the interests of his company. With regard to the purchase of the bonds in question, he says:

> If he (Mr. Blaine) had sold the bonds to the company I should think it must have been a questionable transaction. I don't know why the company should buy them of anybody. It was a transaction that I did not approve. As treasurer of the company I felt in duty bound to protect its treasury against all comers, and I did not want to pay out $64,000 or any other sum of money unless it was absolutely necessary.

Yet, sir, according to his own statement, he patiently and silently permitted this "questionable transaction" to hang like an incubus upon his pious conscience from December 19, 1871, till the 11th day of September, 1872, without saying a word about it. He "let concealment, like a worm i' the bud, feed on his damask cheek" for nearly nine long months, and never breathed his disapprobation to mortal man. On the contrary, as he admits himself, when one of the Government directors discovered for the first time that the transaction—this "questionable transaction"—had taken place, and as in duty bound moved that it should be inquired into, the honest treasurer appealed to him to withdraw the motion, that an investigation would involve Mr. Blaine, that those were Mr. Blaine's bonds, or that he had heard they were the bonds of Mr. Blaine. Yet from whom he heard it, how he heard it, when he heard it, or precisely what he did hear he could not for the life of him recollect.

Notwithstanding all of his "backing and filling," however, his testimony, taken as a whole, not only corroborated the leading statements of Mr. Harrison, but was calculated to leave the impression upon any unprejudiced mind that there was "something rotten in the state of Denmark," something perhaps, as Lord Dundreary says, "that no fellah could find out." Nor did the subsequent statements of Mr. Millard and Mr. Wilson tend in any great degree to dispel the mist in which the evidence of Mr. Rollins left the matter involved, as the House will see when the record of their testimony comes to be examined.

On the same day, May 15, Colonel Thomas A. Scott was called and examined, who testified substantially that he was president of the Union Pacific Railroad Company from the 7th of March, 1871, till the 6th of March, 1872; that he had purchased the bonds in question from Josiah Caldwell at eighty cents on the dollar, and paid him for them in money; that the Union Pacific Railroad Company took them off his hands at eighty cents on the dollar at a time when if he could have sold them at all in the market he could not probably have realized over fifty or sixty cents to the dollar on them, and that this favor was extended to him by the company in consideration of extraordinary services which he had rendered to the company as its president. But what those extraordinary services were, what he did during the first nine months of his term as president of the company to entitle him to any sum, from fifteen to twenty-two thousand dollars, over and above his regular fixed salary he did not explain. He did say, however, that he got the bonds from Josiah Caldwell and paid him eighty cents on the dollar for them, and that he sold them to the company at the same price, and that he had no knowledge or belief that Mr. Blaine was connected with them in any manner whatever, "*so far as his* (Scott's) connection *with the transaction was concerned.*"

Now, sir, whether Colonel Scott knew anything about it or not, it was perfectly manifest that, if Mr. Blaine really had any connection with these bonds or was in any manner interested in or benefited by the transaction, Josiah Caldwell could explain it if he would; and it so happened that several witnesses had been summoned, who it was understood had repeatedly heard Mr. Caldwell make statements with reference perhaps to that very point. Among them was Mr. John McClure, of Arkansas, who was sworn and stated that all he knew with regard to the possession of the $75,000 in the bonds of the Little Rock and Fort Smith Railroad Company by the Union Pacific Railroad Company he got from Mr. Caldwell. Objection having been made, however, on the part of Mr. Blaine, to any evidence of the statements of Mr. Caldwell, because among other reasons it would be but hearsay, the point was submitted to the full committee and the objection sustained, on the ground that Mr. Caldwell was beyond the reach of the process of the House, and, as such evidence could answer no other purpose than to indicate what might possibly be proven by him, it would be unnecessary if not unjust to Mr. Blaine to take it unless there was some reasonable assurance that Caldwell's presence could be procured. It was thereupon moved by some member of the committee that a dispatch should be sent to Mr. Caldwell in Europe simply asking if he would appear and testify. But that proposition was earnestly and strenuously resisted on behalf of Mr. Blaine on the alleged ground that Caldwell would not appear even if dispatched for in the manner indicated. The force of that objection I have never been able to appreciate. It seemed to me that of all men in the world Mr. Blaine should have been the very one to demand that Caldwell should be called to testify and his attendance procured if possible. If he was innocent he must have known that the evidence of Caldwell would vindicate instead of convicting him, even if he should consent to come; and on the other hand, if he should refuse to come, that would be the end of it, and he would occupy the attitude of challenging instead of resisting the production of any testimony against him whatever, even if it had to be procured by the most extraordinary means. The objection prevailed, however, and the motion was lost, I believe, by one vote.

But, sir, viewed in the light of subsequent developments, there may have been some reason why Mr. Blaine did not desire that Mr. Caldwell should be disturbed in the quiet seclusion of his foreign residence. On the 25th of May one A. P. Robinson, an old acquaintance and intimate friend of Mr. Blaine, was called to the stand and examined with relation to his having delivered a package of Little Rock and Fort Smith bonds to Mr. Blaine from Josiah Caldwell. He admitted having delivered a package, but denied all knowledge or information from Caldwell or any one else as to its contents. He was asked if he had not stated to Mr. Curry that the package contained twenty Fort Smith and Little Rock Railroad bonds, but he positively and emphatically denied that he had made any such statement to Mr. Curry or any one else. Well, Mr. Curry was next called, and swore as positively and emphatically that Robinson had, about five weeks before that time, told him that he had carried a package containing $20,000 in bonds from Caldwell to Blaine; that he (Robinson) was certain the package contained that much, and it was Robinson's understanding that that was but an installment of the bonds that Blaine was to receive. On these conflicting statements being telegraphed to the country through the Associated Press, Mrs. Curry sent the following telegram to her husband, which was admitted by Mr. Blaine as evidence to save the necessity of calling her as a witness:

> To A. P. CURRY:
>
> Have seen your testimony as published in Associated Press dispatches, and heard Robinson tell you just what you said he did, that he gave Blaine the bonds. Price and Wheeler said Robinson told them the same.
>
> BELLE CURRY.

And, sir, it is a somewhat singular fact that Mr. Mulligan who testified some days afterward said, in speaking of a certain package of letters which Mr. Blaine had procured from him in a manner perhaps entirely peculiar to himself, "There was one letter in the package where he told Mr. Fisher how much was due on these bonds. He told him that he had received $55,000 in bonds from him *and* $20,000 *from Caldwell on an outside matter;*" but I fail to find any such statement in any of the letters as read by Mr. Blaine to the House. Perhaps Mr. Caldwell could explain this "outside matter" and tell precisely what was in the package sent by Robinson. Perhaps he might be able also to shed some light upon that mysterious conundrum which has for some time puzzled the American mind, why it is that Mr. Blaine would rather hear Gabriel blow his final trump than have Mulligan testify any further about the contents of that somewhat famous package of letters. However that may be I do not know, but so it is, the glaring conflict between the statements of Robinson and Curry and the remarkable sensitiveness of Mr. Robinson, who it will be remem

bered found it necessary to sit down and write a letter to Mr. Blaine simply because the gentleman from Virginia had ventured to ask him what facts pertinent to the inquiry were within his knowledge, and who for some unexplained reason deemed it prudent to deny that he had had an interview with Mr. Blaine before he gave his testimony until the fact was dragged out of him by dint of protracted interrogation, made it evident that Mr. Caldwell's testimony would be vitally important either for or against Mr. Blaine if it could be procured; that it would exonerate him entirely or show how and to what extent he was implicated in the transaction under investigation.

The question of dispatching to Caldwell to ascertain whether he would appear and testify before the committee was accordingly brought up again in the committee on the 26th of May, and the proposition again earnestly opposed in behalf of Mr. Blaine. The motion nevertheless prevailed, and an order was entered that the chairman of the committee should telegraph Caldwell asking him if he would come. It is perhaps proper for me to add that at that time I had not been informed, and I am not aware that any of my colleagues had been informed, that Mr. Caldwell had been driven by the questionable character of some of his business transactions to the alternative of choosing between a residence in foreign climes and a temporary abode in some Massachusetts prison. I was consequently not apprised of the obstacles that might lie in the way of procuring his return to the land of his nativity, or the possible difficulty of getting the truth out of him if he should come. I accordingly set to work in good faith, and with all proper diligence, to ascertain his address, in order that I might send him the dispatch as directed. With all the inquiry I could make, however, I was unable to do so. All who were able to give me any information at all as to his whereabouts said he was somewhere on the continent of Europe, in Italy perhaps, building a railroad; but his address, or where a dispatch would reach him, no one seemed to know. On the morning of the 1st of June, before I had ever ascertained Caldwell's address, or anything with reference to his residence further than I have stated, the following dispatch was left at my room, by whom I never knew, as I was out at the time and found it lying on my table on my return:

LONDON.

To CHAIRMAN HOUSE JUDICIARY COMMITTEE, *Washn.:*

Have just read in New York papers Scott's evidence about our bond transaction and can fully corroborate it. I never gave Blaine any Fort Smith Railroad bonds, directly or otherwise. I have three foreign railway contracts on my hands, which makes it impossible for me to leave without great pecuniary loss, or would gladly voluntarily come home and so testify. Can make affidavit to this effect and mail it if desired.

JOSIAH CALDWELL.

The reading of this dispatch, sir, instantly and I think quite naturally suggested to my mind a variety of questions. Here was a telegram addressed from London without date, with no number, house, street, or place designated, purporting to come from a man who, as all seemed to agree, was engaged in building a railroad somewhere on the continent. How did he happen to be in London so opportunely as to read the New York papers instantly on their arrival? But supposing he was there, why should he instantly rush to a telegraph office upon reading Scott's evidence and send *me* a prepaid dispatch of seventy-seven words, which, as I had understood, cost a dollar in gold for every word? Though I have since learned the rates were seventy-five or seventy-eight cents in gold. Why should he propose to corroborate Scott's testimony before it was ever suggested to him that it needed any corroboration? Why should he be suddenly seized with such a morbid impulse to do so that he would not only "voluntarily" but "gladly" face the perils of the briny deep and fly to the committee-room with the alacrity of a lover to his lady's chamber in order to give his testimony but for those vile foreign railway contracts? Why should he volunteer to send over his affidavit before it was suggested to him that the committee or any one else desired his evidence in that or any other possible shape whatever? The whole thing, sir, had an extremely fishy flavor. It seemed to my mind to be the result of a scheme concocted on this side of the Atlantic to make the Judiciary Committee the instrument through which a fraud was to be palmed off upon the House and the country; for had the person most interested in having Scott's testimony indorsed sat by and dictated every word of the dispatch he could not possibly have made it more pat to the purpose.

Immediately upon reading this dispatch I carried it with me to the room where the managers of the impeachment of General Belknap were that morning to have a meeting, and on entering the room I at once communicated the fact that I had received the dispatch and its contents to those who were present. My friend, Judge LYNDE, upon reading it seemed instantly impressed with the same suspicion which was upon my own mind, and without hesitation suggested that I should not give it publicity until I had verified its authenticity, as he has since publicly stated, or I should not even now allude to the circumstance.

While we were in the managers' room James Mulligan, of Boston, was before the subcommittee on the judiciary detailing the particulars of a scene which were repeated to me before I left the room, and which I will now read in his own language:

The WITNESS. I wish to ask the indulgence of the committee for a few moments to make a personal, and to me a painful, statement. When I first arrived in this city, and within about fifteen minutes after my arrival, there came a communication from Mr. Blaine to Mr. Fisher. Of course I wish it understood that I am stating this under oath.

Mr. HUNTON. We so understand it.

The WITNESS. There came a communication from Mr. Blaine inviting Mr. Fisher and me up to his residence. I declined to go, for the reason that I did not want to have it said that I had gone to see Mr. Blaine. I wanted to come into this committee-room untrammeled by any influence. Mr. Fisher went up to Mr. Blaine's house, or at least he so reported to me; and he told Mr. Blaine about certain facts that I could prove and certain letters that I had got. Mr. Blaine said that if I should publish them they would ruin him for life, or that if this committee should get hold of them they would ruin him for life, and wanted to know if I would not surrender them. I told him "No," and that I would not give them to the committee unless it should turn out that it was necessary for me to produce them. After my examination here yesterday, Mr. Blaine came up to the hotel, the Riggs House, and there had a conference with Mr. Atkins, Mr. Fisher, and myself. He wanted to see these letters that I had. I declined to let him see them. He prayed, almost went on his knees—I would say on his knees—and implored me to think of his six children and his wife, and that if the committee should get hold of this communication it would sink him immediately and ruin him forever. I told him I should not give them to him. He asked me if I would let him read them. I said I would if he would promise me on the word of a gentleman that he would return them to me. I did let him read them over. He read them over once, and called for them again and read them over again. He still importuned me to give those papers up. I declined to do it. I retired to my own room, and he followed me up and went over the same history about his family and his children, and implored me to give them up to him, and even contemplated suicide. He asked me if I wanted to see his children left in that state, and he then asked me again if I would not let him look over these papers consecutively, (I had them numbered.) I told him I would if he would return them to me. He took the papers, read them all over, and among them I had a memorandum that I had made by way of synopsis of the letters and referring to the numbers of the letters—a synopsis containing the points of the letters. I had made that memorandum so as to be able to refer to here when questioned. He asked me to let him read the letters, and I showed him this statement too. After he had them read he asked me what I wanted to do with those papers; if I wanted to use them. I told him I never wanted to use the papers nor would not show them to the committee unless when I was called upon to do so. Then he asked me if I would not give them to him. There was one letter in particular that he wanted me to give him. I told him I would not do it, and the only reason I would not do it was because I saw it stated in one of the evening papers here (the Star, I think) that the Blaine party were going to completely break down the testimony that I had given yesterday, that they were satisfied about that. I said I should not publish these letters unless my testimony was impeached or impugned. That was the only reason that I wanted to keep them, but I wanted to keep them for that purpose. These are the facts, gentlemen, and I leave them to you. If I understand the order under which this committee meets, this committee has power to send for persons and papers, and I want this committee to get for me those papers. Mr. Blaine has got them and would not give them up to me.

These statements, as I have said, were repeated to me almost *verbatim* before I left the room, and again within a few minutes after I reached the floor of the House.

When I heard these things; when I heard that Mr. Blaine had been so extremely solicitous to have an interview with this witness that within fifteen minutes after his arrival in Washington he had sent him a pressing invitation to meet him at his own house; when I heard of the painful panic under which he labored when he ascertained that Mulligan had possession of certain of his letters; when I heard of his going down upon his knees and groveling abjectly in the dust before the witness, whining about the impending ruin of his wife and six children, imploring him to surrender these letters, and sniveling about suicide if he should refuse to do so; when I heard that he had finally obtained them upon an express pledge of his personal honor as a gentleman that he would return them, and that in the face of that sacred pledge, which as a gentleman he ought to have redeemed at the expense of his life if necessary, he had coolly put them in his pocket and refused to deliver them up, I submit that I had ample reason to suspect that he would not scruple a moment to concoct a fraudulent telegraphic dispatch, or hesitate to do anything else that might tend in his judgment to promote his own private or political ends. And, sir, when on the following Monday—the 6th of June last—in the climax of one of the most extraordinary exhibitions of histrionic skill, one of the most consummate pieces of acting that ever occurred upon any stage on earth, he disclosed such an accurate knowledge not only of the fact that I had received a dispatch purporting to have come from Josiah Caldwell, but of its contents and of the very hour at which it had been delivered at my house, I was as morally certain as I am at this moment that the dispatch had been concocted on this side of the Atlantic for his benefit and at his suggestion and by his procurement. He was then asked to explain how he derived that knowledge, but declined to do so. He has had ample opportunities to explain it since, but he never has; and, sir, he never will! All possible doubt upon this point was removed from my mind two days afterward when he said to me in the chamber of the Committee on the Judiciary that he had heard that I had been rummaging the telegraph offices for evidence that he had been in communication with Caldwell, when in point of fact I had not only not done so, but had not even intimated the intention of doing so to a living being on earth. Ah! sir, I saw from his very manner and the tremor in his voice that the cranes of Ibycus had appeared to a guilty and troubled conscience.

Now, sir, let us see how these conclusions of my own mind have been verified by the facts subsequently developed. At my suggestion, the managers of the Western Union Telegraph offices at Washington, Philadelphia, and New York were summoned to testify before the committee.

Mr. Whitney, the manager of the Washington office, produced the following dispatch, which he swore was received at the office at six o'clock and twenty minutes in the afternoon of the 26th of May, and sent to New York for transmission five minutes thereafter:

WASHINGTON, *May* 26.

To JOSIAH CALDWELL,
115 *Cannon street, London, E. C., England:*

See Scott's testimony, papers 16th. Telegraph Scott, Philadelphia, as you truthfully can, the strongest indorsement of his statement.

A. P. ROBINSON.

But, sir, it may be asked what evidence is there that Mr. Blaine had anything to do with sending this dispatch? *His* name is not signed to it! Certainly not, sir; and I never for a moment supposed nor do I imagine that any one who ever knew him would suppose that he was fool enough to put his own signature to any dispatch to Josiah Caldwell or to any one else touching this subject. O no, sir; I knew he was entirely too sharp for anything so perfectly shallow as that would have been. And I must confess that I was somewhat surprised to find that any dispatch had been sent from this city at all; for an *old* fox, unless he is unusually hungry, rarely robs a hen-roost close to his own hole.

But there was a considerable stress of weather about that time as we shall presently see. I felt perfectly confident from the very beginning that he had selected some willing and convenient "cat's-paw" for the purpose, and one, too, who would not hesitate to swear, if necessary, that Mr. Blaine had nothing to do with it, and no knowledge of it whatever; and, sir, when the House comes to consider his conduct before the committee, his relations to Mr. Blaine, and the light in which he is placed by the statements of Mr. and Mrs. Curry, I think they will agree with me that had Mr. Blaine started every constable and bailiff in Washington City with a search-warrant he could not have found an instrument more admirably suited to all the purposes in view than his old and intimate friend, Mr. A. P. Robinson.

But, sir, let us examine this dispatch a little and see if its "fleshmarks" indicate anything as to its paternity. It is dated May 26. On that morning the committee had directed that Mr. Caldwell should be asked by telegraph if he would appear and testify. That fact was known. Something had to be done and done quickly. Unless Caldwell was posted he might "blow" something that would ruin the whole kettle of fish. Accordingly, this dispatch is sent at six o'clock and twenty minutes that very afternoon. But why should Mr. A. P. Robinson send it? "What was he to Hecuba, or Hecuba to him?" How did Scott's testimony concern him? Why should *he* rush to the telegraph office and pay $25.74 in gold to have it corroborated? For that is precisely what Mr. Whitney swears this message cost. But he says, "telegraph Scott." Why Scott? Scott did not seem to have interest enough in the matter to ask that his testimony should be indorsed in such an extraordinary manner. Why not telegraph Robinson? Why not telegraph anybody else? Sir, the question can be solved only upon the hypothesis that Caldwell's answer, if favorable, was to be given to the public for the benefit of Mr. Blaine, and should consequently have an air of spontaneity about it; while if unfavorable it was never to see the light at all; the inference naturally being that if it should corroborate Scott he would be glad to publish it, while if it should not, he would be certain to be the last man on earth to say anything about it!

There seems to have been a wonderful solicitude, sir, upon the mind of somebody that Mr. Scott should be the exclusive recipient of telegraphic favors from Mr. Caldwell upon this subject; for Mr. Hicks, the clerk from the New York office, when placed upon the stand produced the following telegram, without signature, which he swore was received at the office in New York and dispatched at one o'clock and fifty minutes on the morning of May 30:

To FAVO, *London:*

Cable nobody excepting Scott.

Here, sir, is evidently another automaton obeying the behests of the same directing mind and echoing the earnest request that only *Scott* should be addressed upon this delicate subject. Nay, a third, sir; and a fourth! For here is another dispatch, which Mr. Hicks swears was dated May 31, but sent at two oclock and eighteen minutes on the morning of the 1st of June:

To JOSIAH CALDWELL—

Not Favo this time—

Tunbridge Wells, England:

Don't permit newspaper men or others to interview you.

R——.

This dispatch bore upon its face unmistakable evidences of being the joint production of at least two giant intellects, the combined labor of two or more separate and distinct hands, neither of which, according to the testimony of Mr. Whiteley, an expert in the Treasury Department, penned the message signed "A. P. Robinson." Who the person was who was most interested in this remarkable correspondence, who was the one, and the only one, immediately and vitally interested in it, and who was the moving spirit, the commander-in-chief of this troop of active and enterprising telegraphic correspondents, all animated by precisely the same motive and desiring to attain precisely the same object, I imagine it will be difficult for no fair and unprejudiced mind to infer.

But let us return to Mr. Robinson's dispatch. He says, "telegraph Scott, Philadelphia, (*as you truthfully can,*) the *strongest* indorsement of his statements." Why so solicitous, Mr. Robinson? Why so anxious? Why so superlative? Would not a mere modest indorsement suffice? Why should *you* ask the "*strongest*" indorsement of Scott's statements? But, sir, observe the parenthetical expression "*as you truthfully can.*" Pray, Mr. Robinson, how did *you* know whether Caldwell could *truthfully* indorse Scott's statements or not? You were sworn and examined touching that very point only two days before, and what did you say then?"

Your statements, as taken down and printed, are as follows:

Question. Do you know anything of the ownership, on the part of Mr. Blaine, of any bonds of the Little Rock and Fort Smith Railroad Company; have you ever heard from anybody of his ownership of any such bonds?

Answer. I never have.

Q. You know absolutely nothing of his ownership or possession of any Little Rock and Fort Smith Railroad bonds?

A. Absolutely nothing.

Q. Ei y your own knowledge or by information derived from others?

A. No, sir.

There you swear that you knew absolutely nothing, either of your own knowledge or from information derived from others, concerning the ownership or possession of any of these bonds by Mr. Blaine, absolutely nothing! You were as ignorant upon that subject as an oyster is of the Darwinian theory of the descent of man, yet you undertake to assure Mr. Caldwell that he can *truthfully* telegraph the strongest indorsement of Scott's statements without reservation or exception. How is this sir?

Had you—

> Unto truth, by telling of it,
> Made such a sinner of your memory
> To credit your own lie?

Or were you a mere Dutch toy that squeaked when your master's hand touched the spring?

But, sir, it is useless to dwell upon this point. To those who have long been familiar with Mr. Blaine's style of expression, the paternity of this Robinson dispatch is as plainly indicated on its face as the legitimacy of his eldest born.

Well, sir, it seems that Mr. Caldwell, in pursuance of the request conveyed in this telegram, dispatched the following on the 31st of May to Colonel Scott, one of the shrewdest and most cautious, clear-sighted men in America, and withal, as I am informed, and would certainly infer from his testimony, a very warm personal friend of Mr. Blaine's:

LONDON, *May* 31.

Your statement to the congressional committee on the 16th relating to the Fort Smith Railway bonds which you purchased of me is perfectly correct. I can more fully substantiate it if necessary.

And what did *he* do, sir? Did he unhesitatingly accept this as a genuine dispatch from Josiah Caldwell and rush off to some newspaper office and blazon it to the world without taking a single step to verify its authenticity? Did he ever say a word or do a single act that would give the world the slightest suspicion of the vital fact that such a telegram ever had an existence until it was brought out by the committee, or did he maliciously and nefariously put it in his pocket and say nothing whatever about it? He has been sworn and examined upon that point; let him speak for himself. He says:

So strange did it seem that before I sent my reply to Caldwell I sent one of my clerks over to the telegraph office to verify that cable from him and see whether it was all right. This matter created an impression on my mind that there might be something wrong about the whole movement; but the telegraph company assured me that it was all perfectly regular and legal, and that it had been sent from London a direct message of thirty-four words. There was no question about the genuineness of the cable.

Is it any more remarkable that I should have suspected the genuineness of the dispatch received by me and sought to verify its authenticity before giving it publicity than that Colonel Scott, the warm personal friend of Mr. Blaire, should suspect the good faith of the one sent to him, or that he should never have breathed a syllable of its contents to mortal man until he had verified it? Why, then, has he not been gibbeted by the republican press throughout the country as a malicious and hell-deserving miscreant for having suppressed its existence until it was unearthed by the committee in its examination of the telegraphic officials?

But, sir, it seems that Colonel Scott's suspicions were excited or at least heightened by the appearance in his office almost simultaneously with this telegram of a young man calling himself Reed, who represented himself as the former clerk of Caldwell, who was extremely solicitous that the committee should have all the light that could possibly be procured, and who had prepared for that purpose a dispatch which he proposed to telegraph to Caldwell at Scott's expense, to be echoed back to the chairman of the Committee on the Judiciary, to be by them accepted with good, easy-minded, unsuspecting credulity, and given to the world as evidence of the innocence of Mr. Blaine. Colonel Scott, however, declined either to furnish the money or to have anything to do with the matter whatever, as any honorable man would.

The exigency was pressing, however, so this enterprising and public-spirited youth determined to send the dispatch at all hazards and at his own expense. The committee was suffering for additional evidence, and the public good demanded it, and what was the paltry sum of $57.72 to *him* in a great popular emergency like that? He accordingly went over to the telegraph office in Philadelphia, and sent the following at three o'clock and fifty-one minutes in the afternoon of May 31:

"To Favo," which turns out to be the mellifluous pseudonym of Mr. Josiah Caldwell. My acquaintance with foreign languages is extremely limited, sir, but I am informed that *favo* is the Italian word for "honey-comb," and I have no doubt that to many a citizen of Maine there appears to be a beautiful and poetic propriety in this delicious *nom de plume* when they think of the thousands of their hard-earned dollars which went to line the pockets of the sweet-scented Mr. Caldwell through the instrumentality of his enterpris-

ing bond-broker, Mr. Blaine. Sweet Favo! Thou gushing receptacle of the luscious treasures extracted from many a modest flower by the disinterested and indefatigable Bee!

Dispatch received. Cable this *immediately* to chairman House Judiciary Committee, Washington: Have just read Scott's evidence about our bond transaction in New York newspapers and can fully corroborate it. I never gave Blaine any *Little Rock bonds*, directly or otherwise. *Am now building three European railroads and cannot* leave without great pecuniary loss or would gladly voluntarily come home and so testify. Can make affidavit to this effect and mail it if desired.

And straightway the echo answered:

CHAIRMAN HOUSE JUDICIARY COMMITTEE, *Washington:*

Have just read in New York papers Scott's evidence about our bond transaction and can fully corroborate it. I never gave Blaine any *Fort Smith Railroad* bonds directly or otherwise. *I have three foreign railway contracts on my hands which makes it impossible for me to* leave without great pecuniary loss or would gladly voluntarily come home and so testify. Can make affidavit to this effect and mail it if desired.

JOSIAH CALDWELL.

How excessively ardent and impatient this enthusiastic young patriot was, to be sure. There is no time to be lost. The Judiciary Committee is after your address. "Cable this *immediately*." What marvelous powers of clairvoyance he possessed! As a "mind-reader" the universe never has and never will behold his parallel. Far over the wide waste of waters, full three thousand miles away, he knew as infallibly what was hidden away in the innermost chambers of Caldwell's intellect as if he had been his animating spirit. He knew to an everlasting certainty that he had read the New York papers of the 16th. He knew that Caldwell could not only corroborate, but "*fully*" corroborate every statement Scott had made, to the very last dot. He knew that Caldwell never did in his life, at any time or under any circumstances, let Blaine have any Little Rock bonds. He knew that Caldwell was building three European railroads and that he would suffer great pecuniary loss if he should leave. He knew that the sole reason which could by any possibility restrain Caldwell from rushing home to give his testimony was the apprehension of that very pecuniary loss. He knew he would come, and come *gladly;* that he would come with his heart bounding and his face radiant with joy; that he would come not only gladly but *voluntarily*, even if the coast were lined with bumbailiffs from the Bay of Fundy to Cape Sable and a thousand prisons yawned to receive him deeper and darker than the gloomy cavern of Avernus. And he knew he would make an affidavit to that effect and mail it if necessary. He knew that whatever mess of hell-broth he might concoct he simply had to say "gape, sinner, and swallow" and Mr. Caldwell would shut his eyes and blindly gulp it down. There was one thing, however, which I presume he did not know, or if he did he omitted to instruct Mr. Caldwell what to say about it. While he knew that Caldwell did not let Blaine have the bonds, he did not know whether Blaine let Caldwell have them, and whether Caldwell was or was not the intermediary through which the bonds passed from Blaine to Scott and the money from Scott to Blaine; nor do I know.

But, sir, it is said that Mr. Caldwell in the exuberance of his philanthropy has adopted this dispatch, this illegitimate vagrant, begotten, conceived, and born on this side of the Atlantic three thousand miles away from its generous benefactor. Certainly he has. Nobody denies that. And, sir, in my opinion he would just as readily adopt a telegram requesting him to state that to his personal knowledge Mr. Blaine stood by and gave directions while the Creator wheeled the dirt out of which the world was made, and "make affidavit to that effect and mail it if required" besides. But that is not the point. The question is, Who was the father of that bastard foundling? Was it Reed? Or did he only carry the basket and lay it at Caldwell's door and ring the bell, and ask the benevolent soul to take the little stranger in? Who is Reed anyhow that he should take such a lively interest in this matter? Where does he reside? Has he really "a local habitation and a name?" If he *has* a name he was careful not to subscribe it to this dispatch. And moreover, Mr. Heber Robinson, the telegraphic manager at Philadelphia, swears that when he delivered the dispatch for transmission he not only refused to disclose his name but the place of his residence also. It would seem from Scott's testimony that he was extremely anxious that the committee should have all the evidence possible; yet there has been a subpœna for him in the hands of the Sergeant-at-Arms from the 26th day of last May requiring his attendance before that same committee, and the cities of New York and Philadelphia, and I believe some others, have been searched time after time by the officers of this House in the diligent, vain endeavor to find him. If his attendance could have been procured however, I have no doubt he would have sworn that the telegram sent by him to Caldwell was the emanation of his own unassisted intellect, neither suggested nor procured by another. He was no doubt employed with special reference to his ability as well as his willingness to swear to that or anything else that might be necessary in an emergency. But, sir, were he to swear it until his head became as white as the eternal snow that crowns the summit of Mont Blanc, there is not an unprejudiced mind on the continent that would believe him for a single moment in the light of all the facts and circumstances I have stated.

Sir, if Mr. Reed was acting simply and solely upon his own suggestion, if there was no one behind him for whom he was acting the part of the pliant tool or the hired emissary, why the necessity of so much mystery? Why did he so persistently refuse to disclose his name to Mr. Heber Robinson, the manager of the telegraph office in Philadelphia, from which he sent his dispatch? Why did he conceal his place of residence when Mr. Robinson's clerk desired to know it? If this was a perfectly straight, fair, and honorable transaction surely no gentleman need to be ashamed of his participation in it. Why then all this mystery? If Mr. Caldwell knew nothing damaging to Mr. Blaine why the necessity of urging him through the media of costly telegraphic dispatches "to cable nobody but Scott" and not to suffer himself to be interviewed by newspaper men or others? If there was no conspiracy in the matter, directed by one interested and superintending genius, how did it happen that so many persons, some in Washington, some in Philadelphia, and others in New York, should be animated by the identical, same motive, at precisely the same time, and at that particular time of all others, to effect the very same object; and that, too, an object in which neither of them could have had as much interest personally as they would in a diamond mine in the crater of some extinct volcano in the moon?

But, sir, it is unnecessary for me to dwell further upon the facts I have arrayed here. To do so it occurs to me would seem like a premeditated insult to the intelligence of this House. They need no comment. They speak for themselves. They show to the exclusion of a reasonable doubt precisely what I suspected the moment I read the dispatch purporting to have come from Caldwell, that it was concocted in this country, telegraphed to London, and echoed back in order that the Judiciary Committee might be made the unwitting instrument through which a fraud might be perpetrated upon the House and the country, and that the whole scheme originated in the fertile brain of Mr. James G. Blaine.

Mr. FRYE. Mr. Speaker, I do not know when I have been more pained than I have been to-day, when my feelings have been so wounded or when in my life I have so suddenly lost a confidence which had slowly but surely been builded up.

An attempt by me to review the testimony taken under the Tarbox resolution is entirely unnecessary now. The attempt to review it and to pronounce judgment by the gentleman from Kentucky [Mr. KNOTT] when the Committee on the Judiciary have postponed the further consideration of the case until next December, was without the slightest justification in honor or in parliamentary law. I will simply say, in regard to that testimony, that when it is reported to this House it will convince beyond any question or doubt every honest, sincere seeker after the truth that Hon. James G. Blaine never had aught to do with the $70,000 of Little Rock and Fort Smith bonds that were purchased of Mr. Caldwell and sold to the Union Pacific Railroad Company.

And further, I dare assert that no member of the subcommittee of the judiciary who has listened to that testimony has remaining in his mind to-day a single suspicion that Hon Mr. Blaine ever had aught to do with the bonds which the House ordered the committee to investigate. None but a mind filled with jealousy, filled with malice, filled with wicked purpose, would dare pronounce judgment against a peer of his on the floor of this House on any such testimony as that.

And, sir, I do not propose to review the testimony in regard to the Caldwell dispatch. That testimony was taken by the Committee on the Judiciary in their committee-room, to be passed upon by the Judiciary Committee as such, and then, by them, if they desired to do it, to be reported to this House; and there is no justification for the chairman of that committee to rise here as chairman or as a member of that committee and report to this House that testimony and his conclusions thereon.

The committee has reported this morning and their report has been read to the House. I submit that on the testimony in that case, when the whole of it shall have been printed and brought before the House, it will be found that it fails to show in any way whatsoever that Mr. Blaine inspired or sent or sought or asked that any dispatches should be sent to Mr. Caldwell; and I now say to the chairman of the committee what I have said to him again and again, that neither Mr. Blaine nor I had the slightest interest in the matter; that I would not appear as counsel, nor would Mr. Blaine appear as a party in that investigation, and that he might pursue it to the very bitter end, and at that end he would not find Hon. James G. Blaine.

And I say that no mind that was not made reckless by bitterness, by malice, by wicked purpose, would ever dare assert in this House, before the completion of the testimony and its printing for the use of the House, that Hon. Mr. Blaine "instigated," "stood over," helped on Mr. Reed, the clerk of Mr. Caldwell, in the sending to his employer in London the dispatch which has been read by the gentleman from Kentucky.

Now in the progress of this investigation, as the gentleman from Kentucky says, he was directed by the Judiciary Committee to telegraph to Caldwell. Every man around here—Mr. Sickles, who was with the chairman of the Judiciary Committee every day, Mr. Robinson, who was here—a half a dozen gentlemen found ways and means to communicate with Mr. Caldwell forthwith. The gentleman from Kentucky, whose duty it was to communicate with him, failed utterly and entirely to do so until days after the instructions were given and after he received a telegram from Mr. Caldwell. Why?

Again, when Mr. Blaine was preparing his defense he learns that the chairman of the Judiciary Committee, a colleague of his in the Fortieth Congress, I believe, a colleague of his in the Forty-fourth

Congress, had received a telegram from Josiah Caldwell in London completely exonerating him, Mr. Blaine, from even a suspicion of connection with the bonds sold by Caldwell to Mr. Scott and by Mr. Scott to the Pacific Railroad Company. Reporter after reporter was sent to the gentleman from Kentucky after June 1, when he had received the dispatch, to inquire of him whether or not he had received any such telegram. And each one of them came away with the impression that Mr. KNOTT had not heard anything from Mr. Caldwell in London.

Finally, on the morning before Mr. Blaine made his explanation in this House he learned conclusively that Mr. KNOTT had received the dispatch on the 1st of June; that he had kept it in his pocket up to that day at any rate without showing it, so far as he could learn, to any member of the Judiciary Committee and certainly not to Mr. Blaine's friend on that committee, Mr. FRYE, who was also on terms of friendship with the gentleman from Kentucky.

Now I submit, and I say it boldly, that on that statement alone my colleague, Mr. Blaine, was justified beyond any question in the charge he made upon the gentleman from Kentucky on that memorable Monday on the floor of the House. The gentleman may say, "You have signed the report or agreed to the report exculpating me." I am sorry to say that I did.

Mr. KNOTT. You can take your name off the report, so far as I am concerned, if you desire to do so.

Mr. FRYE. I am obliged to the gentleman; I will do so with the greatest pleasure.

Now as to this report: After that attack was made upon the gentleman from Kentucky he did not feel so brilliant as he evidently does to-day. While Mr. Blaine was on the floor of the House the gentleman from Kentucky did not undertake to make any attack upon him; but he did when Mr. Blaine charged him with the suppression, make a feeble and unworthy defense. While I was acting as a member of the Judiciary Committee, and not as counsel for Mr. Blaine, gentlemen who were friends of the gentleman from Kentucky were asking at my hands that I should agree to a report which should exculpate that gentleman. His friends were saying to me, "He desires exculpation because he has received unfriendly looks and unfriendly criticisms from his own side of the House." And when the gentleman from Ohio [Mr. HURD] drew this carefully worded report and in his room submitted it to me for inspection, I saw that it was drawn with a care which is seldom bestowed upon an ordinary report. I saw that it treated the matter as a legal proposition entirely. The first proposition discussed was whether or not the Caldwell telegram was evidence. Now there is no lawyer in Christendom who would not stultify himself by undertaking to declare that that Caldwell telegram was evidence. When that was submitted to me as a lawyer as the report of the committee, what was there for me to do except to say, "Not guilty, if you put it upon legal technicalities." The second proposition of the gentleman from Ohio was that not being evidence, it follows logically that the dispatch could not be a suppressed instrument of evidence. Any lawyer in Christendom would stultify himself if he should vote "no" on that proposition; and I was not prepared to vote "no."

Then he carefully takes a step further and says that legally this telegram was a matter for the chairman of the committee; that he was not instructed to report it to any committee; that it was a matter in his own discretion. The only thing in which I did wrong was in concurring in the statement of that report that he exercised this discretion in good faith. Why do I say that? I started out by saying that I was pained beyond words to express with a loss of confidence to-day in a gentleman in whom that confidence has been growing slowly but surely during this whole session of Congress. I have boarded with the gentleman from Kentucky, he and I have sat at the same table, and lived on terms of intimacy which up to this time nothing has disturbed. I have admired him socially; I have admired him intellectually. In private life, his powers of mind naturally brilliant, thoroughly cultivated, have made him to me a delightful companion. I have learned to love the gentleman from Kentucky as I seldom learn to love men. Impelled by that love, I dared to take the ground in the committee, and I dared to take the ground at home in Maine, in spite of sharp criticisms, that the gentleman from Kentucky had not malice in his heart when he suppressed that telegram. I dared to take the ground that living down in Kentucky in an agricultural district, remote from any knowledge of cable telegrams, he was excusable for his ignorance in not knowing when he received that telegram that he could have learned in five minutes' time whether Caldwell had sent it from London and where Caldwell was in that city; that he was excusable for his ignorance of the fact that he could have telegraphed for Caldwell's affidavit in five minutes and in an hour's time could have received an affidavit which would have exculpated my colleague, Mr. Blaine, from even a suspicion in this matter. I say that with the affection I had learned to have for the gentleman and with the knowledge which I had gained in respect to him and the circumstances surrounding him, I did honestly, happily, gladly exculpate him and did say that he kept back that telegram in good faith.

But, sir, the exhibition of malice that the gentleman from Kentucky has dared to make on the floor of this House to-day in the absence of the gentleman from Maine satisfies me that I had not sounded the deep recesses of his heart. A gentleman who will stand here in his place when he knows as he knows himself that God struck down Mr. Blaine and that for two days and a half he never uttered one word, never recognized wife or children, that for two days and a half his eyes were not closed—a gentleman, I say, who knowing this dares to stand on the floor of this House, in the presence of its members, in the absence of Mr. Blaine, and insinuate that that was all a part of the play in which he was a great and leading character, and that he plays his part admirably—shows a malice filling his whole heart driving out discretion, driving out justice, driving out affection, driving out all that is good and pure and holy, and filling it entirely with its own devilish and wicked form. If that feeling is there to-day in full growth, in vigorous life, then it was there when the telegram from Caldwell was originally received; and if it was there then, I say for the republican members of this House that they will be justified in voting to a man that this report from the Judiciary Committee is not a fair, a just, a righteous report, and that it ought to be recommitted.

I yield to my colleague, [Mr. HALE.]

Mr. HUNTON. Will the gentleman from Maine allow me one minute?

Mr. HALE. For what purpose?

Mr. HUNTON. There was a remark which fell from the gentleman from Maine who has just addressed the House that I should probably say something in response to. He stated, in the course of his remarks, that he dare assert that there was not one member of that subcommittee who had a lingering suspicion that Mr. Blaine had anything to do with those Little Rock and Fort Smith bonds. I believe I repeat you correctly?

Mr. FRYE. Did I not say any gentleman with an honest, unprejudiced mind? (Laughter and applause on the republican side.)

Mr. HUNTON. Does the gentleman mean to say that I am not of that list? Answer.

Several MEMBERS. Make him answer.

Mr. FRYE. You must draw your own inference.

Mr. HUNTON. If he does, I pronounce——

Mr. HALE rose.

Several MEMBERS. Let him answer.

Mr. HUNTON. What does the gentleman from Maine say?

Mr. DOUGLAS. Let him answer.

Mr. HUNTON. I desire an answer from the gentleman from Maine. Does he mean to say I am not honest?

Mr. FRYE. You heard the remark I made. If you necessarily draw the inference——

Mr. HUNTON. Do you intend that inference to be drawn?

Mr. FRYE. I intended——

Mr. HOAR. I rise to a point of order.

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) The gentleman from Massachusetts rises to a point of order, and will state it.

Mr. HOAR. I make the point of order that it is not in order for one member of the House to ask another member whether he is or is not honest, a reply to which in the negative would clearly be unparliamentary.

Several MEMBERS. Let him answer the question categorically.

Mr. HUNTON. I ask the gentleman from Maine to answer me categorically if he meant by that remark any personal——

Mr. FRYE. The one hour which was given to this side is being consumed by the gentleman from Virginia, who has no right to the floor.

Mr. HUNTON. I trust this time will not be taken from the other side. I desire to call the attention again of the gentleman from Maine to the fact that before I had answered him, before I had completed my sentence, he interposed a remark here from which an improper inference in regard to my character might be drawn.

Mr. FRYE. What does the gentleman desire me to say?

Mr. HUNTON. I desire to ask you categorically whether you meant to reflect upon my character in that remark?

Mr. FRYE. I meant to say, sir, that, in my honest opinion, from the commencement of that investigation of Mr. Blaine down to Mr. Blaine's attack upon you there was perhaps no more than the ordinary prejudice in your mind resulting from the attack which Mr. Blaine had made on the floor of this House against the democratic side. I meant to say further that after Mr. Blaine made the attack in this House on a Monday, and after Mr. Blaine read the letter of Robinson in which he said that he had been called by you into your room and had been questioned for a long time to find out what he knew and your reply to the gentleman from Maine, I do not believe from that time to this your mind has been without prejudice against my colleague.

Mr. HUNTON. That is all you meant to say, then?

Mr. FRYE. That is all I meant to say.

Mr. HUNTON. Very well; then I desire to go on and finish what I rose to state.

Mr. FRYE. I cannot yield any more time.

Mr. HUNTON. But I have not made my response to your remark.

Mr. FRYE. Does it come out of our time?

Mr. HUNTON. Not at all.

The gentleman stated he dare assert that there was not a member of that subcommittee who had a lingering suspicion in his mind that Mr. Blaine had the remotest connection with those Little Rock and Fort Smith bonds.

Mr. FRYE. Which went into the Union Pacific Railroad?

Mr. HUNTON. Yes, sir. All I desire to say is this: With that remark of the gentleman from Maine going to the country, and not responded to by me, it would seem to be an indorsement that I had come to the conclusion he gave. I desire to say, sir, that I had endeavored from the start to keep my mind clear of conclusions until the testimony was all in. That testimony is not all in. The taking of it has been interrupted by a motion to postpone it on the part of Mr. Blaine, and the testimony not being all in, I for one have not come to any conclusion on the subject.

Mr. FRYE. Let me ask the gentleman, then, if that is so, do you justify the chairman of the Committee on the Judiciary in bringing that matter before this House?

Mr. HUNTON. The chairman acts for himself and I for myself.

Mr. FRYE. Answer me categorically; do you justify the chairman of the Judiciary Committee?

Mr. TUCKER. I call the gentleman from Maine to order. He has no right to address my colleague in that way.

Mr. HOLMAN. Let us have fair play.

Mr. FRYE. I now yield to my colleague, [Mr. HALE.]

Mr. HALE. Mr. Speaker, how much time is there left of the hour?

The SPEAKER *pro tempore*. One-half hour.

Mr. HALE. There have been during this winter some animosities excited and asperities have at times been keen upon this floor. Between the two parties represented here combat has been almost incessantly waged. There has grown out of these conflicts more or less of personal feeling. My former colleague, Mr. Blaine, was not infrequently foremost. He gave and he took hard blows. He never smote in the back. His combats were always open and manly and everybody opposed to him knew his ground and had fair opportunity for thrust and parry.

By common consent, Mr. Speaker, all of this strife, insofar as he was concerned, it has been agreed shall be considered as a matter of the past. The Judiciary Committee has determined, after full deliberation, the gentleman from Kentucky as chairman participating, that the subject-matters upon which my colleague was more than once impelled upon this floor should be taken from the field of investigation and for the time being should cease to be discussed. The committee voted unanimously that they should go over until the next session of this House in December. I have failed to hear on this side of the House or on that side of the House until to-day any murmur of dissent from that conclusion of the Law Committee of the House. For at the time when it was reached my former colleague lay upon his bed of sickness. He had been struck down on that memorable Sunday when devoted friends in a city near where the gentleman from Kentucky lives were maintaining his cause and presenting him for the highest honors of the American Republic. There had supervened a lingering and dangerous illness, from which he has only until very lately been hopefully partially relieved. At the time when the committee arrived at this conclusion, it was agreed that in consideration of all the circumstances of the case my colleague should have what any person in any court would always have accorded to him, an order of continuance.

The Committee on the Judiciary has also since then agreed to a report unanimously giving its exoneration to the gentlemen from Kentucky in relation to the suppression of the Caldwell dispatch; and, Mr. Speaker, that report would have passed unchallenged this morning but for the remarkable exhibition of the gentleman from Kentucky. I wish to say here that my colleague from Maine, [Mr. FRYE,] a member of the Judiciary Committee, in agreeing to that report, although he may have been blamed for it by party friends here or by friends at home in the State of Maine, did it in full consultation with me; and, although I am not a member of that committee, any blame that has been laid at his door, any censure that falls upon him here or elsewhere, should equally fall upon me, for I joined with him in believing that no injustice would be done to any one by gratifying the fervent desire of a gentleman who believed himself aggrieved and wanted to be righted.

I did not think the gentleman from Kentucky free from blame in keeping the dispatch, but I was willing to be persuaded that he had not been swayed by malicious motives. The gentleman from Kentucky has chosen to open the whole matter. If by this opening he has gained or any friend of his has gained anything or Mr. Blaine has lost anything, I have failed to appreciate the occasion. We have had a most remarkable manifestation, such as is not often seen here; a manifestation of combined deliberation and passion; the passion that does not choose it words, but thrusts them forth recklessly, without regard to facts and testimony; the deliberation that lies masked until a dreaded enemy has disappeared from the field before it steps forth for a public expression. We have had the two combined in a manner that in my experience has never been presented here before. And I doubt not, sir, that I am justified in saying that it will never be presented here again.

Sir, the gentleman from Kentucky is chairman of the Law Committee of the House of Representatives. To that committee is intrusted a legal investigation. Every member of that committee sits and acts as a judge in a semi-judicial capacity. The investigation is arrested midway. It lies over by the unanimous consent of the committee; and the minds of the judges who are holding this question in abeyance should be as free and as clear from prejudice and passion as the minds of the judges who sit in our highest courts. But the gentleman from Kentucky, the chairman of this legal committee, with this investigation pending and a final report put off, dares to come into this House and not only to discuss the matter covered in this report, and I believe he did it without any knowledge on the part of the gentleman presenting it of what he proposed to do; dares not only to discuss the report upon which no other member of the committee proposed to say a single word, but vehemently and with malignity in every breath goes into the whole relations of my former colleague with the entire investigation. Why, sir, what would be thought of a judge who during an adjournment of court should mount the stand and in public proceed to argue one side of the case committed to him? Nay, sir; more than this, it is a breach of the good faith that was entered into by that committee such as no member on this floor has ever been disgraced by participation in or even beholding. There is nothing in the records of congressional proceedings since I have been here that at all compares with the enormity of this deliberate breach of faith that had been entered into by the Committee on the Judiciary that this whole affair should be postponed until next December. I charge this directly upon the gentleman from Kentucky.

Whether the gentleman from Kentucky has, in the turbulence of his inflamed passion, realized the full position that he occupied here in this remarkable speech of his before the members of this House and before the country, is not for me to judge. But if anything should be depended upon, if anything should be considered sacred in this House, it is the conclusion of a committee like the Judiciary Committee, that the minds of its members should remain undisturbed by warrings and passions, and that an important, perhaps exciting, subject-matter pending before them should be laid away in peace only to be taken up at a time agreed upon. Mr. Blaine relied upon this; my colleague [Mr. FRYE] relied upon it; I relied upon it; the country expected it.

I have had heretofore a confidence in the Law Committee such as would justify me in feeling that the course invariably pursued in such cases would be pursued here; but the gentleman has chosen to break through all agreements and to come here and to argue this case.

Mr. Speaker, there is no man here who has not been pained at the exhibition of to-day. The report would have been probably passed without question. Now, in what I say here I do not address the republican members alone but gentlemen upon the other side. This report, Mr. Speaker, proceeds largely upon a technical ground, which is undoubtedly good law, and no man could express it better than the gentleman from Ohio [Mr. HURD] who presented the report. That the bare telegram of Caldwell was not legal testimony, and that therefore there was technically no suppression of legal evidence, nobody will deny. My former colleague never claimed that it was legal testimony when he made that memorable assault which the gentleman from Kentucky at least has not forgotten. What he claimed was that the faith was bad, that there had not been given the same publicity to that dispatch that would have been given had its contents been different and borne hardly upon him instead of wholly exonerating him as it did. He believed and he charged that in this last case the dispatch would have been heralded upon every flashing wire throughout the land to his detriment. He did not claim that technically it was a suppression of legal evidence, and so the report standing upon legal propositions is justified and is good law. There is the further point to which my colleague has so well adverted that I need not say more than a word upon it. The report does negative the proposition that there was malice in the heart of the gentleman from Kentucky. I think there is no man here who has listened to the outpourings of his "limed soul" who does not feel that envenomed malice moves him now. No man can doubt it, and, Mr. Speaker, this enters into the whole question of that part of the resolution which grounds the conduct of the gentleman from Kentucky upon good faith and freedom from malicious motives. For, Mr. Speaker, the malice that held this House for an hour and a quarter to-day actuating and impelling almost every sentence that the gentleman uttered was not a malice that has just been born. It has lain imbedded in the gentleman's heart for weeks and for months.

It is the malice that "lieth in wait;" it is the "long gallop that never tires;" it shows conclusively that my colleague was wrong and that I was wrong in counseling him as I did to join in that report, believing that it had been a mistake and an error, but not with a malicious purpose. No member here is called upon to vote for this resolution if it is pressed, as it should not be.

And with this I dismiss the gentleman from Kentucky, saying only this as I close: This discussion has been opened by the gentleman, choosing, as he did, his own time and choosing well; for I say to you, Mr. Speaker, and I say it to him, that had my late colleague sat here in his seat as we all remember him, the gentleman from Kentucky would no more have made his speech than the mousing owl would venture forth when the "eagle is in the sky, towering in his pride of place." [Great applause on the floor and in the galleries."]

I now yield five minutes to the gentleman from Iowa, [Mr. MCCRARY.]

The SPEAKER *pro tempore*. The Chair hopes that there will be no demonstrations, either of applause or of dissent, made on the floor of the House. Gentlemen certainly understand that it is entirely out of order.

Mr. McCRARY. I was not present with the Committee on the Judiciary when the report now under consideration was agreed to, being at that time absent from the city; and therefore of course I did not agree to it.

I regret as much as any gentleman upon this floor can regret that the chairman of the committee should have seen fit to take advantage of this opportunity afforded him by the magnanimity of his colleagues upon the committee to discuss the whole subject of the investigation which has been for some time pending before us and is yet unfinished. The impropriety of such a course is manifest.

Sir, if there is a tribunal anywhere on the face of the earth that ought to proceed with deliberation, that ought to proceed with fairness, that ought to adhere to those rules of law and of evidence which the experience of a thousand years has shown to be necessary to the protection of innocence and the punishment of guilt, it is a committee of Congress charged, not with settling questions involving paltry dollars and cents, but charged with the duty of making an investigation which affects the honor, the reputation, the character of a fellow-member. And surely, even if other committees might disregard these great and important principles, the Law Committee of this House ought never to lose sight of them.

I was disposed to agree to the report of the committee, because it is founded upon a correct principle of law, but I was not prepared to find that in the midst of this investigation the merits of it would be brought before the House and the whole case from beginning to end be discussed here by one of the judges who is finally to decide it.

Holding the views I do touching the duty of each member of a committee charged with an inquiry involving personal character, I much regret that what has fallen from the lips of the chairman of the committee seems to require a statement in reply concerning the merits of this unfinished investigation. I should have preferred to remain silent for the present, as I think becomes every gentleman on the committee. But the chairman of the committee has chosen to express an opinion at this time, and as I cannot by my silence accept his conclusions I have no alternative but to state my own.

I have no time now to review the evidence; I have no heart to do it. But this much I desire to say; that after the first day of the investigation, when three witnesses testified to their absolute and personal knowledge concerning the facts that the committee were charged to ascertain, there has really been nothing for that committee to investigate; nothing for it to do but to report the facts. If I am called upon here and now to express an opinion, that is the only opinion I can express.

The committee were charged to inquire how the Union Pacific Railroad Company had come into the possession of certain bonds, from whom it had obtained them, and for what consideration. On the first day of the investigation three witnesses were called, Colonel Thomas A. Scott, Mr. Carnagie, and Mr. Morton, a banker in New York, all of whom testified to their personal knowledge of the manner in which the bonds were obtained. The testimony of these witnesses showed conclusively that the Union Pacific Railroad purchased said bonds from Colonel Thomas A. Scott, and that Colonel Scott purchased them from Mr. Caldwell, and that Mr. Blaine was in no way, shape, or manner connected with the transaction, either directly or indirectly. Why were not these facts reported?

Sir, I cannot but call to mind another investigation by a committee of this House, and I cannot but contrast here the course taken by the two committees. In one case the gentleman accused was an honored Ex-Speaker of this House; in the other, the accused party was the Speaker of the House. Both were men of the highest character; one was a republican, the other a democrat. When the testimony concerning the Ex-Speaker was complete and overwhelming in his vindication, the Judiciary Committee refused to report and continued the investigation, sending out for further testimony and seeking to find somebody who perchance might contradict some one of those witnesses who had testified in his vindication. Month after month the inquiry went on after, as I have said, three witnesses of the highest character had testified to their personal knowledge that the Ex-Speaker had no connection whatever with the transaction in question, and after he on his oath had asserted the same thing.

How different was the course of the committee in the case of the Speaker of the House. When he was accused by the testimony of a witness on the stand, how swift was the committee to send for other witnesses to impeach his accuser and how prompt was the committee to come in with their report vindicating entirely the Speaker from these charges. And how ready and generous was every member upon this side of the House in joining with one voice, without dissent, in vindicating him against what we all believed to be a false charge. Fully believing as I do in the entire innocence of the Speaker, truth compels me to say that his vindication was not so complete, was not so thorough, was not so overwhelming as the vindication of James G. Blaine by the testimony adduced on the very first day of the investigation concerning him. Is that fair, is that impartial? Sir, if James G. Blaine had been our democratic Speaker instead of a republican Ex-Speaker, how prompt, how complete, how emphatic, and how unanimous would have been his vindication at the hands of this House.

The report now made to the House is based upon the ground that the telegram from Caldwell was not evidence under the law. I cannot but remark another thing, and that is that upon the other side of the House there are gentlemen who are exceedingly technical in demanding legal evidence when it is convenient for them and for the interest of democracy to be so, but who utterly disregard the rules of evidence when a republican is charged and may be smirched by admitting that which is not evidence.

I have here the testimony in an investigation in which a republican ex-member of this House, a late minister to England, General Schenck, was concerned. In hurriedly looking over these pages, I have counted some thirty dispatches, some of them cable dispatches, not one signed by the party accused, nor by anybody authorized by him, no more competent as evidence than the Caldwell dispatch, all which are spread upon this record and published abroad as evidence in the investigation and for the purpose of smirching him. And you must secrete, you must suppress, you must keep out of the record a dispatch which exonorates and vindicates a republican member of this House, because it is not evidence.

Sir, I cannot go further into this discussion now. I say, however, that if the rule which has been followed when a democrat was to be investigated, if the policy which has been pursued when a democrat was concerned, had been followed in the case of James G. Blaine, we long ago would have had a report exonerating him and vindicating his good name.

Mr. FRYE. I now yield to the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I assented to the report which has been read to the House, not on any technical ground, but because I deemed the gentleman from Kentucky [Mr. KNOTT] incapable of the act of suppression charged against him. I thought so, because his high position as a Representative of the honorable State of Kentucky and as the chairman of the Judiciary Committee of this House outweighed any suspicions which grew out of the facts which were before the committee. I had not then heard the speech which the gentleman from Kentucky has made this morning. I listened to that speech with the profoundest sorrow and shame. If I had heard it before, I should not have assented to that report.

Mr. FRYE. I now yield to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. No member of this House and no member of the Judiciary Committee can more sincerely regret the exhibition which we have witnessed this day than I do. My relations with all the members of the Judiciary Committee have been of the most pleasant character. I have received marks of kindness from the chairman of that committee which I shall never forget. It is, therefore, with extreme reluctance that I rise to say what I conceive my duty requires on this occasion, and it is with extreme regret that I find myself compelled to believe that the occasion makes it necessary.

This report which is now submitted to the House was drawn by my esteemed colleague from Ohio [Mr. HURD] and was read to the members of the Judiciary Committee. It was arranged that it should be again submitted to him and to my colleague on the Judiciary Committee from Maine, [Mr. FRYE,] that they might revise it and make such changes as they deemed proper after the consultations which had been had in the committee-room. I shall not disclose anything that occurred in the committee, certainly nothing to which any member will object. But I had so much confidence in those gentlemen, as I yet have, that I did assent that the report which was made, and which they were to revise and submit to the House, should be submitted to the House as the report of the committee.

We have heard the report read. It embraces three essential propositions: First, that the Caldwell telegram was not strictly legal evidence; second, that as a legal proposition it would not be a suppression of evidence to withhold from the committee that which in law was not evidence; and, as my colleague on the committee has well said, no lawyer would refuse assent to these propositions. The third point embraced in the report relates to the circumstances or purpose of retaining possession of the telegram.

I am admonished by a friend who sits near me that the hour on which I am speaking has nearly expired, and I find therefore that I have not time to finish all that I desired to say. Embarrassed by this want of time I can only now say that in view of what has been said and of what has occurred I must now insist that this report shall be recommitted, that the committee may review it, and I must now withhold my assent from the report.

Mr. FRYE. I now yield the balance of my time—two minutes—to the gentleman from Ohio, [Mr. HURD.]

Mr. HURD. Mr. Speaker, the minority of the Judiciary Committee, whose representatives have just spoken on this floor, do not more regret what has transpired to-day than I do. I had presented to this House the report of the Committee on the Judiciary unanimously agreed to, as to which I had supposed there would be no discussion nor debate. I had given, in conversation, my word of honor to the gentleman from Maine [Mr. FRYE] that there was to be no discussion of the report. I had supposed that all that was intended to be said was that which related merely to what involved the chairman of our committee, and what was necessary to his individual and personal exculpation.

I regret the debate because it has compelled those gentlemen who so kindly and generously signed the report and agreed to its being brought to the House, to withdraw from it, their approval. I am not here to express any opinion as to what has been said by the chairman of the committee upon the different propositions he has discussed. I

merely regret the fact that the discussion was thought necessary when there was presented to the House a report which afforded him the most abundant exculpation and which enabled the committee to give it with cheerfulness and friendliness.

I am here still to maintain that the report is true. I maintain that the propositions, both of law and of fact, which the report contains are abundantly sustained. I maintain, in opposition to what has been asserted by the gentleman from Maine, [Mr. FRYE,] that nothing that can be said by the chairman of the committee this day should change the opinion of the committee as to what the chairman did months ago. I am here to say that there is not the slightest evidence to show either a willful purpose to withhold the dispatch or a disposition to injure any person who was involved in that investigation. I am therefore prepared to vote in favor of the report as I voted for it when it was considered by the committee. But six members of the committee, making a majority, have requested of me that the report be recommitted for further action, and I now desire to make the necessary motion which shall enable that proposition to be submitted to the House. I move to reconsider the vote by which the previous question was seconded and the main question ordered.

Mr. KNOTT. I would like to say a few words.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. KNOTT] is entitled to five minutes of his time which he did not use.

Mr. KNOTT. Mr. Speaker, "one by one the roses fade;" and simply because they have been touched by the wand of truth. Sir, after the ship-of-the-line had struck its colors and hauled off, I little expected that I would be compelled to continue the conflict with the yawls; it nevertheless seems that such is the case.

As to the speech that I have delivered and which has caused so much "pain" to gentlemen on the other side, I have merely to say that I would not alter one single word that I uttered. I have neither explanation nor apology to make.

The man who supposes that I will sit tamely by and submit to a brutal, outrageous, disingennous, and false assault such as was made upon me on this floor, reiterated in ten thousand different shapes and through ten thousand channels, and not say a word in my own defense or vindication, mistakes the man. Abandon me if you will. Vote as you please. I stand here upon every utterance that I have made and I reiterate it, much as I may regret to lose the friendship of the gentleman from Maine, [Mr. FRYE.] If he can surrender the regard which he professes to have entertained for me upon such slight pretexts, it certainly was not worth the having. If we must part, all that I can say to the gentleman, is—

Fare thee well! and if forever,
Still, forever fare thee well.

[Laughter and applause.]

Now what is the "head and front of my offending" that the gentleman should be suddenly inspired with such pious indignation? It is said that I have prejudged the case under investigation by the committee. I trust that such imputations were inadvertently made, because they are not justified by a syllable I have uttered. I might perhaps, if I were not afraid of being accused of having "plantation manners," say that all such insinuations are absolutely and unqualifiedly false. I have only brought to the attention of the House certain facts which led to the necessity of dispatching to Caldwell, without expressing any opinion at all upon those facts, and without having prejudged in the least any matter whatever under investigation. But how do these suddenly virtuous gentlemen deport themselves? They are as much judges of the subject-matter of the investigation as I am; yet they can rise in their seats with impunity and say that Mr. Blaine is as immaculate as the driven snow; that he is purer than

The icicle
That's curded by the frost from purest snow,
And hangs on Dian's temple.

But there is no harm in that, there is no prejudging the case in that. I have not said whether Mr. Blaine is guilty or innocent of the charges still before the committee nor intimated an opinion upon the question. But upon the subject-matter of this report, upon the authenticity of this Caldwell telegram, I have asserted and I reiterate here—I would reiterate it in the courts of heaven—that I believed it originated in the fertile brain and to subserve the purposes of James G. Blaine, of Maine. And in that belief I am fully justified by the proof.

It has been said that I would not have dared to make the speech I have made to-day had Mr. Blaine been here; that I would "in a bondman's key, with bated breath and whispering humbleness," have spoken very differently. That may perhaps be the opinion of the gentleman, and may go for what it is worth. I am not responsible for the absence of the late member from Maine. I did not bring about his resignation. The floor was free to him, as it is to me; he could have remained here had he chosen to do so, but he saw proper to withdraw from this arena where he had been assailed by his own party friends; and that, too, before he had vindicated his reputation for integrity as a man and as a leader of his party, and I was in no way responsible for it, and whether he was acting upon the suggestion of the old English verse that—

He who fights and runs away
May live to fight another day;
But he who is in battle slain
Will never rise to fight again—

I do not know nor do I care; but he has gone from our midst, and more than that, never to return during the present Congress, and that without any procurement of mine

Now, sir, the whole gist of the pending question is simply as to the authenticity of the Caldwell dispatch and whether or not I acted in good faith in my connection in that matter. There is the whole thing. These gentlemen have said I was not blameworthy in that matter. If they see proper now to recall it so be it, they have my consent to do so.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HURD. Mr. Speaker, I desire to say that in making the motion to recommit this report to the Committee on the Judiciary I do it with the object that the minority of the committee who have expressed opinions on the floor hostile to the recommendations of the committee may have an opportunity of presenting to the House a minority report.

The SPEAKER *pro tempore*. The gentleman from Ohio moves to reconsider the vote by which the main question was ordered.

The House divided; and there were ayes 114——

Mr. ATKINS. I demand the yeas and nays.

Several MEMBERS. O, no!

Mr. ATKINS. I withdraw it.

In the negative were 57.

Mr. VANCE, of Ohio, demanded the yeas and nays.

The yeas and nays were not ordered.

So the vote ordering the main question was reconsidered.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Ohio to recommit the report to the Committee on the Judiciary.

Mr. HURD. And on that motion I demand the previous question.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 131, noes 49.

So the report was recommitted to the Committee on the Judiciary.

Mr. HURD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships;

A bill (S. No. 917) to enable O. T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a combined rubber and spiral steel spring; and

A bill (S. No. 731) to limit and fix the Signal Service.

CONSULAR AND DIPLOMATIC BILL.

Mr. SINGLETON. I rise to a privileged question and submit a report from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1877, having met, after full and free conference, have been unable to agree.

OTHO R. SINGLETON,
WILLIAM M. SPRINGER,
JAMES MONROE,
Managers on the part of the House.
FREDERICK T. FRELINGHUYSEN,
GEORGE F. EDMUNDS,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. SINGLETON. Mr. Speaker, I move the House insist on its disagreement to the amendments of the Senate and ask for further conference. But before the question is put, my colleague upon the committee [Mr. SPRINGER] wishes to make a few remarks in explanation of the position occupied by the committee of conference, and I yield the floor to him for that purpose.

Mr. SPRINGER. Mr. Speaker, I would not ask the attention of the House at this time in reference to this report were it not for the fact that the conferees on the part of the Senate when they submitted their report on the subject did injustice, I think, to the House conferees in stating the position we had assumed in reference to this bill.

It was stated that we had declined a number of propositions in regard to this bill and had persistently demanded, without giving any reason therefor, that there should be a reduction of the salaries of consular and diplomatic officers. It is true that the conferees on the part of the House did insist there should be a reduction of the salaries of certain consular and diplomatic officers. We insisted upon that, and we thought we gave good reasons to that committee, and reasons which ought to be sufficient to the country, for insisting that the Senate should consent to reduction of salaries below what is denominated "the existing law."

For instance, the first subject discussed was as to the salaries of ministers plenipotentiary to Great Britain, France, Germany, and Russia, which by existing law are $17,500 each per annum, and which by the bill passed by the House are placed at $14,000 each per annum. Your conferees thought that salary was sufficient in view of the general reduction of salaries all over the country and the necessity on the part of all classes of people to economize in all their expenditures.

Other reductions were pointed out which we deemed it necessary to make at this time. But the conferees on the part of the Senate insisted that we must make appropriations that conformed to the law as it now stands, and they would not consent to any reduction of such salaries. We offered many reasons why they should be reduced below existing law, which reasons were quite satisfactory to us, but they did not so regard them.

And I am sorry, Mr. Speaker, that it has been asserted at the other end of the Capitol that the attitude of this House in respect to this bill is a threat to the Senate of the United States; that we stand here in the attitude of coercing that body into arbitrary and unreasonable measures. Such is not the case. We only ask that the Senate will respond to the reasonable demand of the people of the country that there shall be a reduction in all the departments of the Government, in the salaries of high as well as low officials; and we know of no place in the public service where the rule of economy can be so properly applied as to the salaries of our foreign ministers. I can see no reason for paying a foreign minister $17,500 a year for his services, and at the same time paying Cabinet officials $8,000 a year and members of Congress $4,500 or $5,000 a year.

Every gentleman who has examined into the question thoroughly must know that it costs every member of the Cabinet of the President of the United States more to live in the city of Washington than it costs any foreign minister to live in a becoming manner in any foreign court in the world. We are asked to pay these foreign embassadors, who have but little to do compared with the onerous duties of a member of the Cabinet or a member of Congress—we are asked to pay them exorbitant salaries. And when we insist that the Senate shall agree to that, we are told that we are standing in an attitude of threatening a co-ordinate branch of legislation.

Mr. DUNNELL. I would like to ask the gentleman a question.

Mr. SPRINGER. Very well.

Mr. DUNNELL. I would ask the gentleman if the salary now under a republican administration is any more exorbitant than under a democratic administration when it was inaugurated?

Mr. SPRINGER. That does not make any difference so far as the fact is concerned. If salaries were too high then, they should have been reduced. If too high now, they should be reduced. I care nothing for the *argumentum ad hominem*. I want gentlemen to realize the condition in which this country is to-day and the necessity there is on the part of every branch of the Government to economize their expenditures. But the gentleman from Minnesota [Mr. DUNNELL] will find that the salary of $17,500 a year for foreign ministers was not fixed by a democratic administration. In that he is mistaken. And I claim that every foreign minister can live in a manner befitting his station as a representative of this great Government in any of the courts of the world upon $14,000 a year, the amount allowed by the House bill. The idea that our foreign ministers must give court balls and receptions, must have liveried servants, must drive with gorgeous equipages on the boulevards, and ape the prodigality of princes in order to be deemed respectable, is the sheerest nonsense imaginable. Our embassadors will honor themselves and merit the respect of the world by assuming in all foreign courts the same simplicity of manner which characterizes their countrymen at home. If they do this there will be no complaint that the salaries fixed by this House are insufficient.

Mr. Speaker, this bill, fixing the salaries of consular and diplomatic representatives of this country was passed by this House with perfect unanimity. I believe there were but two votes recorded against it upon the call of the yeas and nays. To be accurate, the yeas were 190, and the nays were 2. I regret, therefore, to see by the CONGRESSIONAL RECORD that in another place this bill has been denounced as "an enormity." That the action of this House, composed of a body of intelligent men as anxious to subserve the public interest as any gentlemen can be in the other end of this Capitol, after deliberating upon this measure for several weeks, and having passed it with the full knowledge of its contents—that that action and that this bill should be denounced as "an enormity" is something quite unaccountable to me. Sir, I know of no "enormity" that has passed this House at this session under the denomination of an appropriation bill. Is it "an enormity" to enact that the consul-general at Cairo shall have $3,000 a year instead of $4,000? From the creation of this office down to the appointment of the present incumbent it has been disgraced from year to year by the venality of those who have filled it. Is it "an enormity" to say that the salary of that office shall be reduced a thousand dollars a year? There are other "enormities" of that kind in this bill; but they are all in the interest of economy; they are all in the interest of the tax-payers of this country. And I believe that this House in passing this bill has represented the true sentiments of the people.

It has been said that the Senate would agree to another conference on this bill in the hope that "a better and truer sentiment" of the House of Representatives would be represented upon another conference committee. I cannot understand why such a statement should have been made. I supposed that, in taking the attitude that was taken by my colleague [Mr. SINGLETON] and myself, we were representing the House of Representatives on this subject, and, as I believe, also the people of this country. And if the Senate expect to find in this House of Representatives any other or different sentiment with regard to these bills, it has not been developed heretofore.

I hope, Mr. Speaker, that another conference committee will be appointed upon this bill, and I hope also that the same sentiment that has been represented on previous conference committees will be represented again; and that this House, standing upon its right as the immediate representative of the people of this country, will from week to week and from month to month insist that the Senate of the United States must respond to the demand of the people in favor of reduction of expenditures in all the departments of the Government. The high-toned officials in foreign countries as well as the clerks in the various Departments in this city must submit to the inevitable demands of public economy.

Mr. BURCHARD, of Illinois. Will my colleague yield to me for a question?

Mr. SPRINGER. Yes, sir.

Mr. BURCHARD, of Illinois. I wish to ask the gentleman if the conferees on the part of the House made the claim that was made by him upon the floor of the House, that the Senate had no right either to originate appropriation bills or to make amendments? Was that one of the points of difference?

Mr. SPRINGER. We discussed at some length the constitutional provisions on this subject. As we were of different political views on that committee, and as I thought the gentlemen representing the Senate would perhaps prefer republican authority upon that point, I took the liberty in that discussion to call the attention of the Senators in the conference committee to the view of the late Charles Sumner upon this question, in which he took the position now assumed by the House upon these bills; and also the position taken by Hon. JOHN SHERMAN, when a member of this House, when he stated that the people must look to this House and not to the Executive Departments of the Government or the President of the United States for reforms which they demanded.

Mr. BURCHARD, of Illinois. Then the right to originate and amend appropriation bills was one of the points of difference?

Mr. SPRINGER. Yes, sir.

Mr. THOMPSON rose.

Mr. SPRINGER. Does the gentleman from Massachusetts desire to discuss this bill?

Mr. THOMPSON. I do.

Mr. SPRINGER. I have not the floor to yield. It belongs to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. HOLMAN. Has not the previous question been demanded?

The SPEAKER *pro tempore*. The Chair does not so understand.

Mr. SPRINGER. The gentleman from Mississippi before demanding the previous question yielded the floor to me. I have been speaking in his hour, but have said all I desire to say on this question. I thought it due to the House and the conferees on the part of the House that some explanation should have been made, in view of the attitude of the Senate and our failure to come to an agreement upon the disagreeing votes of the two Houses on this bill.

The SPEAKER *pro tempore*. Then the gentleman from Mississippi will lose his right to the floor at the expiration of one hour and the Chair is sure that that is not what the gentleman from Mississippi desires. Does the gentleman from Mississippi demand the previous question?

Mr. SINGLETON. I do, sir; it will not cut off debate.

The SPEAKER *pro tempore*. It will cut it off at the expiration of one hour.

Mr. WILSON, of Iowa. What does the gentleman call the previous question on?

The SPEAKER *pro tempore*. On the motion to insist and ask a further conference.

Mr. BLAND. I give notice now that I shall call for the regular order as soon as the hour expires.

The SPEAKER *pro tempore*. The gentleman from Missouri can call the regular order when it is not excluded by a privileged question. The Chair will state to the gentleman from Mississippi that it seems evident that three or four gentlemen desire to make remarks upon this subject and that it is evident from what the Chair knows that it is the desire of the gentleman himself to close debate. By the consent of the gentleman from Mississippi the Chair will therefore recognize other gentlemen until such time as the gentleman from Mississippi desires to call the previous question.

Mr. RANDALL. It must be within the hour.

Mr. HOLMAN. I trust the previous question will be called at once on this report.

The SPEAKER *pro tempore*. If the gentleman from Mississippi yields the floor without calling the previous question, debate may run on interminably.

Mr. RANDALL. As I understand it the gentleman from Mississippi who called up this report was entitled to one hour before his right to call the previous question expired.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will readily understand that if the gentleman from Mississippi occupies the hour or controls it, whether he occupies it himself or gives it to others, he loses his right to the floor.

Mr. RANDALL. He has not yet occupied it, and he wants to call the previous question now, and I hope he will be allowed to do so.

The SPEAKER *pro tempore*. The only desire of the Chair is to promote the business of the House; he has no personal feeling in the matter.

Mr. BURCHARD, of Illinois. The gentleman would be entitled to one hour after he calls the previous question.

Mr. HOLMAN. I propose after the previous question is seconded to raise a point of order upon that question.

Mr. SINGLETON. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. SINGLETON obtained the floor.

Mr. HOLMAN. I now raise a question of order, and it is that under the rules a member is only entitled to one hour after the previous question is seconded when he reports a bill from a standing or select committee of the House. I believe that that rule does not apply to reports from committees of conference.

Mr. RANDALL. Is not this a report from a committee.

Mr. HOLMAN. It is a report from a committee, but the rule relates only to reports from standing or special committees, and does not apply to reports from conference committees.

The SPEAKER *pro tempore*. The gentleman from Indiana certainly does not dispute that the gentleman from Mississippi is entitled to an hour after the previous question shall be seconded.

Mr. HOLMAN. I think he is not under the rules entitled to the hour. I may be mistaken as to the rule but that is my understanding of it.

Mr. WILSON, of Iowa. I rise to a point of order. The gentleman from Illinois [Mr. SPRINGER] has just told us that he was talking in the hour of the gentleman from Mississippi. Now, that being the case, the gentleman from Mississippi after demanding the previous question in his first hour has only a right to occupy the remainder of that hour.

The SPEAKER *pro tempore*. That is so. That is what the Chair has ruled. The gentleman from Mississippi has occupied a portion of his hour in advance and during that hour has called the previous question, and he is only entitled to the remaining portion of the hour. But at the same the Chair overrules the point of order made by the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I have not the rule before me, but perhaps the Clerk can turn to it. I do not think it relates to reports of committees of conference.

The SPEAKER *pro tempore*. The Chair will be glad to have the gentleman from Indiana examine the rule, but for the present he overrules the point of order.

Mr. SINGLETON. I yield to the gentleman from Ohio [Mr. MONROE] for ten minutes.

Mr. MONROE. Am I entitled to the floor or is the question of order still under discussion?

The SPEAKER *pro tempore*. The Chair has decided the question of order and the gentleman from Ohio is entitled to the floor.

Mr. MONROE. I do not desire, sir, to occupy any length of time in the discussion of this question of the disagreements of the committees of conference to the various questions in issue between the House and the Senate in connection with the several appropriation bills. Those questions have been so much discussed on this floor and at the other end of the Capitol, and so thoroughly reported and discussed in the newspapers, the House would perhaps weary if an attempt were made to extend this discussion to much length, and I have no desire to do so. But as a member of the committee of conference I should hardly do justice to myself if I did not say a word in regard to this case.

The great causes of disagreement have been substantially stated by gentlemen who have already occupied the floor, but I ought perhaps to add in justice to the Senate committee that there was one cause for disagreement which frequently came up in which offers were made on both sides but on which there seemed to be no possibility of agreement on the part of the committee of conference.

The committee on the part of the Senate offered to accept and pass this House bill, or any House bill, reducing appropriations for our ministers and consuls abroad just as much as the House should think proper. They offered to receive and pass such a bill, and let it become a law, on condition that the House bill should contain nothing which amounted to a repeal of existing legislation upon the subject. But the Senate committee, on behalf of the Senate, declined to pass favorably on any appropriation bill on this subject which should repeal existing law. They offered to pass any bill making just such appropriations as the House should think proper, provided there was no such repealing clause in it.

On the other hand, the House committee insisted that the appropriation bill should contain some clause repealing existing law, such a clause as this, for instance: That the appropriations herein made shall be held to be payment in full for the salaries of these officers for the current fiscal year. Here was an issue between the two committees which could not be reconciled; and it was on this point substantially that we despaired of coming to an agreement.

Now, without discussing the propriety of the positions thus taken, I desire to say for myself, simply that I may be properly understood, that my difficulty may be regarded as even deeper, if possible, than that which the Senate committee expressed. One might say it lies a little further back, although perhaps it amounts to the same thing. The difficulty which I have always felt, as I had occasion to express to the House early in this session, is this: that having resided some time abroad, having some knowledge of the manner in which our consuls and ministers abroad are paid, having known something of the expense of living abroad, and in many cases of the difficulty of making the ends meet—having had some knowledge, I say, and experience of this kind, I cannot honestly take the ground that the salaries of our consuls and ministers abroad will fairly admit of much reduction. That is my difficulty.

My opinion is that, as a general thing, we have cut them down about as low as they ought to be; and I cannot help thinking that they are about as low as the people of the United States would wish them to be. That is the question at issue between the House and the Senate. For myself, I do not think that we, as well-wishers of the country, as careful of its credit abroad as those who desire that the business of the country abroad should be creditably, efficiently, and honestly done—I do not think that as persons having this feeling we should vote for much reduction of their salaries.

I do not say that there may not be individual cases, that there may be a minister here and there who has more than is necessary; and perhaps a more careful scrutiny into cases of this kind would be desirable. There may be a consul here and there, a case now and then, where too much is paid; there may be such cases. But I venture to say that they are few. My opinion is, that if we should go into a very careful examination of the salaries paid in all these cases, and should hear evidence in regard to them, we should perhaps as often find that it would be necessary to raise the salary of a consul or minister as it would be to refuse it. I could perhaps name one or two places abroad where too much is paid, but as a general rule I would say that our representatives abroad in both of these great departments receive no more than is necessary for them to live upon fairly and decently, and I do not believe the American people desire to reduce them below that.

As a general thing, then, admitting that there may be exceptional cases where I would vote for a reduction, as a general rule I am opposed to the reduction of the salary of consuls and ministers abroad below the point at which the law now fixes them. And, further, I am opposed to a reduction of the number of our consuls abroad. I am opposed to abolishing any of our consulates except in two or three exceptional cases that might be named. As a general thing I am opposed to reducing the number of our ministers abroad. I do not think our foreign representation is any stronger, any more numerous, or more efficient than it ought to be. Having that feeling, of course I could not agree on this question with my colleagues on the conference committee on the part of the House.

Mr. KASSON. Will the gentleman from Mississippi [Mr. SINGLETON] yield to me for five minutes, in order that I may submit some statistics for the use of the next conference committee?

Mr. SINGLETON. I will after a little while. The gentleman from Indiana [Mr. LANDERS] has asked me to yield to him for a few minutes.

Mr. LANDERS, of Indiana. I ask unanimous consent to take from the Speaker's table and have referred Senate bill No. 917.

Mr. HOAR. What is the bill?

Mr. LANDERS, of Indiana. It is a bill for the renewal of a patent, and I ask that it be referred to the Committee on Patents?

Several members objected.

Mr. LANDERS, of Indiana. Who objects?

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) Objections were heard by the Chair from several members.

Mr. HOAR. I do not think that members understood it was merely for reference.

Mr. LANDERS, of Indiana. I merely ask that the bill be referred.

Many members objected.

Mr. SINGLETON. I now yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I rise mainly to place upon record certain statistical information which I think will be of use to gentlemen who may not have obtained it from the Departments and who may require it in the succeeding conference. We have two branches of our foreign service: the consular and the diplomatic. The consular service is not paid out of the ordinary funds of the Treasury. It is paid by fees collected upon foreign mercantile transactions, and should be expended for the benefit of the commerce of the country. The first statement I submit is a comparison of the appropriations for consular salaries from the year 1856 to 1875, showing also how the revenue from fees has grown with the increase of the consular service; the fees, however, in the larger ratio. In 1856 the salaries amounted to $280,000 in round numbers, with no report of fees. The next year the salaries amounted to $273,750 and the fees to $110,802. From that small beginning the consular service appropriation rose in 1872 to $477,000 as the highest figure, while the fees have increased to over $700,000. [See table foot of next page.]

This statement is important as showing that the facilities we afford to commerce by consular appointments are actually increasing the revenue to the Treasury; and the effort to abolish those consular appointments where the fees are small is like a telegraph company abolishing every office on its line that does not pay the expenses of its maintenance.

Last year we reduced the payments from the figures of 1872 $333,000, while the fees are about $700,000. Hence I maintain that the destruction of the consular service proposed in this bill is a destruction *pro tanto* of the commercial interests of the country. I desire that the next committee of conference may bear in mind that the consular

service is one which merchants pay for and that they have a right to demand its vigorous support, while they also pay in part for the diplomatic service.

I submit also the following statement of contingent expenses showing a yearly average from 1869 to 1873 of $109,759, about the same they were prior to 1860, in Buchanan's administration:

Expenses foreign intercourse, 1853 to 1873.

On the 30th of June, 1853, there were unexpended balances carried to the appropriations for the year ending 1854, as follows:

Contingent expenses of missions	$47,540 44	
Contingent expenses of foreign intercourse	9,757 48	
		$57,297 92
Amount of appropriations for four years, (1853 to 1857)		489,263 78
		546,561 70
Unexpended balances on June 30, 1857:		
Contingent expenses of missions	$82,319 00	
Contingent expenses of foreign intercourse	25,000 00	
		107,319 00
Expended during four years, (1853 to 1857)		439,242 70
Average per year during Pierce's administration, (1853 to 1857)		109,810 67
Unexpended balance on June 30, 1857, (as above)		107,319 00
Amount of appropriations for four years, (1857 to 1861)		415,000 00
		522,319 00
Unexpended balances June 30, 1861:		
Contingent expenses of missions	$228 79	
Contingent expenses of foreign intercourse	40,742 40	
		40,971 19
Expended during years 1857 to 1861		481,347 81
Average per year during Buchanan's administration, (1857 to 1861)		120,336 95
Unexpended balance on June 30, 1861, (as above)		40,971 19
Amount of appropriation for four years, (1861 to 1865)		510,000 00
		550,971 19
Unexpended balances on June 30, 1865:		
Contingent expenses of missions	$6,097 14	
Contingent expenses of foreign intercourse	15,739 04	
		21,836 18
Expended during the years 1861 to 1865		529,135 01
Average per year during Lincoln's administration, (1861 to 1865)		132,283 75
Unexpended balance on June 20, 1865, (as above)		21,836 18
Amount appropriated for four years, (1865 to 1869)		680,000 00
		701,836 18
Unexpended balance June 30, 1869:		
Contingent expenses of missions	$8,186 78	
Contingent expenses of foreign intercourse	130,722 61	
		138,909 39
Expended during the years 1865 to 1869		562,926 79
Average per year during Johnson's administration, (1865 to 1869)		140,731 69
Unexpended balance on June 30, 1869, (as above)		138,926 39
Amount of appropriations for four years, (1869 to 1873)		400,000 00
		538,926 39
Unexpended balance remaining in Treasury June 30, 1873		101,886 75
		437,039 64
Average per year during Grant's administration, (1869 to 1873)		109,759 91

The expenditure has not materially changed since 1873.

I also submit a statement of diplomatic salaries in the aggregate, including both secretaries of legation and ministers, showing that the amount appropriated in 1860 for this purpose was $347,500, while last year our appropriations for same objects were only $343,500, being less than in Buchanan's period; thus correcting the errors which have appeared in statements by gentlemen touching the increased expenses of the service under republican administrations.

Diplomatic salaries in 1860 and now:

In 1860 the appropriations for salaries of ministers was	$296,500
Salaries of secretaries of legations	51,000
Totals	347,500
In 1874 and 1875:	
Salaries of ministers	310,500
Salaries of secretaries of legation	33,000
Total	343,500

This amount the House bill proposes to cut down to $235,000.

Expenses diplomatic intercourse—Contingent expenses:

Average per year, President Pierce, 1853 to 1857	$109,810 67
Average per year, President Buchanan, 1857 to 1861	120,336 95
Average per year, President Lincoln, 1861 to 1865	132,283 75
Average per year, President Johnson, 1865 to 1869	140,731 69
Average per year, President Grant, 1869 to 1873	109,759 91

Comparison of amounts appropriated for consular salaries with the amounts of fees collected and returned to the Fifth Auditor of the Treasury for the fiscal years named.

Appropriations.	Salaries.	Fees returned.
August 1, 1856	$280,750 00	No report.
February 7, 1857	273,750 00	$110,802 89
July 5, 1858	273,750 00	110,896 78
March 3, 1859	235,000 00	99,113 23
May 26, 1860	268,750 00	77,590 21
February 28, 1861	*329,261 97	.....
February 4, 1862	351,550 00	152,982 54
February 4, 1863	†416,354 34	254,218 34
June 20, 1864	†477,500 00	287,108 00
January 24, 1865	†450,000 00	442,477 56
July 25, 1866	†425,000 00	424,099 17
February 28, 1867	†431,500 00	435,179 73
March 30, 1868	†400,000 00	459,722 43
March 3, 1869	†400,000 00	534,670 79
July 11, 1870	†376,663 00	632,258 22
February 21, 1871	†391,200 00	706,907 95
May 22, 1872	†416,000 00	746,594 80
February 22, 1873	†409,000 00	715,202 94
June 11, 1874	364,500 00	697,988 49
February 18, 1875	333,200 00	‡700,000 00

*This includes a deficiency of $54,571.97.
†This includes loss by exchange, estimated at $45,000 to $48,000. The House bill proposes to reduce the appropriation for consular salaries to $294,900.
‡Estimated.

Mr. SINGLETON. I now yield ten minutes to the gentleman from Massachusetts, [Mr. THOMPSON.]

[Mr. THOMPSON addressed the House. His speech is published elsewhere in this issue of the RECORD.]

During the delivery of Mr. THOMPSON's remarks the following proceedings took place:

Mr. SINGLETON. I cannot yield to the gentleman further. There are other gentlemen who desire to be heard.

Mr. THOMPSON. I seldom trespass upon the attention of the House, and I hope I may be allowed to conclude my remarks.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Mississippi [Mr. SINGLETON] that he has but eight minutes of his hour left.

Mr. SINGLETON. I yield half of that time to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HOAR. I ask unanimous consent that my colleague [Mr. THOMPSON] may be permitted to finish his remarks, and that the time thus occupied shall not be taken from the time of the gentleman from Mississippi.

Mr. BLAND. I cannot agree to that.

Mr. KASSON. Then I move that the gentleman have leave to print the remainder of his remarks.

Mr. THOMPSON. I do not want to trespass upon the time of the House; but this is a subject of great importance.

Mr. RANDALL. I appeal to the House to allow the gentleman from Massachusetts additional time which shall not come out of the time of any one else.

Mr. BLAND. I gave notice some time ago that I would not yield my objection.

The SPEAKER *pro tempore*. The Chair recognizes the objection of the gentleman from Missouri, [Mr. BLAND.] How much time did the gentleman from Mississippi allot to the gentleman from Massachusetts?

Mr. SINGLETON. Ten minutes.

The SPEAKER *pro tempore*. The ten minutes have expired.

Mr. SINGLETON. Some time ago. I dislike very much to interrupt the gentleman; but there are others who desire to be heard.

Mr. RANDALL. I renew the request that the gentleman from Massachusetts may have the additional time he desires without taking it from the time of any other member.

The SPEAKER *pro tempore*. Is there objection to that proposition?

Mr. BLAND. I object.

Mr. THOMPSON. Then I ask unanimous consent to have my remarks printed in their complete form.

There was no objection.

Mr. RANDALL. Mr. Speaker, there are but two material points in the remarks of the gentleman from Massachusetts [Mr. THOMPSON] to which I desire to refer in reply. The first point is as to a seeming charge that this House has neglected its duty in respect to this bill. The bill was passed by this House as long ago as the 11th of February; and I submit therefore that no blame whatever attaches to this House in that respect.

The next point in the objections of the dissenting gentleman from Massachusetts to which I wish to refer is that relating to the change of rule. Prior to this session the rule, under its practical construction, has been that any amendment increasing salaries could be placed upon an appropriation bill, but no amendment changing law which decreased salaries could be. That rule we changed so as to admit upon an appropriation bill any proposition which, being germane to the subject-matter, reduced salaries or expenses. I admit that in this step the House effected a revolution of former rules. It was a revolution in the direction of economy and away from the path of past extravagance.

The gentleman from Massachusetts talks about the rights of the people. Sir, it is the right of the people by means of frequent elections to send to this House representatives who shall scrutinize the manner in which the people's money is expended. And I say here to-day deliberately that the effect of that rule will be to reduce the appropriations of this year from those of last year, both Houses assent-

ing thereto, whether with or without coercion, to the amount of $30,000,000. I say further that without any interference with harmony in administration those expenses might have been reduced $40,000,000. Nay, more; I say that next year we can add to the reductions of this year the ten millions which an obstructive and a persevering Senate in behalf of extravagance prevented. And we can go further. We can go ten millions further without any doubt. And I hope, as it has been the mission of this session of Congress to reduce thirty millions, we will be able in the next session, with the light before us derived from the operations of the year, to reduce twenty millions more; so that when this Congress shall reach its conclusion it will have the right to claim the merit of having reduced the expenditures of this Government between this Congress and the past Congress to an extent of $50,000,000.

And now, Mr. Speaker, in the present condition of things, with every industry prostrated and every individual doing business, whether of a manufacturing or a commercial character, reducing his expenditures and discharging his supernumerary employés, I ask is there any other ground for this House to tread than that path which it has been treading in favor of economy and against corrupting and extravagant expenditures by the Administration in power?

The gentleman from Massachusetts has made a defense of the ground taken at the other end of the Capitol. There is not any justification whatever for any such defense, nor is there any light he can shed upon the subject which bears him out in the discharge truthfully and faithfully of his duties as a Representative, whose first duty it is to guard the money of the people.

Mr. THOMPSON. Will the gentleman pause there for a question? Is it not the first duty of a Representative to keep that oath which he solemnly takes to support the Constitution of the United States?

Mr. RANDALL. The Constitution of the United States guarantees an honest administration of the Government, and that is what we are trying to bring about. But the gentleman is captious. He tells you that we have no right to make a change of this law upon an appropriation bill. The gentleman is sadly ignorant; for if he had gone back but two years he would have found a republican Congress in both branches absolutely incorporating in the corresponding appropriation bill of that year an entire change of the diplomatic and consular service under the guidance of the gentleman from Indiana [Mr. Orth] then chairman of the Foreign Affairs Committee of this House.

Mr. THOMPSON. I wisk to ask the gentleman if he does not suppose I would condemn that in the one side as quickly as in the other?

Mr. RANDALL. Well, sir, we are simply in the interest of economy doing what the republican party did in behalf of extravagance. For while we were promised that that bill would reduce expenditures, it absolutely increased them. And we only ask now that the extravagance of that act shall be traversed and reduced, and that these foreign representatives be brought down to adequate and just salaries.

[Here the hammer fell.]

Mr. KASSON. I hope the gentleman will look at the figures as submitted by me to-day, comparing the expenditures under this Administration with those under the democratic administration of Buchanan.

The SPEAKER *pro tempore*. The question is, Will the House agree to the conference asked by the Senate?

The question being taken, the motion was agreed to.

FINAL ADJOURNMENT.

Mr. MORRISON. I rise to make a privileged report. The Committee of Ways and Means have directed me to report the resolution which I send to the desk and recommend its adoption.

The Clerk read as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August the 7th, 1876, at twelve o'clock noon.

Mr. MORRISON. Upon that resolution I call the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is on agreeing to the resolution reported by the gentleman from Illinois.

Mr. WADDELL. I call for the yeas and nays on adopting that resolution.

On the question of ordering the yeas and nays, there were—ayes 24, noes 129.

The SPEAKER *pro tempore*. The affirmative is not one-fifth of the whole vote.

Mr. POPPLETON. I call for tellers on the yeas and nays.

The question being taken on ordering tellers, there were ayes 18; not one-fifth of a quorum.

So tellers were not ordered, the yeas and nays were not ordered, and the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF ERROR IN ENROLLMENT.

Mr. CLARK, of Missouri. I ask unanimous consent to offer the resolution which I send to the desk, correcting an error in enrollment.

The Clerk read as follows:

Resolved, (the Senate concurring,) That the Joint Committee on Enrolled Bills of the two Houses be authorized to correct an error in the bill (H. R. No. 3963) by inserting the word "not" on the second page of the enrolled bill next to the last line, between the words "shall" and "be;" so that the same shall read, "there shall not be a contractor," &c.

Mr. CLARK, of Missouri. I will state to the House, in explanation of that resolution, that the error spoken of occurred in an act that was passed by this House a few days ago to amend the postal laws so as to prevent the vicious system of "straw bidding." The error was in leaving out the word "not" where it should be inserted. I will state in this connection that the enrolling clerks of this House are not to blame in this matter, as the error must have occurred before the clerks enrolled the bill.

The resolution was adopted.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK H. JONES.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, reported adversely on the bill (H. R. No. 2173) for the relief of Patrick H. Jones, late postmaster of New York City; and the same was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Several MEMBERS. Let us have the regular order of business.

Mr. REAGAN. I ask unanimous consent——

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman in the face of the general demand for the regular order of business. The morning hour now begins at four o'clock and five minutes p. m., and the pending business is the consideration of a bill reported from the Committee on Mines and Mining, being the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, on which the previous question has been demanded by the gentleman from Missouri, [Mr. BLAND.]

THOMAS H. WILLIAMS.

Mr. REAGAN. I ask unanimous consent to take from the Speaker's table a bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland, in order that it may be put on its passage at this time. It will take but a few minutes. It was passed by the Senate some time since.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill will be taken from the Speaker's table.

The bill was read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed, two-thirds concurring therein.

ORDER OF BUSINESS.

Mr. RANDALL. I ask, by unanimous consent, that there may be some arrangement by which the gentleman from Ohio [Mr. GARFIELD] shall have an opportunity of replying to the speech of the gentleman from Mississippi [Mr. LAMAR] delivered on yesterday. The other side of the House were liberal in giving the gentleman from Mississippi as much time as he desired, and I think it no more than right the same courtesy should be extended to the gentleman from Ohio. Whether the gentleman from Ohio shall take the floor now is for the House to determine. I understand the gentleman from Ohio is ready to go on this evening.

Mr. GARFIELD. Although it is a late hour of the day, I am willing to proceed.

Mr. RANDALL. Then I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BLAND. That motion cannot be made, as we are now in the morning hour.

The SPEAKER *pro tempore*. The ruling in regard to the matter is very plain.

Mr. RANDALL. My motion is in order, and I hope it will be put to the House.

Mr. BLAND. That cannot be done until after the morning hour.

The SPEAKER *pro tempore*. A majority of the House can at any time suspend the rules and go into the Committee of the Whole.

Mr. BLAND. Let me make a statement. To-morrow I cannot have the floor because it is private-bill day, and the gentleman from Ohio can go on with his speech then. I am willing to yield him all the time he desires to-morrow, but I hope the House will go on with the regular order in the morning hour instead of going into Committee of the Whole at this time.

The SPEAKER *pro tempore*. The motion to go into Committee of the Whole can be made at any time; and when made and agreed to it necessarily supersedes the morning hour for the time being. The question will be first put on the motion of the gentleman from Pennsylvania.

Mr. WARD. I ask the gentleman to yield to me for a moment.

Several MEMBERS. Regular order.

Mr. BLAND. I hope the gentleman from Pennsylvania will allow the morning hour to proceed. Evidently it will bring about a state

of feeling which will not allow the gentleman from Ohio to go on this evening or to-morrow.

The SPEAKER *pro tempore*. This is not a matter of discussion. The question is on the motion of the gentleman from Pennsylvania to go into Committee of the Whole.

The House divided; and there were—ayes 104, noes 58.

Mr. LANDERS, of Indiana. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I ask unanimous consent, for the benefit of the gentleman from Ohio, that he be permitted to go on this evening, with the understanding that to-morrow morning the morning hour shall be given to the current business now pending in the morning hour.

Mr. KASSON. Does the gentleman from Indiana refuse the courtesy extended by this side of the House yesterday?

Mr. HOLMAN. We propose to extend that courtesy to the gentleman from Ohio.

Several MEMBERS. Regular order of business!

Mr. HOAR. The gentleman from Indiana evidently does not mean that there shall be an evening session.

Mr. HOLMAN. I wish to give the gentleman from Ohio the whole evening.

The SPEAKER *pro tempore*. This discussion, members must recognize, is entirely out of order. The gentleman from Indiana asks unanimous consent, and there are a dozen cries for the regular order. The regular order is the call of the roll on the motion of the gentleman from Pennsylvania that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. HOLMAN. I hope the unanimous consent asked by me may be put to the House. We desire to give the gentleman from Ohio an opportunity to be heard to-night.

The SPEAKER *pro tempore*. There were a dozen calls for the regular order while the gentleman was asking for unanimous consent.

Mr. HOLMAN. I think my proposition was not understood.

The SPEAKER *pro tempore*. The Chair will hear the gentleman now.

Mr. HOLMAN. I ask that the House go into Committee of the Whole without calling the yeas and nays—at once—so the gentleman from Ohio may proceed with his speech. I think that is fair and right; but with the understanding that to-morrow morning the morning hour shall be devoted to the regular, current business.

Mr. PIERCE. I object.

Mr. MILLS. I move to change the order so that the gentleman from Ohio shall have the floor to-morrow morning. [Cries of "Regular order."]

Mr. STONE. I move that the House do now adjourn; and upon that motion I call the yeas and nays.

ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877; and

An act (H. R. No. 1336) to establish a new land district in the Territory of Wyoming.

WITHDRAWAL OF PAPERS.

On motion of Mr. GUNTER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles Agliff, of Pulaski County, Arkansas.

Mr. CONGER. I did not hear the statement made that there had been no adverse report in that case, and unless that is so I should have objected to the withdrawal.

The SPEAKER *pro tempore*. The Chair has given instructions that no papers shall ever be withdrawn unless the statement is made that there has been no adverse report in the case. The Chair thinks the statement was made in this case at the Clerk's desk, and it was a mere omission to make the statement.

LEAVE OF ABSENCE.

Mr. WALLACE, of South Carolina, was granted an extension of the leave of absence heretofore granted him, for ten days.

Mr. HENDEE was granted leave of absence for ten days.

Mr. HAYS was granted leave of absence for ten days.

Mr. GLOVER was granted leave of absence for ten days from Saturday next.

Mr. JENKS was granted leave of absence indefinitely from Friday next.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. RANDALL moved to reconsider the vote by which the House insisted on its disagreement to the amendments of the Senate to the consular and diplomatic appropriation bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the consular and diplomatic appropriation bill Mr. SINGLETON, Mr. HOLMAN, and Mr. FOSTER.

ANNA ELLA CARROLL AND CHARLES W. SCOTT.

Mr. MACDOUGALL, by unanimous consent, from the Committee on Military Affairs, reported the testimony taken by that committee in support of the claim of Anna Ella Carroll and Charles W. Scott, relative to the military operations on the Tennessee River in the years 1861 and 1862; which was recommitted to the committee, and ordered to be printed.

Mr. MACDOUGALL moved to reconsider the vote by which the testimony was recommitted to the committee; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I now demand the regular order, so that we may see if we will have a chance to be heard upon this side of the House, or not.

Mr. BANNING. You will have a chance to be heard.

The question was put upon the motion of Mr. STONE that the House adjourn; and on a division, there were—ayes 114, noes 44.

Mr. RANDALL. Before the result of the vote is announced I desire to ask unanimous consent that the gentleman from Ohio [Mr. GARFIELD] shall be heard on Saturday immediately after the reading of the Journal. [Cries of "Regular order."]

Mr. MILLS. That is in accordance with an agreement the other day, and I trust there will be no objection to it on this side of the House.

Mr. HOLMAN. I ask leave that the gentleman be allowed to-morrow morning after the morning hour.

Mr. MILLS. I am willing to agree to that. [Renewed cries of "Regular order."]

The result of the vote on the motion of Mr. STONE was then announced as above recorded; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

IN SENATE.

FRIDAY, *August* 4, 1876.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. BOUTWELL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

CORRECTION OF ERROR IN ENROLLMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (*the Senate concurring*,) That the Joint Committee on Enrolled Bills of the two Houses be authorized to correct an error in the bill (H. R. No. 3983) by inserting the word "not" on the second page of the enrolled bill next to the last line, between the words "shall" and "be;" so that the same shall read, "there shall not be a contractor," &c.

Mr. HAMLIN. I hope the Senate will act upon the resolution at this time. It is right. In the enrolling of the bill, by some process or other, the word "not" got knocked out. It should be restored, and the bill will then state precisely what it should do.

Mr. ANTHONY. I concur, of course, in what the Senator from Maine says. This is the second instance we have had this week of an error in enrollment. I introduced a resolution some time ago requiring enrolled bills to be in print. They would be much less liable to error. It would take no longer to print them than to enroll them, and then they could not be altered after they were enrolled.

Mr. SHERMAN. The Senator has not called up his resolution.

Mr. ANTHONY. It was referred to the Committee on Rules.

Mr. SARGENT. If the Senator will couple it with another condition, and that is that no bill shall pass the respective Houses later than two days before the adjournment, it will be possible for it to operate.

Mr. ANTHONY. That is the rule now.

Mr. SARGENT. But it is always suspended. If you make the rule effective, then the suggestion of the Senator from Rhode Island would have force. That was the objection that I made before. The rule stands all through the session but is suspended near the close. When you come to the last night of the session you cannot print the bills.

The resolution was concurred in.

ADJOURNMENT SINE DIE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (*the Senate concurring*,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August the 7th, 1876, at twelve o'clock noon.

Mr. WINDOM. I move the reference of the resolution to the Committee on Appropriations.

Mr. KERNAN. I suggest to the Senator whether it is necessary to refer it to a committee.

Mr. WINDOM. I think that has been usual.

Mr. MORRILL. Always.

Mr. KERNAN. The time is so short that I think we ought to act on it now. If we do not hurry up, I am afraid we shall never get away.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to refer the resolution to the Committee on Appropriations.

The motion was agreed to.

OSAGE LANDS IN KANSAS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3625) providing for the sale of Osage ceded lands in Kansas to actual settlers, disagreed to by the House of Representatives.

On motion of Mr. INGALLS it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. INGALLS, Mr. EDMUNDS and Mr. KERNAN as the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. BOUTWELL presented a memorial of a committee of the Massachusetts Medical Society, in favor of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. JONES, of Florida, presented the petition of John Hayes, Louis Rheb, Edward P. Walsh, and others, citizens of the District of Columbia, praying for the passage of the bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented the memorial of George M. Weston, remonstrating against any alteration in the amount of pure silver in the one-dollar coin, as established by the original Mint act of 1792, and in favor of the repeal of all laws which now obstruct its coinage; which was referred to the Committee on Finance.

Mr. BRUCE presented the petition of O. S. B. Wall and others, citizens of the District of Columbia, praying a grant of public land for the purpose of endowing a home for the indigent poor of the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. THURMAN. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians, to ask to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs. The reference to the Committee on Private Land Claims was plainly a mistake.

The report was agreed to.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, reported it with amendments.

INDIAN SCOUTS.

Mr. LOGAN. The bill (S. No. 1007) concerning the employment of Indian scouts was referred to the Committee on Military Affairs. There has been no meeting of the Committee on Military Affairs since the reference, and on account of the importance of the bill, and in order that it may be considered at this time, I move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. LOGAN. I now ask for its present consideration; it will take but a moment to pass it. I will explain that it is recommended by the Secretary of War and by the General of the Army. The Paymaster-General wrote me a letter saying it will need no new appropriation. There is money enough now in the appropriation bill to pay these scouts, for the reason that of the thousand men provided for in the Revised Statutes which this bill asks to re-instate there were never more than three hundred, as many as are provided for in the Army bill, employed at any one time. Therefore the appropriation will be entirely sufficient to cover this bill if it passes. The necessity of it is that they may all the time be gathering these scouts. They are killed off, and many serve but a short time. In that way they will not keep more than the number that is provided for in the appropriation bill at any one time. The Revised Statutes in providing for the organization of the Army, section 1094, provide for "a force of Indian scouts not exceeding one thousand." Then in section 1112:

> The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease or at the discretion of the department commander.

The Army appropriation bill provides for only three hundred, and the bill provides without making an appropriation that the number shall not be restricted. The Paymaster-General, as stated, says in his letter that there is a sufficient appropriation to pay them. I only state what is asked for and the necessity for its passage by the Secretary of War and the Commander of the Army in reference to the restoration of these scouts; and that is what is provided for in the bill.

Mr. EDMUNDS. I do not rise to oppose this, because my friend knows all about it and I do not, but I only want to make this observation: that taking up matters at the time they are reported is unjust to the other matters that have been before reported and are on the Calendar, and it takes up the time of the morning hour that would be left to get up those cases to which there would be no objection if they could have a chance. I will not object in this instance, but I do not think as a general rule it is quite just to the cases that have been already reported.

Mr. LOGAN. I agree that it is not just to cases that have been already reported, and if other Senators would refrain from calling up their bills I should certainly do so, but I see the Senators all around me doing it. There has not been a bill reported from the Military Committee called up for several days and I might say for weeks almost. I think this is a most important bill.

Mr. EDMUNDS. I have not objected, I beg the Senator to understand, but after this I shall object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1007) concerning the employment of Indian scouts. It repeals so much of the Army appropriation act of July 24, 1876, as limits the number of Indian scouts to three hundred and continues in force sections 1094 and 1112 of the Revised Statutes, authorizing the employment of one thousand Indian scouts. It also provides that a proportionate number of non-commissioned officers may be appointed. The scouts, when they furnish their own horses and horse equipments, are to be entitled to receive forty cents per day for their use and risk so long as thus employed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTH CAROLINA STATE RECORDS.

Mr. LOGAN. The joint resolution (H. R. No. 152) instructing the Secretary of War to forward to the State of North Carolina authenticated copies of certain State records captured in 1865 has been referred to the Committee on Military Affairs. I ask that the committee be discharged from its further consideration, and then I shall move its indefinite postponement, having a letter of the Secretary of War on the subject.

The motion to discharge the committee was agreed to.

Mr. LOGAN. I ask that the letter of the Secretary of War be read and go in the RECORD to show the reason why the joint resolution is not passed.

The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington City, July 27, 1876.

SIR: In reply to your letter of the 20th instant, inclosing copy of House resolution No. 152, instructing the Secretary of War to forward to the State of North Carolina authenticated copies of certain State records captured in 1865, and requesting information thereon, I have the honor to state there are in the archive office of the Department two letter books of the executive of North Carolina, one of six hundred and forty pages (demy) of closely written matter, another of sixty-nine pages same size.

A copyist could not, it is thought, copy and compare more than ten pages a day. With the amount of work on hand, it is doubtful whether a clerk could well be spared for seventy consecutive days for this work, particularly if the clerical force should be reduced.

It is respectfully suggested that if the resolution should pass provision be made for defraying the expense of copying these records.

Very respectfully, your obedient servant,

J. D. CAMERON.
Secretary of War.

Hon. JOHN A. LOGAN,
Chairman of Committee on Military Affairs,
United States Senate.

Mr. LOGAN. I move on that ground the indefinite postponement of the joint resolution.

Mr. MERRIMON. I ask the Senator from Illinois to allow this resolution to go upon the Calendar.

Mr. LOGAN. For what purpose?

Mr. MERRIMON. I would rather it should go there for the present.

Mr. ALLISON. Why not amend the resolution by providing for the payment of this expense?

Mr. LOGAN. I have no objection to its going on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. LOGAN. But let it go with my report as an individual against its adoption. I will say to the Senator from North Carolina that inasmuch as it is of interest to these people to have the records, if they have a mind to propose an appropriation for that purpose there would be some reason for passing the resolution; but inasmuch as the appropriations are being cut down and the number of clerks cut down, I do not feel it my duty to propose appropriations for the purpose of copying letter-books for the benefit of a governor, and that is all the benefit I can see to be derived from it. It is for the benefit of some individual.

Mr. CONKLING. Has not objection been made to this resolution?

The PRESIDENT *pro tempore*. It has gone on the Calendar.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2736) to remove the

political disabilities of N. H. Van Zandt, of Virginia, to report it favorably, with an amendment. This applicant was dismissed from the Navy, and would not therefore ordinarily fall within the rule which the committee have adopted, in order to do justice to all alike, about removing disabilities; but it appears to us that he, not being in employment at the time, resigned and all his accounts were settled, and he did everything that an honorable man could be expected to do, and waited for two or three months before he entered the confederate service in order that there might be ample time for the Department to accept his resignation. They would not do so, but dismissed him. He would not fall within the rule, but still there are special circumstances which make an exception. The evidence before us satisfies me, and would the other members of the committee if they had seen it, that this gentleman took special and extraordinary pains to be of service by acts of kindness to Union prisoners in the confederacy when they were in great need and distress, and that leads me (as we have passed one or two exceptional cases on the same ground) to believe, as I am sure all the committee agree, that under the peculiar circumstances of this gentleman's case it is fair that his disabilities should be removed, although he was dismissed from the Navy. The bill requires an amendment, which is marked in it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the petition of C. M. Wilcox, of Maryland, praying the removal of his political disabilities, to report a bill for his relief. His petition is entirely regular and proper, shows a life of personal propriety, and we recommend the passage of the bill.

The bill (S. No. 1027) to remove the political disabilities of C. M. Wilcox, of Maryland, was read and passed to the second reading.

Mr. WINDOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, to report it without amendment and recommend its passage. I ask for the present consideration of the bill.

Mr. EDMUNDS. I think that had better go over, and my reason for asking it is to call the attention of the Senate to this point: We now have a law which absolutely limits, as I think it ought to do, (and the Senate thought so, and the other House thought so, and the President thought so,) the maximum of the indebtedness of this District. This bill authorizes going beyond it; and when we come to consider it, which I cannot now look into, if the bill is as it passed the House——

Mr. WINDOM. It is the same bill.

Mr. EDMUNDS. It is open to a good deal of objection even in that point of view in respect of its not providing for this temporary indebtedness being speedily liquidated, but the general effect is to enlarge the indebtedness of the District and from year to year it will continue in the same way. But I will not take up the time of the Senate for the present. Of course it will go over.

Mr. WINDOM. Certainly, if objected to.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed upon the Calendar.

Mr. CONKLING. I should like to say one word, if my friend will allow me, before this bill passes away. It does not touch particularly this bill but I would rather say it now. We have come very nearly to the end of the session. I see several Senators about to ask to take up bills, and as I do not like to make objection to any particular Senator after he has risen I ask that when the morning business is concluded we may proceed to the Calendar of unobjected cases so that all may have an opportunity without striving with each other for the ear of the Chair. As I say, although I do not like to make objection, I wish the Senators who have bills in which they are interested (there are a number here that I think ought to be acted upon) would allow us to take up the Calendar and run along morning after morning, and I think in that way they could secure the consideration of their bills.

Mr. EDMUNDS. That is a very good idea.

The PRESIDENT *pro tempore*. Is their objection to the proposition of the Senator from New York?

Mr. SARGENT. It is a very good rule to dispose of unobjected cases, but suppose we should come to a case which was partially discussed in the morning hour, as the De Haven bill yesterday, which was laid over. Some one makes an objection and wants to consider it. I do not know how we are to get up a bill of that kind unless by some broader arrangement than that proposed by the Senator from New York. I should like to show, if I had an opportunity, that the committee were right in their view of the law upon which the report in that case was made. I have examined it with considerable care since yesterday, and I am prepared to satisfy the Senate that not only the facts and the equity are clear in favor of the case, but the strict law also.

Mr. CONKLING. If my friend will allow me to suggest that if this rule should run through a fraction of the morning hour and a case is objected to it loses nothing, because the Senator can move at any time to take it up. Simply the residue of the morning hour would be given to the unobjected cases on the Calendar for two or three mornings. If the Senator will pardon me one moment, take as an example the case of one claimant who wants a patent extended. It is simply an exceptional case. He is a blind man, entirely blind, and the Senate and House have both passed his bill at a previous session, and it has failed for want of time. I understand there is no objection to it, and very likely in the game of bounce here I might succeed by and by in getting an opportunity to take up that bill; but if it can be reached on the Calendar nobody would object to it, if the merits are as I understand them to be. So of other bills; and the Senator from California loses nothing in reference to contested bills by letting us have a fraction of the morning hour every day for the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from New York?

Mr. THURMAN. I wish to understand it. Do I understand that the proposition of the Senator from New York negatives the idea of the right of any Senator to move to take up any particular bill?

Mr. CONKLING. Not at all. It is what we have acted under so often under the name of the Anthony rule, and it is that during the fraction of the morning hour after the morning business is completed, to-day and to-morrow possibly, we shall run along and dispose of some of the cases that nobody objects to.

Mr. THURMAN. The reason I make this remark is that I know we cannot get to the end of the Calendar during the remainder of the session.

Mr. CONKLING. We can get toward the end.

Mr. THURMAN. There are bills that ought to be taken up. I want to move to take up the bill granting a pension to the widow of General Custer and the bill granting a pension to the heirs.

Mr. CONKLING. That will be reached presently.

Mr. THURMAN. I hardly think it would be reached this session in its regular order on the Calendar.

Mr. CONKLING. The Senator will see that the rule is for unobjected cases.

Mr. COCKRELL. Is there anything pending before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York appeals to the unanimous vote of the Senate. Does the Senator from Missouri object?

Mr. COCKRELL. I have some morning business. I object to anything until I present it.

Mr. CONKLING. I give notice that I shall move at the end of the morning business, as soon as I have the floor, that we adopt the Anthony rule and go on under it.

Mr. WINDOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building, to report it without amendment. I ask consent for its present consideration.

Mr. EDMUNDS. I believe I promised my friend from Illinois in order to have fair play that I would object to everything.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. WINDOM. I wish to make a report now that, I think, the Senator from Vermont will not be inclined to postpone, and I doubt whether there is anything in it to postpone. A statement was made yesterday by the honorable Senator from Rhode Island [Mr. ANTHONY] calling the attention of the Senate to a supposed error in the sundry civil appropriation bill in which the following language occurs:

> That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person who must be a practical printer and versed in the art of book-binding, to take charge of and manage the Government Printing Office from and after the date aforesaid; he shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer; he shall give bond in the sum of $100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior.

The point to which the Senator from Rhode Island called the attention of the Senate was that there was no Public Printer so entitled at the time the bill was before us, and consequently the clause in the sundry civil bill did not abolish that office or any office. I was of the same impression upon a hasty examination of the statute, but the matter was referred to the Committee on Appropriations, and I find in the earlier statutes provisions that the Printer should be designated or called Public Printer. Upon further examination I find that in 1874 the following provision was passed:

> For compensation of the Congressional Printer, and the clerks and messengers in his office, $13,917: *Provided*, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall hereafter be Public Printer and he shall be deemed an officer of the United States, &c.

So that at the time the sundry civil bill was pending the title of that office was Public Printer, made so by statute, and there is no necessity for any change.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 994) to amend section 2931 of the Revised Statutes of the United States so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been exacted in contravention of treaty provisions, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. WRIGHT. The Committee on Claims, to whom were referred the petition and papers of Jackson Tibbetts and others, employés of L. J. and J. Day and T. W. Call, late contractors of the Fox River improvement, praying that the amount forfeited to the United States

by the contractors by the annulment of their contracts be applied to the payment of wages due them, have had the same again under consideration (the matter having been recommitted to the committee) and have reached the conclusion heretofore reported, that the claim should be rejected; and I now report the same back and make such recommendation. The Senator from Wisconsin requested, upon the supposition that there was a bill in the case, that it should go on the Calendar. It turns out that there is no bill in the case, and therefore the report can go to the table without any action at this time.

The PRESIDENT *pro tempore*. The report will lie on the table.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Jesse McKay, a citizen of Mississippi, praying compensation for property taken and appropriated by United States troops during the late war, reported adversely thereon, and the claim was rejected.

He also, from the same committee, to whom was referred the petition of John Kethley, a citizen of Mississippi, praying compensation for property taken and appropriated by United States troops during the late war, reported adversely thereon, and the claim was rejected.

Mr. WRIGHT. The same committee, to whom was referred the bill (H. R. No. 1219) for the relief of D. P. Rowe, and Brown and Crowell, of Morristown, Tennessee, recommend the indefinite postponement of the bill. I wish to say in this connection that there is no written report, as time would not allow the preparation of one. The ground on which this recommendation is made is this: It seems that these parties claim to be relieved from the penalties which were assessed against them for the manufacture of certain stills. The matter was referred to the Commissioner of Internal Revenue, and he reports to the committee that there is no question but that these parties were legally liable, and therefore he declined to relieve them. We are inclined to the same opinion. We are not prepared to recommend that parties who are legally liable, and found so by the courts, (unless there be very much more persuasive equities in the case than in this,) should be relieved. We therefore recommend that the bill be indefinitely postponed.

The bill was postponed indefinitely.

Mr. WRIGHT. The same committee, to whom was referred the bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall, have directed me to report it back and recommend its indefinite postponement. In connection with this report I wish to make one statement. It seems that this is a claim for some $2,000 for taxes and money expended under a tax title under these circumstances: A controversy obtained between persons claiming this property and the United States which continued for some sixty years; it was determined in 1857 in favor of the United States; and now these parties having paid taxes intermediately insist that the taxes shall be repaid. We are not aware of any principle on which they can make this claim on the Government. Therefore we recommend that the bill be postponed indefinitely.

The bill was indefinitely postponed.

Mr. WRIGHT also, from the same committee, to whom was referred the bill (S. No. 403) to re-imburse the State of West Virginia for losses incurred by reason of the destruction of its bridges, court-houses, school-houses, churches, turnpike-roads, and other public property by Federal troops during the late war, reported adversely thereon, and the bill was postponed indefinitely.

Mr. KELLY. The Committee on Public Lands, to whom was referred a resolution which was passed some months ago by the Legislature of Michigan in favor of an amendment granting to the soldiers and sailors of the late war who by the loss of a limb or other equivalent disability were prevented from making settlement be entitled to an amount of land equal to that they would be entitled to under the homestead law, have instructed me to report adversely to the resolution. I move that the report be printed.

The report was agreed to and ordered to be printed.

Mr. McCREERY. Mr. President, I would move that the Senate take up House bill No.——

Mr. WEST. I rise to morning business. If bills are in order, I ask leave to introduce a bill.

The PRESIDENT *pro tempore*. Reports are in order.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 109) for the relief of the estate of I. M. Micaw, of the State of Alabama, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the bill (H. R. No. 2835) for the relief of R. J. Henderson, or Newton County, Missouri, reported it without amendment.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (S. No. 1011) to extend the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal, in the State of Wisconsin, and to repeal section 5 of chapter 32 of the acts of Congress of 1866, have had the same under consideration, and instruct me to report it back with an amendment; and I have no doubt I shall obtain the unanimous favor of the Senate by stating that I do not ask for its present consideration. [Laughter.]

Mr. HAMILTON, from the Committee on Public Lands, to whom was referred the bill (S. No. 133) to sell certain public lands to the Beatrice and Denver City Railroad Company, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No 288) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 572) for the relief of settlers upon the reserved Government sections of the public lands within railroad limits, reported it without amendment.

Mr. BOOTH. The Committeee on Public Lands, to whom was referred a resolution of the Legislature of the State of Kansas in favor of the passage of a law subjecting to taxation by that State certain lands therein which were granted to the Kansas Pacific Railway Company, have instructed me to report it back and ask that it lie on the table, the committee having already reported a bill in accordance with the prayer of the memorial.

The report was agreed to.

JOHN H. RUSSELL.

Mr. CAMERON, of Wisconsin. I rise to ask the recommittal of the bill (S. No. 688) referring the claim of John H. Russell to the accounting officers of the Treasury of the United States for adjudication and settlement to the Committee on Claims. Some time ago I made an adverse report from the committee upon this case. Mr. Russell asks compensation for the destruction of a certain steamboat by the confederates during the late war, which he alleges was destroyed while in the military service of the United States. Since the report was made some facts have come to the knowledge of the committee, and with the consent of the chairman of the Committee on Claims I move that the papers be referred to the Committee on Claims.

The motion was agreed to.

HAMBURGH RIOTS.

Mr. MORTON. I desire to give notice that to-morrow morning after the morning business is over I shall ask the Senate to take up the resolution in regard to printing the President's message and accompanying documents in reference to the massacre at Hamburgh, South Carolina.

BILLS INTRODUCED.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1028) for the relief of William Talbert, of Washington, District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1029) for the relief of persons having claims against the United States under the provisions of the captured and abandoned property act; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1030) granting a pension to Jane D. Colton; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

IMPEACHMENT RECORD.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing be authorized to have an alphabetical index prepared for the report of the impeachment trial, already ordered to be printed.

INDIAN PRISONERS AT SAINT AUGUSTINE, FLORIDA.

Mr. JONES, of Florida, submitted the following resolution:

Resolved, That the Secretary of War communicate to the Senate whether or not the hostile Indians sent to Saint Augustine, Florida, to be confined in the fortress at that place, are permitted to go at large unguarded; and if so, by whose authority these savages have been set at liberty among the inhabitants of said town and what, in his judgment, ought to be done with these dangerous persons if the Government should decide to restore them to permanent freedom.

Mr. CONKLING. I suggest that that resolution lie over until to-morrow morning, unless the Senator is tenacious about it this morning. I inquire does that conclude the morning business?

The PRESIDENT *pro tempore*. It does conclude morning business unless there are further resolutions to be presented.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1877, and for other purposes; had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that the House had appointed Mr. OTHO R. SINGLETON of Mississippi, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. CHARLES FOSTER of Ohio managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal.

COUNTERFEITING OF TRADE-MARKS.

The PRESIDENT *pro tempore* appointed as conferees on the part of the Senate on the bill (S. No. 846) to punish the counterfeiting of trade-mark goods, and the sale or dealing in of counterfeit trade-mark goods, Mr. CONKLING, Mr. FRELINGHUYSEN, and Mr. STEVENSON.

THE CALENDAR.

Mr. McCREERY. Mr. President, I move that the Senate take up the bill——

Mr. EDMUNDS. I rise to morning business. I have a resolution to offer.

The PRESIDENT *pro tempore*. Resolutions are in order.

Mr. CONKLING. Now if the Senator will withdraw his morning business for me, if that is the end of it, I move that the Senate proceed under the Anthony rule, so called, and take up the Calendar for unobjected cases. I ask the vote of the Senate if the Senator from Vermont will give way.

Mr. EDMUNDS. I give way. I had a resolution to offer, but I will introduce it to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Kentucky held the floor for morning business.

Mr. CONKLING. Did I not make my motion?

Mr. McCREERY. I was on the floor before you made your motion.

Mr. CONKLING. I beg the Senator's pardon, the Senator from Vermont had the floor and yielded to me and I made that motion and I should like to know whether it dies in the breast of the Chair.

Mr. HARVEY. I believe I took the floor earlier than any of these gentlemen.

Mr. KERNAN. Allow me to make a suggestion. I hope we shall go to the Calendar. I have regularly attended to make a quorum here for months, but I have hardly ever been spry enough to get up a bill. I hope we shall go to the Calendar, and thus all will have a chance to get up unobjected bills.

The PRESIDENT *pro tempore*. The Senator from Vermont yielded to the Senator from New York. The Senator from New York has the floor.

Mr. CONKLING. Now I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The Senator from New York moves hat the Senate proceed to the Calendar of unobjected cases.

Mr. WRIGHT. I wish to make one inquiry, whether that is understood as extending only during the morning hour?

Mr. CONKLING. No, I understand that when we get to the end of the morning hour I will appeal to one of the most reasonable men in the Senate who sits by me, [Mr. HAMLIN,] and ask him whether he will not allow the run of the Calendar to proceed a little while subject to a call for the regular order, the post-route bill, which is the unfinished business; and in that way, if my friend from Iowa and I do not occupy any time now, we shall run off some of these cases.

Mr. WRIGHT. What I want to know is whether it is underatood as continuing during the morning hour and such time as shall be given afterward, or whether it will be understood as running through the day?

Mr. CONKLING. Of course it does not run beyond the morning hour without the consent of the Senator who has charge of the unfinished business.

Mr. WRIGHT. I trust I have done no harm in asking the question.

Mr. CONKLING. Of course there is no harm in it; it is all right; but the Senator will understand that if we fritter away the morning hour we shall lose the very object we desire, that is the consideration of bills on the Calendar under what is known as the Anthony rule.

Mr. DAVIS. I desire to remind the Senate that a day or two ago I gave notice that I should ask to be heard at the expiration of the morning hour to-day, and I hope there will be nothing done that will interfere with that.

Mr. CONKLING. This will not interfere with the Senator at all. It may postpone ten or fifteen minutes the time when he will begin his remarks; that is all.

The PRESIDENT *pro tempore*. The Senator from New York moves to proceed to the consideration of unobjected cases on the Calendar under what is known as the Anthony rule until the morning hour expires.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar at the point where it was last considered will be called.

Mr. SHERMAN. I suggest that wherever there is an objection to be made it be made promptly.

CONSTABLES' BONDS.

The bill (S. No. 526) to amend section 1036 of the Revised Statutes relating to the District of Columbia was considered as in Committee of the Whole. It amends section 1036 of the Revised Statutes relating to the District of Columbia so as to read as follows:

Each constable shall, before performing any of the duties of his office, take the oath prescribed for civil officers in the District, and shall enter into a bond to the United States in the sum of $5,000, with security, to be approved by the clerk of the supreme court of the District, conditioned for the faithful performance of the duties of his office and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same. And the clerk of said supreme court shall approve of no bond of any constable until at least three bondsmen shall sign said constable's bond, and each of said bondsmen shall file with said constable's bond an affidavit that he is the owner in fee-simple of unencumbered real estate, situated in the District of Columbia, of the cash value of at least $5,000.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and was read the third time.

On the passage of the bill a division was called for; and the ayes were 27, and the noes 9.

So the bill was passed.

FORT LARAMIE MILITARY RESERVATION.

The next bill on the Calendar was the bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory.

Mr. EDMUNDS. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. HITCHCOCK. I want to appeal to the Senator from Vermont to allow the bill to be passed. It is indorsed by the military authorities. The only reason for the former enlargement of this reservation was that an Indian reservation was placed on the military reservation. The Indians have since been removed.

Mr. EDMUNDS. Who is going to get the land?

Mr. HITCHCOCK. It is to be open to general settlement as other public land.

Mr. CONKLING. We must all object to debate.

Mr. EDMUNDS. It is open to homestead then?

Mr. HITCHCOCK. Yes, sir.

Mr. EDMUNDS. I think it had better go over.

The PRESIDENT *pro tempore*. The next case will be called.

Mr. EDMUNDS. I withdraw my objection to the bill of the Senator from Nebraska. I presume it is all right. I do not know anything about it, but I only objected because I thought it would lead to discussion.

TERRITORY OF PEMBINA.

The CHIEF CLERK. The next bill on the Calendar is the bill (S. No. 606) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. SHERMAN. I object. It is too important a bill to be passed in this way.

Mr. HITCHCOCK. Mr. President, I ask the indulgence of the Senate for one minute. ["No, no."] I do not often intrude on the time of the Senate.

Mr. CONKLING. But the Senator knows now that he intrudes against the rule. When objection is made, a bill passes over. That is the rule.

Mr. MORRILL. I suggest to the Senator from Nebraska that the objection to House bill No. 361 was withdrawn.

FORT LARAMIE MILITARY RESERVATION.

The PRESIDENT *pro tempore*. The Chair understands objection is withdrawn to the consideration of House bill No. 361.

The bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory, was considered as in Committee of the Whole. It reduces the military reservation of Fort Laramie, in the Territory of Wyoming, to an area of fifty-four square miles, and provides that the reservation shall be limited and bounded as described and declared in executive order of June 28, 1869. All that portion of land added to the reservation by executive order of April 2, 1872, is eliminated therefrom and restored to the body of the public lands, and is to be held subject to all provisions of the laws of the United States relating to the public lands, in the same manner and to the same extent as if they had never constituted a portion of the military reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASCADES OF COLUMBIA RIVER.

The next bill on the Calendar was the bill (S. No. 17) in aid of the commerce of the North Pacific coast by the construction of a canal and locks at the Cascades of Columbia River.

Mr. MITCHELL. I ask that that go over. It has been incorporated in the river and harbor bill.

Mr. ALLISON. Why not indefinitely postpone it?

Mr. MITCHELL. I do not desire to have that done until I know the fate of the river and harbor bill.

The PRESIDENT *pro tempore*. The bill will be passed over.

PROTECTION OF WITNESSES.

The next bill on the Calendar was the bill (H. R. No. 2572) to protect witnesses who shall be required to testify in certain cases.

Mr. INGALLS. There is an adverse report in that case.

Mr. EDMUNDS. Let us vote on it. I have been wanting to vote on that all winter.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

SURETIES OF INDIAN AGENTS.

The next bill on the Calendar was the bill (S. No. 79) to amend section 10 of the act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes,'" approved March 3, 1875.

Mr. EDMUNDS. Let that go over.

Mr. ALLISON. There is no objection to that. If the Senator will hear it read, he will say it ought to pass.

Mr. CONKLING. But an objection has been made, which carries it over.

Mr. EDMUNDS. It is a general bill which certainly will lead to debate.

Mr. CONKLING. The regular order, Mr. President.

The PRESIDENT *pro tempore*. The bill will be passed over.

CHARLES H. FONDÉ.

The next bill on the Calendar was the bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines.

Mr. HARVEY. I object.

Mr. KERNAN. Let the report be read. It is very short.

Mr. ALLISON. We may as well object to all these cases.

Mr. CONKLING. I call for the regular order.

The PRESIDENT *pro tempore*. The next bill will be read.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 151) to define certain crimes and the punishment thereof.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 743) to amend section 8, chapter 2, title 1, of the Revised Statutes of the United States.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices.

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. SHERMAN. I think the public service requires the passage of this bill; and for a general reason.

Mr. SARGENT. The bill was debated at length before; but I am willing to hear it read to see whether I object.

The PRESIDENT *pro tempore*. The bill has been up before and amended.

Mr. ALLISON. Then I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 669) authorizing the Secretary of the Interior to set aside a reservation for the Turtle Mountain band of Chippewa Indians, and for other purposes.

Mr. MITCHELL. I object to that.

The PRESIDENT *pro tempore*. The bill will be passed over.

SURETIES OF INDIAN AGENTS.

The next bill on the Calendar was the bill (H. R. No. 2133) to amend section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876; which was considered as in Committee of the Whole. It amends section 10 of the act named so as to read as follows:

That hereafter the surety or sureties upon the bond to be given by each Indian agent, subagent, and special agent appointed by the President of the United States, the Secretary of the Interior, or other competent authority, before entering upon the duties of his office shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such surety or sureties, the value of the same, and where situated; and that no moneys appropriated by any act of Congress, or otherwise, and no trust fund or any other public funds appropriated or set apart for the benefit of any Indian or Indians, shall be paid to any Indian agent, subagent, or special agent, to be hereafter appointed, and no public property of any kind, whether designed for the use of Indians or for any other purpose, shall be turned to any Indian agent, subagent, or special agent, to be hereafter appointed, until the surety or sureties shall have filed such statement. Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservations by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs: *Provided*, That should any agent knowingly make any false entry in said books, or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent, subagent, or special agent, after conviction under this act: *And provided further*, That the Secretary of the Interior, whenever in his opinion the interests of the service may demand it, may require any Indian agent, subagent, or special agent now on duty to execute a new bond under the provisions and requirements of this section; and in case of the neglect or refusal of any such officer to execute a new bond when required by the Secretary of the Interior, within a reasonable time, such neglect or refusal shall be deemed sufficient cause for removal.

Mr. WINDOM. From what committee has that bill been reported?

Mr. ALLISON. That bill is the precise bill that the Senator from Vermont objected to a few moments ago. It was carefully considered by the Committee on Indian Affairs of the Senate, and is on the Calendar as Senate bill No. 79.

Mr. WINDOM. I have no objection to the bill if it is reported from the Committee on Indian Affairs.

Mr. ALLISON. It is reported by that committee.

The bill was reported to the Senate.

Mr. EDMUNDS. I want to call attention to one thing in this bill. I should like the Secretary to read again the provision in the first part about what the sureties shall swear to respecting their property.

The Chief Clerk read as follows:

That hereafter the surety or sureties upon the bond to be given by each Indian agent, subagent, and special agent appointed by the President of the United States, the Secretary of the Interior, or other competent authority, before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such surety or sureties, the value of the same, and where situated.

Mr. EDMUNDS. Now I wish to suggest to my friend from Iowa that that requires from the surety, as it appears to me, a statement of all his property; and if Mr. Corcoran were asked to go upon a bond, before he could sign it he would be obliged to give a full schedule and description of all the property that he possesses. The Senator does not mean that.

Mr. CONKLING. I am afraid I shall have to object to this bill.

Mr. EDMUNDS. You cannot object while I am speaking. What is wanted is that the surety shall go far enough to show that he has property enough to be responsible, but you cannot expect a rich man to give a full schedule of all he has got.

Mr. ALLISON. If the Senator from Vermont will just suggest a word by way of amendment to accomplish his purpose, I shall be glad to accommodate him. I think he is right.

Mr. EDMUNDS. I would put in the proper place "So far as to show that he is responsible."

Mr. ALLISON. "For the amount named in the bond."

Mr. EDMUNDS. Yes; "for the amount named in the bond." Let that be put in the right place.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont; which will be read.

The CHIEF CLERK. After the word "situated," in line 14, it is proposed to insert:

So far as shall be necessary to show him responsible for an amount double the penalty of the bond.

Mr. ALLISON. That will do.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Chair lays before the Senate the unfinished business.

Mr. CONKLING. I appeal to the honorable Senator from Maine to allow this business to go on, subject to his call for the regular order at any moment when he will.

Mr. EDMUNDS. Subject to anybody's call.

Mr. CONKLING. Certainly; but I assume that the Senator from Maine having the bill in charge will call for it when he thinks it necessary.

The PRESIDENT *pro tempore*. Is there objection.

Mr. DAVIS. If the Senator from Maine proposes to let it run on for half an hour, I shall not object.

Mr. CONKLING. I do not fix any time. Let it go on until anybody calls for the regular order.

Mr. DAVIS. I give notice that at half past one I shall ask the floor.

FORT LARAMIE MILITARY RESERVATION.

Mr. HOWE. The Senator from Nebraska has just come in. I wish to call his attention to a bill that passed just now which I think ought to be reconsidered and amended so as to set out the executive order which the bill makes a law.

Mr. HITCHCOCK. Does the Senator refer to the Fort Laramie bill?

Mr. HOWE. Yes, sir. The bill declares the limits of the Fort Laramie reservation to be such as were defined in a certain executive order. I think those limits should be embraced in the statute. I only want the passage of the bill reconsidered *pro forma*, that the terms of the order may be embraced in it.

Mr. COCKRELL. Wait a moment until I get the report on the matter.

Mr. HOWE. Let the motion to reconsider be entered.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. HOWE subsequently said: I wish to withdraw the motion I made just now to reconsider the vote on the passage of the bill fixing the boundaries of Fort Laramie reservation.

The PRESIDENT *pro tempore*. If there be no objection, the motion will be withdrawn.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 757) to amend the regulations for the consular courts of the United States in Japan.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 492) making an appropriation for the erection of a monument and spindle on Whale Rock, at the entrance of Narragansett Bay.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (H. R. No. 1398) to regulate the practice of pharmacy in the District of Columbia.

Mr. ALLISON. I object.

The next bill on the Calendar was the bill (H. R. No. 2454) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows.

Mr. EDMUNDS. I think that had better go over.

Mr. INGALLS. I think the Senator from Vermont inadvertently objected to that bill perhaps.

Mr. EDMUNDS. If that is the old 1812 pension bill, I did not inadvertently object.

Mr. INGALLS. I did not know but that it might have been done inadvertently; but I think if he would hear it read he would have no objection.

Mr. EDMUNDS. I will hear it read subject to objection.

The Secretary proceeded to read the bill, but before concluding—

Mr. EDMUNDS. There is no use in reading that bill. It is the one I supposed it was, and there are some parts of it which will necessarily lead to debate and which ought not to pass. There are some parts of it I am for; but there is no use in wasting time.

Mr. INGALLS. We might pass the part you are for.

Mr. EDMUNDS. I have no objection to that, if you will do it by unanimous consent.

Mr. CONKLING. The regular order, Mr. President.

SECURITY ON WRITS OF ERROR AND APPEALS.

The next bill on the Calendar was the bill (S. No. 307) concerning security on writs of error and appeals, and for other purposes; which was considered as in Committee of the Whole.

The Committee on the Judiciary reported an amendment to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the six hundred and thirty-first and the six hundred and thirty-third sections of the Revised Statutes be, and are, so amended that the words "$50" wherever they occur therein shall read and be "$300."

SEC. 2. That where a cause in equity, admiralty, and maritime jurisdiction shall not be subject to appeal to the Supreme Court, the circuit court shall not be required to find or state the conclusions of fact and law upon which it gives its decree.

The amendment was agreed to.

Mr. COCKRELL. I object.

Mr. ALLISON. It is too late for an objection.

The PRESIDENT *pro tempore*. The objection comes too late.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CONKLING. I rise to make a statement to the Chair. The Senator from Missouri happened to be diverted as I saw, for a moment in the rear of the Chamber, but as soon as he heard the bill, he came forward and objected to it. I think it is pretty sharp to say that that is too late.

The PRESIDENT *pro tempore*. The bill was in committee considered and the amendment agreed to. If the Senator from Missouri states that he objected to the bill when it was up for consideration, the Chair will entertain it.

Mr. CONKLING. He objected as soon as he found out what it was.

Mr. COCKRELL. It is not the bill I thought it was. I withdraw my objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RATES OF PENSION.

The next bill on the Calendar was the bill (S. No. 234) to amend section 4698 of the Revised Statutes of the United States so as to allow a pension of $37 per month to soldiers who have lost an arm and a leg, in lieu of $24 per month now allowed; which was considered as in Committee of the Whole.

The Committee on Pensions proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That every person entitled to a pension under the provisions of section 4698 of the Revised Statutes of the United States, and who has lost one hand and one foot, shall be entitled to a pension of $37 per month.

SEC. 2. That this act shall take effect from and after the 1st day of September, 1876.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to allow a pension of $37 per month to soldiers who have lost both an arm and a leg."

DISTRICT GOVERNMENT.

The next business on the Calendar was the joint resolution (S. R. No. 15) authorizing the qualified voters of the District of Columbia to vote upon the question whether they desire Congress to establish a government for the District for the regulation of domestic affairs, the officers of which shall be chosen by the qualified voters of the District, and for laying the result of the election before Congress for information.

Mr. INGALLS. That had better go over.

Mr. WITHERS. There is an adverse report.

The PRESIDENT *pro tempore*. The joint resolution will be passed over.

ANDREW J. BARRETT.

The next bill on the Calendar was the bill (H. R. No. 648) for the relief of Andrew J. Barrett.

Mr. EDMUNDS. That was a subject that was under debate before, and there was opposition to the bill; and therefore it will take a little time. I think it had better go over.

Mr. CAMERON, of Wisconsin. I do not think it will really take any time. The bill is accompanied by a brief printed report, and I think if the Senator will hear the report read he will be satisfied that the bill ought to pass.

Mr. EDMUNDS. I was satisfied quite otherwise before, but I will look at it again, if the Senator will let it go over, and he can call it up at another time.

Mr. CAMERON, of Wisconsin. That is the trouble; I have been trying to get it up for some time, but I have not been able.

Mr. EDMUNDS. Unless the Senate is willing to take a little time to consider it, it had better go over.

Mr. CONKLING. If the Senator from Vermont on examination withdraws his objection, we can go back.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDENT *pro tempore*. The next bill will be reported.

RICHMOND FEMALE INSTITUTE.

The next bill on the Calendar was the bill (S. No. 780) for the relief of the Richmond Female Institute, of Richmond, Virginia.

Mr. EDMUNDS. That raises one of the old questions. It had better go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. WITHERS. Does the Senator object to that?

Mr. EDMUNDS. Yes, sir. It raises the old question of damage as well as mere hiring, as I see by the language of the bill.

Mr. COCKRELL. It is a mere question of rent.

Mr. WITHERS. Rent of a college.

Mr. EDMUNDS. But the bill says it shall be in full for all damages, &c.

Mr. CONKLING. The Senator is out of order; he has objected, and that is the end of the bill now.

Mr. WITHERS. Of course, if the Senator objects, that settles it for the present.

The PRESIDENT *pro tempore*. The next case will be reported.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route.

Mr. EDMUNDS. I think that may go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next bill on the Calendar was the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at Norfolk navy-yard in the year 1860.

Mr. BOUTWELL. That will give rise to debate.

The PRESIDENT *pro temopre*. The bill will be passed over.

Mr. WITHERS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called, which is the post-route bill, the unfinished business of yesterday.

Mr. CONKLING. Does the Senator mean that by the regular order, the unfinished business?

Mr. WITHERS. Yes, sir.

Mr. McMILLAN. I ask the Senator from Maine to yield to me for the purpose of moving that the Senate proceed to the consideration of the bill (S. No. 832) to increase the pension of Helen M. Stansbury.

Mr. HAMLIN. There are a hundred just such cases on the Calendar.

Mr. DAVIS. If the Calendar of unobjected cases is not to continue, I ask the favor of the Senate for the floor.

RIVER AND HARBOR BILL.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HEREFORD of West Virginia, Mr. J. H. REAGAN of Texas, and Mr. M. H. DUNNELL of Minnesota managers at the conference on its part.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3022) making appropriations for the construction, repair preservation, and completion of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. SARGENT, and Mr. RANSOM.

ORDER OF BUSINESS.

Mr. LOGAN. I do not intend to oppose taking up the post-route bill or to interpose for the purpose of consuming time, but there is a bill to which I have often called the attention of the Senate, and I give notice that so soon as the post-route bill is acted on by the Senate, I shall then ask a vote upon taking up House bill No. 58, commonly known as the bounty bill.

Mr. DAVIS. I ask for the purpose of submitting some remarks that the report of the Finance Committee made on June 6th, being Report No. 371, be taken up for consideration.

Mr. HAMLIN. I believe the Senator gave notice that he would address the Senate on this occasion; but it would wonderfully accommodate me if he would take some other occasion. I believe this is the fourth time I have had this post-route bill up, and I should like to have it disposed of. I do not wish to interpose any objection to the Senator's request other than that if that question is taken up it must be taken up subject to a call for this bill at any moment.

Mr. DAVIS. Yes, sir.

Mr. HAMLIN. I give notice now that I will call for it if any Senator seeks to reply to the Senator from West Virginia to-day.

Mr. CONKLING. What is the motion of the Senator from West Virginia?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) To proceed to the consideration of the report indicated by him.

Mr. CONKLING. I venture to make a suggestion, not meaning to interfere with the Senator. If he wants to make remarks, he can make them on this bill. If he wants that report taken up, he can have it read as part of his remarks; but although I have no purpose to reply to the Senator, I do protest against an arrangement by which the Senator is to make a speech on such a subject in such wise that no other Senator can reply to it. If he makes his remarks upon this bill, everybody will have the right to reply, and if he wants the report read, he can have it read as a part of his remarks. That saves all his rights; but I do not quite want to go to sea on the Senator's speech with the understanding before we embark that no Senator is to be permitted to say anything in reply.

Mr. HAMLIN. To-day.

Mr. CONKLING. Well let him make his remarks upon the bill and have the report read.

Mr. DAVIS. It is immaterial upon what bill or question I make my remarks. The Senate will do me the justice to say that on former occasions I stated that to-day I should ask to be heard, and I believe it has always been the usage to allow a Senator the floor whenever he took it after the morning hour, according to such previous notice.

Mr. CONKLING. The Senator is quite right; but I hope he does not understand me as making any objection. I only suggest to him that everything he wants to accomplish will be accomplished by speaking in form to the post-route bill. If he wants this report to precede his remarks, let him have it read as part of his remarks. The only effect of that arrangement will be that if any Senator wants to make any reply to him when he finishes, he may do so; whereas, if the Senate takes up this report as the business before the Senate subject to a call for the regular order and the Senator from Maine gives notice that on the conclusion of the remarks of the Senator from West Virginia he will insist that no other Senator shall go on, then it gives him alone the opportunity to be heard and deprives everybody else of it.

Mr. DAVIS. The Senator from New York knows better than I do that even if the post-route bill is called up as soon as I finish my remarks any Senator who chooses to take the floor to reply may do so.

Mr. CONKLING. Not speaking on the same measure that the Senator does.

Mr. DAVIS. On any measure. Mr. President, I have no disposition to exclude any Senator; in fact, I expect that some Senator probably will have something to say in reply; but during the remarks I shall make to-day, as the figures ought to go in regular order, I ask that no Senator interrupt me; but at the expiration of my remarks I shall be ready to be catechised and to answer any question that any Senator may think proper to propound.

The PRESIDING OFFICER. The Chair understood the Senator to move to proceed to the consideration of the report indicated by him.

Mr. DAVIS. Only for the purpose of having it properly appear that I speak on the report of the committee, not on the post-route bill.

The PRESIDING OFFICER. The Senator from West Virginia moves to proceed to the consideration of the report on the accounts of the Treasury Department submitted from the Committee on Finance on the 6th of June.

Mr. HAMLIN. I make no such agreement on that, and I will take the vote of the Senate. I want to accommodate the Senator; but if he is going by a formal vote to displace the pending business, we shall have a division on that question.

Mr. DAVIS. I hope the Senator does not understand that I want to do something that is irregular or improper. I would prefer speaking to the report. If that is objected to by Senators, I shall make my remarks on the post-route bill.

Mr. HAMLIN. I do not object to taking up the report subject to a call for the regular business at any time.

Mr. DAVIS. I am perfectly satisfied with that and have so stated.

Mr. HAMLIN. Very well.

TREASURY STATEMENTS AND ACCOUNTS.

The PRESIDING OFFICER. If there be no objection, the report referred to by the Senator from West Virginia will be considered as before the Senate.

Mr. HAMLIN. I make no objection subject to call for regular order.

The PRESIDING OFFICER. The pending order will be laid aside informally and the report taken up subject to call for the regular order.

Mr. DAVIS. Mr. President, I shall be as brief as the subject will permit.

It will be remembered by the Senate that in the early part of the present session, in the month of January, I introduced a resolution, which asked in substance that, owing to material alterations and discrepancies appearing in the statements of the public debt, expenditures, and receipts of the Government, as contained in the official finance reports to Congress, a special committee be appointed to investigate the books and accounts of the Treasury Department, particularly with reference to such alterations and discrepancies, which, after extended debate, was defeated by a party vote, (the republicans voting solidly against it,) and a substitute adopted, by a like party vote, modifying the resolution to the extent of compelling its reference to the Finance Committee instead of a special committee of the Senate. I will not stop to notice the reasons that actuated the dominant party in the Senate in refusing to allow this investigation by a special committee. They were then well understood, as they are now. In what I now have to say I shall confine my remarks to the annual official reports to Congress, which ought to agree with the books of the Treasury Department, and the facts and figures I shall use I am prepared to show are taken from said reports.

In the remarks made by me, and figures cited in support of the resolution, I think it can be safely said that it was established from the official finance reports that there had been changes, alterations, and discrepancies made in the annual statements of the public debt, expenditures, and receipts of the Government, and particularly in the reports for the years 1869, 1870, and 1871; that, as an example of these changes and differences, the finance report for the year 1870 states the total annual expenditures of the Government for the years from 1861 to 1866, inclusive, to be $3,271,970.43 more than the finance report for the year 1869 states them to be, and that for the single year 1865 the finance report for the year 1870 states the expenditures to be nearly $9,000,000 more than the report of 1869 and previous reports state them to be; that like differences, changes, and alterations exist in the finance reports for 1869 and 1870 as to the pension, war, naval, and Indian expenditures, the same amounting to millions of dollars, and in all the examples cited the finance report for 1870 increases the expenditures over the amounts they are stated to be in the finance reports for 1869 and the reports for the previous years; that after the revenue for certain years had been collected, determined, and reported at certain and fixed amounts, and carried for years as such in the various finance reports, it was in subsequent reports altered and changed to smaller amounts, as in the year 1862 the annual revenue collected was stated in that year to have been $51,935,720.76, and continued to be reported at these same figures in all the annual finance reports from 1862 to 1870, a period of nine years, when for some strange, unknown, and unexplained reason this amount was changed and stated in the annual finance report for 1870 to be $51,907,944.62, making a difference and decreasing the revenue for that year $27,776.14.

Again, the finance report for the year 1863 states that the revenue derived from loans and Treasury notes for that year was $756,489,905.57, and the report for 1864, the year succeeding, states it to be $776,682,361.57, which amount remains as the revenue for that year from loans and Treasury notes, and is carried in all the reports from 1864 to 1869 at these figures, when it is found that in the finance report for 1870 for some reason this amount is also changed, and the revenue from loans and Treasury notes for the year 1863 is stated to be $814,925,494.96, and in the report for 1875, $717,284,707.01, the four statements for the same year, 1863, differing from $20,000,000 to $96,000,000, rendering it impossible to place full confidence in either of the finance reports named or to ascertain with any degree of accuracy from them the amount of revenue realized during the year 1863 from loans and Treasury notes.

It was established that the finance report for the year 1871 and subsequent reports state the public debt differently from what it is stated in the finance report of 1870 and all previous reports, and for the nine years commencing with 1862 and ending with 1870 the finance report of 1871 increases the public debt over the report of 1870 for the same years in the aggregate $248,960,352.94; and, further, that while Secretaries Chase, Fessenden, and McCulloch stated the public debt for the year 1862 to be $514,211,371.92, in which the Register of the Treasury agreed, and this amount stood on all the annual statements of the public debt in each of the finance reports from 1862 up to 1870, never was contradicted, and was always taken and acted upon as the public debt for that year, yet the Secretary of the Treasury, in the finance report for 1871, in the face of the action of his three distinguished predecessors and against all previous reports, and without explanation, and as I believe without any right or authority, stated the public debt for the year 1862 to be $524,176,412.13, thereby not

only changing and altering it from what it had always been reported, but increasing it nearly $10,000,000.

RIGHT TO MAKE CHANGES IN REPORTS DENIED.

The right, law, and propriety of making these and other alterations in the finance reports I denied in my former remarks, and now deny.

It is conceded by all that the changes and alterations pointed out by me existed; that I made no misstatement of facts; that I drew all the figures I used from the official finance reports and from no other source; and about the only answer made is an attempted explanation by the free use of strange figures and strange facts nowhere to be found in the finance reports or any official information given to Congress or the country.

In the debate referred to some of the leading Senators friendly to the Administration, aided by all the assistance and statements the Treasury Department could render, attempted to explain some of the changes, alterations, and discrepancies pointed out by myself, but in the main failed, the distinguished chairman of the Committee on Finance having one theory and one set of figures to aid his explanation, while the Senator from Massachusetts [Mr. BOUTWELL] had a somewhat different theory and different facts to support his.

I also asserted that if the Register of the Treasury should be asked whether or not the warrants in his Office would sustain the finance reports to Congress and his books, he would answer they could not sustain both; and I believe the Treasurer will answer about the same and tell you balances have been forced; yet in the face of this declaration, now standing on the records of the Senate, I do not hear that any question has been asked the Register or any other official to gain information on this point. Is it or can it be that the friends of the Administration are afraid he will answer as I have indicated, and perhaps produce written authority for his action in making changes?

FINANCE COMMITTEES REPORT.

This brings me to the consideration of the report of the Finance Committee made on the 6th, printed and delivered to the Senate on the 17th of June. Before addressing myself to the details of this report, which I observe to be more voluminous than I had anticipated, and which contains a lengthy explanation of a part of the discrepancies pointed out by myself, I beg to submit generally that it must strike the impartial mind as a strange coincidence and circumstance that if the statements of the expenditures, receipts, and public debt as found in the finance reports are true, agree with the books, and can and ought to be relied upon, why so much time and labor to explain them? Indeed, I might say if they were true, agreed with each other and the books, there could be no difference and therefore no explanation required. It may be asserted generally that the truth needs no explanation. A mere statement carries conviction without labor or effort; and I submit, what will not be denied by any one, that if changes, alterations, and discrepancies in the statements of a large corporation should continually appear, and it took great time, effort, and an expert to explain them, and then to many minds fail, the verdict of all right-thinking people would be that such an institution, and particularly the statements of its business affairs, would not and could not be entitled to confidence; and, applying the same impartial rule to the statements and reports of the Treasury Department, the same result must follow. I will also observe that the report admits on its face that the committee made no such examination of the books and accounts of the Treasury Department as contemplated by the resolution, but have submitted a statement prepared in the Treasury Department.

The chairman of the committee, in his remarks made in the Senate on the 19th ultimo, admits he made no personal examination. And the distinguished Senator from New York, [Mr. KERNAN,] in the debate on the same day, says:

> But the Senator from Massachusetts is correct in supposing that the matter was referred to a subcommittee consisting of the chairman and myself; and it is due to us to say that neither of us—I did not go, I am sure—ever went to the Treasury to examine these books, which would have taken time beyond anything we could think of bestowing; but the resolution was communicated to the Treasury Department, and there came back a very large mass of statements and figures purporting to be explanations of the discrepancies complained of.

These Senators constituted the subcommittee appointed to investigate the books and accounts of the Treasury Department, and they admit that they made no examination of them; and I will add with entire confidence that neither did the Finance Committee nor the subcommittee at any time visit the Treasury Department and make any examination whatever of the books, accounts, and reports; and further, the report made to the Senate was never regularly acted upon nor adopted in full committee, and that no member thereof ever carefully read or examined it, except perhaps the chairman; and while it purports to be the report of the committee under the resolution, it is nothing more nor less than a statement of the Treasury Department defending itself.

It will be borne in mind that in the examination made by myself I have not enjoyed the friendly aid and sympathy of the Treasury Department or any of its officials and experts, so readily accorded the Senator from Massachusetts and the committee, to explain changes and discrepancies pointed out by me, but I have been compelled to rely entirely upon such facts and information as I could obtain from the finance reports.

REPORT ADMITS CHANGES AND ALTERATIONS.

Before proceding to notice in detail the explanations contained in the report of the Finance Committee, I will cite certain extracts from it to show that it admits there have been changes and alterations made in the statements of the public debt, revenue, and expenditures contained in the finance reports to Congress from year to year. I deem this important, because although I have shown from the reports themselves that certain statements have been changed yet it has been denied.

On page 9 of the report the committee, after speaking of the examination of the public debt from the year 1836, quoting from the finance report of 1871, say:

> A part *of the differences* has arisen from a want of knowledge and care on the part of subordinate clerks in stating loan accounts, but much the larger proportion has occurred from a want of unity, system, and proper method in the accounts as heretofore kept in the Department.

Then follows a letter of the Assistant Secretary of the Treasury.

This letter is set out in the report, occupies two full pages, 10 and 11, and nearly all of it is devoted to explaining the discrepancies in the different statements of the public debt for the year 1869, there being four distinct statements, all different, as follows:

Finance report for 1869, page 19	$2, 656, 603, 955 73
Monthly debt statement, July 1, 1869	2, 645, 170, 294 16
Finance report, 1870, (June 30, 1869,) page 25	2, 588, 452, 213 94
Finance report, 1870, (by the Register,) page 276	2, 489, 092, 480 58

These differences varying from eleven to one hundred and sixty-seven million dollars.

It is submitted, if it takes two pages of printed matter for an Assistant Secretary of the Treasury, with all the facts before him and all the information in the Department at his command, to explain the differences that exist in the statements of the public debt for a single year, it becomes simply impossible for a person outside of the Treasury and relying solely on the finance reports to even approximate to what the public debt is for a given year.

In this letter, near its close, the Assistant Secretary, in speaking of these differences and discrepancies, says:

> They arose from a system of book-keeping which was defective, and which has been of late years greatly improved.

The committee, on page 12, submit as a part of their report a letter from Secretary Bristow, bearing date May 4, 1876, to the chairman of the Committee on Finance touching the resolution introduced by myself, in which he says:

> In reply, I have the honor to transmit herewith certain tabular statements and memoranda explaining the *discrepancies* referred to.

On page 13 of the report the Secretary, in this same letter, says:

> *Some* of the *discrepancies* referred to have actually existed for many years, in fact commencing with some of the accounts of the first loans issued by the Government, and were first shown in the reports of the years 1870 and 1871, for the reason that during that period *an examination into the subject was begun, and changes were then made in the published statements as the result of such examination.*

Here, Senators, you have from the Secretary of the Treasury, adopted by the Finance Committee, the unequivocal admission that in 1870 and 1871 wholesale changes were made in the published statements of the public debt, expenditures, and receipts.

Further on, under the head of *public debt*, he says:

> In 1871 this account was *restated* from 1836 from the receipts and expenditures.

And he also says:

> When this examination was completed the *Register* was *directed* to state his *accounts accordingly.*

Here we have another important admission; that the Register was directed to state his accounts, not from his books, not from the warrants in his Office, nor in his own way, but to force balances according to a statement sent from the Secretary of the Treasury.

On page 16 of the report Secretary Bristow, in this same letter, says:

> The year 1869 was the first of Secretary BOUTWELL's administration, who remodeled the debt statement, and, I add, increased it many millions.

These extracts from the report of the committee establish the following important admissions and facts:

First. That discrepancies and differences do exist in the statements of the public debt, receipts, and expenditures made by the Treasury Department to Congress.

Second. In 1870 and 1871 certain changes reaching as far back as the year 1835 were made in the published statements to Congress of the public debt, receipts, and expenditures of the Government.

Third. That after the examination made in the Secretary's office which produced these changes, the public debt in 1871 was "*restated and remodele*?," the Register of the Treasury, the official book-keeper of the accounts of the Government, a high officer, whose duty is defined by law, *was arbitrarily directed to make his statements conform to them*, thereby increasing the public debt millions.

Fourth. That in 1870 the Secretary of the Treasury "remodeled" the public debt statement, largely increasing it.

And herein at last we have the reasons given why it is impossible to gain accurate information from the published statements of the Treasury Department as to what the public debt, receipts, and expenditures of the Government are for a given year, and why it is that the reports for the same year do not agree.

But, Mr. President, this is not all. This going back and changing the published statements of the Treasury Department for more than thirty years has not only led to inextricable confusion, but puts it beyond the power of any one to tell whether or not a proper disposition has been made of the public funds or fraud has been committed; and it is only the charitable, in the face of the fact that these changes have largely increased the public debt, who will agree no harm has been done and no frauds perpetrated and no money misapplied.

Again, sir, I wish to state that the changing of the official published statements of the Treasury Department that have stood for years, for any reason whatever, appears to me a bold and unwarranted assumption of power. These statements were sacred beyond the touch of any officer of the Government, and could not be interfered with, changed, or altered except by an act of Congress assigning the reasons therefor, and even this power is doubtful. Yet we find one Secretary acknowledging that another "remodeled" the *public-debt statement* at his own instance, and not in pursuance of any law. This power that one Secretary may change the statements made by his predecessors conceded, uncertainty reigns, the road becomes directly open to fraud, and confidence must cease to exist; and yet this is just what has been done and admitted by the officers of the Treasury Department and the Finance Committee in their report.

REVIEW OF REPORT.

On page 16 of the report we find the explanation made by the Treasury Department and adopted by the committee of some of the discrepancies and differences pointed out by myself. The first is as to the differences in the finance reports of 1869 and 1870 as to the total annual expenditures of the Government from 1860 to 1866, inclusive, and I read it at length, that it may be fully understood:

The total annual expenditures are stated in the finance report of 1869, on page 321, as follows:

1860-'61	$85,383,713 08
1861-'62	570,841,700 25
1862-'63	895,796,630 65
1863-'64	1,298,144,656 00
1864-'65	1,897,674,224 09
1865-'66	1,141,072,666 09
Total	5,888,917,190 16

The total annual expenditures are stated in the finance report for 1870, on page 275, as follows:

1860-'61	$85,387,363 08
1861-'62	565,667,358 08
1862-'63	899,815,911 25
1863-'64	1,295,541,114 86
1864-'65	1,906,433,331 37
1865-'66	1,139,344,081 95
Total	5,892,199,160 59
Difference or increase	3,271,970 43

Which is explained as follows, namely:

Typographical error in finance report for 1869 in the amount of the total expenditures for the year 1861-'62		$50 00
Trust funds, excluded from the finance report of 1869, namely:		
1862—Chickasaw fund	$20,000 00	
Choctaw schools	319 91	
Navy pension fund	3,013 44	
	23,333 35	
Less repayment, Navy hospital fund	6,292 60	
		17,040 75
(See Appendix B.)		
1863—Awards	3,043 31	
Cherokee schools	13,065 87	
Navy pension fund	3,162 04	
Kansas schools	600 00	
Navy hospital fund	10,858 37	
		30,729 50
(See Appendix C.)		
1865—Navy pension fund	7,047,200 65	
Chickasaw fund	122,256 96	
Cherokee schools	4,692 42	
Choctaw schools	21,610 39	
Kansas schools	1,312 50	
Navy hospital fund	45,169 17	
		7,242,242 00
(See Appendix E.)		
Total		7,290,062 34
From which deduct outstanding warrants:		
July 1, 1866, per "receipts and expenditures," 1866, page 356	4,484,555 03	
Less the amount outstanding July 1, 1861, per "receipts and expenditures," 1861, page 385	466,463 12	
		4,018,091 91
Difference explained		3,271,970 43

Now I submit that this falls far short of an explanation. Indeed, it cannot be regarded as an explanation at all.

In my remarks I set up the figures from both reports and gave the total difference as to the years named, feeling that the difference as to each year would be apparent and any answer would explain each one of them; and for the purpose of making proper reply to this explanation I will now show the difference in each year, increase or decrease, as the case may be, as follows:

Annual expenditures as shown by reports of 1869 *and* 1870.

Years.	Total annual expenditures as stated in finance report for—		Increase in report of 1870 over 1869.	Decrease in report of 1870 over 1869.
	1869 and previous reports.	1870 and subsequent reports.		
1860-'61	$85,387,313 08	$85,387,363 08	$50 00	
1861-'62	570,841,700 25	565,667,358 08		$5,174,342 17
1862-'63	895,796,630 65	899,815,911 25	4,019,280 60	
1863-'64	1,298,144,656 00	1,295,541,114 86		2,603,541 14
1864-'65	1,897,674,224 09	1,906,433,331 37	8,759,107 28	
1865-'66	1,141,072,666 09	1,139,344,081 95		1,728,584 14
Total	5,888,917,190 16	5,892,189,160 59	12,778,437 88	9,506,467 45
Difference or increase			3,271,970 43	

Now, the objection to the explanation is that it disposes of only the year 1861, where the discrepancy amounts to only $50, and this is done by saying it is a typographical error, to which there is no answer. The difference between the two reports as to the year 1862 is $5,174,342.17, of which the sum of $17,040.75 is accounted for by excluding trust funds, and more than $5,000,000 left unaccounted for.

As to the year 1863, $4,019,280.60, by the use of school and other funds there is explained of this amount $30,729.59. What becomes of the other three million dollars and more no one can tell.

As to the year 1865, $8,759,107.28, and by a similar use of school and trust funds of this amount there is explained only $7,290,062.34, and nothing said of the other million.

It would have been more satisfactory if the Treasury Department and the committee had taken up these alarming differences in each year and explained them if there was any explanation, and if there was none to have said so.

But the most notable defect in this explanation *which* accounts to a cent for the aggregate difference between the two reports is that it omits any mention of the difference as to the year 1864, which amounts to $2,603,541.14. Yet leaving out this sum, making no reference to it whatever, the Treasury Department and Finance Committee make their explanation of the aggregate differences between the reports for the years from 1861 to 1866 agree to a cent. How they could do this and omit the year 1864 with its large difference of more than two millions, defeats any hope of understanding.

It would delay the Senate too long for me to notice at length the other attempted explanations made of the discrepancies in the reports pointed out by myself as to the receipts and expenditures. I will cite two examples and pass on.

On page 17 of the report is the following:

In the report of 1870 the expenditures for pensions are stated for the year 1864-'65 at		$16,347,621 34
In the report for 1869, for same year, at		9,291,610 48
Showing an increase in the report of 1870 over that of 1869 of		7,056,010 86
which is explained as follows:		
Amount paid from the Navy pension fund (Interior Department) for investment in Navy pension fund, (public debt,) per act of July 1, 1864, (13 Statutes, page 414, section 4753, Revised Statutes)		7,047,200 65
Excess of repayment carried to "Indians" per "receipts and expenditures" 1865, page 45		9,466 19
		7,056,666 84
Less amount of outstanding warrants issued on this account, but not paid during the year. (See "receipts and expenditures" 1864, page 229, and 1865, page 276)	$245 98	
And error in classification carried to "Indians"	410 00	
		655 98
Difference explained		7,056,010 86

The Senator from Massachusetts made the reports of 1869 and 1870 to Congress, and is responsible for both; yet one says the amount expended for pensions was $16,347,621.34 and the other $9,291,610.48—increase over seven millions.

And on page 19 the following:

REVENUE COLLECTED.

In the finance report for 1863, the total revenue for the year, exclusive of loans and Treasury notes, is stated at	$132,889,746 95
In the report for the year 1864, at $112,687,290.95, which should be	112,697,290 95
Showing a difference in the two reports of	20,192,456 00
Which is the amount of receipts for that year from postal currency improperly included in the report for 1863 in the column of "net ordinary revenue"	20,192,456 00

These examples will indicate the manner and style of explanation, in each case different, showing that the discrepancies are not due to a change in making the statements or keeping the books of the Treasury Department. As to the explanation of revenue collected above cited, it is enough to condemn itself. A clerical error repeated for several years is made to account for a difference of more than $20,000,000. In addition to this, the $37,640,787.95 referred to in the explanation is the large sum that, owing to clerical errors, sometimes appears in the statements and at times disappears, and yet no difference is noted in the total receipts.

But to this and all other explanations touching the revenue col-

lected I will call to my aid the language of the committee in their report, which happily furnishes a full answer. On page 2 they say:

When money is covered into the Treasury it is under the safeguard of the Constitution and the law.

As stated before, moneys covered into the Treasury cannot be again taken out, except through an appropriation; and even moneys erroneously covered in, as in case of customs or internal revenue, can only be recovered through an appropriation.

I fully agree with the committee. Money once collected and covered into the Treasury cannot without the action of Congress be taken out; yet in the examples I have cited I have shown that the revenue, after being reported for years, has been decreased $50,000,000, without an appropriation or authority of any kind, and before I close I will show additional examples.

I make no further comment than to say that in this way generally the changes, differences, and discrepances are explained. Figures and facts not in the reports and clerical errors are called in to aid the Department in explaining its own statements.

Nobody knows, and no one can tell but the officers of the Treasury Department without a thorough examination by an expert with full time and a proper examination, whether these strange figures are correct, and therefore no answer can be made to the explanations so far as the use of them is concerned. All will agree that the statements themselves should show the truth and the facts. As it is they do not.

PUBLIC DEBT.

It will be remembered that under this head I cited the statement of the public debt, as given in the finance reports of 1870 and 1871, for the years between 1862 and 1870, inclusive, and showed that the aggregate difference between these reports was $248,960,352.94, and called attention to the large differences that existed between the reports as to each year. The Treasury Department and the committee make the following explanation, commencing on page 19 of the report and ending on page 20:

Changes in the public-debt statement.

In the finance report for 1871, the Register states the public debt for the following years at—

1862	$524,176,412 13
1863	1,119,772,138 63
1864	1,815,784,370 57
1865	2,680,647,869 74
1866	2,773,236,173 69
1867	2,678,126,103 87
1868	2,611,687,851 19
1869	2,588,452,213 94
1870	2,480,672,427 81
Total	19,272,555,561 57

In the report for 1870, for the same year the debt is stated as follows:

1862	$514,211,371 92
1863	1,098,793,181 37
1864	1,740,690,489 49
1865	2,682,593,026 53
1866	2,783,425,879 21
1867	2,692,199,215 12
1868	2,636,320,964 67
1869	2,489,002,480 58
1870	2,386,358,599 74
Total	19,023,595,208 63

Difference or increase, as shown by the honorable Senator from West Virginia, in the report of 1871 over 1870 of 248,960,352 94

But this difference or increase, as thus shown, is erroneous. It is a comparison of the sum of running balances, between which no intelligible comparison can be made. The proper way to make the comparison is to find the increase or decrease on each account for each year, and thus determine the aggregate increase on each account since 1861, the difference between which will be the true difference in the accounts.

The following will explain the difference:

Year.	Debt.	Increase.	Decrease.	Net increase.
Receipts and expenditures:				
1861		$90,580,873 72		
1862	$524,176,412 13	433,595,538 41		
1863	1,119,772,138 63	595,595,726 50		
1864	1,815,784,370 57	696,012,231 94		
1865	2,680,647,869 74	864,863,499 17		
1866	2,773,236,173 69	92,588,303 95		
1867	2,678,126,103 87		$95,110,069 82	
1868	2,611,687,851 19		66,438,252 68	
1869	2,588,453,213 94		23,234,637 25	
1870	2,480,672,427 81		107,780,786 13	
		2,773,236,173 69	292,563,745 88	$2,480,672,427 81
Issues and redemptions:				
1861		90,867,828 68		
1862	514,211,371 92	423,343,543 24		
1863	1,098,793,181 37	584,581,809 45		
1864	1,740,690,489 49	641,897,308 12		
1865	2,682,593,026 53	941,902,537 04		
1866	2,783,425,879 21	100,832,852 68		
1867	2,692,199,215 12		91,226,664 09	
1868	2,636,320,964 67		55,878,250 45	
1869	*2,597,722,983 37		38,597,981 30	
1870	†2,480,246,027 83		117,476,955 54	
		2,783,425,879 21	303,179,851 38	2,480,246,027 83
Difference				426,399 98

NOTES TO THE FOREGOING TABLE.

In the Register's report for 1869 the outstanding public debt was published (as heretofore explained) as		$2,489,002,480 58
Which is the amount of the debt, less cash and sinking fund in the Treasury, to which should be added the amount of cash and sinking fund	$156,167,813 58	
Less accrued interest	47,447,310 79	
	108,720,502 79	
To give the principal of the debt July 1, 1869		$2,597,722,983 37
In the same report for 1870 the outstanding public debt was again published as	2,386,358,599 74	
To which should be added the amount of cash and sinking fund	$144,494,984 61	
Less accrued interest	50,607,556 52	
	93,887,428 09	
To give the principal of the debt July 1, 1870		2,480,246,027 83

It will be observed that this explanation reduces the difference to $426,399.98, and then explains the same away by various items and figures not found in the reports.

In order to show the difference between the reports for each year, I have prepared the following table, which I submit is the only fair, proper, and intelligible way of ascertaining the difference between the two reports as to the public debt, and the mode adopted by the Department and the Finance Committee is neither fair nor intelligible:

Year.	Public debt, as stated in the finance report for—		Increase.	Decrease.
	1871 and subsequent reports.	1870 and previous reports.		
1862	$524,176,412 13	$514,211,371 92	$9,965,040 21	
1863	1,119,772,138 63	1,098,793,181 37	20,978,957 26	
1864	1,815,784,370 57	1,740,694,489 49	75,093,881 08	
1865	2,680,647,869 74	2,682,593,026 53		$1,945,156 79
1866	2,773,236,173 69	2,783,425,879 21		10,189,705 52
1867	2,678,126,103 87	2,692,199,215 12		14,013,111 25
1868	2,611,687,851 19	2,636,320,964 67		24,633,113 48
1869	2,588,452,213 94	2,489,002,480 58	99,449,733 36	
1870	2,480,672,427 81	2,386,358,599 74	94,313,828 07	
Total	19,272,555,561 57	19,023,595,208 63	299,801,439 98	50,841,087 04
Total difference or increase			248,960,352 94	

This table shows the difference in each year; for instance, taking the first year, 1861, the difference is nearly $10,000,000. It seems to me the Treasury Department and committee should have explained this difference and then proceeded with the difference in each of the remaining years; but instead of this, by the free use of figures, they make up a fictitious aggregate difference of $426,399.98, explain that away, and claim this explanation should account for an established and acknowledged difference of $248,960,352.94 for the years named between the two reports.

But the theory adopted by the Department and committee is entirely unauthorized and unknown to any system of accounting in the world.

Admitting it to be true, it leads to absurdities. Take the last cited year, 1870, the difference between the two reports as to the public debt is above $94,000,000. Now, this theory cannot be applied to explaining this difference, nor will it explain any single year.

But this is not all. This explanation attempts and claims to explain the difference that exists in the finance reports for 1870 and 1871 as to the public debt for the years included between 1861 and 1870; but in doing this it does not employ the figures found in the reports and used by myself. For instance, in the explanation under the head of "receipts and expenditures" the figures, with one exception, correspond to those used by myself, and are taken from the report of 1871, but under the head of "*issues and redemptions*" the figures from 1861 to 1868, inclusive, are taken from the finance report of 1870; but the figures for the years 1869 and 1870 are not those used by myself and taken from the report of 1870, but are manufactured for this explanation as the foot-note shows, and never did appear in any finance report made to Congress, as an examination of the last finance report of 1875 on pages 8 and 578 and all others will show.

Now, all will admit that in submitting to an explanation of a difference or discrepancy between two reports the figures found in those reports must be used, and no others can be, and for this reason this explanation, admitting the theory to be true, becomes a failure and a farce and cannot be sustained.

Another objection: On examination of the explanation it will be seen it begins with the year 1861 and states the debt for that year at different amounts; for instance:

In report of 1871 at	$90,580,873 72
In report of 1870 at	90,867,828 68
Difference	286,944 84

for which the explanation does not account. These amounts, though differing, are added in the tables of increase.

But there is another still equally fatal objection to this explanation, and condemns it as entirely unreliable.

Under the head of receipts and expenditures, page 20 of Finance Committee's report, it will be observed that, for the year 1869, the debt is stated at $2,588,453,213.94. It should have been stated at $2,588,452,213.94, the figures found in the finance report for 1871 and the table used by me. This must be the case, because all of the figures for the other years are taken from the finance report of 1871, and correspond exactly with this single exception. Now, this using of the figure "3" for the figure "2" makes a difference of $1,000, which must affect every other part of the explanation, yet, notwithstanding this false figure or error making a difference of $1,000, the explanation of the difference agrees to a cent, which is impossible if the balance of the explanation is based on facts.

Another significant fact suggests itself in connection with this explanation of the discrepancies in the public-debt statements made by the Treasury Department and adopted by the Finance Committee. It will be remembered, in the debate on the resolution, both the honorable Senator from Massachusetts and the distinguished chairman of the Finance Committee made explanations of these discrepancies, and though slightly differing, yet neither suggested the theory and explanation used in this report.

The explanation by the Treasury Department and Finance Committee of the differences and discrepancies pointed out by myself, commencing with the year 1836, is similar in theory to the one just referred to, and to which the same objections exist. I will therefore not detain the Senate to answer them in detail.

These objections to the explanation of the Finance Committee and Treasury Department are fatal, and more than sufficient to reject it. It is false in theory and cannot be sustained.

TRANSFER OF PACIFIC RAILWAY DEBT.

I will close the answer to the explanations contained in the report by referring to the discrepancy growing out of the transfer to another table of the Union Pacific Railway debt.

To the fact stated by myself that in 1870 the reduction of the public debt was due mainly to the transfer to another table of the Union Pacific Railway debt or bonds, and was not actual, the Treasury Department and Finance Committee make the following answer:

In reply to the charge that, "In the year 1870, there was an apparent reduction of the public debt of over $100,000,000, (according to the finance report,) but this reduction was in a great measure only apparent and due to a stroke of the pen, a mere transfer of about $60,000,000 to another table, [that] the country gave credit to the administration for the large decrease of the public debt during this year, when, in fact, the larger part of it was due to the change in book-keeping and the Secretary's new tables," it is only necessary to state that the outstanding public debt on July 1, 1869, (see finance report of 1869, page 29,) was	$2,656,603,955 73
From which was excluded the item of Pacific Railroad bonds...	58,638,320 00
Leaving the amount	2,597,965,635 73
The outstanding debt on the first of July, 1870, (see finance report of 1870, page 44,) was	2,480,304,797 74
Which shows a decrease for the year, exclusive of the item of Pacific Railroad bonds, of	117,660,837 99

A brief examination of which will show it is not satisfactory, and I was right.

The Pacific Railroad bonds are included in the report and table referred to. (See report 1869, page 27.)

In the first place, the Finance Committee states the public debt for 1869 to be $2,656,603,955.73, and cites the page in the report of 1869 to prove this. Now, this amount is not taken from the regular tables of the Secretary and Register showing the public debt for each year, found in all the finance reports, but is taken from a detailed statement of the public indebtedness for that year from all sources, and is not what is generally understood to be the "public debt."

For instance, on page 317 of the finance report for 1869 the public debt in the regular table is stated at $2,489,002,480.58.

But for the purpose of answering this explanation, I will take the public debt for 1869, as stated in the finance report of 1875, at page 9 the Secretary and at page 578 the Register states it to be $2,588,452,213.94, and I will add that at pages 11 and 13, in the report of 1871, the Secretary, and at page 369 the Register, states the debt for that year at precisely the same figures, and I therefore take it it must be correct. Now, from this amount subtract the public debt for the year 1870 as stated by the committee and in the report for that year, $2,480,304,797.74, and we have $108,147,416.20, and not $117,660,837.99, even including the Pacific Railway debt, which amounts to $58,638,320, and being excluded leaves $49,509,096.20 as the actual reduction of the public debt for 1860.

FAILURE TO EXPLAIN ALTERATIONS.

Now, after more than four months' time, the Senator from Massachusetts, the Treasury Department, and the Finance Committee have utterly failed to explain why the finance reports do not agree or how it is that the expenditures of the Government have been largely increased and the revenue decreased and from 1861 to 1870 inclusive the public debt has been increased $248,960,352.94. I dismiss any further answer to the explanations of these alarming differences firmly convinced, with the information now before the Senate, that there is and can be no satisfactory explanation or answer given why the expenditures and the public debt of the Government have been so largely increased.

There must be and is some cause for this fact which will come to light when a proper and fair examination of the affairs of the Treasury Department can be made.

As a Senator and a citizen anxious to uphold the public credit I had earnestly hoped that the discrepancies, changes, and differences pointed out by myself would be explained on the incoming of the report of the Finance Committee, which has been delayed nearly five months, and which time has been consumed in allowing the officials of the Treasury Department to defend their statements and make the explanations contained in the report of the committee, but I regret to say while the report admits the evils that exist yet it fails to answer them fully.

The Committee on Finance have only made a partial report under the resolution, owing I have no doubt to other pressing duties. They were required not only to investigate and ascertain if such differences and discrepancies existed, but to report the extent and nature thereof. They confined themselves, however, to attempting to explain the examples pointed out by myself, not even noticing all of them, although there are many others easily found.

These changes, differences, "restating," and "remodeling" of the official statements of the public debt, receipts, and expenditures, with all the doubt they cause and the evil they have produced, belong to the present administration; they have occurred, each and all of them, during the time it has had possession of the Government.

Before this time no changes were made and none were found bold enough to attempt to change facts and figures and the published statements of the Treasury Department. The system founded at the organization of the Government was sufficient to carry the Government through near three-fourths of a century of its existence, and was the admiration and pride of the Republic, but under the present Administration it is suddenly found insufficient, in part cast aside and this too without law or authority, and changes in the public debt and expenditures are made which startle the country, and this, too, without reference or re-examination of the warrants or accounts of the Register, who is by law the official book-keeper of the Government.

RESPONSIBILITY FOR MAKING CHANGES AND FORCING BALANCES.

And the Senator from Massachusetts, in his remarks made on the 19th ultimo, says that the changes made under his administration for the first time in the history of the Government stated the affairs of the Treasury Department accurately. He uses this language:

> I also assert that during the four years that I administered the Treasury Department, for the first time in the history of the Government the books of the Department represented the exact state of public affairs.

Here is not only an impeachment of the system adopted by those who organized the Treasury Department, but the accuracy and efficiency of his distinguished predecessors are also called in question, among whom may be numbered the following distinguished names which adorn our history: Hamilton, Gallatin, Crawford, Rush, Taney, Woodbury, Corwin, Guthrie, Chase, and Fessenden. These were great men. Some of them the founders of our present financial system, which others have carried out with such great success. They will live in our history and be long remembered for their ability, fidelity, integrity, wise and efficient administration of public affairs, while it may be that the only claim to remembrance that the Senator from Massachusetts will enjoy will be the unenviable fame of changing the system, figures, reports, and official statement made by these great men and tearing down what they so faithfully built. But the committee have not failed to mildly censure the Secretary in their report in the following language:

> Your committee are not prepared to recommend any change in the mode of keeping or making public these accounts. The system is the growth of the experience of the Department since its organization, and it would be a very delicate and dangerous task to propose any change in this respect.

All will admit if there had been errors in the accounts and reports of the Treasury Department, which I question, it was the duty of the Secretary to refer them to Congress for action. In the remarks made by the Senator on the day named he also said:

> But the reputation and the credit of the country are concerned in knowing whether at any time by any Secretary of the Treasury balances in the public accounts have been forced.

I agree with the Senator that the reputation and credit of the country are concerned in the matter of forcing balances in the public accounts, and it becomes a matter of moment to fix the responsibility, if such has been the case, where it properly belongs. In this connection I will state what is not generally known, but what is well known to the Senator from Massachusetts, [Mr. BOUTWELL,] that in November, 1871, while he was Secretary and during his administration, a letter, together with a statement of the public debt, prepared in the Secretary's Office, commencing with the year 1835 and ending with the year 1870, was sent to the Register, in which he was arbitrarily directed to make his statement of the public debt (to be sent to Congress) correspond to the one sent him, compelling him thereby and by reason of the orders from the Secretary's Office to disregard the official data in his own office, the only true source from which he could make a statement of the public debt to Congress as required

by law; and I now further state that the data and warrants in the Register's Office will not sustain the statement of the public debt he was compelled arbitrarily to make to Congress; and in order to make his statement of the public debt as made up from data in his office agree with the one sent him from the Secretary's Office, he was forced to make changes in the former statements of the public debt and increase it in the aggregate more than $240,000,000.

I leave it to the Senate whether or not this was not forcing balances; and as to who did it, that question is answered.

And because such official attacks on the public accounts and statements and others I have mentioned were made under the administration of the Senator from Massachusetts while Secretary of the Treasury, and I have ventured in my humble way to bring them to the attention of the Senate and ask an investigation, it seems I have provoked his displeasure, and in his wrath he uses language that adds nothing to his reputation for politeness nor makes his official conduct clearer, and says that I cannot understand the public accounts; in reply to which I will only remark nobody else can since, as Secretary Bristow says, he remodeled them.

The Senator in effect acknowledged he made the changes that produced the confusion and discrepancies in the public accounts that have given rise to this and other discussions. This may be the reason that influenced him to vote against a special committee of investigation and for one of which he is a member and his party friends in the majority. But I submit it would have been more manly for him had he made the confession earlier and not waited until an Ex-Secretary of the Treasury, the Finance Committee, and others had fastened on him the fact that he was the cause of the changes, contradictions, and discrepancies that exist in the finance reports.

In support of the charge that balances have been forced and that the books of the Department will not support the "remodeled statements and reports" made to Congress, I submit an instance.

A few days ago I addressed a letter to the Commissioner of Pensions asking him to furnish me a statement showing the amount paid for pensions from 1860 to 1870, inclusive, to which he replied as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., July 25, 1876.

SIR: In compliance with your request of the 24th instant, I have the honor to transmit the inclosed table of the amount paid for Army and Navy pensions from 1860 to 1870, inclusive.

Inclosed is also the annual report of this office for the year 1865; the copies for the year 1864 are exhausted.

Very respectfully, your obedient servant,

O. P. G. STARKE,
Chief Clerk.

Hon. H. G. DAVIS,
United States Senate.

Statement showing the total amount paid in each fiscal year for Army and Navy pensions from 1860 to 1870, inclusive.

1860	$1,154,321 73
1861	1,089,218 75
1862*	800,819 94
1863	1,044,364 47
1864	4,521,622 18
1865	8,542,885 27
1866	13,250,980 17
1867	18,681,711 79
1868	24,079,403 18
1869	28,445,089 09
1870	27,780,811 81
Total for eleven years	129,391,228 38

* Pensioners in Southern States dropped.

These figures show beyond the possibility of a doubt that the books of the Pension Office do not agree with the Secretary's new table made in 1870, and, what is worse still, that in making this new table the pension expenditures were increased from 1860 to 1870 $13,149,265.06 over and above what the books of the Pension Office show them to have been for those years.

In order that the difference between the books of the Pension Office and the finance report for 1870 may readily appear, I have prepared the following statement:

Statement showing the total amount paid in each fiscal year for Army and Navy pensions, as per finance report for 1870 and letter of the Commissioner of Pensions of July 25, 1876.

Years.	From Secretary's table, finance report of 1870, page 30.	From letter of Commissioner of Pensions.	Increase.	Decrease.
1860	$1,100,802 32	$1,154,321 73	.....	$53,519 41
1861	1,034,599 73	1,089,218 75	.....	54,619 02
1862	852,170 47	800,819 94	$51,350 53	.....
1863	1,078,513 36	1,044,364 47	34,148 89	.....
1864	4,985,473 90	4,521,622 18	463,851 72	.....
1865	16,347,621 34	8,542,885 27	7,804,736 07	.....
1866	15,605,549 88	13,250,980 17	2,354,569 71	.....
1867	20,936,551 71	18,681,711 79	2,254,839 92	.....
1868	23,782,386 78	24,079,403 18	.....	297,016 40
1869	28,476,621 78	28,445,089 09	31,532 69	.....
1870	28,340,202 17	27,780,811 81	559,390 36	.....
Total	142,540,493 44	129,391,228 38	13,554,419 89	405,154 83

Secretary's table, finance report for 1875	$142,540,493 44		
Increase			$13,554,419 89
Letter of Commissioner of Pensions, July 25, 1876	129,391,228 38		
Decrease			405,154 83
Difference or increase in Secretary's table	13,149,265 06		13,149,265 06

ADDITIONAL CHANGES AND ALTERATIONS.

I regret that the Finance Committee could not go to the Treasury Department and make a thorough examination for themselves, but were compelled to depend upon the Treasury officials for explanation and information in the premises, who failed to point out other discrepancies and differences besides those named by me which exist in the reports, among which are the following:

Pension expenditures.

Year.	Report for 1869.	Report for 1870.	Increase.
1846	$1,809,739 62	$1,811,097 56	$1,357 94
1849	193,695 87	1,328,867 64	1,135,171 77
1859	161,190 66	1,222,222 71	1,061,032 05
Total increase			2,197,561 76

WAR EXPENDITURES.

Year.	Report for 1869.	Report for 1871.	Increase.
1844	$5,192,445 05	$5,218,183 66	$25,738 61
1846	10,362,374 36	10,413,370 18	50,995 82
1847	35,776,495 72	35,840,030 33	63,534 61
1860	14,472,202 72	16,472,202 72	2,000,000 00
Total increase			2,140,269 04

EXPENDITURES IN INDIAN BUREAU.

Year.	Report for 1869.	Report for 1871.	Increase.
1848	$1,103,251 78	$1,252,296 81	$149,045 03
1849	509,263 25	1,374,161 55	864,898 30
1854	1,413,995 08	1,550,339 55	136,344 47
1855	2,708,347 71	2,772,990 78	64,643 07
1856	2,596,465 92	2,644,263 97	47,798 05
1857	4,241,028 60	4,355,683 64	114,655 04
1862	2,223,402 27	2,327,948 37	104,546 10
1864	2,538,297 80	2,629,975 97	91,678 17
1865	4,966,964 90	5,059,360 71	92,395 81
1866	3,247,064 56	3,295,729 32	48,664 76
Total increase			1,614,668 80

Statement showing total receipts as stated for the same year.

Year.	Report for 1869.	Report for 1871.	Decrease.
1837	$27,947,142 19	$27,883,853 84	$63,288 35
1840	25,069,662 84	25,032,193 50	37,469 34
1847	55,401,804 58	55,338,168 52	63,636 06
1848	57,006,889 65	56,992,479 21	14,410 44
1850	47,669,766 75	47,649,388 88	20,377 87
1853	61,803,404 58	61,500,102 81	303,301 77
1859	81,773,965 64	81,758,557 30	15,408 34
Total decrease			517,892 17

Miscellaneous receipts.

Year.	Report for 1869.	Report for 1871.	Decrease.
1837	$5,625,479 15	$5,562,190 80	$63,288 35
1848	627,021 13	577,775 99	49,245 14

In the remarks I made pending the passage of the resolution to appoint a special committee I used the following language:

Now, it is a fact that in 1871 there was a wholesale change in figures, running back thirty or forty years in the table of the Register and altering the amounts, which in some instances had been fixed, closed, and reported to Congress for twenty or thirty years. This change and alteration of figures increased the public debt in the aggregate $247,766,674.71.

Notwithstanding this charge, important and alarming as it is, giving the exact figures, yet the Treasury Department and the Finance Committee in their report made no reference to it whatever.

In support of it I now submit the following statement of the public debt from 1835 to 1871, as appears in the finance reports for 1870 and previous reports and 1871 and subsequent reports, showing the difference in each year and the total difference between the two reports. (See pages 12 and 368 finance report for 1871, and page 276 finance report for 1870.)

Statement of the public debt from 1835 to 1871.

Year.	Report of 1870.	Report of 1871.	Increase in report of 1871 over 1870.	Decrease.
1835	$351,289 05	$37,513 05		$313,776 00
1836	291,089 05	336,957 83	$45,868 78	
1837	1,878,223 55	3,308,124 07	1,429,900 52	
1838	4,857,660 46	10,434,221 14	5,576,560 68	
1839	11,983,737 53	3,573,343 82		8,410,393 71
1840	5,125,077 63	5,250,875 54	125,797 91	
1841	6,737,398 00	13,594,480 73	6,857,082 73	
1842	15,028,486 37	20,601,226 28	5,572,739 91	
1843	27,203,450 69	32,742,922 00	5,539,471 31	
1844	24,748,188 23	23,461,652 50		1,286,535 73
1845	17,093,794 80	15,925,303 01		1,168,491 79
1846	16,750,926 33	15,550,202 97		1,200,723 36
1847	38,956,623 38	38,826,534 77		130,088 61
1848	48,526,379 37	47,044,862 23		1,481,517 14
1849	64,704,693 71	63,061,858 69		1,642,835 02
1850	64,228,238 37	63,452,773 55		775,464 82
1851	62,560,395 26	68,304,796 02	5,744,400 76	
1852	65,131,692 13	66,199,341 71	1,067,649 58	
1853	67,340,628 78	59,803,117 70		7,537,511 08
1854	47,242,206 05	42,242,222 42		4,999,983 63
1855	39,969,731 05	35,586,956 56		4,382,774 49
1856	30,963,909 64	31,972,537 90	1,008,628 26	
1857	29,060,386 90	28,699,851 85		360,535 05
1858	44,910,777 66	44,911,881 03	1,103 37	
1859	58,754,699 33	58,496,837 88		257,861 45
1860	64,769,703 08	64,842,287 88	72,584 80	
1861	90,867,828 68	90,580,873 72		286,954 96
1862	514,211,371 92	524,176,412 13	9,965,040 21	
1863	1,098,793,181 37	1,119,772,138 63	20,978,957 26	
1864	1,740,690,489 49	1,815,784,370 57	75,093,881 68	
1865	2,682,593,026 53	2,680,647,869 74		1,945,156 79
1866	3,783,425,879 21	3,773,236,173 69		10,189,705 52
1867	2,692,199,215 12	2,678,126,103 87		14,073,111 25
1868	2,636,320,964 67	2,611,687,851 19		24,633,113 48
1869	2,489,002,480 58	2,588,452,213 94	99,449,733 36	
1870	2,386,358,599 74	2,480,672,427 81	94,313,828 07	
Total			332,843,225 59	85,076,553 88
Decrease			85,076,553 88	
Increase			247,766,674 71	

RECAPITULATION.

Report of 1871	$2,221,399,098 42
Report of 1870	19,973,622,423 71
Increase in report of 1871 over 1870	247,766,674 71

Which proves my allegation; and I now state that the changes and differences pointed out in the above table were made not only as the reports show but as evidence in the Treasury Department will establish. It is a fact that by reason of these changes and differences from 1835 to 1860 the public debt was decreased about $1,000,000, but from 1860 to 1870 it was increased more than $248,000,000. These changes were not only made under a republican administration, but, strange to say, all of the increase, amounting as before stated to more than $248,000,000, occurred beginning with 1860 and during republican rule. Now, why these changes were made, by what authority, and what became of this large sum of money are pertinent inquiries which neither the Senator from Massachusetts, the Treasury Department, nor the Finance Committee have as yet answered. I am aware that the Finance Committee have had but little time, owing to other official duties, to devote to this matter, and this may in part account for the imperfect report they have made. It was argued during the pendency of the resolution I introduced, by members of the Finance Committee, myself, and others, that the Finance Committee could not properly do the duty for want of time, and for this reason a special committee should have been appointed, and I now state had this been done not only the above inquiries would have been answered, but much other important information brought to light. The Senate ought not and the country will not be satisfied with this report, and I hope the day is not far distant when a special committee will be appointed to examine the accounts and reports of the Treasury Department

I have selected these additional examples of discrepancies and alterations from the many that exist in the official finance reports which the Treasury Department and Finance Committee have failed to notice, and they remain yet to be explained if explanation should be possible.

It will be observed that in this discussion I have not referred to the great differences that exist between the accounts of the Register and Treasurer, as also to the bond account, the account of issue and redemption, commissions and interest paid, nor to the currency account, for the reason that to do so intelligently would require a thorough examination of the books and accounts of the Treasury Department.

CONCLUSIONS.

In conclusion, it is admitted by the officials of the Treasury Department, the Ex-Secretary, and the Finance Committee, in the report under consideration:

First. That the numerous changes, alterations, differences, and discrepancies in the official finance reports pointed out by myself do exist, and were made by the present Administration.

Second. That the figures I have cited are all correctly drawn from the reports, and that by reason of these changes, differences, and discrepancies the receipts of the Government have been decreased, the expenditures largely increased, and since 1860 the public debt has been increased in the aggregate more than two hundred millions; and in the face of these admissions we are told the books of the Treasury Department have not been changed.

Third. In addition to these admissions, I now state, and it can be proven, that in 1871 written instructions were sent from the Secretary's office to the Register, the official book-keeper of the Government, directing him to make his annual statements to Congress correspond with a table prepared in the Secretary's office and sent with said instructions.

Fourth. I further state that the warrants and books in the Register's Office will not sustain and agree with the annual official reports made to Congress.

Fifth. The only changes and alterations ever made in the official reports to Congress, after being submitted, were made between the years 1869 and 1871.

Sixth. I fully believe that if the Register and Treasurer should be officially called upon they would say that between 1869 and 1871 there were changes and alterations of figures in the Treasury Department which decreased the revenue and largely increased the expenditures and the public debt, especially if compared with official annual reports to Congress.

Seventh. There must have been an object or motive that caused the Treasury officials to make the many changes and alterations I have at different times pointed out. I leave it to, and it is the duty of, those who made them to answer why they changed figures and reports that had stood and been accepted as correct in some instances thirty or forty years.

Mr. SHERMAN. Mr. President, the remarks of the Senator from West Virginia [Mr. DAVIS] ought not to go to the country without some reply, and they will only need a very brief reply, it seems to me. As a matter of course, I cannot go into the details of the carefully prepared and long studied speech which he has now read to us; but there are some few facts which lie on the outside of the case that I think sufficiently furnish all the answer that is necessary.

In the first place, my friend complains with some tone of sorrow that he has not had the friendly aid of the Treasury Department in his investigations into the condition of the Treasury. The truth is he went to the Secretary of the Treasury, then Mr. Bristow, and probably was referred to the subordinate officers who knew better about the matter than the Secretary; and perhaps the Senator took offense at that, as he speaks about the motive or animus. Whether or not this has in any way affected the tranquillity of my friend from West Virginia I leave to his own sense of justice. He has rung over, and over, and over again the changes upon the charge originally made by him that somebody or other, who he does not say, has changed and altered the books of the Treasury Department. As I said before, if anybody has done that, it is a crime and the guilty party ought to be sent to the penitentiary, because to change the public records is by law made forgery. Therefore it is a crime which is punishable by law. But in answer to all that, it is admitted on all hands, except by the Senator from West Virginia, that there has been no change or alteration whatever in any book or paper of the Treasury Department. Here in the first place I will read a statement of Secretary Bristow, who, it seems, is the origin and cause of all this feeling on the part of my friend the Senator from West Virginia. He says under date of May 4, 1876:

> In this connection it should be stated that in no instance has there been any erasure or alteration in the books and records of this Department, and the changes made in the published reports have been only to express with greater accuracy the precise condition of the public accounts, as shown by such books and records. * * *
>
> B. H. BRISTOW, *Secretary.*

In another part of this same letter he says:

> In reply, I have the honor to transmit herewith certain tabular statements and memoranda explaining the discrepancies referred to—

By the Senator from West Virginia—

> but before inviting your attention thereto permit me to state that in no case have the changes referred to in any way affected the cash of the Treasury.

We then start out with this great fact, which is an answer to all this stuff about the increase of the public debt or about any injury being done to anybody by the mode of stating the Treasury accounts, by saying that there is no change whatever of any book. Every book, from the foundation of the Government down to 1870 and from that time on, stands unchanged and unaltered, in date, letter, or figure, and that is conceded by everybody but the Senator from West Virginia. Perhaps he will now concede it. He says he has not had time to examine these books and papers. It would be impossible in his short life-time to do it. Here I have the official statement. There was no motive for a change.

Now let us see what has been done. In 1870 Mr. BOUTWELL, now a Senator, then Secretary of the Treasury, found that the statement of the public debt which was required to be published monthly for public information was meager, imperfect, and inaccurate; not that the figures contained in it were in themselves inaccurate, but it withheld information, it did not contain all the elements which were needed to enable a plain, sensible man to find out what was the precise condition of the public debt. To show that this is so, I will put

upon the record the statement as published prior to this change, as compared with one subsequent. Here is a statement of the public debt on the 1st of January, 1869, certified to by Hugh McCulloch, then Secretary of the Treasury:

Statement of the public debt of the United States on the 1st of January, 1869.

Debt bearing coin interest.

5 per cent. bonds	$221,589,300 00	
6 per cent. bonds, 1881	283,677,400 00	
6 per cent. 5-20 bonds	1,602,568,650 00	
		$2,107,835,350 00

Debt bearing currency interest.

Certificates at 3 per cent	55,865,000 00	
Navy pension fund, at 3 per cent	14,000,000 00	
		69,865,000 00

Matured debt not presented for payment.

Three-year 7.30 notes, due August 15, 1867, and June and July, 1868	2,174,900 00	
Compound interest notes, matured June 10, July 15, August 15, October 15, December 15, 1867, May 15, August 1, September 1 and 15, and October 1 and 16, 1868	3,878,290 00	
Bonds, Texas indemnity	256,000 00	
Treasury notes, acts July 17, 1861, and prior thereto	148,561 64	
Bonds, April 15, 1842, January 28, 1847, and March 31, 1848	349,950 00	
Treasury notes, March 3, 1863	445,492 00	
Temporary loan	197,310 00	
Certificates of indebtedness	13,000 00	
		7,463,503 64

Debt bearing no interest.

United States notes	356,021,073 00	
Fractional currency	34,215,715 64	
Gold certificates of deposit	27,036,020 00	
		417,272,808 64
		2,602,436,662 28
Six per cent. (lawful money) bonds, issued to Pacific railroad companies		50,097,000 00
Total debt		2,652,533,662 28

Amount in Treasury, coin	98,763,368 91	
Amount in Treasury, currency	13,063,092 12	
		111,826,461 03
Amount of debt less cash in Treasury		2,540,707,201 25

The foregoing is a correct statement of the public debt as appears from the books and Treasurer's returns in the Department on 1st of July, 1869.

HUGH McCULLOCH,
Secretary of the Treasury.

Here is another dated the 1st of February, 1869, certified to by Hugh McCulloch, a few meager, plain figures containing first "debt bearing coin interest," the items following, "debt-bearing interest in lawful money," the items following, "the matured debt not presented for payment," "the debt bearing no interest," and so on. That was the whole information the people of the United States then had as to the condition of the public debt. When Mr. BOUTWELL became Secretary of the Treasury he naturally supposed that the people of the United States would desire more detailed information than was contained in this simple statement. He became Secretary of the Treasury in March, 1869, and soon made a change. On the 1st of July, 1869, I find another statement of the public debt of the United States, which goes into elaborate detail, gives the date of every loan, the amount outstanding on every loan, the amount bearing interest in lawful money, the amount bearing interest in gold, then a recapitulation, together with a statement of the Pacific Railroad debt in ample detail. It also contained new elements which did not enter into the former computation. It contained a computation of interest on each accruing loan up to the date of the statement. Then the interest on each loan was carefully carried forward and added to the principal, so as to show on the 1st of July, 1869, the amount due on each loan. Then besides this table also showed the amount of money on hand, all the exhibits, the amount of greenbacks, the amount of gold, the amount of silver, all the elements which enter into the calculation, so as to show that while the Government was in debt so many millions of dollars it also had on hand available, for the purpose of paying that debt if the thing would stop right off there, a certain amount of a certain kind of money. Here is the statement:

Statement of the public debt of the United States on the 1st day of July, 1869.

DEBT BEARING COIN INTEREST.

Authorizing acts.	Character of issue.	Rate of interest.	Amount outstanding.	When redeemable or payable.	Accrued interest.	When payable.
June 14, 1858	Bonds	5 per cent.	$20,000,000 00	Payable after 15 years from January 1, 1859	$500,000 00	January and July.
June 22, 1860	Bonds	5 per cent.	7,022,000 00	Payable after 10 years from January 1, 1861	175,550 00	January and July.
February 8, 1861	Bonds, 1881	6 per cent.	18,415,000 00	Payable after December 31, 1880	552,450 00	January and July.
March 2, 1861	Bonds, (Oregon war,) 1881	6 per cent.	945,000 00	Redeemable 20 years from July 1, 1861	28,350 00	January and July.
July 17 and August 5, 1861.	Bonds, 1881	6 per cent.	189,317,500 00	Payable at pleasure of Government after 20 years from June 30, 1861.	5,679,525 00	January and July.
February 25, 1862	Bonds, (5-20's)	6 per cent.	514,771,600 00	Redeemable after 5 and payable 20 years from May 1, 1862.	5,147,716 00	May and November.
March 3, 1863	Bonds, 1881	6 per cent.	75,000,000 00	Payable after June 30, 1881	2,250,000 00	January and July.
March 3, 1864	Bonds, (10-40's)	5 per cent.	194,567,300 00	Redeemable after 10 and payable 40 years from March 1, 1864.	3,242,788 33	March and September.
March 3, 1864	Bonds, (5-20's)	6 per cent.	3,882,500 00	Redeemable after 5 and payable 20 years from November 1, 1864.	38,825 00	May and November.
June 30, 1864	Bonds, (5-20's)	6 per cent.	125,561,300 00	Redeemable after 5 and payable 20 years from November 1, 1864.	1,255,613 00	May and November.
March 3, 1865	Bonds, (5-20's)	6 per cent.	203,327,250 00	Redeemable after 5 and payable 20 years from November 1, 1865.	2,033,272 50	May and November.
March 3, 1865	Bonds, (5-20's)	6 per cent.	332,998,950 00	Redeemable after 5 and payable 20 years from July 1, 1865.	9,989,968 50	January and July.
March 3, 1865	Bonds, (5-20's)	6 per cent.	379,582,850 00	Redeemable after 5 and payable 20 years from July 1, 1867.	11,387,485 50	January and July.
March 3, 1865	Bonds, (5-20's)	6 per cent.	42,539,350 00	Redeemable after 5 and payable 20 years from July 1, 1868.	1,276,180 50	January and July.
Aggregate of debt bearing coin interest			2,107,930,600 00		43,557,724 33	
				Coupons payable May 1, 1869, not presented for payment	2,938,388 00	
					46,496,112 33	
				Less amount paid in advance	1,122,182 00	
					45,373,930 33	

DEBT ON WHICH INTEREST HAS CEASED SINCE MATURITY.

April 15, 1842	Bonds	6 per cent.	$6,000 00	Matured December 31, 1862	$360 00	
January 28, 1847	Bonds	6 per cent.	26,150 00	Matured December 31, 1867	1,563 00	
March 31, 1848	Bonds	6 per cent.	69,850 00	Matured July 1, 1868, (9 months' interest	3,143 25	
September 9, 1850	Bonds, (Texas indemnity)	5 per cent.	242,000 00	Matured December 31, 1864	12,100 00	
Prior to 1857	Treasury notes	1 mill to 6 per ct.	104,511 64	Matured at various dates	3,135 35	
December 23, 1857	Treasury notes	5 to 5½ per cent.	2,400 00	Matured March 1, 1859	120 00	
March 2, 1861	Treasury notes	6 per cent.	3,300 00	Matured April and May, 1863	198 00	
July 17, 1861	Treasury notes, (3 years)	7 3-10 per cent.	34,900 00	Matured August 19 and October 1, 1864	2,547 70	
March 3, 1863	Treasury notes, (1 and 2 years)	5 per cent.	338,552 00	Matured from January 7 to April 1, 1866	16,927 60	
March 3, 1863	Certificates of indebtedness	6 per cent.	12,000 00	Matured at various dates in 1866	720 00	
March 3, 1863, and June 30, 1864	Compound-interest notes	6 per cent.	2,871,410 00	Matured June 10, 1867, and October 16, 1868	557,053 08	
June 30, 1864	Temporary loan	4, 5, and 6 per ct.	186,310 00	Matured October 15, 1866	7,651 98	
June 30, 1864, and March 3, 1865	Treasury notes, (3 years)	7 3-10 per cent.	1,166,500 00	Matured August 15, 1867, and July 15, 1868	85,154 50	
Aggregate of debt on which interest has ceased since maturity			5,063,883 64		690,680 46	

Statement of the public debt of the United States on the 1st day of July, 1869—Continued.

DEBT BEARING NO INTEREST.

Authorizing acts.	Character of issue.	Rate of interest.	Amount outstanding.	When redeemable or payable.	Accrued interest.	When payable.
July 17, 1861..... February 12, 1862	Demand notes.....	No interest.....	$121,637 50	.....	.....	.....
February 25, 1862 July 11, 1862..... March 3, 1863.....	U. S. legal-tender notes.....	No interest.....	355,935,194 50	.....	.....	.....
July 17, 1862.....	Postal currency...	No interest...	32,062,027 73	.....	.....	.....
March 3, 1863..... June 30, 1864.....	Fractional currency.....	No interest...		.....	.....	.....
March 3, 1863.....	Certificates for gold deposited..	No interest.....	30,489,640 00	.....	.....	.....
Aggregate of debt bearing no interest.....			418,608,499 73	.....	.....	.....

DEBT BEARING INTEREST IN LAWFUL MONEY.

March 2, 1867, and July 2, 1868.....	Certificates.....	3 per cent.....	$52,120,000 00	On demand, (interest estimated for 7 months).....	$1,172,700 00	Annually or on redemption of certificate.
July 23, 1868.....	Navy Pension fund.....	3 per cent.....	14,000,000 00	Interest only applicable to payment of pensions..	210,000 00	January and July.
Aggregate of debt bearing interest in lawful money.			66,120,000 00	.....	1,382,700 00	.....

RECAPITULATION.

	Amount outstanding.	Total amount outstanding.	Interest.	Total.
Debt bearing interest in coin, namely:				
Bonds at 5 per cent., issued before March 3, 1864	$27,022,000 00			
Bonds at 5 per cent., (ten-forties,) issued under act of March 3, 1864	194,567,300 00			
Bonds of 1881, at 6 per cent	283,677,500 00			
Five-twenty bonds at 6 per cent	1,602,663,800 00			
		$2,107,930,600 00	45,373,930 33	
Debt bearing interest in lawful money, namely:				
Certificates, 3 per cent. interest	52,120,000 00			
Navy pension fund, 3 per cent. interest	14,000,000 00			
		66,120,000 00	1,382,700 00	
Debt bearing no interest, namely:				
Demand and legal-tender notes	356,056,832 00			
Postal and fractional currency	32,062,027 73			
Certificates of gold deposited	30,489,640 00			
		418,608,499 73		
Debt on which interest has ceased since maturity		5,063,883 64	690,080 46	
Total debt—Principal outstanding		2,597,722,983 37		
Interest accrued, $48,569,493.79, less amount of interest paid in advance, $1,122,182			47,447,310 79	
Total debt—Principal and interest				$2,645,170,294 16
Amount in Treasury—Coin belonging to Government			$79,713,072 62	
Coin, for which certificates of deposit are outstanding			30,489,640 00	
Currency			37,097,818 89	
Sinking fund, in bonds bearing coin interest and accrued interest thereon			8,867,282 07	
				156,167,813 58
Amount of public debt, less cash and sinking fund in Treasury				2,489,002,480 58
Amount of public debt, less cash and sinking fund in Treasury on the 1st ultimo				2,505,412,613 12
Decrease of public debt during the past month				16,410,132 54
Decrease since March 1, 1869				36,460,779 43

Bonds issued to the Union Pacific Railroad Company and branches, interest payable in lawful money.

[Interest at the rate of 6 per cent.; bonds payable in thirty years from date.]

Authorizing acts.	Character of issue.	Amount outstanding.	Interest payable.	Interest accrued and not yet paid.	Interest paid by United States.	Interest repaid by transportation of mails, &c.	Balance of interest paid by United States.
July 1, 1862, and July 2, 1864.....	Bonds, (Union Pacific Co)	$25,998,000 00	Jan. 1 and July 1....	$768,104 37	$1,313,765 52	$906,446 11	$407,319 41
July 1, 1862, and July 2, 1864.....	Bonds, (Union Pacific, Eastern Division.)	6,303,000 00	Jan. 1 and July 1....	189,090 00	645,723 09	546,569 10	99,153 99
July 1, 1862, and July 2, 1864.....	Bonds, (Sioux City and Pacific.)	1,628,320 00	Jan. 1 and July 1....	43,544 93	52,963 76	16 27	52,947 49
July 1, 1862, and July 2, 1864.....	Bonds, (Central Pacific) ..	2,362,000 00	Jan. 16 and July 16	64,065 65	517,956 83	72,666 99	1,030,119 60
		20,427,000 00	Jan. 1 and July 1....	543,064 49	584,829 76		
July 1, 1862, and July 2, 1864.....	Bonds, (Central Branch Union Pacific, assignees of Atchison and Pike's Peak.)	1,600,000 00	Jan. 1 and July 1....	48,000 00	157,808 26	3,400 79	154,317 47
July 1, 1862, and July 2, 1864.....	Bonds, (Western Pacific).	320,000 00	Jan. 1 and July 1....	9,600 00	37,006 03	.....	37,006 03
Total issued		58,638,320 00	.....	1,665,469 44	3,310,053 25	1,529,189 26	1,780,863 99

The foregoing is a correct statement of the public debt, as appears from the books and Treasurer's returns in the Department, on the 1st of July, 1869.

GEORGE S. BOUTWELL, *Secretary of the Treasury.*

Mr. President, this is the change about which we have heard so much, the only change; not a figure altered, not a word omitted, not an erasure or alteration, but a new mode of stating the public accounts. The only change was a change in the mode of stating public accounts. I refrain from using a strong word, but it does seem to me that it is wrong in every sense of the word to convey the impression that this duty thus performed by an officer, which plainly gives to the people of the United States fuller information of their public affairs, is something to be called in question. Actually my friend even indulged in the remark that he could not tell what motives actuated a man in doing this thing. Is it right to speak of a public servant in that way unless the act itself was wrong? There is no pretense of any other change. Is it right to impute motives or raise a doubt about the motives? I do not know how I would feel if some one should say that I had done this and that, an act proper and just in itself, and that my motives were mysteriously concealed; that there was some "nigger in the wood-pile," some "cat in the bag," some motives to actuate me to do this thing, when the thing itself was right and defensible. That is not an act of justice. I thought my friend from Massachusetts [Mr. BOUTWELL] the other day spoke harshly and rather quickly and sharply to the Senator from West Virginia. I sympathized a little with the Senator from West Virginia then, but I tell him now that when he arraigns a proper act and imputes a possibly bad motive he does a wrong. I feel quite impartial between the two gentlemen. This alteration, about which so much has been said, is nothing but a new mode of stating the accounts, and that is shown in the fullest and completest manner by these documents.

Let us go further. It is said that there are discrepancies in these accounts. So there are. There have been; always will be. From the nature of things that is inevitable; but why? There are two series of accounts we are told here by these public documents, quite different in their scope and purpose. The one is kept by the Register and the other by the Treasurer. These accounts are intended to be a check upon each other. They are based upon different elements, but elements which when analyzed enable an acute person accustomed to accounts to detect any wrong or fraud in keeping these accounts. Let me read a single paragraph, being a statement of Mr. Bristow in a recent letter, made a part of this report.

Mr. EATON. I should like to ask the Senator a question, only I do not wish to interrupt him.

Mr. SHERMAN. I do not object at all, because I am speaking offhand.

Mr. EATON. The honorable Senator from Ohio is speaking of a single statement of account made in one way by A and in another way by B. That is all very well; but will the Senator from Ohio inform the Senate why this statement of change went back so many years?

Mr. SHERMAN. That is precisely what I am coming to.

Mr. EATON. That is precisely what I want to hear. I cannot find it explained in the report.

Mr. SHERMAN. I will now read first to show what motive induced the change, and I will show the necessary difference between these two different accounts. I quote from this document because it is much better and more clearly stated than I could state it in words. I will read, especially to my friend from Connecticut, this statement of the origin and beginning and ending of this mode of changing the accounts, and why it went back:

> Prior to 1871 the outstanding public debt was stated from the books of "issues and redemptions." In 1871 this account was restated, from 1836, from the "receipts and expenditures." From the nature of these two accounts the amount outstanding will not agree at any period, although when brought within the same dates and to include the same items there will be no difference. To illustrate: A subscription is made to a loan in June, but the bonds are not issued until July. On the 30th of June the outstanding of this loan will be greater by this amount on the "receipts and expenditures" account than on the "issues and redemptions" account.

Or to make this plainer, I will take the case put by the Senator from West Virginia in his prepared speech of the pension account, which I thought anybody could answer as he went along. When money is drawn in favor of a pension agent by draft, it is charged to the pension fund in the Treasurer's Office. As a matter of course it goes into the hands of the pension agent and is charged to pensions; but that money may not be paid out for six months and the accounts may not be rendered and passed in the Treasury Department for a year for that identical money. While the books of the Register might not show this money until after the accounts were rendered by the accounting officer, yet the books of the Treasury would show the money paid out by him.

Mr. DAVIS. The Senator will recollect that I took five years; and that the books had been closed five years ago.

Mr. SHERMAN. That is, between the 1st of July of one year and the 1st of July of another there would necessarily be a difference in the accounts of these two officers. Between any term of years that you can take whatever, there would be necessarily a difference. Is not that easily explained? It is true if you go to work and compare the two and see how much money in the Treasurer's book is really in the hand of the pension agent not paid out, you can, by a careful analysis, detect whether there is anything wrong in the account. That is the only way you can do it; but necessarily these two accounts always differ. Let me go a little further:

> During the year 1870 the public-debt accounts from 1836 were examined with a view of bringing these two accounts together.
>
> The result of this examination was the adoption of the present system of stating the public debt, by which these two accounts are made to harmonize, the one being a check upon and proving the correctness of the other. It was necessary to select some period when these two accounts came together, and the year 1836, when we had comparatively no debt, was the period selected. When this examination was completed, the Register was directed to state his accounts accordingly.

That is all there is about it.

> In regard to the outstanding public debt for the years 1869 and 1870 being published, including accrued interest, less cash in the Treasury, the Register submits the following statement:

Now here is what the Register states, which has been quoted by the Senator:

> The year 1869 was the first of Secretary BOUTWELL's administration, who remodeled the debt statement and added the item of accrued interest to, and deducted the cash in the Treasury from, the outstanding principal of the debt. The clerk having charge of the division of receipts and expenditures in the Register's Office, whose duty it was to prepare the tables for the finance report, followed the plan of the Secretary's Office in making up the monthly debt statement, and reported the outstanding debt for those years including accrued interest and deducting cash in the Treasury. I was led to believe at the time that it was so stated to conform to suggestions made by the chief clerk in the Secretary's Office.
>
> The statement of this account (extending over a period of thirty-five years and involving receipts into the Treasury of over $6,600,000,000 and an expenditure of over $4,200,000,000) from two independent sets of accounts, proving the correctness of the one by the other, is in itself the highest proof of the accuracy of the public accounts, however they may appear in some instances, at first view, to contradict each other.

Let me say that besides the two statements which it is necessary for the Secretary to make, he is by law required to make the statement which I hold in my hand, called a statement of receipts and expenditures. This statement was made from the foundation of the Government, commencing in 1791, and shows in two tables the sources of the receipts that come into the Treasury and all the elements of payment, what department of the Government it is charged to, &c. I suppose every Senator is familiar with it. It is a statement that has been continued year after year. It was made up until 1869. After that time Mr. BOUTWELL, according to this document, in publishing the future statement of the state of the debt, not to correct the back statements, not to change the volume that had been printed or was in manuscript, but in stating the public debt as it existed, undertook to state it upon the plan that he thought was the best, and which everybody knows is the best; that is, a statement showing the interest added and the money on hand deducted. That, as a matter of course, would vary every year from the previous statement. What harm was there in that? On the other hand, it made these statements harmonize. It was a matter of public notoriety, known to every officer in the Treasury Department. Therefore in making up this statement, which he is required by law to make every year, he stated the debt according to his mode of computation in 1836, and from that down, taking the year 1836 because we then commenced without any debt, in the books that were printed after 1871, so and so. There has been the bugaboo; there has been the trouble with my friend from West Virginia. He does not distinguish between a mere mode of stating a debt or an account, or the result of certain figures, and a change of the account itself.

Mr. President, I do not know that I ought to go any further in this matter, because the Senator from Maine [Mr. HAMLIN] is anxious to go on with his bill. As the report of the Committee on Finance is called up, and as it is a matter of public information, I ask that the statement made by the Finance Committee, without any feeling whatever, be allowed to stand side by side with the statement of the Senator from West Virginia. I assure Senators that it is not so much the report of the Finance Committee as the statements accompanying it which prove conclusively the view that we took of this matter. I will ask, without being put to the trouble of reading it, that the report may be embodied in the RECORD as a part of my remarks.

Mr. DAVIS. Does the Senator mean to embody the whole report?

Mr. SHERMAN. Undoubtedly. It is not as long as the Senator's speech, and I would have a right to read it and make it part of my remarks in that way.

Mr. DAVIS. I think a practice of that kind has been objected to here, time after time.

Mr. SHERMAN. The Senator ought not to object, because really I have a right to read the report.

Mr. DAVIS. I had to read every thing I wanted to say. However I care nothing about it.

Mr. SHERMAN. I think the report as it now stands ought to be printed for public information. It is not available and accessible to persons who may want to examine it. Let the statement of the Senator from West Virginia go out with the statement of General Bristow. There seems to be a little kind of personal feeling between these two distinguished gentlemen, and I am inclined to think the best way is to let the two statements go together. The statements of the report are all based upon official letters from the Treasury Department.

Mr. DAVIS. The Senator is entirely mistaken about there being any feeling between General Bristow and myself, because our relations are fully as friendly as those between the Senator from Ohio and myself.

Mr. SHERMAN. I thought I understood the Senator to say that the friendly aid of the Department had been withheld from him.

Mr. DAVIS. I said I had not had the friendly aid of the Department as the Senator from Ohio and the Senator from Massachusetts have had it.

Mr. SHERMAN. That may be so.

Mr. DAVIS. I made no complaint of the Department. I wish to add one word more——

Mr. SHERMAN. I should like to know first, before the Senator goes on, whether there is any objection to having this report embodied in my remarks?

Mr. SAULSBURY. It was objected to when my friend from North Carolina [Mr. MERRIMON] wanted to embody some statements in his remarks a few days ago.

Mr. SHERMAN. It will only put us to the trouble of having it read. The Senator's speech was longer than the report.

Mr. SAULSBURY. The rule should apply to all alike. I think it is a very vicious practice. Personally I do not object, if it is the understanding that it shall apply on both sides of this Chamber. If it is to be understood that any one on this side who wishes to incorporate in his speech without reading or having read any statements, &c., shall be allowed to do so, I will not object.

Mr. SHERMAN. The only trouble is this: I do not know that I shall make this a precedent for the future, but the Senator from West Virginia has gone over the whole ground in a carefully prepared speech. This report, giving the official statement, ought to go with that speech, as a matter of justice; but if it is necessary I will ask the Secretary to read it. That would only consume time. I have a right to read the report; indeed I have a right to call upon the Chair to order the reading of the report, and then it goes right into the RECORD.

Mr. SAULSBURY. I ask the Senator if he considers it a proper practice to do that thing?

Mr. SHERMAN. I think it is in this case. I do not think we ought to weary the Senate with its reading.

Mr. SAULSBURY. That might be exactly the case with my friend from West Virginia or myself or some other gentleman on this side of the House, when we desire to incorporate in a speech a long report which has already been printed by the Senate. I am sure the Senator from Ohio will not think that it is a very correct practice to indulge in. I say again I do not object, provided it shall be understood that on all sides of this House, by every Senator on the floor, such practice shall obtain; but, if it is to be made exceptional, I must object. If, however, it is to be a general rule, I shall not object.

Mr. SHERMAN. The Senator is mistaken about that. I have a right to have this report read, because it is now pending before us. It is the report under consideration. But I do not want to weary the Senate with having it read; I do not want to weary the Secretary. It is not like an ordinary paper which you read, coming from outside, but it is an official report from one of the standing committees, and that report is now the subject of debate. I can have it read just as I can have a bill read, and can call for the reading of it, but I do not wish to do that. I will however call for the reading of it if there is objection to my request.

Mr. SAULSBURY. I think the practice wrong. For instance, I find on the table this morning the message of the President, with accompanying documents, with reference to the Hamburgh affair. Any Senator under such a rule could incorporate that whole document in his speech.

Mr. SHERMAN. I think not. I think such a rule would only refer to the message itself, not to the documents.

Mr. SAULSBURY. I am not opposed to the facts contained in that report going into the RECORD; but what I object to is laying a precedent here that may come up and trouble us hereafter.

Mr. THURMAN. Mr. President——

The PRESIDING OFFICER, (Mr. STEVENSON in the chair.) The Senator from Ohio nearest the Chair [Mr. SHERMAN] asks that this report may be incorporated in his remarks. Is there any objection?

Mr. THURMAN. I have risen to say a word on that. As I understand the rule of the Senate, no paper can be read, if its reading be objected to, without the vote of the Senate. That rule has been evaded ever since I have held a seat in the Senate by any Senator who was making a speech saying, "I will read this paper," or document, or whatever it is, "as a part of my speech;" and although I always thought that was an evasion of the rule, yet in this body, where above all others what is proper and what is right is submitted to the judgment and honor of each Senator, that practice has been allowed to prevail. I for one, who have always advocated having the fewest possible rules and conducting our business under the responsibilities that gentlemen owe to gentlemen and Senators owe to Senators, shall not object to this practice although I do think it is an evasion of the rule; and I therefore must say in this case that it is a matter in my judgment within the discretion and sound judgment of my colleague whether he will have that document read as a part of his speech or not. I think myself that the whole responsibility rests with him. If he sees fit to have it read as a part of his speech I cannot, in view of the practice that has prevailed in the Senate, say no; and if his judgment is that it is necessary, I am not here to criticise that judgment.

Mr. SHERMAN. I think my colleague has stated fairly and rightly that I have the right to call for the reading of this paper, and I have a right to read it; but I do not usually ask any favors of that kind in the Senate. I would not usually have a document of this kind spread on the RECORD; but I think that the circumstances of this particular case fully justify it, and in order to show that I have not asked this myself I will mention the fact that I have consulted several Senators as to whether it ought not to be done, and the universal answer has been that, as the document was only printed as a regular formal document, only seventeen hundred copies in all, so that probably it is not generally accessible, and perhaps is not accessible now if you would send for any considerable number, it ought to go into the RECORD as an antidote to what has been said by the Senator from West Virginia. It is not as long as the remarks of the Senator from West Virginia.

Mr. DAVIS. The Senator is mistaken as to that; it is twice as long.

Mr. SHERMAN. Perhaps it is; but at all events it is the subject-matter under consideration. The Senator has made more severe charges than he thinks, and the report ought to go with them.

Mr. HAMLIN. I want to say just one word on this matter, for I think there is a misapprehension in the Senate in relation to it. I think the Senator from Ohio who sits farthest from me [Mr. THURMAN] has not drawn a distinction which I am quite sure he will draw on more careful examination. A paper within the possession of the Senate can be read only on the vote of the Senate; it belongs to the Senate and it can be read in no other way. Any paper which I choose to incorporate in a speech of my own I may read, and it is not in the power of the Senate to prevent my reading it, or I may ask the courtesy of our Secretary to read it for me. That is not a paper which comes within the rule which requires a vote of the Senate to say whether a paper shall or shall not be read.

Mr. THURMAN. May I interrupt the Senator?

Mr. HAMLIN. Certainly.

Mr. THURMAN. According to his own statement, is not this report which is on the files of the Senate one of the things which it would require the consent of the Senate to have read?

Mr. HAMLIN. But it is not now before the Senate; it is no more a paper now before the Senate than a speech of the Senator himself last year or a report that he made last year which is incorporated either in the official RECORD of this body or in the body of the report. That is the distinction Senators do not seem to make.

Mr. SHERMAN. I think the Senator from Maine is mistaken. The Senator from West Virginia called up this report for action and made a speech upon it. It is therefore before us and any Senator can call for its reading.

Mr. HAMLIN. Now I ask for the regular order.

Mr. SHERMAN. Let the order be made.

The PRESIDING OFFICER. The Senate resumes the consideration of the post-route bill.

Mr. SHERMAN. Is it understood that this report is to be printed in the RECORD?

The PRESIDING OFFICER. The Chair will state the question to the Senate. The Senator from Ohio [Mr. SHERMAN] asks to incorporate in his remarks without reading the report of the Committee on Finance which has already been alluded to. Does the Chair hear any objection to this request?

Mr. EATON. I object for the present until I can get the ear of the Chair and of the Senator from Ohio.

The PRESIDING OFFICER. The request is objected to.

Mr. EATON. Do I understand that the Senator from Ohio desires to publish as part of his speech a report of the Finance Committee of this body or everything that has been published in that pamphlet to which he has alluded? I have looked at it and I cannot find precisely where the name of the finance chairman came in.

Mr. SHERMAN. It is at the head of it. I believe that is the way always in the Senate, we put our name at the head of a report.

Mr. EATON. Then nobody but the chairman publishes this.

Mr. SHERMAN. The chairman by direction of the committee made the report.

Mr. EATON. The committee are not responsible for it.

Mr. SHERMAN. They are. The committee considered the report.

Mr. EATON. I do not object; but you might just as well publish the last report of the Secretary of the Treasury. It has just as much to do with this question.

The PRESIDING OFFICER. Does the Chair hear any objection to the request of the Senator from Ohio, [Mr. SHERMAN?]

Mr. THURMAN. I shall not object to it, but I wish to say now that I do not want this to be drawn into a precedent in the Senate of anybody having a speech published that never was made. This is not a speech of my colleague except as he sees fit to make it a part of his speech, it being a report already on the files of the Senate and not original matter with him. I hope never to see the day when the practice, which prevails elsewhere, shall be adopted in this body of publishing speeches that were never delivered.

Mr. BOUTWELL. If there is no objection to it, I desire to make a remark which I can make perhaps in two sentences.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Ohio [Mr. SHERMAN] that the report of the Committee on Finance be inserted in the RECORD.

The report is as follows:

The Committee on Finance, pursuant to instructions of the Senate by its resolution of the 24th of January last, "that the Committee on Finance be instructed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and, if any such discrepancies and alterations be found to exist, to report the same and

the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best, and that said committee have power to send for persons and papers," have given the subject as careful attention as their official duties permitted.

The substance of the information received by them is embodied in the following letters and statements hereto annexed and made a part of this report. The references in these statements to the various documents referred to, and especially to the annual reports of the Secretary of the Treasury on the state of the finances, made it necessary to examine all these statements, but they are too voluminous to embody in this report.

Your committee think it would best answer the purpose of the inquiry to state in general terms the result of their investigation.

The primary object in the organization of the Treasury Department is to secure the safe custody and legal disbursement of all the public money. A secondary object, and yet a very important one, is to secure an accurate accountability and full public statement of all receipts and expenditures by the Government. These are separate and distinct questions, the first referring to the actual custody and disbursements, the second to the proper accounts of such receipts and expenditures. Both objects are intended to be secured by the Constitution in the seventh clause of section 9, article 1, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

By the several acts organizing the Treasury Department, it was intended to secure the safe-keeping and custody of the public money and a full statement and account of all receipts and expenditures. All money was to be covered into the Treasury; and all claims and demands whatever by the United States, or against them, and all accounts whatever in which the United States are concerned, either as debtor or creditor, were to be settled and adjusted in the Treasury Department.

When money is covered into the Treasury it is under the safeguard of the Constitution and the law. It cannot be disbursed without an appropriation by Congress; and when the appropriation is made it can only be paid out when an organized corps of accounting officers shall concur, first, that the appropriation has been made; second, that the expenditure is within the meaning and intent of the law; third, that the amount is justly due, as shown by the voucher. Then it can be paid out by the Treasurer, and then alone can he be credited for the payment. When the payment is made the transaction is registered not only by the Treasurer himself, but by the officers specially designated to register and keep an account "of all receipts and payments by the Treasurer of the United States."

So far as the safe-keeping and custody of public money covered into the Treasury is concerned, it would be difficult to point out a better mode than is provided for by existing law. Every safeguard that has been suggested has been furnished. No law can prevent the neglect or violation of their public duties by Comptrollers, Auditors, or Registers; but the guards and checks upon such misconduct are as perfect as human ingenuity could devise.

When money is covered into the Treasury it can only be paid out on a warrant of the Secretary of the Treasury, countersigned by the Comptroller and registered by the Register; which warrant is based either, first, on a proper requisition in favor of a disbursing officer, or, second, in payment of a claim duly audited by the accounting officers. Each of these officers performs duties independent of the other, and the signature of each is requisite to authorize and attest payments of public money. This mode, in force since the organization of the Government, is very satisfactory.

Money is covered into the Treasury by a warrant (based upon a certificate of deposit) countersigned by the Comptroller and registered by the Register, as in case of a pay-warrant. As stated before, moneys covered into the Treasury cannot be again taken out, except through an appropriation; and even moneys erroneously covered in, as in case of customs or internal revenue, can only be recovered through an appropriation, which, in the two cases mentioned, is authorized by law; but an account has to be stated against the appropriation, as in the case of expenditures; so that by *no process* can receipts covered into the Treasury be diminished, but the expenditure is increased to the extent of the erroneous payments. In the case of moneys refunded as excess of deposits made in the customs service, the whole amount of the receipts is charged as received into the Treasury, and the amount refunded is charged to an appropriation. These are not actually and properly expenditures, yet, under the inflexible system which is controlled by the Constitution itself, every payment from the Treasury must be made through an appropriation.

One of the most troublesome propositions before the Treasury Department is to make the expenditures of a certain fund or the accounts of a particular transaction conform to the direction of the law. The system of accounts must, then, be so universal as to be able to accommodate itself to any particular case that may arise. The act of 1836 directed that more than $28,000,000 surplus revenues be deposited with the States. It would have been much more convenient for the Department to have charged off from the accounts these amounts of money to each of these States with which it was deposited; but the law directed that the money should remain on deposit with the States; and hence to this day that amount of money in the public accounts is included in the account of "cash in the Treasury," although the probable intention was that it should not be repaid.

UNAVAILABLES.

All money in the Treasury, wherever it may be deposited or placed for disbursement or custody, is charged to the Treasurer of the United States. It is obvious, however, that this money may be lost without fault on the part of the Treasurer, by robbery, accident, defalcation of a subordinate officer, misconduct of depositaries having it in charge, or otherwise. Still, under the law, the Treasurer is responsible, and is charged with these sums. Such a deficit would in the accounts of a firm be a simple, plain entry in the profit and loss account by crediting cash and debiting the defaulter. But from the fact before stated, that money cannot be taken from the Treasury except by an appropriation, this course could not be pursued. An account called "unavailables" was created, which was charged with the amounts, and the Treasurer credited in his general account through the statement of an account by the accounting officers. This method of relieving the Treasurer is, your committee are informed, a practice which has grown up, and is not authorized by law, and for some years past has been prohibited by the Comptroller, and has been discontinued. It is plain that the Treasurer should be relieved from this responsibility, and that Congress should in some proper way provide by law for the dropping of these unavailable funds, by authorizing a credit to the Treasurer and a corresponding charge against the defaulting officer who fails to pay the money on demand.

TRUST FUNDS.

Again, when large sums of money were paid into the Treasury as trust funds, they were considered not as general assets in the Treasury from which general expenditures could be made, and hence a system after 1842 grew up of attempting to keep separate the trust fund account. The moneys deposited with the States, trust funds and unavailable balances, had swollen to so large an item in the cash account that in 1842 it was dropped from the *annual statement* made in the finance report, but still retained (as it could not be excluded for reasons before given) in the official statement of the Treasury receipts and expenditures. In 1866 the trust funds and unavailables, amounting to $2,217,732.94, were again included in the yearly statements of the Secretary of the Treasury, (see finance report for that year, pages 2 and 32, a detailed statement of which will be found in the accompanying papers,) and the examination by a detail of clerks in 1870 was made, in order that these trust funds might be added to the general balance in other years. (See finance report 1870 and accompanying papers.)

In view of the varying opinions of Secretaries of the Treasury as to the manner in which these funds should be treated, and the confusion in statements created thereby, your committee are of the opinion that it would be better that all money belonging to the United States, of which the interest alone is to be disbursed for the benefit of others, should be covered at once into the Treasury, so that its expenditure may be under the general safeguard of the law, to be paid out only in pursuance of an appropriation by Congress. For instance, the fund received for the Smithsonian Institution was originally invested in State stocks, through which investment the fund lost interest for a number of years, and notably in the case of Arkansas, which still owes the amount invested in the bonds of that State. Congress was compelled to direct that the whole of this fund as fast as collected should be paid into the Treasury, and assumed the debt to the whole amount of funds received, and obligated the Government to pay 6 per cent. interest upon the same. By this method the transaction is very much simplified; absolute security is given to the fund and the proper accountability is required at the Treasury.

The Navy pension fund, amounting to $14,000,000, now by law invested in the temporary loan at 3 per cent. interest, should be covered into the Treasury, and, to meet the purpose for which the fund was created, the obligation of Congress be given to appropriate the interest each year; and it would appear to your committee that all trust funds now outstanding, unless there is some clear reason to the contrary, ought to be covered into the Treasury, and all appropriations from such trust funds be made by Congress.

These are the only changes your committee can recommend in the laws regulating the safe-keeping and disbursement of public money.

These explanations will appear more intelligible by reference to the following scheme of accounts of the Treasury Department from 1861 to 1870, which comprises the years in which the alleged discrepancies occurred, and a comparison of which will show the perfect harmony of the public accounts.

General fund.

Dr.			Cr.		
June 30, 1861	To appropriations to date	$2,324,050,879 04	June 30, 1861	By receipts to date	$2,267,450,570 98
				By amount carried to the surplus fund	43,606,605 26
				By amount erroneously carried to the surplus fund in 1847 and restored in 1850	152,249 94
				By amount of repayments with no corresponding expenditures, 1851	21,621 05
				By amount of repayments with no corresponding expenditures, 1852	14,179 45
				By balance	12,805,652 36
		2,324,050,879 04			2,324,050,879 04
July 1, 1861	To balance	12,805,652 36			
Fiscal year 1862	To appropriation (*b*)	673,448,954 36	Fiscal year 1862	By receipts (*a*) { Ordinary $581,628,181 26 / Trust funds 51,734 67 }	581,679,915 93
1863	do	1,774,341,938 91	1862	By surplus fund (*d*)	375,814 27
1864	do	799,640,714 58	1863	By receipts { Ordinary 888,082,128 05 / Trust funds 1,297,524 47 }	889,379,652 52
1865	do	2,061,582,607 14	1863	By surplus fund	553,928 40
1866	do	818,768,122 52	1864	By receipts { Ordinary 1,389,466,963 41 / Trust funds 3,994,054 16 }	1,393,461,017 57
1867	do	1,055,611,178 54	1864	By surplus fund	7,459,845 16
1868	do	986,197,619 27	1865	By receipts { Ordinary 1,801,792,627 51 / Trust funds 4,140,718 42 }	1,805,933,345 93
1869	do	589,480,722 56	1865	By surplus fund	3,457,463 03
1870	do	699,652,190 08	1866	By receipts	1,270,884,173 11
July 1, 1870	To balance	92,996,304 29	1866	By surplus fund	1,317,884 95
			1867	By receipts	1,131,060,920 56
			1867	By surplus fund	935,305 81
			1868	By receipts	1,030,749,516 52
			1868	By surplus fund	68,587,965 49
			1869	By receipts	609,621,828 27
			1869	By surplus fund	58,739,194 63
			1870	By receipts	696,729,973 63
			1870	By surplus fund	3,592,259 44
		9,554,526,005 22			9,554,526,005 22

Appropriation accounts, under which an account is kept with each appropriation.

EXPENDITURES.

June	30, 1861	To amount of warrants issued to date		$2,236,953,176 27	June	30, 1861	By appropriations to date	$2,324,050,879 04
		To surplus fund		43,606,605 26				
		To amount erroneously carried to the surplus fund in 1847 and restored in 1850		152,249 94				
		To amount of repayments when there were no expenditures, 1851		21,621 05				
		To amount of repayments when there were no expenditures, 1852		14,179 45				
		To balance of appropriations		43,303,047 07				
				2,324,050,879 04				2,324,050,879 04
Fiscal year	1862	To amount of warrants issued (e)	Ordinary $570,841,700 25; Trust fund 17,040 75	570,858,741 00	July	1, 1861	By balance of appropriations	43,303,047 07
					Fiscal year	1862	By appropriations (b)	673,448,954 36
						1863	By appropriations	1,774,341,938 91
	1862	To surplus fund (d)		375,814 27		1864	do	799,040,714 58
	1863	To amount of warrants issued (f)	Ordinary 895,796,630 65; Trust fund 30,729 59	895,827,351 24		1865	do	2,061,582,607 14
						1866	do	818,768,122 52
						1867	do	1,055,611,178 54
	1863	To surplus fund		553,928 40		1868	do	986,197,619 27
	1864	To amount of warrants issued	Ordinary 1,298,056,101 89; Trust fund 88,554 11	1,298,144,665 00		1869	do	529,480,722 56
						1870	do	669,652,190 08
	1864	To surplus fund		7,484,845 16				
	1865	To amount of warrants issued	Ordinary 1,897,674,224 09; Trust fund 7,242,242 00	1,904,916,466 09				
	1865	To surplus fund		3,457,463 03				
	1866	To amount of warrants issued		1,141,072,665 09				
	1866	To surplus fund		1,317,884 95				
	1867	To amount of warrants issued		1,093,079,655 27				
	1867	To surplus fund		935,305 81				
	1868	To amount of warrants issued		1,069,889,970 74				
	1868	To surplus fund		68,587,965 49				
	1869	To amount of warrants issued		584,777,996 11				
	1869	To surplus fund		58,739,194 63				
	1870	To amount of warrants issued		702,907,842 88				
	1870	To surplus fund		3,592,259 44				
July	1, 1870	To balance		85,532,079 43				
				9,492,027,095 03				9,492,027,095 03

UNAVAILABLES.

Fiscal year	1862	To unavailables (c)	$11,110 81	Fiscal year	1869	By receipts from unavailables	$6,493 63
	1863	do	6,000 01	July	1, 1870	By balance	924,267 82
	1864	do	9,210 40				
	1865	do	6,095 11				
	1866	do	172,094 29				
	1867	do	721,827 93				
	1869	do	4,422 90				
			930,761 45				930,761 45

Treasurer's general account.

RECEIPTS.

June	30, 1861	To receipts to date	$2,267,450,570 98	June	30, 1861	By amount of warrants paid	$2,236,486,713 15
						By balance in Treasury	30,963,857 83
			2,267,450,570 98				2,267,450,570 98
July	1, 1861	To balance in Treasury	30,963,857 83	Fiscal year,	1862	By warrants paid (c)	565,667,358 08
Fiscal year,	1862	To receipts (a)	581,679,915 93		1862	By unavailables (c)	11,110 81
	1863	To receipts	889,379,652 92		1863	By warrants paid (f)	899,915,911 25
	1864	do	1,393,461,017 57		1863	By unavailables	6,000 01
	1865	do	1,895,939,345 93		1864	By warrants paid	1,295,541,114 86
	1866	do	1,270,894,173 11		1864	By unavailables	9,210 40
	1867	do	1,131,060,920 56		1865	By warrants paid	1,906,433,331 37
	1868	do	1,030,749,516 52		1865	By unavailables	6,095 11
	1869	do	609,621,828 37		1866	By warrants paid	1,139,344,081 95
	1869	To receipts from unavailables	6,493 63		1866	By unavailables	172,094 29
	1870	To receipts	696,729,973 63		1867	By warrants paid	1,096,351,566 66
					1867	By unavailables	721,827 93
					1868	By warrants paid	1,069,372,245 36
					1869	By warrants paid	585,133,289 13
					1869	By unavailables	4,422 90
					1870	By warrants paid	703,155,391 44
				July	1, 1870	By balance in Treasury	178,731,643 96
			9,440,476,695 50				9,440,476,695 50

OUTSTANDING WARRANTS.

June	30, 1861	To balance outstanding	$466,463 12	June	30, 1861	By amount issued but unpaid to date	$466,463 12
July	1, 1863	To outstanding warrants p'd during the year (f)	3,988,560 01	July	1, 1861	By balance	466,463 12
July	1, 1865	To outstanding warrants paid during the year	1,527,190 23	July	1, 1862	By warrants issued in year but not paid (c)	5,191,382 92
July	1, 1867	do	3,271,911 39	July	1, 1864	By warrants issued in year but not paid	2,603,550 14
July	1, 1869	do	355,293 01	July	1, 1866	do	1,738,909 09
July	1, 1870	do	247,548 56	July	1, 1868	do	517,725 38
July	1, 1870	To balance	1,127,527 45				
			10,518,030 65				10,518,030 65

BALANCES.

July	1, 1870	Unappropriated balance	$92,996,304 90	July	1, 1870	Unavailables	$924,267 82
July	1, 1870	Balance of appropriations	85,532,079 43	July	1, 1870	Balance in Treasury	*178,731,643 96
July	1, 1870	Outstanding warrants	1,127,527 45				
			179,655,911 78				179,655,911 78

* Includes amounts deposited with the States.

First is the general account, to which *all* receipts are credited. The proper debit of this account is the appropriation warrants in aggregate.

The next is that of the individual appropriation accounts, which by law the Secretary is directed to carry to the credit of particular accounts. All pay-warrants are charged to their appropriate appropriations and credited to the Treasurer in his general account when paid. If unpaid at the end of the year, they are credited to an account of outstanding warrants. When warrants outstanding from a former year are paid, they are credited to the Treasurer and charged to the outstanding account. The Treasurer is also charged with all receipt-warrants paying money into the Treasury. When an appropriation has any balance remaining undrawn for the time limited by law to which the appropriation is available, a "surplus-fund" warrant is issued charging the appropriation account and crediting the general fund.

As there is no way by which money can be taken out of the Treasury except through an appropriation, the only way the Treasurer can receive credit for moneys for which he is responsible which have been lost through the defalcation of depositaries, or by which such defaulting officers can be personally charged on the books of the Department, is through the medium of an account designated "unavailables," to which all unavailable funds are charged whenever the Treasurer receives credit for them. If any amounts are afterward recovered on this account, the "unavailable" account is credited and the Treasurer charged.

An inspection of these accounts will show that the expenditures of the Government may be stated from either the appropriation account or the Treasurer's general account of receipts and expenditures, the difference being that the Treasurer's account will only show warrants *paid*, while the appropriation account will show all the warrants *issued*. The harmony, then, between these two accounts will always be complete when the outstanding warrants are taken into account.

For the years 1862, 1863, 1864, and 1865 the receipts and expenditures of the Government were published in the finance reports, excluding the trust funds. This was done in accordance with the custom referred to, which had obtained since 1842, and which was changed to the present system in 1866. (See finance report, 1865, page 2.)

The Register of the Treasury, since the commencement of the Government, has pursued the system of stating the expenditures of the Government by the Treasurer's accounts, (warrants paid;) but as this account cannot be settled in time to be included in the finance report, the expenditures, as shown by the appropriation accounts, (warrants issued,) are used for the time being; but as soon as the Treasurer's account is settled, the correct amount by warrants paid is substituted in the published tables. During the war the settlement of the Treasurer's account was so far in arrears that the change from warrants issued to warrants paid was not made from 1862 until 1869, when the changes in the years 1862 to 1866, inclusive, were effected.

PUBLIC-DEBT STATEMENT.

This statement was, prior to 1871, prepared from the "issues and redemptions," but in that year a thorough examination was had of the receipts and expenditures from the year 1836, when there was no public debt; every item of payment on account of public debt was scrutinized. The object of the examination was to prove the accuracy of the accounts by showing the public debt to be the difference between the receipts from loans and the payments in redemption. Various differences were, however, found to exist, not in any manner affecting the cash in the Treasury, which are fully explained in the following statement taken from the finance report for 1871, page 20:

The statement of the receipts and expenditures, on account of the principal of the public debt, as per tables M and N, shows the net receipts from the organization of the Government to June 30, 1871, to have been	$7,094,541,041 38
The expenditures for the same period were	4,857,434,540 51
Leaving	2,237,106,500 87

as the amount of the principal of the public debt outstanding and unpaid on June 30, 1871.

The amount of the principal of the public debt, outstanding and unpaid, as shown by the monthly debt statement for July 1, 1871, and tables I and L, is $2,353,211,332.32, showing a difference of $116,104,831.45 more outstanding by debt statement than by the statement of receipts and expenditures. This difference is thus explained: The following stocks were issued in payment of various old debts and claims, but in the transactions no money ever came into the Treasury. On the maturity of the stock it was paid off, showing an expenditure where there had been no corresponding receipt:

Revolutionary debt of the several States, estimated	$76,000,000 00
Mississippi stock, exact	4,293,151 12
Louisiana purchase, exact	11,250,000 00
Washington and Georgetown debt to Holland, exact	1,500,000 00
United States bank stock, exact	7,000,000 00
Six per cent. navy stock, exact	711,700 00
Texas purchase, exact	5,000,000 00
Mexican indemnity, fourth and fifth installments, exact	303,573 92
In addition to the foregoing, the following amount is to be added, being composed of discount suffered in placing loans, interest paid and erroneously charged as principal, and various errors in settling and stating loan accounts. All of these latter and the revolutionary debt are now being investigated, and will be explained in a future report in detail	10,057,406 41
	116,104,831 45

It must be borne in mind, in reading this explanation, that the errors alluded to are not such as in any manner affect the cash account of the Government, or reflect upon the integrity of former officers of the Treasury. A part of the differences has arisen from a want of knowledge and care on the part of subordinate clerks in stating loan accounts, but much the larger proportion has occurred from a want of unity, *system, and proper method* in the accounts as heretofore kept in the Department. And these latter defects are partly owing to a want of sufficient legislation to enable the accounts to be properly kept. A bill was presented to Congress at its last session which was intended to supply this deficiency. It passed the House, but was not reached in the Senate. Until there is legislation, these errors and defects in the accounts must be perpetuated, and others must be made.

As an illustration of the class of differences which require legislation before they can be corrected, the two following are given: In 1850 there were $5,000,000 in bonds issued to pay Texan indemnity. For these bonds no money was ever received, and therefore there is no entry representing them on the credit side of the account, as in ordinary loan transactions. When the stock matured it was paid out of the Treasury and charged in the loan accounts, thus erroneously reducing this account by just the amount paid. The loan of February, 1861, was sold at a discount of $2,019,776.10. Only the difference between the amount of this loan and of this discount was received into the Treasury. The loan appears in the debt statement at the par of the issue, but in the receipts and expenditures it can only appear (for want of a premium and discount account) at the actual amount of money received for the loan.

The following copy of a letter prepared by the present Assistant Secretary of the Treasury, Mr. Conant, under the direction of the Acting Secretary of the Treasury, Mr. Richardson, explains very fully the cause of the apparent discrepancies in the statements of the public debt:

SIR: Referring to your communication of the 2d instant, calling attention to apparent discrepancies in the different statements of the outstanding amount of the public debt of the United States on July 1, 1869, as follows:

By finance report for 1869, page xxix	$2,656,603,955 73
monthly debt statement, July 1, 1869	2,645,170,294 16
finance report, 1870, (June 30, 1869,) page xxv	2,588,452,213 94
finance report, 1870, (by the Register,) page 276	2,489,002,480 58

and requesting information respecting the same, I have the honor to submit the following explanations:

The first statement given is a statement showing the various acts of Congress authorizing the different issues of the securities of the United States, "length of the loans," "when redeemable," "rate of interest," "price at which sold," "amount authorized," "amount issued," and "amount outstanding," and the amount above given, $2,656,603,955.73, is correct; which, it must be borne in mind, only represents the *principal* of the outstanding issues under various acts. This statement has uniformly been made up from the loan accounts.

The second amount given as the debt, $2,645,170,294.16, by the monthly debt statement July 1, 1869, is a misrepresentation; the amount of the *principal* therein being $2,597,722,983.37, to which is added *accrued interest*, amounting to $47,447,310.79, making a total of principal and interest corresponding to the figures above given, $2,645,170,294.16. It will be seen at once that the first and second amounts are obtained from different data, the first treating of *principal* of the debt and the second of *principal and accrued interest*, and for this reason are not comparable. The discrepancy, then, to be explained is the difference between these two amounts, representing, respectively, the *principal* of the public debt by the finance report of 1869, $2,656,603,955.73, and the monthly debt statement July 1, 1869, $2,597,722,983.37, a difference of $58,880,972.36, which arises in the following manner:

Included in the items which form the aggregate of outstanding principal in finance report, 1869, page 27, authorized under various acts, are the bonds issued to the several Pacific Railroad Companies, amounting to $58,638,320 and $113,915.48 of "old funded debt," which had never appeared in any of the debt statements prior to January 1, 1870. The following loan accounts outstanding appeared larger in the finance report by the amount opposite each than in the monthly debt statement of July 1, 1869, for the reason that the latter statement (as will be seen from the following words thereon: "The foregoing is a correct statement of the public debt as appears from the books and Treasurer's returns on the morning of the 1st of July, 1869") exhibited the debt as it appeared on the 1st of July, *one day* later than the former statement, and which had items of redemptions by the Treasurer deducted from it that did not, in the regular order of business, reach the books from which the former statement was made up, in time to appear in the business of the year closing with the date of that statement:

Demand notes	$2,101 75
One and two year notes	9,220 00
Legal-tenders	64,805 50
Fractional currency	52,609 63

These items aggregate $58,880,972.36, and explain the difference between the statements under consideration.

The statement by finance report, 1870, page 25, that the debt on June 30, 1869, amounted to $2,588,452,213.94, will be found, when the following explanations are considered, to harmonize with either of the former statements. It may, however, be more clearly understood by first comparing it with the monthly debt statement July 1, 1869, the difference between them being $9,270,769.43. By reference to the inclosed copy of that statement, it will be observed that among the assets of the Government, coin and currency, will be found "sinking fund, in bonds bearing coin interest and accrued interest thereon," $8,867,282.07. These bonds had been purchased by the Secretary of the Treasury between May 1 and June 30, 1869, for the "sinking fund," and paid for from money in the Treasury, and there being, at that time, no authority of law for deducting them from the outstanding debt, they were held by the Treasurer as a cash item, and included in the monthly debt statement as still a part of the outstanding debt. Congress, by the sixth section of the act of July 14, 1870, directed that these bonds should be canceled and destroyed, and deducted from the amount of each class of the outstanding debt of the United States to which they respectively belonged. In compliance therewith, the amount of the principal of bonds purchased up to June 30, 1869, $8,691,000, was accordingly deducted from the principal of the debt as it appeared on that date. The further sum of $578,769.43, consisting of a large number of items, too numerous to be here enumerated, of accrued interest and premium on loans ascertained, by a readjustment of the loan accounts extending over a period of fifteen years, to have been carried to the principal-account, instead of the separate accounts to which they belonged, is here deducted. These two items make the difference, $9,270,769.43, between the second and third statements.

The fourth statement, that the Register (finance report, 1870, page 276) states the public debt to be $2,489,002,480.58 on June 30, 1869, and apparently differing to the extent of $167,601,475.15, from the amount represented by first statement, will be found, by analysis of the data from which it was made, to harmonize, instead of to conflict, with the other statements. This statement was made upon the basis of the monthly debt statement issued July, 1869, (with which it will be found to agree,) and differs from the other three statements, in that it shows the net debt of the Government, including the accrued interest thereon, after deducting cash in the Treasury, namely:

Total debt, principal outstanding, (see second statement)	$2,597,722,983 37
Accrued interest	47,447,310 79
Total debt, principal and interest	2,645,170,294 16
Deduct amount in the Treasury, coin, currency, and sinking fund	156,167,813 58
Amount of public debt, less cash in the Treasury	2,489,002,480 58

The four statements may be summarized in the following manner:

The first is an exhibit of the amount of the *principal* of the United States securities and Pacific railroad bonds, issued under various acts of Congress, outstanding June 30, 1872.

The second is a statement of the *principal* of the outstanding debt, including the *accrued interest thereon*, with the Pacific Railroad bonds excluded.

The third shows the outstanding *principal* of this debt with the *sinking fund deducted*, in accordance with the act of Congress of July 14, 1870, and exclusive of the Pacific Railroad bonds.

The fourth is a statement of the *net debt* of the United States, *principal and accrued interest*, with the *cash* in the Treasury *deducted*.

The publication of these statements by this Department was in accordance with law, and while, as has been shown, they differ materially only in the data upon which they are based, they afford an opportunity to persons of dishonest motives to ignore that fact, and present them to the public as conflicting and untruthful statements made up from the same data.

Referring to that portion of your letter respecting the discrepancies in the Register's statement of the public debt, as shown by the receipts and expenditures of the Government, I submit the following in reply:

It must be obvious to any one that the difference between the receipts from loans

issued and the payments, or redemption of loans, should represent the outstanding debt, and that it should so appear by the receipts and expenditures issued by the Register's Office.

An examination into these accounts, extending back to the organization of the Government, was instituted during the early part of the present administration, disclosing the fact that the difference arose in the old and long-standing accounts, by reason of certain stocks, such as revolutionary, Mississippi stock, Louisiana purchase, United States Bank stock, 6 per cent Navy stock, &c., having been issued in payment of various old debts and claims, and that in the transaction no money ever came into the Treasury as a receipt, while on the other hand the stock as it matured was paid off, thus showing an expenditure where there had been no corresponding receipt.

These discrepancies have existed for many years, but were not brought to light until an attempt had been made to reconcile a statement which in itself was a contradiction. These discrepancies do not in any way affect the cash accounts of the Government or reflect upon the integrity of former officers of the Treasury under whose administration the discrepancies occurred. They arose from a system of book-keeping which was defective and which has been of late years greatly improved.

This matter is more fully explained on page 29, finance report, 1871.

It is proper here to state that all the statements of the public debt have heretofore been made from the loan accounts, independent of the Register's receipts and expenditures, and that, therefore they have never been affected in any way by the differences alluded to. It is by the monthly debt statement, which is the balance-sheet of the public-debt ledger, (and into which enter the principal of the debt, the accrued interest thereon and interest unpaid, and the cash in the Treasury,) that the debt of the United States and the reduction thereof have been shown by the present administration, and this is the only statement of the public debt which embraces all the data upon which it is based, showing both the assets and liabilities of the Government.

An examination of these statements will show the care and accuracy with which they have been prepared, and that they are free from all errors, and as reliable as the science of accounts can make them.

I am, very respectfully, WM. A. RICHARDSON,
Acting Secretary.

The present system of stating the public debt not only includes the amount of each loan, but accrued interest thereon to date, and the actual money on hand available for the purpose of paying the debt. This evidently is the true and proper mode of showing the amount of the debt because it exhibits the exact balance due from the United States after deducting the money on hand at the date of the statement.

Whether the attempt to apply this rule of stating the public debt to former years was wise or not, it is manifest to your committee that from the time this form of statement was issued it has been conceded to be more satisfactory and more accurate than the previous statements; and, from 1-71 up, the statement of the public debt exhibits all the elements to show its precise condition, as well as the amount of the available money on hand applicable either for the payment of the public debt or for current expenditures. The discrepancy between the statements under the new mode and the old is the principal one pointed out and explained in these papers, and it is a remarkable evidence of the accuracy of the books of the Treasury that after careful analysis these apparent discrepancies are fully explained. Your committee, in conclusion, would say that they are fully satisfied that there has not been the slightest change in the books of the Treasury.

Your committee are not prepared to recommend any change in the mode of keeping or making public these accounts. The system is the growth of the experience of the Department since its organization, and it would be a very delicate and dangerous task to propose any change in this respect. Certainly it ought not to be done without a much more full and critical examination than your committee could make without the aid of experts and the most careful study.

Your committee have found no want of intelligence in keeping these accounts or readiness to explain them and to account for every item. In making the examinations the Treasury Department has been called upon to verify the receipt and expenditure of nearly fifteen thousand millions of accounts; a task which involved much labor and time.

The committee submit as a part of their report the accompanying statements:

TREASURY DEPARTMENT, *May* 4, 1876.

SIR: I have the honor to acknowledge the receipt of your letter dated February 9, 1876, transmitting a copy of a resolution adopted in the Senate of the United States, January 24, 1876, in the following words:

"That the Committee on Finance be instructed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best, and that said committee have power to send for persons and paper;" and requesting me to make statements in explanation of the discrepancies and alterations alleged to exist, together with any recommendation as to changes in the modes of keeping the accounts and as to any further guards, if necessary, to prevent errors and secure the public moneys.

In reply I have the honor to transmit herewith certain tabular statements and memoranda explaining the discrepancies referred to; but before inviting your attention thereto permit me to state that in no case have the changes referred to in any way affected the cash of the Treasury.

Under the law for every deposit in the Treasury the Secretary of the Treasury is required to issue his warrant for the amount, which warrant, after being signed by the Comptroller and the Register of the Treasury and properly entered in the books of their respective offices, is receipted by the Treasurer of the United States, and the amount then becomes a charge in his general account and what is technically known as "covered money," and cannot thereafter be drawn from the Treasury but in consequence of an appropriation made by law. Warrants thus covering the moneys into the Treasury are issued as soon as practicable after the deposit has been made.

Moneys are paid out of the Treasury upon Treasury drafts issued upon the warrants of the Secretary, which drafts when paid are credits to their amount in the Treasurer's same general account.

Under the act of June 23, 1836, certain moneys were deposited with the several States, and, though the amount is still a part of the Treasury balance, it is not subject to draft, and, as a matter of convenience, has for all practical purposes been dropped from the current cash balance.

The Treasury has also from time to time suffered losses through the failure of banks to redeem their notes or to pay over public moneys deposited with them; and also through the default of independent treasury officers, and, in some instances, the accounting officers have raised charges against the defaulting banks or officers for such amounts, and allowed the Treasurer credit therefor in his general account, though in fact no warrant or draft for the amount was ever issued, and such amounts are carried in the accounts as "unavailable."

With these explanations the general cash account of the Treasury from March 4, 1789, to June 30, 1875, as appears by the books of this Department, and as set forth in the finance report for 1875, may be stated as follows:

Cash, Dr.

To amount deposited in the Treasury and covered by warrants, (page 13)	$14,973,305,670 59
To amount deposited and not covered, (page 470)	1,072,002 73
Total	14,974,377,673 32

Cash, Cr.

By amount paid on warrants, (page 17)	$14,797,830,742 74
By amount deposited with the States, (page 17)	28,101,644 91
By amount unavailable, (page 13)	2,661,866 53
By balance on hand in the several offices and depository banks or in transit, (page 491)	145,774,419 14
Total	14,974,377,673 32

For the reported balance on hand June 30, 1875, as above set forth, examinations of the offices and mints made at that time or soon after, show in every instance the actual cash as stated excepting certain losses explained on page 464. For the amount in depository banks the Government holds ample security.

From this statement it will be seen that such an accountability for the moneys received and disbursed has always been so enforced by this Department that every cent of money received by the Government since its organization is either on hand or properly accounted for, and the discrepancies in the statement of receipts and expenditures, loans, or the debt of the Government from time to time, have arisen from clerical or typographical errors, different classification of items or form of statement, or from omissions to debit and credit like amounts, which, under a better system of book-keeping, would have been done when the transactions occurred.

Some of the discrepancies referred to have actually existed for many years, in fact commencing with some of the accounts of the first loans issued by the Government, and were first shown in the reports of the years 1870 and 1871, for the reason that during that period an examination into the subject was begun, and changes were then made in the published statements as the result of such examination. It must be obvious that in case loans are issued at par, the difference between the amount of money received into the Treasury for loans issued and the amount paid out in redemption of loans should represent the outstanding debt of the Government.

The accounts of receipts and expenditures by warrants on the Treasurer, which are the cash accounts of the Government, should also at all times exhibit the amount of the public debt. As formerly kept in the Department they do not, for the reason that in many instances stocks were issued directly from the Treasury to public creditors in payment of old debts and claims, and therefore in the transaction no moneys came into the Treasury and no warrants were issued. In many cases loans were placed at a discount, and only the actual moneys received therefor were credited, no discount account having been kept. When these loans matured they were paid at their par value, and therefore the accounts of receipts and expenditures and the loan accounts were found to differ to the extent of such transactions.

Attention is invited to the explanation on page 29, finance report, 1871, of some of these differences.

In this connection it should be stated that in no instance has there been any erasure or alteration in the books and records of this Department, and the changes made in the published reports have been only to express with greater accuracy the precise condition of the public accounts, as shown by such books and records.

It is thought that the accompanying papers, to which your attention is respectfully invited, will show fully why the changes have been made in the reports.

Any additional legislation which may be desired to insure greater accuracy in future reports will be considered hereafter.

Very respectfully,

B. H. BRISTOW, *Secretary.*

Hon. JOHN SHERMAN,
Chairman Committee on Finance, United States Senate.

RECEIPTS.

The discrepancies in the tables of receipts arise from "trust funds" and "unavailables." From 1842 to 1865, trust funds were regarded as specific appropriations, and unavailable for general expenditure.

The balance on hand in the Treasury each year was stated exclusive of any moneys in the Treasury to the credit of these funds, and the receipts from these sources and expenditures on these accounts were not embraced in the tabulated statements of the receipts and expenditures, although in the public accounts no distinction was made between these trust funds and ordinary accounts.

The impropriety, if not the impracticability, of keeping these accounts separate from the general balance in the Treasury became apparent, and the balance on 30th June, 1865, to the credit of trust funds was added to the general balance in the Treasury (see finance report for 1866, pages 2 and 32.) In 1870, a detail of clerks, under the supervision of the chief clerk of the Department, examined these accounts; but before the proper balance could be stated it was necessary to bring down the correct balances each year as found by the accounting officers. The tables were then carefully revised and published in the annual reports, (see "Appendix A, unavailables.") All public moneys are received into the Treasury and paid out upon warrants issued by the Secretary of the Treasury, the Treasurer being debited with the amounts received and credited with the amounts paid. This forms what is known as the Treasurer's general account, by which the cash in the Treasury is determined. When a depositary who has public moneys in his possession for which the Treasurer is responsible proves to be a defaulter, this amount becomes unavailable. It has been the practice of the accounting officers in some cases to state an account charging such defaulting officer on the books of the Treasury with the amount of defalcation and crediting the Treasurer, but as no money can be drawn from the Treasury except on warrants issued in accordance with appropriations made by law, there is no way of reconciling these unavailable amounts in the accounts of the Treasury Department, except by crediting the Treasurer in his general accounts without the issuing of a warrant for such credit.

As the Treasurer's accounts are not adjusted until long after the publication of the tables contained in the finance reports, these items must be regulated subsequently, and wherever they occur the tables must be changed to this extent. When anything is recovered from such defaulting officers, the amount is charged to the Treasurer on general account as "receipts from unavailables," which also necessitates a further change in the tables to this extent. This defect in the present system has long been felt, but cannot be remedied without legislation authorizing these transfers to be made by warrants and in accordance with an appropriation, and Congress has several times been asked for such legislation.

EXPENDITURES.

The discrepancies in the tables of expenditures arise from trust funds, as above explained, and "outstanding warrants."

On examination of the note at the head of the table of expenditures in the finance report for 1869, pages 320 and 321, it will be seen that those for the year 1862 and subsequent years are made from the account of "warrants on the Treasurer issued;" those for previous years are made from the account of "warrants paid;" while from the note at the head of the table in the finance report for 1870, pages

274 and 275, it is shown that those for the year 1867 and subsequent years are made from the account of "warrants on the Treasurer issued;" all previous years are from the account of "warrants paid."

As it is impracticable to settle the Treasurer's accounts in time for the Secretary's annual report to Congress, it has always been customary to state the receipts and expenditures in the finance reports from the account of warrants issued; but it has also been the custom to correct these statements in subsequent reports, as soon as the Treasurer's accounts are settled, by deducting outstanding warrants. Owing to the vast increase of business in the Treasurer's, Auditors', and Comptrollers' Offices during the war, the accounts of the Treasurer were not settled for two and sometimes three years after the close of the fiscal year. On this account these annual corrections were not made for the years 1862, 1863, 1864, and 1865, until the settlement of the account for 1866. The amount of outstanding warrants for the year 1866 is shown on page 19 of the finance report for 1871, under each head of expenditure, aggregating $4,484,555.03.

With the exception of a few typographical or clerical errors, the discrepancies in the two reports arise from the causes enumerated. There are other apparent discrepancies arising wholly from classification; but in no instance do the settled and determined sources of revenue, such as customs, lands, direct tax, and internal revenue, nor the well-defined classes of expenditures, such as War, Navy, Interior, &c., disagree, except as stated. It is only in separating public debt from miscellaneous, and civil from foreign intercourse, that discrepancies in classification occur, which depend entirely upon the judgment of the clerk making the classification.

These tables are given as a condensed synopsis of the books of the Department, and changes and alterations in classification or form do not imply changes in the books in which the receipts are entered in detail, under the general classification of "customs," "lands," "direct tax," "internal revenue," and "miscellaneous," and the expenditures in detail, under each head of appropriation as authorized by law. As soon as the public accounts are audited and settled by the accounting officers they are laid before the House of Representatives in detail, in accordance with the standing order of the House of December 30, 1791, and the act of August 26, 1842.

These accounts as published agree in all particulars with the books of the Department, and are the official statements with which all comparisons should be made.

PUBLIC DEBT.

Prior to 1871 the outstanding public debt was stated from the books of "issues and redemptions." In 1871 this account was restated, from 1836, from the "receipts and expenditures." From the nature of these two accounts the amount outstanding will not agree at any period, although when brought within the same dates and to include the same items there will be no difference. To illustrate: A subscription is made to a loan in June, but the bonds are not issued until July. On the 30th of June the outstanding of this loan will be greater by this amount on the "receipts and expenditures" account than on the "issues and redemptions" account.

Secretary Fessenden, on page 7 of his report for the fiscal year 1864, states the amount paid into the Treasury previous to July 1, 1863, for which evidences of debt were subsequently issued, as $23,782,423.20, which was not included in the outstanding of the debt as published for the year 1863, but which is included in the statement by receipts and expenditures for that year.

Again, the Treasurer redeems a certain amount of public debt in June, but the re-imbursing warrants are not issued until after the 1st of July. In this case there will be less outstanding on the 30th of June on the "issue and redemption" account, by this amount, than on the "receipts and expenditures" account.

Secretary McCulloch, on page 19 of his report for the fiscal year 1865, states that the amount of $77,897,347.02 was excluded from the public debt for the year 1864, which amount had been paid out of the Treasury but had not been re-imbursed to the Treasurer by warrants until after the commencement of the next fiscal year. The outstanding debt by these two accounts never can agree unless all issues are made in the same period in which the subscriptions are received and re-imbursing warrants issued in the same period in which the redemptions are made.

During the year 1870, the public-debt accounts from 1836 were examined with a view of bringing these two accounts together.

The result of this examination was the adoption of the present system of stating the public debt, by which these two accounts are made to harmonize, the one being a check upon and proving the correctness of the other. It was necessary to select some period when these two accounts came together, and the year 1836, when we had comparatively no debt, was the period selected. When this examination was completed, the Register was directed to state his accounts accordingly.

In regard to the outstanding public debt for the years 1869 and 1870 being published, including accrued interest, less cash in the Treasury, the Register submits the following statement:

"The year 1869 was the first of Secretary Boutwell's administration, who remodeled the debt statement and added the item of accrued interest to, and deducted the cash in the Treasury from, the outstanding principal of the debt. The clerk having charge of the division of receipts and expenditures in the Register's Office, whose duty it was to prepare the tables for the finance report, followed the plan of the Secretary's Office in making up the monthly debt statement, and reported the outstanding debt for those years including accrued interest and deducting cash in the Treasury. I was led to believe at the time that it was so stated to conform to suggestions made by the chief clerk in the Secretary's Office."

The statement of this account (extending over a period of thirty-five years and involving receipts into the Treasury of over sixty-six hundred millions of dollars, and an expenditure of over forty-two hundred millions) from two independent sets of accounts, proving the correctness of the one by the other, is in itself the highest proof of the accuracy of the public accounts, however they may appear in some instances, at first view, to contradict each other.

With these general explanations, covering the whole ground of inquiry, the following explanations of apparent discrepancies are submitted in the order in which they are pointed out in the speech of the honorable Senator from West Virginia.

The total annual expenditures are stated in the finance report of 1869, on page 321, as follows:

1860-'61	$85,387,313 08
1861-'62	570,841,700 25
1862-'63	895,796,630 65
1863-'64	1,298,144,656 00
1864-'65	1,897,674,224 09
1865-'66	1,141,072,666 09
Total	5,888,917,190 16

The total annual expenditures are stated in the finance report for 1870, on page 275, as follows:

1860-'61	$85,387,363 08
1861-'62	565,667,358 08
1862-'63	899,815,911 25
1863-'64	1,295,541,114 86
1864-'65	1,906,433,331 37
1865-'66	1,139,344,081 95
Total	5,892,189,160 59
Difference or increase	3,271,970 43

which is explained as follows, namely:

Typographical error in finance report for 1869 in the amount of the total expenditures for the year 1861-'62		$50 00
Trust funds, excluded from the finance report of 1869, namely:		
1862—Chickasaw fund	$20,000 00	
Choctaw schools	319 91	
Navy pension-fund	3,013 44	
	23,333 35	
Less repayment, Navy hospital-fund	6,292 60	
		17,040 75
(See Appendix B.)		
1863—Awards	3,043 31	
Cherokee schools	13,065 87	
Navy pension-fund	3,162 04	
Kansas schools	600 00	
Navy hospital-fund	10,858 37	
		30,729 59
(See Appendix C.)		
1865—Navy pension-fund	7,047,200 65	
Chickasaw fund	122,256 96	
Cherokee schools	4,692 42	
Choctaw schools	21,610 30	
Kansas schools	1,312 50	
Navy hospital-fund	45,169 17	
		7,242,242 00
(See Appendix E.)		
Total		7,290,062 34
from which deduct outstanding warrants:		
July 1, 1866, per "receipts and expenditures" 1866, page 356	$4,484,555 03	
Less the amount outstanding July 1, 1861, per "receipts and expenditures" 1861, page 385	466,463 12	
		$4,018,091 91
Difference explained		3,271,970 43
In the report of 1870 the expenditures for pensions are stated for the year 1864-'65 at		$16,347,621 34
In the report for 1869, for same year, at		9,291,610 48
Showing an increase in the report of 1870 over that of 1869 of which is explained as follows:		7,056,010 86
Amount paid from the Navy pension-fund (Interior Department) for investment in Navy pension-fund, (public debt,) per act of July 1, 1864, (13 Statutes, page 414, section 4753, Revised Statutes)		7,047,200 65
Excess of repayment carried to "Indians" per "receipts and expenditures" 1865, page xlv		9,466 19
		7,056,666 84
Less amount of outstanding warrants issued on this account, but not paid during the year, (see "receipts and expenditures," 1864, page 229, and 1865, page 276)	$245 98	
And error in classification carried to "Indians"	410 00	
		655 98
Difference explained		7,056,010 86
In the report of 1870 the expenditures for pensions for the year 1863-'64 are stated at		4,985,473 90
In the report of 1869 at		4,979,633 17
Showing an increase in the report of 1870 over that of 1869 of which is explained as follows:		5,840 73
Navy pension-fund		16,811 24
Error in classification—should be under "Indians"		200 01
Outstanding warrants on this account of former years paid during this, (see "receipts and expenditures" for 1863, page 228; for 1864, page 227)		1,349 48
		18,360 73
Less relief acts, "receipts and expenditures" 1864, page 29		12,520 00
Difference explained		5,840 73
In the report of 1870 the expenditures for pensions in the year 1870 are stated at		28,340,202 17
In the report of 1874 at		28,402,241 20
Showing an increase in the report of 1874 over 1870 of which is explained as follows:		62,039 03
Amount of "pay Indian agents," improperly deducted from "Indians," (see receipts and expenditures," p. xxxv)		58,729 09
Outstanding warrants on this account in prior years, paid during this, (see "receipts and expenditures" for 1869, p. 307; for 1870, p. 301)		3,309 94
Difference explained		62,039 03
In the finance report for 1871 the expenditures in the Naval Department are stated for the year 1865 at		122,617,434 07
In the report for 1869 at		122,567,776 12
Showing an increase in the report of 1871 over that of 1869 of which is explained as follows:		49,657 95
Navy hospital-fund		$45,169 17
The outstanding warrants at the close of the year 1864 (see "receipts and expenditures," page 236) amounted on this account to	$44,024 43	
And at the close of the year 1865 (see "receipts and expenditures" 1865, page 285) to	39,535 65	
Showing that there was paid during the year		4,488 78
Difference explained		49,657 95
In the report of 1871 the expenditures of the War Department are stated for the year 1862-'63 at		603,314,411 82
In the report of 1869 at		599,298,600 83
Showing an increase in the report of 1871 over that of 1869 of		$4,015,810 99

which is the amount of "outstanding warrants" paid during the year, as follows:

The outstanding warrants on this account at the close of the fiscal year 1862 (see "receipts and expenditures" for 1862, page 274) amounted to	$5,306,612 24	
And at the close of the year 1863, page 242, to	1,290,801 25	
Showing that there was paid during the year		4,015,810 99
In the report for the year 1870, the expenditures in the Indian Department for the year 1863 are stated at		3,152,032 70
In the report for 1868 at $1,076,326.35, which is the item of expenditure on account of "Pensions," through a clerical error tabulated under the head of "Indians."		
The expenditures on account of "Indians" appear in the same table, under "Pensions," at		3,140,194 44
Showing an increase in the report of 1870 over that of 1868 of		11,838 26
Which is explained as follows:		
Trust funds, Cherokee and Kansas schools		13,665 87
"Reliefs" brought from pensions		496 80
		14,162 67
Less warrants issued during the year but not paid. "Receipts and expenditures," 1862, page 257, and 1863, page 231		2,324 41
Difference explained		11,838 26
In the report for 1870 the expenditures on account of pensions for the year 1863 are stated at		1,078,513 36
In the report for 1868, at $3,140,194.44, which is the amount of expenditure on account of "Indians," tabulated, as stated above, under the head of "Pensions" through a clerical error.		
The correct amount is		1,076,326 35
Showing the true difference to be		2,187 01
Which is explained as follows:		
Navy pension fund		3,162 04
Less outstanding warrants issued but not paid during the year (see "receipts and expenditures" for 1862, page 256, and for 1863, page 228)	$478 23	
And expenditures under relief act incorrectly classified under "Indians," page 29	496 80	
		975 03
Difference explained		2,187 01

REVENUE COLLECTED.

In the finance report for 1863, the total revenue for the year, exclusive of loans and Treasury notes, is stated at		132,889,746 95
In the report for the year 1864, at $112,687,290.95, which should be		112,697,290 95
Showing a difference in the two reports of		20,192,456 00
Which is the amount of receipts for that year from postal currency improperly included in the report for 1863 in the column of "net ordinary revenue"		20,192,456 00

The revenue collected during the year, according to the two reports, is the same, with this exception.

In the reports for the years 1870 and 1871, the receipts from internal revenue were included, by a clerical error, in "loans and Treasury notes." This was an error in revising the tables, and was corrected in 1872, 1870 and 1871 being the only years in which this error occurs. By reference to the "receipts and expenditures" for 1868, page 22, it will be seen that this amount ($37,640,787.95) of receipts from internal revenue was all received from the "Treasurer of the United States," immediately following which are the receipts from the several loans. The clerk inadvertently tabulated these items together, and the error, irrespective of the incorrect information conveyed by the report as to the revenue from this source, can have no bearing upon the question of the correctness of the public accounts, nor does it evidence any change or alteration in the books of the Treasury.

All the tables and statements contained in the finance reports are condensed from the accounts, and in making such statements errors are liable to occur, and when they are discovered it is certainly proper to correct them.

LOANS AND TREASURY NOTES.

The receipts from loans and Treasury notes for the year 1863 are stated as follows:		
In the report for 1863 at		$756,489,905 57
In the report for 1864 at		776,682,361 57
Showing a difference of		20,192,456 00
Which is the amount of receipts from postal currency heretofore shown to be included in net ordinary revenue in the report for the year 1863.		
In the report for 1870, the revenue from this source for 1863 is stated at		814,925,494 96
Showing a difference, compared with the report of 1863, of		58,435,589 39
Which consists of the item of internal revenue, heretofore explained, included in this account		37,640,787 95
The amounts of receipts from postal currency, heretofore shown to be included in net ordinary revenue		20,192,456 00
And the following items included in "miscellaneous" in the report of 1864. (See "receipts and expenditures" for 1863, page 22:)		
Profit on certificate of indebtedness redeemed before maturity		20,425 00
Premium on three years' 7 3-10 coupon bonds		581,930 44
Difference explained		58,435,589 39

CHANGES IN THE PUBLIC-DEBT STATEMENT.

In the finance report for 1871 the Register states the public debt for the following years at:

1862	$524,176,412 13
1863	1,119,772,138 63
1864	1,815,784,370 57
1865	2,680,647,869 74
1866	2,773,236,173 69
1867	2,678,126,103 87
1868	2,611,687,851 19
1869	2,588,452,213 94
1870	2,480,672,427 81
Total	19,272,555,561 57

In the report for 1870 for the same year, the debt is stated as follows:

1862	$514,211,371 92
1863	1,098,793,181 37
1864	1,740,690,489 49
1865	2,682,593,026 53
1866	2,783,425,879 21
1867	2,692,199,215 12
1868	2,636,320,964 67
1869	2,489,002,480 58
1870	2,386,358,599 74
Total	19,023,595,208 63
Difference or increase, as shown by the honorable Senator from West Virginia, in the report of 1871 over 1870 of	248,960,352 94

But this difference or increase as thus shown is erroneous. It is a comparison of the sum of running balances between which no intelligible comparison can be made.

The proper way to make the comparison is to find the increase or decrease on each account for each year, and thus determine the aggregate increase on each account since 1861, the difference between which will be the true difference in the accounts.

The following will explain the difference:

Statement of the increase or decrease of the public debt in each year from 1861 to 1870, inclusive, showing the net difference between the "receipts and expenditures" account and the "issue and redemptions" account.

Year.	Debt.	Increase.	Decrease.	Net increase.
Receipts and expenditures:				
1861		$90,580,873 72		
1862	$524,176,412 13	433,595,538 41		
1863	1,119,772,138 63	595,595,726 50		
1864	1,815,784,370 57	696,012,231 94		
1865	2,680,647,869 74	864,863,499 17		
1866	2,773,236,173 69	92,588,303 95		
1867	2,678,126,103 87		$95,110,069 82	
1868	2,611,687,851 19		66,438,252 68	
1869	2,588,453,213 94		23,234,637 25	
1870	2,480,672,427 81		107,780,786 13	
		2,773,236,173 69	292,563,745 88	$2,480,672,427 81
Issues and redemptions:				
1861		90,867,828 68		
1862	514,211,371 92	423,343,543 24		
1863	1,098,793,181 37	584,581,809 45		
1864	1,740,690,489 49	641,897,308 12		
1865	2,682,593,026 53	941,902,537 04		
1866	2,783,425,879 21	100,832,852 68		
1867	2,692,199,215 12		91,226,664 09	
1868	2,636,320,964 67		55,878,250 45	
1869	*2,597,722,983 37		38,597,981 30	
1870	†2,480,246,027 83		117,476,953 54	
		2,783,425,879 21	303,179,851 38	2,480,246,027 83
Difference				426,399 98

*In the Register's report for 1869 the outstanding public debt was published (as heretofore explained) as		$2,489,002,480 58	
Which is the amount of the debt, less cash and sinking fund in the Treasury, to which should be added the amount of cash and sinking fund	$156,167,813 58		
Less accrued interest	47,447,310 79		
		108,720,502 79	
To give the principal of the debt July 1, 1869			$2,597,722,983 37
†In the same report for 1870 the outstanding public debt was again published as		2,386,358,599 74	
To which should be added the amount of cash and sinking fund	$144,494,984 61		
Less accrued interest	50,607,556 52		
		93,887,428 09	
To give the principal of the debt July 1, 1870			2,480,246,027 83

This difference or apparent increase of the debt as shown in the finance report for 1870 consists of the following items:

Amount of the bonds purchased for the sinking and special funds prior to July 1, 1870, but not received and paid for prior to the passage of the act of July 14, 1870, and consequently not deducted from the outstanding public debt on July 1, 1870, on "receipts and expenditures" account		$3,689,100 00
(See Note 14, finance report 1871, page 7.)		
Amounts not included in the "issues and redemptions" account, but included in the "receipts and expenditures" account:		
Old debt, $57,665; interest, $64,164.81		121,829 81
Mexican indemnity		1,104 91
Bounty land-scrip		3,975 00
(See Note 10, finance report for 1871, page 7.)		
Amount advanced to the Treasurer to pay interest on certificates of indebtedness, used to redeem principal, thus making a difference between the two accounts of		21,425 52
Amount of Treasury notes of 1857, checked off on the loan books, in excess of redemptions		5,100 00
(See Note 6, finance report for 1871, page 7.)		
Amount of loan of 1848 redeemed and twice deducted on loan-books		800 00
(See Note 9, finance report for 1871, page 7.)		

"In the examination of the account of the Texan indemnity loan, it was discovered that $30.62 had been covered as principal which should have been covered as interest, also that $17,080 was covered as principal which should have been covered as premium"	$17,110 62	
(See Note 7, finance report for 1871, page 7.)		
"In the quarter ending September 30, 1868, $150.22 was covered to the credit of principal of the loan of 1863, which should have been covered as premium"	150 22	
(See Note 3, finance report for 1871, page 7.)		
Miscellaneous covering-warrant, No. 459, of December 20, 1865, covered as receipts from principal of 5-20 loan of 1865, $995,247, which should have been covered as premium	995,247 00	
Making a total discrepancy of		$4,855,843 08
From which deduct the following items:		
Purloined Treasury notes redeemed under the first section of the act of August 10, 1846, charged on "receipts and expenditures" account to this loan, being equivalent to a duplicate issue, should be excluded altogether		23,289 86
Lost note of 1860 redeemed on bond of indemnity, and again redeemed when the note was presented by the holder		$500 00
Amount of certain 7 3-10 notes of 1861 returned by the Treasurer as not issued, and canceled, as shown by the Register's books		45,000 00
Amount of old demand and legal-tender notes stolen from the Treasury after the Treasurer had received credit for their redemption, and again put in circulation. These amounts were recovered, but instead of being deposited as debits to the loans were covered as miscellaneous receipts:		
Old demand notes		18 000 00
Legal tenders		5,996 06
(The actual amount recovered on account of legal-tenders was $6,000, $3.94 in excess of the amount necessary to make the account good.)		
An examination of the loans of one and two year notes of 1863 shows that the amount outstanding is $140 less than shown by the "issues and redemptions" account	$140 00	
Amount of compound-interest notes lost at sea in the steamship Republic, paid to Ober, Nanson & Co. per act of February 22, 1867	59,500 00	
(See Note 11, finance report of 1871, page 7.)		
Discount on fifty-million loan of July and August, 1861, only the net amount of receipts from this loan being covered into the Treasury. The actual discount at which this loan was negotiated was $5,338,768 09 but the receipts were increased by 1,134,168 71		
Accrued interest	4,204,599 38	
Discount on loan of 1842	42,417 80	
Amount of bonds of the loan of June, 1864, issued to the Plainfield Bank of New Jersey, in lieu of same amount stolen before delivery to the bank	30,000 00	
		4,429,443 10
Difference explained		426,399 98

In the finance report for 1874 the public debt is stated for the years—

1872		$2,253,251,078 78
1873		2,234,482,743 20
Decrease		18,768,335 58
On page 5 of the finance report for 1873 the decrease is stated by the Secretary at	$43,667,630 05	
In the finance report for 1874 the debt is stated for the years—		
1874		2,251,690,468 43
1873		2,234,482,993 20
Increase		17,207,475 23
While the decrease of the debt for the year 1874 is stated by the Secretary at	$41,552,524 77	

These apparent differences are fully explained by the notes on pages 6 and 9 of the finance report for 1874, as follows:

(Note on page 6:)

"It will be seen that the increase of the principal of the public debt, as shown by this statement, appears to be $17,207,475.23. Congress, by act of June 8, 1872, (17 Statutes, 336,) provided that national banking associations might deposit United States legal-tender notes in the Treasury of the United States, and receive therefor certificates of deposit, bearing no interest, and that the notes so deposited should be set apart and held as a special deposit for the redemption of said certificates. The certificates outstanding on the 1st day of July, and included in the outstanding principal of the debt, amounted to $58,760,000, and the notes held as a special deposit for their redemption were included in the cash balance in the Treasury on that day. It will be seen, therefore, that while these certificates, as a matter of accounts, are treated as a part of the public debt, they do not in reality form any portion of it, in the usual sense of the word, for the reason that no revenue is required to be provided for their payment, the notes which they represent always being in the Treasury as a special deposit for their redemption, and those notes being included in the outstanding legal-tender notes. Omitting these certificates of deposits as offset by the notes held on deposit for their redemption, the actual reduction of the principal of the debt was $41,552,524.77."

(Note on page 9:)

"In the amount here stated as the outstanding principal of the public debt are included the certificates of deposits outstanding on the 30th of June, issued under act of June 8, 1872, amounting to $31,730,000 in 1873, and $58,760,000 in 1874, for which a like amount in United States notes was on special deposit in the Treasury for their redemption, and added to the cash balance in the Treasury. These certificates, as a matter of accounts, are treated as a part of the public debt, but, being offset by notes held on deposit for their redemption, should properly be deducted from the principal of the public debt in making comparisons with former years."

The outstanding principal of the public debt June 30, 1873, was, as stated	$2,234,482,993 20	
To which add accrued interest	42,356,652 82	
		$2,276,839,646 02
And deduct cash in the Treasury—		
Coin	$87,507,402 68	
Currency	9,783,529 77	
Special deposit held for redemption of certificates of deposit as provided by law	31,730,000 00	
		$129,020,932 45
Debt, less cash in the Treasury July 1, 1873		2,147,818,713 57
Deduct this amount from the outstanding debt, less cash in the Treasury July 1, 1872		2,191,486,343 62
Leaves the net decrease of the debt for the year		43,667,630 05

(See page 5 of the finance report of 1873.)

The outstanding principal of the public debt June 30, 1874, was, as already stated	$2,251,690,468 43	
To which add accrued interest	38,939,087 47	
		$2,290,629,555 90
And deduct cash in the Treasury		147,541,314 74
Debt, less cash in the Treasury July 1, 1874		2,143,088,241 16
Deduct this amount from the outstanding debt, less cash in the Treasury July 1, 1873		$2,147,818,713 57
Showing a decrease during the year of		4,730,472 41

Additional discrepancies.

The honorable Senator from West Virginia, in his speech of the 24th of January, 1876, pointed out the following additional discrepancies:

The report for 1866 states the net revenue collected for the year 1862 at		$51,935,720 76
The report for 1870 at		51,907,944 62
Showing a decrease of		27,776 14
which is explained as follows:		
Premium on 7 3-10 loan of 1861, included in receipts from loans and Treasury notes for the year 1862	$68,400 00	
Unavailables, (receipts and expenditures 1863, page 24,) not included in the report of 1866	11,110 81	
		79,510 81
Less trust funds excluded from the report of 1862		51,734 67
Difference explained		27,776 14

The report for 1866 states the net revenue collected for the year 1863 at $112,687,290.95, the correct amount being	$112,697,290 95
The report for 1870 at	74,448,157 55
Showing a difference of	38,249,133 40

which is composed of the following items, (as before shown,) tabulated in the report of 1870, under the head of loans and Treasury notes, namely:

Internal revenue	$37,640,787 95
Profit on certificates of indebtedness redeemed before maturity	20,425 00
Premium on three-year 7 3-10 bonds	581,926 44
And unavailables, not included in the report of 1866, (see receipts and expenditures for 1863, page 22)	6,000 01
Difference explained	38,249,133 40

The report for 1866 states the net revenue collected for the year 1864 at	$264,626,771 60
The report for 1870 at	262,742,354 32
Showing a decrease of	1,884,417 28

which consists of the following items, tabulated in the report of 1866 under net revenue, and in the report of 1870 under receipts from loans and Treasury notes. (See receipts and expenditures for 1864, page 26.)

Premium on 1881 bonds of the loan of 1863	$1,675,343 70
Premium on 10.40 bonds, loan of 1864	160,163 79
Deduction of 4 per cent. on the redemption of Texan indemnity bonds	39,699 30
And unavailables not included in the report of 1866	9,210 40
Difference explained	1,884,417 28

The report of 1866 states the net revenue for the year 1865 at	$333,714,605 08
The report for 1870 at	323,092,785 92
Showing a decrease of	10,621,819 16

which consists of the following amounts included in the report of 1870 under the head of "loans and treasury notes," (see receipts and expenditures for 1865, page xl:)

Premium on 1881 bonds	$1,590,012 28
Accrued interest on 10.40 bonds	829,637 65
Difference of exchange on the sterling fund	3,047,027 83
Sale of gold coin, act of March 17, 1862	3,335,000 00
Premium on 5.20 bonds, June 30, 1864	1,794,046 29
And unavailables (receipts and expenditures 1866, page lxxviii) not included in the report of 1866	6,095 11
Difference explained	10,621,819 16

Public-debt statement from 1836 to 1860.

In the financial report for 1869 and prior years the outstanding debt is stated for the following years:

January 1, 1836	$294,089 08
January 1, 1837	1,878,224 35
January 1, 1838	4,857,660 40
January 1, 1841	6,737,398 09
January 1, 1842	15,028,486 37
July 1, 1843	27,203,450 69
July 1, 1858	44,910,777 66
July 1, 1859	58,754,690 33
July 1, 1860	64,769,703 08

In the financial report for 1870 and subsequent years the outstanding debt is stated for the following years:

December 1, 1835	$37,513 05
December 1, 1836	336,957 83
December 1, 1837	3,308,124 07
December 1, 1840	5,250,875 54
December 1, 1842	13,594,480 73
June 30, 1843	32,742,922 00
June 30, 1858	44,911,881 03
June 30, 1859	58,496,837 88
June 30, 1860	64,842,287 88

The differences between these two statements are fully explained in the following comparative tables:

Statement of the increase of the public debt in the years 1836, 1837, 1838, 1841, 1842, 1843, 1858, 1859, and 1860, showing the net difference between the "receipts and expenditures" account and the "issues and redemptions" account.

Date.	Debt.	Increase.	Net increase.
RECEIPTS AND EXPENDITURES.			
December 31, 1835	.....	*$37,513 05	
December 31, 1836	$336,957 83	299,444 78	
December 31, 1837	3,308,124 07	2,971,166 24	
December 31, 1840	5,250,875 54	1,942,751 47	
December 31, 1841	13,594,480 73	8,343,605 19	
June 30, 1843	32,742,922 00	19,148,441 27	
June 30, 1858	44,911,881 03	12,168,959 03	
June 30, 1859	58,496,837 88	13,584,956 85	
June 30, 1860	64,842,287 88	6,345,450 00	
			$64,842,287 88
ISSUES AND REDEMPTIONS.			
January 1, 1836	.....	*$291,089 05	
January 1, 1837†	1,878,222 55	1,587,134 50	
January 1, 1838†	4,857,660 46	2,979,436 91	
January 1, 1841†	6,737,398 00	1,879,737 54	
January 1, 1842†	15,028,486 37	8,291,088 37	
July 1, 1843†	27,203,450 69	12,174,964 32	
July 1, 1858	44,910,777 66	17,707,326 97	
July 1, 1859	58,754,699 33	13,843,921 67	
July 1, 1860	64,769,703 08	6,015,003 75	
			64,769,703 08
Difference	.....	.....	72,584 80

*The item of "interest on old debt" is not included in the outstanding in the "receipts and expenditures" account until 1837:

Principal—Old unfunded debt	$27,437 96	
Old Treasury notes	5,755 00	
Mississippi stock	4,320 09	
		$37,513 05
Unclaimed interest and principal of old debt. (See finance report, volume 3, 1829–1836, page 629)		253,576 00
		291,089 05

†In the "issues and redemptions account" the outstanding of the debt of the cities of Washington, Georgetown, and Alexandria, assumed per act of May 20, 1836, is included, namely:

1837	$1,500,000
1838	1,500,000
1841	1,440,000
1842	1,380,000
1843	1,320,000

This different or apparent increase of the debt as shown in the finance report for 1870 consists of the following items:

Amounts included in the "receipts and expenditures" account, which had been excluded from the "issues and redemptions" account:		
Mexican indemnity	$1,104 91	
Bounty land scrip	8,755 00	
Interest on "old debt"	7,714 33	
Also, "Treasury notes" of 1857 redeemed, but not reimbursed within the year	311,664 11	
		$329,258 35
Less the Texas debt included in the "issues and redemptions" account, but not in the "receipts and expenditures" account	$191,016 99	
Also the following items heretofore explained:		
Purloined notes paid under act of August 10, 1846	23,238 76	
Discount on loan of 1842	42,417 80	
		$256,673 55
Difference explained		72,584 80

In reply to the charge that "in the year 1870, there was an apparent reduction of the public debt of over $100,000,000, (according to the finance report,) but this reduction was in a great measure only apparent and due to a stroke of the pen, a mere transfer of about $60,000,000 to another table, [that] the country gave credit to the Administration for the large decrease of the public debt during this year, when in fact the larger part of it was due to the change in book-keeping and the Secretary's new tables," it is only necessary to state that the outstanding public debt on on July 1, 1869, (see finance report of 1869, page 29,) was $2,656,603,955 73

From which was excluded the item of Pacific Railroad bonds.... 58,638,320 00

Leaving the amount 2,597,965,635 73

The outstanding debt on the 1st of July, 1870, (see finance report of 1870, page 44) was 2,480,304,797 74

Which shows a decrease for the year, exclusive of the item of Pacific Railroad bonds, of 117,660,837 99

A.—*Statement of trust funds and unavailables not included in the balance in the Treasury as published in the finance reports.*

	Receipts.	Expenditures.	Balance.
Balances of trust funds as per finance report 1837–1844, volume 4, page 599, December 31, 1841	$374,521 18	.....	$374,521 18
1842	321,042 85	$223,947 48	471,616 55
1843			
1843, balance in hands of J. Campbell, U. S. Treasurer	237,376 63 / 23,702 01	321,575 19	411,120 00
1844	816,855 70	543,649 63	684,326 07
1845	172,739 34	499,095 26	357,951 15
1846	184,909 99	95,100 44	447,760 70
1847	182,614 76	296,738 24	333,637 22
1848	314,439 06	189,841 24	458,235 04
1849	133,795 48	224,817 63	367,212 89
1850	248,017 85	216,736 81	398,493 93
1851	244,898 68	153,263 79	490,128 82
1852	93,781 41	267,829 57	316,080 66
1853	449,480 18	553,547 24	}
1853, unavailables	.....	103,301 37	} 108,741 83
1853, error in receipts	.....	40	}
1854	250,636 20	251,127 12	108,250 91
1855	146,644 13	188,011 74	66,883 30
1856	138,557 78	236,652 43	*31,211 35
1857	333,798 90	245,688 86	56,898 69
1858	97,796 37	103,853 45	50,841 61
1859	81,394 63	21,908 32	}
1859, unavailables	.....	15,408 34	} 94,919 58
1860	87,773 94	98,245 67	84,447 85
1861	164,946 57	110,710 42	138,684 00
1862	51,734 67	17,040 75	}
1862, unavailables	.....	11,110 81	} 162,267 11
1863	1,297,524 47	30,729 59	} 1,423,061 98
1863, unavailables	.....	6,000 01	}
1864	3,994,054 16	88,554 11	} 5,319,351 63
1864, unavailables	.....	9,210 40	}
1865	4,146,718 42	7,242,242 00	} 2,217,732 94
1865, unavailables	.....	6,095 11	}
Total	14,589,736 36	12,372,003 42	2,217,732 94
Balance in the Treasury as per finance report July 1, 1865, pages 2 and 32	.....	.....	858,309 15
Balance in the Treasury as per receipts and expenditures July 1, 1865	.....	.....	3,076,042 09

*Excess of expenditures over receipts.

B.—*State of the Treasury, by quarters, for the fiscal year ending June 30, 1862.*

	Quarter ending September 30, 1861.	Quarter ending December 31, 1861.	Quarter ending March 31, 1862.	Quarter ending June 30, 1862.	Total.	Balances.
Balance in Treasury on July 1, 1861	.....	.....	.....	.....	.....	$2,257,065 80
RECEIPTS.						
Five-twenty years bonds, per act of February 25, 1862	.....	.....	.....	$13,990,600 00	$13,990,600 00	
Treasury notes	.....	.....	.....	98,620,000 00	98,620,000 00	
Customs	$7,198,602 55	$8,309,066 47	$14,618,558 44	18,930,170 16	49,056,397 62	
Direct tax	.....	.....	.....	1,795,331 73	1,795,331 73	
Sales of public lands	35,967 03	39,658 46	27,019 74	49,358 54	152,203 77	
Incidental	318,095 86	172,316 22	162,268 05	259,107 51	931,787 64	
Three years coupon bonds, at 7 3-10 per cent	50,125,385 87	91,790,267 23	10,670,598 24	13,825,925 00	166,412,585 34	
United States notes, payable on demand	15,620,000 00	18,480,000 00	25,900,000 00	30,000 00	60,030,000 00	
Treasury notes issued under acts of June 22, 1860, authorized by act of March 2, 1861	14,019,034 66	.....	.....	.....	14,019,034 66	
Sixty-day Treasury notes, issued per act of March 2, 1861	12,877,750 00	18,600 00	.....	.....	12,896,350 00	
Loan under act of February 8, 1861	55,257 50	.....	.....	.....	55,257 50	
Stock for the Washington and Oregon war debt	21,850 00	483,000 00	297,000 00	198,850 00	1,000,700 00	
Treasury notes issued per acts of February 8 and March 2, 1861	3,500 00	.....	.....	.....	3,500 00	

B.—*State of the Treasury, by quarters, for the fiscal year ending June 30, 1862—Continued.*

	Quarter ending September 30, 1861.	Quarter ending December 31, 1861.	Quarter ending March 31, 1862.	Quarter ending June 30, 1862.	Total.	Balances.
Loan of November 16, 1861, authorized by acts of July 17 and August 5, 1861	.....	$24,294,129 17	$22,000,000 00	.....	$46,303,129 17	
Temporary loan, authorized by act of February 25, 1862	.....	.....	20,291,619 43	$46,187,704 67	66,479,324 10	
Certificates of indebtedness, authorized by acts of March 1 and 17, 1862	.....	.....	5,629,600 00	44,252,979 73	49,881,979 73	
Total	$100,275,443 47	143,587,446 55	99,625,063 90	238,140,227 34	581,628,181 26	$581,628,181 26
Trust funds:						583,885,247 06
Smithsonian Institution	.....	5,203 85	4,663 85	.....	9,867 70	
Navy pension fund	6,103 69	.....	.....	22,609 34	28,713 03	
Chickasaw fund	.....	.....	.....	13,153 94	13,153 94	
Total	100,281,547 16	143,592,650 40	99,629,727 75	238,175,990 62	581,679,915 93	
EXPENDITURES.						
Civil: foreign intercourse and miscellaneous	6,140,774 05	4,733,406 70	4,506,133 16	6,028,177 25	21,408,491 16	
Interior: pensions and Indians	1,124,825 92	469,092 80	782,845 95	726,250 83	3,102,985 50	
War	58,345,125 68	84,603,389 32	90,925,048 46	160,434,843 90	394,368,407 36	
Navy	9,799,303 33	9,779,298 44	8,277,421 38	14,818,606 54	42,674,569 69	
Interest on public debt, including Treasury notes	202,052 61	3,738,526 36	5,243,699 36	3,966,046 12	13,190,324 45	
Re-imbursement of Treasury notes issued per act prior to December 23, 1857	.....	50 00	.....	.....	50 00	
Payment of Treasury notes issued per act of December 23, 1857	1,836,100 00	203,300 00	426,900 00	101,400 00	2,567,700 00	
Payment of Treasury notes issued per act of December 17, 1860	400 00	429,000 00	9,540,350 00	*33,600 00	9,936,150 00	
Payment of Treasury notes issued per act of March 2, 1861	10,541,100 00	12,430,050 00	6,842,550 00	792,450 00	3,060,150 00	
Redemption of Treasury notes which have been purloined	51 50	.....	.....	.....	51 50	
Re-imbursement of temporary loan, per acts of July 1 and August 5, 1861	10,250,000 00	28,500,000 00	5,625,000 00	.....	44,375,000 00	
Re-imbursement of temporary loan, per acts of February 25 and March 17, 1862	.....	.....	1,415,215 00	7,137,992 53	8,553,207 53	
Payment of interest on old funded debt	.....	.....	3 06	.....	3 06	
Redemption of United States notes issued under act of July 17, 1861	.....	.....	.....	58,610 00	58,610 00	
Total	98,239,733 09	144,946,023 62	133,625,166 37	194,030,777 17	570,841,700 25	$570,841,700 25
Trust-funds:						
Awards	.....	.....	.....	.....	.....	
Chickasaw fund	.....	.....	.....	20,000 00	20,000 00	
Choctaw schools	.....	.....	.....	319 91	319 91	
Navy pension fund	*15 00	1,588 84	150 00	1,289 60	3,013 44	
Navy hospital fund	*763 86	1,625 18	*22,200 37	15,066 45	*6,282 60	
Total	98,238,934 23	144,949,237 64	133,603,116 00	194,067,453 13	570,858,741 00	
Balance in the Treasury June 30, 1862	.....	.....	.....	.....	.....	13,043,546 81

*Represent repayments.

C.—*State of the Treasury, by quarters, for the fiscal year ending June 30, 1863.*

	Quarter ending September 30, 1862.	Quarter ending December 31, 1862.	Quarter ending March 31, 1863.	Quarter ending June 30, 1863.	Total.	Balances.
Balance in the Treasury on July 1, 1862	.....	.....	.....	.....	.....	$13,043,546 81
RECEIPTS.						
Customs	$23,041,736 59	$13,354,505 41	$15,443,531 37	$17,219,869 03	$69,059,642 40	
Sales of public lands	22,181 04	5,428 38	30,431 22	109,576 53	167,617 17	
Direct tax	83,681 77	1,038,407 94	183,606 10	179,407 80	1,485,103 61	
Internal revenue	456,303 73	7,180,446 22	15,765,669 28	14,238,348 72	37,640,787 95	
Incidental	561,079 08	1,219,097 11	395,908 37	870,530 79	3,046,615 35	
United States postage-stamps	787,800 00	6,057,136 00	12,076,564 00	1,276,956 00	20,192,456 00	
Two-year 6 per cent Treasury notes, per act of March 2, 1861	1,500 00	.....	122 00	.....	1,622 00	
Seven-thirty three-year coupon bonds, per acts of July 17 and August 5, 1861	3,500,000 00	13,713,450 00	.....	.....	17,263,450 00	
United States notes, per act of February 25, 1862	72,436,000 00	53,796,000 00	106,748,000 00	58,280,000 00	291,260,000 00	
Certificates of indebtedness, per acts of March 1 and 17, 1862	12,184,824 43	54,220,437 49	56,694,000 00	34,380,000 00	157,479,261 92	
Five-twenty year bonds, per act of February 25, 1862	2,539,803 45	8,740,892 16	7,172,900 00	156,583,753 83	175,037,259 44	
Stock for Washington and Oregon war debt	145,050 00	.....	.....	.....	145,050 00	
Temporary loans, per acts of February 25 and March 17, 1862	22,813,843 14	36,992,211 74	20,383,790 43	35,036,916 90	115,226,762 21	
Six per cent. twenty-year bonds, per act of July 17, 1861	.....	.....	.....	76,500 00	76,500 00	
Total	138,623,803 23	196,317,922 45	234,888,542 77	318,251,859 60	888,082,128 05	888,082,128 05
Trust-funds:						901,125,674 86
Smithsonian Institution	22,663 85	.....	2,682 00	.....	25,345 85	
Navy pension fund	76,719 41	531,455 80	217,033 18	446,970 23	1,272,178 62	
Total	138,723,186 49	196,849,378 25	235,108,257 95	318,698,829 83	889,379,652 52	
EXPENDITURES.						
Civil: Foreign intercourse and miscellaneous	4,436,907 32	4,902,446 27	7,138,899 10	6,775,669 48	23,253,922 08	
Interior: Pensions and Indians	1,046,906 42	689,257 06	929,162 72	1,551,194 59	4,216,520 79	
War	90,869,850 23	131,781,557 31	204,408,690 73	172,238,502 56	599,298,600 83	
Navy	10,076,353 91	11,901,649 38	16,705,864 05	24,527,237 93	63,211,105 27	
Interest on public debt, including Treasury notes	4,654,428 87	5,558,096 77	5,930,816 32	8,586,504 65	24,729,846 61	
Payment of Treasury notes, issued per act of December 23, 1857	14,300 00	200 00	33,300 00	10,800 00	58,600 00	
Payment of Treasury notes, issued per act of December 17, 1860	4,500 00	400 00	3,100 00	700 00	8,700 00	
Payment of Treasury notes, issued per act of March 2, 1861	22,550 00	33,300 00	116,950 00	1,971,550 00	2,144,350 00	
Redemption of 7 3-10 coupon bonds, per act of July 17, 1861	2,000 00	50,000 00	.....	19,500 00	71,500 00	
Redemption of United States notes, per act of July 17, 1861	27,682,490 00	16,163,900 00	10,750,000 00	1,581,000 00	56,177,390 00	
Redemption of United States notes, per act of February 25, 1862	2,000,000 00	.....	.....	99,000 00	2,099,000 00	
Redemption of certificates of indebtedness, per acts of March 1 and 17, 1862	5,885,000 00	756,000 00	30,000 00	43,688,758 23	50,359,758 23	
Redemption of United States stock, Washington and Oregon war debt	.....	64,250 00	5,300 00	.....	69,550 00	

C.—State of the Treasury, by quarters, for the fiscal year ending June 30, 1863—Continued.

	Quarter ending September 30, 1862.	Quarter ending December 31, 1862.	Quarter ending March 31, 1863.	Quarter ending June 30, 1863.	Total.	Balances.
Re-imbursement of temporary loan, per acts of February 25 and March 17, 1862	$9,913,510 66	$24,820,507 99	$11,212,708 82	$21,570,271 01	$67,516,993 48	
Re-imbursement of Treasury notes, issued under acts prior to July 22, 1846	50 00				50 00	
Redemption of stock, loan of 1842			2,348,263 36	232,480 00	2,580,743 36	
Total	156,608,847 41	196,721,564 78	259,613,050 01	282,853,168 45	895,796,630 65	$895,796,630
Trust funds:						
Awards	3,043 31				3,043 31	
Cherokee schools			88 83	12,977 04	13,065 87	
Navy pension fund	*133 09	1,573 13	455 00	1,267 00	3,162 04	
Kansas schools			600 00		600 00	
Navy hospital fund	26,664 41	*8,468 69	2,841 08	*10,178 43	10,858 37	
Total	156,638,422 04	196,714,669 22	259,617,034 92	282,857,234 06	895,827,360 24	
Balance in the Treasury June 30, 1863						$5,329,044 21

* Represent repayments.

D.—State of the Treasury, by quarters, for the fiscal year ending June 30, 1864.

	Quarter ending September 30, 1863.	Quarter ending December 31, 1863.	Quarter ending March 31, 1864.	Quarter ending June 30, 1864.	Total.	Balances.
Balance in the Treasury July 1, 1863						$5,329,044 21
RECEIPTS.						
Customs	$22,562,018 42	$23,211,520 86	$27,439,654 13	$29,102,959 58	$102,316,152 99	
Sales of public lands	136,182 09	170,503 45	131,892 92	149,764 83	588,343 29	
Direct tax		14,035 06	397,166 68	64,447 22	475,648 96	
Internal revenue	17,590,713 59	27,262,631 26	27,685,212 45	37,193,576 80	109,741,134 10	
Incidental	641,542 04	1,912,529 09	12,527,351 39	32,430,025 58	47,511,448 10	
Fractional currency		508,749 50	3,057,262 50	4,543,709 25	8,109,721 25	
United States notes, per act of February 25, 1862	15,452,000 00	49,099,730 00	4,766,260 00	17,102,880 00	86,420,870 00	
Five-twenty-year bonds, per act of February 25, 1862	84,639,628 51	161,480,438 31	75,400,006 45	31,210 14	321,551,283 41	
Certificates of indebtedness, per acts of March 1 and 17, 1862	14,865,000 00	32,101,000 00	56,649,000 00	65,504,000 00	169,179,000 00	
Temporary loans, per acts of February 25 and March 17, 1862	32,690,013 84	14,758,923 23	29,696,784 57	92,072,323 17	169,218,044 81	
Six per cent. 20-year bonds, per act of July 17, 1861	241,500 00	479,599 52	1,594,675 93	28,250,100 00	30,565,875 45	
Two-year 5 per cent. interest-bearing notes, per act of March 3, 1863	13,000,000 00	36,500,000 00	92,495,803 01	24,484,106 99	166,480,000 00	
One-year 5 per cent. interest-bearing notes, per act of March 3, 1863			27,400,000 00	17,120,000 00	44,520,000 00	
Ten-forty-year bonds, per act of March 3, 1864				73,337,680 00	73,337,680 00	
Six per cent. compound-interest notes, per act of March 3, 1863				17,250,000 00	17,250,000 00	
Six per cent. 1881 bonds, per act of March 3, 1863				42,141,771 05	42,141,771 05	
	201,827,598 49	347,649,660 28	359,241,150 03	480,748,554 61	1,389,466,963 41	1,389,466,963 41
Trust funds:						1,394,796,007 62
Smithsonian Institution	22,316 75		2,692 00		24,998 75	
Navy pension fund	76,840 72	1,148,876 77	1,721,630 61	979,978 60	3,927,326 70	
Chickasaw fund	34,330 63		7,398 08		41,728 71	
Total	201,961,086 59	348,798,537 05	360,972,860 72	481,728,533 21	1,393,461,017 57	
EXPENDITURES.						
Civil: Foreign intercourse and miscellaneous	7,216,939 31	6,284,576 59	7,608,396 91	6,395,686 65	27,505,599 46	
Interior: Pensions and Indians	1,711,271 95	1,648,203 79	2,701,404 37	1,457,050 86	7,517,930 97	
War	144,387,473 97	163,366,855 10	193,477,740 69	189,559,773 21	690,791,842 97	
Navy	18,511,618 86	23,982,891 03	17,731,436 70	25,507,346 18	85,733,292 77	
Interest on the public debt, including Treasury notes	4,283,628 37	17,349,958 58	9,287,115 82	22,764,718 92	53,685,421 69	
Redemption of stock, loan of 1842	60,000 00	16,800 00	3,000 00	26,012 30	105,812 30	
Redemption of stock, Washington and Oregon war debt	5,300 00				5,300 00	
Redemption of stock, 7 3-10 coupon bonds, per act of July 17, 1861	6,000 00		681,500 00		687,500 00	
Redemption of United States notes, per act of July 17, 1861	1,258,500 00	967,742 25	392,095 25	274,090 00	2,892,427 50	
Redemption of United States notes, per act of February 25, 1862	337,279 80	672,053 90	13,220,819 23	28,330,896 41	42,561,048 54	
Redemption of certificates of indebtedness, per acts of March 1 and 17, 1862	12,345,804 16	56,881,437 49	61,818,000 00	34,035,000 00	165,080,241 65	
Redemption of postage and other stamps, per act of July 17, 1862	1,299,600 00	1,927,545 85	806,507 85	991,246 30	5,024,900 00	
Redemption of Treasury notes issued under acts prior to December 23, 1857		50 00			50 00	
Payment of Treasury notes, per act of December 23, 1857	800 00	700 00	500 00		2,000 00	
Payment of Treasury notes, per act of March 2, 1861	104,350 00	1,614,000 00	74,650 00	70,400 00	1,863,400 00	
Re-imbursement of temporary loans, per acts of February 25 and March 17, 1862	27,203,017 44	82,547,267 22	21,934,305 71	65,615,143 67	197,299,734 04	
Redemption of fractional currency, per act of March 3, 1863			206,400 00	236,000 00	442,400 00	
Redemption of 2-year 5 per cent. Treasury notes, per act of March 3, 1863				13,615,200 00	13,615,200 00	
Redemption of 3-year 6 per cent. compound-interest notes, per act of March 3, 1863				2,250,000 00	2,250,000 00	
Redemption of Texan indemnity stock, per act of September 9, 1850				992,000 00	992,000 00	
	218,731,583 06	357,260,081 80	329,943,872 53	392,120,564 50	1,298,056,101 89	1,298,056,101 89
Trust funds:						
Navy pension fund	120 00	1,487 06	20 00	15,184 18	16,811 24	
Chickasaw fund	24,999 96	28,022 40	7,078 80	7,398 08	67,499 24	
Navy hospital fund	5,735 88	*3,868 82	10,583 36	*19,748 52	*7,298 10	
Cherokee school fund			96 29		96 29	
Choctaw school fund			11,445 44		11,445 44	
Total	218,762,438 90	357,285,722 44	329,973,096 42	392,121,398 34	1,298,144,656 00	
Balance in the Treasury June 30, 1864						96,739,905 73

* Repayments.

E.—*State of the Treasury, by quarters, for the fiscal year ending June 30, 1865.*

	Quarter ending September 30, 1864.	Quarter ending December 31, 1864.	Quarter ending March 31, 1865.	Quarter ending June 30, 1865.	Total.	Balances.
Balance in the Treasury on 1st July, 1864						$96, 739, 905 73
RECEIPTS.						
Customs	$19, 271, 091 96	$15, 123, 928 78	$20, 518, 852 54	$30, 014, 387 32	$84, 928, 260 60	
Sales of public lands	342, 185 84	287, 835 26	162, 010 47	204, 521 74	996, 553 31	
Direct tax	16, 079 86	843, 380 34	52, 714 81	288, 398 02	1, 200, 573 03	
Internal revenue	46, 562, 859 92	55, 129, 731 76	65, 262, 803 28	42, 508, 820 29	209, 464, 215 25	
Incidental	9, 020, 171 44	9, 295, 832 44	4, 150, 223 73	7, 148, 036 86	29, 623, 284 47	
Fractional currency, per act of March 3, 1863	4, 340, 789 15	2, 426, 825 50	3, 691, 647 75	4, 155, 291 75	14, 614, 563 15	
6 per cent. 20-year bonds, per act of July 17, 1861	78, 963, 524 55	17, 560, 900 00	12, 002, 900 00	46, 200 00	108, 573, 524, 55	
United States notes, per act of February 25, 1862	3, 355, 820 00	804, 010 00			4, 159, 830 00	
5-20 year bonds, per act of February 25, 1862	201, 357 15	51, 300 00			252, 657 15	
Temporary loans, per act of February 25, 1862, and March 17, 1862	21, 198, 951 97	28, 956, 953 18	22, 746, 038 46	58, 536, 129 25	131, 438, 072 86	
Certificates of indebtedness, per act of March 1 and 17, 1862	85, 471, 200 63	36, 067, 000 00	68, 000 00	8, 769, 000 00	130, 975, 200 63	
6 per cent. 1881 bonds, per act of March 3, 1863	31, 848, 763 23	183, 165 99	1, 126 01	142, 750 00	32, 175, 805 23	
10-40 year bonds, per act of March 3, 1864	6, 910, 680 50	36, 486, 469 50	56, 161, 250 01		99, 558, 400 01	
6 per cent. compound-interest notes, per acts of March 3, 1863, and June 3, 1864	88, 073, 440 00	20, 460, 000 00	5, 780, 700 00	65, 900, 000 00	180, 214, 140 00	
7 3-10 3 year Treasury-notes, per act of June 30, 1864	56, 491, 400 00	54, 350, 850 00	185, 082, 382 79	363, 975, 767 64	659, 900, 401 43	
5-20 year bonds, (6 per cent.,) per act of June 30, 1864		77, 058, 250 25	9, 000 00	17, 639, 000 00	94, 706, 250 25	
7 3-10 3 year Treasury-notes, per act of March 3, 1865				15, 655, 895 59	15, 655, 895 59	
Gold coin purchased, per act of March 17, 1862, (first section)				3, 355, 000 00	3, 355, 000 00	
Total	452, 068, 325 20	355, 686, 453 00	375, 698, 650 85	618, 339, 198 46	1, 801, 792, 627 51	1, 801, 792, 627 51
Trust funds:						1, 898, 532, 533 24
Smithsonian Institution	2, 682 00		2, 682 00		5, 364 00	
Navy pension fund	815, 645 42	1, 006, 090 34	1, 538, 027 70	764, 612 28	4, 124, 375 74	
Chickasaw fund	7, 191 43	1, 830 00	6, 127 25	1, 830 00	16, 978 68	
Total	452, 893, 844 05	356, 694, 373 34	377, 245, 487 80	619, 105, 640 74	1, 805, 938, 345 93	
EXPENDITURES.						
Civil, foreign intercourse, and miscellaneous	8, 712, 422 51	7, 755, 941 82	10, 952, 397 15	12, 271, 896 53	39, 692, 658 01	
Interior, (pensions and Indians)	4, 935, 179 29	2, 292, 156 46	5, 405, 786 51	1, 625, 453 12	14, 258, 575 38	
War	286, 200, 288 52	141, 088, 220 69	189, 838, 574 22	414, 196, 277 36	1, 031, 323, 360 79	
Navy	33, 292, 916 49	29, 015, 964 27	27, 273, 231 27	32, 985, 664 09	122, 567, 776 12	
Interest on public debt, including Treasury notes	19, 921, 054 48	11, 506, 127 85	9, 269, 717 55	36, 700, 812 12	77, 397, 712 00	
Redemption of Texan indemnity stock, per act of September 9, 1850		409, 920 00		1, 221, 969 38	1, 631, 889 38	
Re-imbursement of Treasury notes, per acts prior to December 23, 1857	50 00	100 00		250 00	400 00	
Payment of Treasury notes, per act of December 23, 1857	1, 000 00	100 00			1, 100 00	
Payment of Treasury notes, per act of March 2, 1861	10, 450 00	1, 500 00	7, 200 00	24, 400 00	43, 550 00	
Redemption of United States notes, per act of July 17, 1861	243, 245 00	102, 495 00	5, 359 00	19, 500 00	370, 599 00	
Redemption of 7 3-10 three-year coupon bonds, per act of July 17, 1861	106, 315, 100 00	2, 759, 250 00	14, 950 00	29, 321, 750 00	138, 411, 050 00	
Redemption of postage and other stamps, per act of July 17, 1862	954, 550 40	1, 686, 733 38	1, 118, 787 46	979, 316 10	4, 739, 387 34	
Redemption of stock, loan of 1842		1, 400 00			1, 400 00	
Redemption of Treasury notes, per act of February 25, 1862	1, 044, 379 87	1, 586, 541 00	793, 059 00	911, 153 60	4, 335, 133 47	
Re-imbursement of temporary loans, per acts of February 25 and March 17, 1862	46, 507, 680 49	19, 747, 517 98	33, 564, 751 27	18, 668, 888 45	118, 488, 838 19	
Redemption of certificates of indebtedness, per acts of March 1 and 17, 1862	15, 183, 000 00	41, 307, 000 00	53, 259, 000 00	65, 078, 000 00	174, 827, 000 00	
Redemption of fractional currency, per act of March 3, 1863	878, 048 00	1, 378, 762 77	2, 426, 882 57	1, 992, 670 96	6, 676, 364 30	
Redemption of one-year 5 per cent. Treasury notes, per act of March 3, 1863		1, 279, 270 00	2, 921, 140 00	34, 272, 910 00	38, 473, 320 00	
Redemption of two-year 5 per cent. Treasury notes, per act of March 3, 1863	57, 238, 850 00	24, 226, 050 00	12, 145, 650 00	20, 346, 700 00	113, 957, 250 00	
Redemption of three-year 6 per cent. compound interest notes, per act of June 30, 1864	743, 760 00	610, 410 00	26, 990 00	76, 900 00	1, 458, 060 00	
Redemption of three-year 7 3-10 per cent. coupon Treasury notes, per act of June 30, 1864			3, 945, 900 00		3, 945, 900 00	
Purchase of gold coin, per act of March 17, 1862, (first section)				5, 072, 900 11	5, 072, 900 11	
Total	582, 181, 975 05	286, 755, 461 22	352, 969, 376 00	675, 767, 411 82	1, 897, 674, 224 09	1, 897, 674, 224 09
Trust funds:						
Navy-pension fund	1, 999 62	5, 032, 570 26	1, 999, 899 94	12, 730 83	7, 047, 200 65	
Chickasaw fund	100, 000 00	8, 629 63	13, 627 33		122, 256 96	
Cherokee schools	*1, 057 42		3, 515 00	120 00	4, 692 42	
Choctaw schools	*9, 695 59		6, 784 71	5, 130 00	21, 610 30	
Kansas schools	1, 312 50				1, 312 50	
Navy-hospital fund	28, 681 94	6, 545 04	98 13	9, 844 06	45, 169 17	
Total	582, 324, 722 12	291, 803, 206 15	354, 993, 301 11	675, 795, 236 71	1, 904, 916, 466 09	
Balance in the Treasury June 30, 1864						858, 309 15

* These two items properly belong to quarter ending December 31, 1864.

TREASURY DEPARTMENT, *May* 17, 1876.

SIR: Referring to the letter which I had the honor to address to you on the 4th instant, in response to yours of February 9, transmitting a copy of a resolution adopted in the Senate of the United States January 24, 1876, instructing the Committee on Finance to investigate the books and accounts of the Treasury Department, with reference to alleged discrepancies and alterations in amounts and figures, especially in the annual statements of the expenditures of the Government, revenue collected, public debt, &c., I beg leave further to state that the tabulated statement of the receipts of the United States Government for each fiscal year, from March 4, 1789, to 1875, inclusive, and of the expenditures of the same for the same period, to be found on pages 10, 12, 14, and 16, respectively, of the finance report for 1875, classified under appropriate heads, showing the revenues received into the Treasury and the expenditures made therefrom, was first published in the finance report of 1863. (See pages 240 to 243, inclusive.)

Prior to the commencement of the publication of these tabulated statements, nearly all the information given of the condition of the Treasury was communicated each year in the text of the report of the Secretary of the Treasury to Congress for such year. (See finance report for fiscal year 1858, pages 1 to 10, inclusive, and statement No. 1, showing, under four separate heads, the receipts of the Government and the expenditures, classified under a very few heads; see pages 26 to 30 inclusive, of same volume.) These last two statements were invariably made up from the amount of warrants issued on the Treasurer.

There has been prepared, however, and transmitted to Congress, under an order of the House of Representatives, passed December 30, 1791, an account of the receipts and expenditures of the United States for each fiscal year. This account is a transcript of the account, as settled by the accounting officers of the Treasury, of moneys received and paid out by the Treasurer on warrants covering moneys into the Treasury and on warrants drawn on him and by him paid.

As before stated, the statements contained in the finance report were made up at the close of the year, and represented, in every instance, the amount of warrants *drawn* against appropriations during such year, and therefore charged as an expenditure of the year, although such warrants may not have actually been paid until some time during the succeeding fiscal year, and in many instances they have not been paid until after the expiration of several years from the date of their issue.

In fact, in the immmense disbursements made by the Treasury during the war, the amount of the outstanding warrants grew to be very large. The drafts issued on such warrants were used as commercial paper, and being a Government obligation, and therefore more desirable than the drafts of individuals, they were retained in the possession of persons into whose hands they came, and were not presented for payment until the money which they represented was absolutely needed. For these reasons, it was found almost impossible to settle the accounts of the Treasurer without legislati on on the subject; and, therefore, on the 2d of May, 1866, Congress passed a law to facilitate the settlements of accounts of the Treasurer of the United States, and provided that any draft issued upon a warrant which had

been outstanding and unpaid for three years or more should be covered back into the Treasury by warrant, to the credit of the party in whose favor it had been originally issued and to an appropriation account to be denominated "outstanding liabilities."

It will therefore be seen, from what has been stated, that the statements which have exhibited the receipts and expenditures of the Government were made up from entirely different data. It had been the practice up to 1871, when the Treasurer's accounts had been settled and the amount of money which he had paid out on warrants ascertained, to change the items of expenditures in the accounts in the tabular statements of receipts and expenditures, which, as has already been stated, were made up from warrants issued, so as to make them conform to the accounts of receipts and expenditures, or the Treasurer's accounts of expenditures by warrants actually paid. The first account, therefore, would be changed whenever the Treasurer's account was settled and the amount of outstanding unpaid warrants ascertained.

A table showing some of the changes which have been made, and which will serve as an illustration, is herewith inclosed.

The alleged discrepancies in the different statements made have arisen solely from the different data upon which such statements have been based. As has already been shown, what are technically known in the Department as "outstanding warrants," are one of the elements of such discrepancies. The "unavailable balances," by which is meant the amount of money which has been lost by defalcations of officers, and therefore not subject to draft, is another. Another element are what are known as "trust-fund accounts." Some years they have been included in the statements, and in other years omitted. This class of accounts represents chiefly moneys which the Government has held from time to time as a trustee, and they relate principally to the trust funds held for various Indian tribes. It is to be presumed that, in making up the tabular statements, the person in charge of the work took it for granted that as these moneys were not really moneys of the United States, they should not be included in the account.

In view of the fact that the difference between the statement made by *warrants issued* and of that made by *warrants paid* arose to a great extent from a difference in dates, (inasmuch as the warrants issued but not paid within the year in which they were issued would be ultimately paid, and when so paid, and the report in which they were included as not paid was changed, that no difference would then exist,) it is presumed it was thought far better to adopt a uniform rule, so that discrepancies apparent and not real should disappear from future statements, and especially so, because the statement made from warrants paid related solely to the personal accountability of the Treasurer, an account subsequently audited by the accounting officers of the Treasury; and, also, because it was an account ordered to be published by the House of Representatives in 1791, and at a time when no other statements of the public accounts were made.

Besides this, the books of the Department were originally designed to show the accounts of the expenditures by warrants issued, and not by the account which was ordered to be published by the House of Representatives' resolution above referred to.

From what has been said it might be inferred that two sets of accounts are kept in the Department, but such is not the case. The accounts of receipts and expenditures represented on the books of the Department are based on *warrants issued*. The published statement, made under the House resolution of 1791, of receipts and expenditures, is simply a copy of the Treasurer's personal accounts, based upon the warrants paid by him within the year to which it relates.

It will be seen that the alleged discrepancies referred to have chiefly arisen from the practice which has heretofore obtained of using the figures contained in the statement or personal accounts of the Treasurer, after their adjustment, in the place of those previously presented in the accounts of warrants issued—an account only ascertained one, two, or three years later than the first-named accounts are made up.

Very respectfully,

B. H. BRISTOW, *Secretary.*

Hon. JOHN SHERMAN,
Chairman Committee on Finance, United States Senate.

Expenditures as shown by finance report and by receipts and expenditures.

	Civil.	Foreign intercourse.	Miscellaneous.
Finance report, 1850, pp. 30 to 34	$3,042,770 07	$4,838,594 76	$6,958,360 24
Receipts and expenditures, 1850, pp. 11 to 39	3,027,454 39	5,990,858,81	7,025,450 16
Finance report, 1851, pp. 21 to 25	3,478,549 24	6,217,170 30	8,177,247 71
Receipts and expenditures, 1851, pp. 13 to 45	3,481,219 51	6,256,427 16	8,146,577,33
Finance report, 1852, pp. 22 to 28	3,422,939 29	4,132,671 45	9,824,158 03
Receipts and expenditures, 1852, pp. 13 to 49	3,439,923 22	4,196,321 59	9,867,926 64

	War.	Navy.	Interior.
Finance report, 1850, pp. 30 to 34	$9,401,239,16	$7,923,313 18	$3,400,524 87
Receipts and expenditures, 1850, pp. 11 to 39	9,687,024 58	7,904,724,66	3,530,477 49
Finance report, 1851, pp. 21 to 25	11,811,792 73	8,987,797 67	5,115,334 98
Receipts and expenditures, 1851, pp. 13 to 45	12,161,965 11	8,880,521 38	5,123,178 99
Finance report, 1852, pp. 22 to 28	8,225,246 92	8,928,236 05	5,198,828 94
Receipts and expenditures, 1852, pp. 13 to 49	8,521,506 19	8,918,842 10	5,445,434 82

	Public debt.	Total.
Finance report, 1850, pp. 30 to 34	$7,437,366 41	$43,002,168 69
Receipts and expenditures, 1850, pp. 11 to 39	7,438,728 17	41,604,718 26
Finance report, 1851, pp. 21 to 25	4,217,986 76	48,005,878 68
Receipts and expenditures, 1851, pp. 13 to 45	4,426,154 83	43,476,104 31
Finance report, 1852, pp. 22 to 28	6,275,815 53	46,007,806 20
Receipts and expenditures, 1852, pp. 13 to 49	6,322,654 27	46,712,608 83

In the earlier years the Secretary did not state the condition of the Treasury by fiscal or calendar years, but very frequently from the commencement of one Congress to another or from one quarter to another.

Mr. BOUTWELL. Mr. President, upon one point presented by the honorable Senator from West Virginia, [Mr. DAVIS,] the nature of which will appear from my observation upon it, I desire to say that early during my administration of the Treasury I caused to be made a thorough examination of the accounts of the Treasury from the beginning and especially from the year 1836. That investigation did disclose the fact that there were errors which showed themselves in the annual statements that had been made to Congress, and especially during the period of the war, and in a degree from the close of the war until the year 1869. There were also errors that were older in date. Now, I desire that the Senate shall understand exactly what I did. There were no changes made in the books of the Department, none whatever. That has been proved by the statement of General Bristow while he was Secretary of the Treasury; it can be proved by a hundred witnesses in the Treasury. If such changes had been made, the fact could be established by a hundred witnesses who either are or have been in the Treasury Department.

Mr. THURMAN. Will the Senator allow me interrupt him there?

Mr. BOUTWELL. Certainly.

Mr. THURMAN. Taking that to be as the Senator states it, as it no doubt is, what is there in the Treasury to warrant those reports made to Congress that according to the Senator's own statement do not correspond with the books of the Treasury?

Mr. BOUTWELL. I was coming to that. When this thorough examination had been made and certain errors had been disclosed which did not affect the integrity of anybody, but errors in the method of keeping the accounts, which led in some instances to erroneous results, and it became my duty to state to the country the exact facts, I had then to choose between stating those facts or repeating in the tables that were prepared under my direction errors which had previously existed, and which while the Secretary of the Treasury had no knowledge of those errors he would of course be justified in repeating in present and in subsequent reports; but when the errors came to the knowledge of the Secretary, then if any duty had rested upon him it was a duty to state the facts exactly to the country. That I attempted to do, that I think I accomplished; but it did not interfere in any way with the books of the Treasury Department, and certainly did not change a figure in a report that had been published by my predecessors.

Mr. THURMAN. Now if it will not interrupt the Senator I should like to ask right there, what then is there in the Treasury Department, except the reports that are sent to Congress, to show that there are any errors in the previous accounts kept in the Treasury Department?

Mr. BOUTWELL. There are the examinations which have been made and tables prepared; most of them have been laid before Congress; part of them in the report submitted by the honorable Senator from Ohio during the present session of Congress; but the books of the Department have not been changed.

Mr. THURMAN. Then I understand the books not having been changed the books are erroneous to this day?

Mr. BOUTWELL. They are in some respects.

Mr. THURMAN. The books are erroneous to this day, and no correction has been made in them?

Mr. BOUTWELL. No correction has been made. Bills have been presented to Congress, one bill passed I think this body during the present session to establish a new account for the disposal of items that had been lost by defalcations. I think the Finance Committee reported such a bill.

Mr. SHERMAN. I will state to my colleague that there are $35,000,000 now shown by the books of the Treasury to be in the Treasury of the United States that were distributed among the States in 1837 or 1836 or thereabouts. That money is counted, by the mode of book-keeping, as cash in the Treasury.

Mr. BOUTWELL. If the Senator from Ohio farthest from me [Mr. THURMAN] will listen I will make one statement, not in the way of criticism, but nevertheless it is a truth, that when the Government was organized a loan account was opened in the Treasury; and it is within his knowledge that the Government of the United States assumed the war debts of the States, as they were called, amounting to seventy-four or seventy-five million dollars. In the ordinary course of business, if the Government had issued bonds and sold them and obtained an amount of money for those bonds, the loan account would have been credited with that receipt and when the debt was paid the loan account would have been debited with the amount of the payment, and the two items would have balanced each other. But as matter of fact nothing was received into the Treasury and therefore no entry was made upon the credit side of the loan account; but when the loan was redeemed there was an entry made upon the debit side of the loan account, and of course there was a discrepancy. There were some other items similar in their character; but what added to the difference in the two sides of the loan account was the circumstance that at different times loans were sold below par. For instance, during Mr. Buchanan's administration a loan was sold for about eighty-five cents on the dollar. The loan account was credited with the amount received, and when the bonds were redeemed it was debited with the amount paid, and there was a discrepancy. That was stated in full in the report of the Secretary of the Treasury for the year 1870, I think in a table appended to the report, showing that these differences amounted in regard to the loan account to $116,000,000; yet there had never been a cent lost.

Now what I desire to state further is that in the first place an ex-

amination of these accounts was made in the office of the Secretary of the Treasury; then the matter was referred to the Register of the Treasury, who has an independent set of books kept by different clerks and under different control. The Register of the Treasury proceeded, as appears from a report, which is in print, dated December 20, 1872, addressed to the Secretary of the Treasury, which I will read:

TREASURY DEPARTMENT,
Register's Office, December 20, 1872.

SIR: I have the honor to forward, herewith, a report on the public debt of the United States, from January 1, 1836, to July 1, 1871, according to the "receipts and expenditures," together with comparative statements, showing the differences between the "loan account" and the "receipts and expenditures account."

As the public debt statement prior to July 1, 1871, was always made up from the loan accounts, there was no check on "receipts from loans" and "redemptions on account of loans." As a natural result, every item of *discount* at which a loan was originally negotiated, all *premium* and *interest* erroneously included in the principal, and every error in charging or crediting the proper loan, has increased the discrepancies between the two accounts.

Many of these discrepancies (for they scarcely deserve the name of errors, as they do not involve accountability for the public funds) arose in the first years of the war, when the same careful attention to the proper statement of the accounts could not be given as it is possible for us to do now, assisted, as we are, by the experience of the past.

To carry out the design of your office, to have the public debt stated according to the receipts and expenditures, as well as according to the loan account, it is proposed to open a set of books in this office on the basis of this report, on which, subsequently to July 1, 1871, every warrant covering receipts from loans will be credited, and every pay warrant issued in the redemption of a loan be charged to its proper loan.

A ledger for this purpose kept in this office to correspond with the one now kept in your office will enable us to detect such errors in drawing warrants as have up to this time passed unnoticed.

That is to say, there was no check whatever, and if an error occurred in the office of the Register there was no provision or arrangement or system anywhere else by which that error would be discovered.

Although this report is only intended to supplement the labor performed in your office, the result of which is published on page 11, of the finance report for 1871, yet it has necessitated the re-examination of every account from 1836 to July 1, 1871.

All the receipts and expenditures on account of the different loans aggregated by years, are given in this report, to invite scrutiny into the accuracy of the results, to the end that absolute correctness may be attained.

Hereafter, one account will be a check on the other, and prevent errors being perpetuated.

Respectfully submitted,

JOHN ALLISON, *Register.*

HON. GEORGE S. BOUTWELL,
Secretary of the Treasury.

This shows that there were two independent examinations of these old accounts, one made in the office of the Secretary of the Treasury and one made in the office of the Register of the Treasury, and they were found to agree. I have ascertained this morning from the Register of the Treasury that, in consequence of the resolution introduced by the Senator from West Virginia, in both the offices, the office of the Secretary of the Treasury and the office of the Register of the Treasury, there have been during the present session of Congress independent examinations made of these two accounts from 1836 to the present time and by different clerks, and the result corresponds with each other. That is, these two examinations correspond with each other, and they both correspond with the two examinations made in 1869 and 1870. Therefore it is now to be said that there have been four independent examinations made of these accounts, and the result sustains the theory on which I proceeded in the statement submitted to the country in 1870; and I think that whatever errors there may have been, they are not justly chargeable to me or to my administration; that those errors existed in former times; and that my crime is that I undertook to ascertain where those errors were, and when I ascertained those errors I did not hesitate to state the results to the country, for there has never been any secresy about this; the statements were made in the reports of 1870 and 1871, and so on; and in fact I think even my friend, the honorable Senator from West Virginia, will admit that from the time I instituted these inquiries and made these statements there has been no evidence tending in the least degree to show that the statements are erroneous in any particular. If former statements were erroneous, as undoubtedly they were, when those facts were ascertained by the Secretary of the Treasury he had no higher duty resting upon him than to make the facts known to the country. That, I submit, is all that I have done.

Mr. THURMAN. Is there any record in the Treasury Department of this investigation into these accounts?

Mr. BOUTWELL. O, yes.

Mr. THURMAN. And the data upon which corrections were made?

Mr. BOUTWELL. All, sir.

Mr. THURMAN. In detail?

Mr. BOUTWELL. Yes, sir; I think in detail, entirely. I have no doubt all the minutes and papers have been preserved; but there have been four independent examinations.

Mr. BAYARD. I desire to make a statement. I was not in the Senate Chamber at the time of the presentation of the report made by the officers of the Treasury Department in response to the resolution which went to the Committee on Finance, originally introduced by the Senator from West Virginia but considerably modified by the Senate. The resolution was one touching a subject of great difficulty which for its proper investigation would have involved many months of labor upon the part of any committe charged with it. The Senator from West Virginia desired a special committee for that purpose, of which under the custom of the Senate he either would have been chairman or certainly a member; but it was the pleasure of the Senate to decline to have that special committee raised, and the subject was committed to the Committee on Finance, against which I both spoke in the Senate and cast my vote, and I stated to the Senator from West Virginia that I believed that with the commission of the Committee on Finance his object would not be reached. After that the matter was submitted by the chairman of the Committee on Finance to the officers of the Treasury who, after some weeks, returned to us a large roll in manuscript purporting to be a reply to the queries contained in that resolution. It was a formidable paper, not simply in its bulk but in the character of its contents, and I confess that none of us in that committee were disposed to encounter the labor of undertaking to examine it. It was, however, at the suggestion of the Senator from Tennessee [Mr. COOPER] and myself, or one of us, submitted to the honorable Senator from West Virginia and he had it in his hands, I believe, for perhaps a week. At the end of that time it was returned to the committee, and the committee reported it to the Senate just as they had received it. They could not have verified the accuracy of those figures nor were they in any degree responsible for the accuracy of those figures; they were simply the channels of communication of the Treasury Department of a large body of statistics to the Senate under that resolution.

I state this fact, not doubting that it has been substantially stated before, but simply to give my own contribution of recollection to the truth of history on the subject. I do not suppose it is in conflict with the statement made by any one, because the matter is fresh in our minds, and I say this because I am never willing to make any charge or suggestion of a charge of irregularity or of any other default against any Department or any officer of the Government or any individual unless I am prepared to show my grounds for it. In this case the facts were unknown to me; I did not feel myself competent nor did my other duties give me the time to undertake an investigation, which, upon the most rational estimate that I could make of the labor, would have occupied me for one year and perhaps longer with the aid of efficient clerks. I say this so that the history of my connection as a member of the Committee on Finance with the resolution may distinctly and plainly appear.

Mr. THURMAN. I do not want to occupy the time of the Senate more than a very few moments. I do not propose to question the accuracy of the report made to Congress under the direction of the Secretary of the Treasury, now the honorable Senator from Massachusetts. I am not authorized to do that, because I have no sufficient knowledge to justify me in criticising it; but one thing strikes me as very singular indeed and as requiring observation. If I understand the Senator from Massachusetts, not one figure has been changed in the books of the Treasury Department. At the same time, if I understand him correctly, those books do not present the truth; and therefore he caused to be made to Congress a report that is not in correspondence with the books of that Department.

Mr. BOUTWELL. The Senator errs in that respect. The statements made to Congress are in correspondence, but they are made up, for example, in regard to the public debt, from the receipts and expenditures account instead of what is called the warrant account, which has been explained here in times past in this way: For instance, in the Register's Office whenever bonds pass through his Office and are handed over to the Treasurer to be sold, they are entered upon the books of his Office as a portion of the public debt and become so, although as a matter of fact they are still in the Treasury Department, and nothing has been received from the purchase of the bonds, they are still held by the Government. Nevertheless they appear on his books as a part of the public debt, because they have passed through his hands and have been registered. Therefore, in that respect, the public debt would appear larger oftentimes, but not always, from his books, than it really was. On the other hand, when the public indebtedness is paid, when bonds are redeemed or greenbacks are redeemed, the Treasurer will have paid out money due on bonds in his possession; but they would not appear upon the books of the Register of the Treasury as debts canceled and paid until the accounts of the Treasurer had passed through the Office of the First Auditor and the Comptroller, which would take always some days and sometimes weeks; and, therefore, usually the statement of the public debt by the Register would be in excess of the actual amount; not always, but very often, it would be so. It is just as we have attempted to illustrate it before, like the case of a gentleman keeping a bank account. He might look at his book and it would show a certain balance in his bank, whereas on the books of the bank it might be different, owing to the fact whether checks drawn had been presented or not. Therefore the statement of the public debt by warrants did not show exactly its condition; but the statement by receipts and expenditures did show it, and that was the change which was made in the year 1870; and since that time there has been an account kept in the Office of the Register in both ways, by warrants and by receipts and expenditures. There has been an account kept in the Office of the Secretary of the Treasury by receipts and expenditures. These accounts are kept by different persons. They are compared at the end of the quarter or at the end of the year to see whether they agree or not; and in that manner one becomes a test of the accuracy of the other, and errors are less likely to occur than they were when

there was only one account kept, and that by warrants. That is the difference.

There has been no change in the books, and I may say in regard to the statement of the public debt that if you take a statement made by Mr. McCulloch during his time, when it was upon a different basis, and introduce into it the elements which were introduced by me, the result would be precisely the same. For instance, he never included earned interest as a part of the public debt which always amounted to many million dollars, and sometimes to at least $30,000,000, which was as much a part of the public debt as the principal itself. That was one of the alterations that I made in the statement of the public debt. It did not change facts, but it presented, as I believed, the facts to the country precisely as they existed.

Mr. THURMAN. Mr. President, the Senator has confined himself mainly or entirely to the subject of the public debt. The Senator from West Virginia has called our attention not simply to the accounts of the public debt, but to the accounts of receipts and expenditures, and not simply to receipts and expeditures generally, but to special subjects, as pension accounts for example.

Now let us see how these matters stand. It is not necessary to say what the mode of keeping books is in this famous report of 1871. I understand the fact to be, according to the statement of the Senator from Massachusetts, that the books of the Treasury before 1871 did not show the true state either of the public debt or of the receipts and expenditures of the Government. That I understand, and hence it was that he made a revised statement. Here is the glaring fact, that the system of book-keeping in the Treasury Department up to the year 1871, if I understand the Senator correctly, did not furnish to the country a correct statement of either the public debt or the receipts and expenditures of the Government.

Mr. BOUTWELL. O, no. The Senator errs in this. With the exception of a few errors which occurred from time to time and which are explained, it furnished a statement, but it was upon the basis of warrants and represented usually the debt to be greater than it actually was, because there was often debt paid which did not appear upon the books of the Register, although the Treasurer had paid the debt. There was upon the books of the Register evidence of bonds that were issued and appeared upon his books as a debt, a liability of the Government, which, as matter of fact, were still in the Treasurer's hands and for which no money had been received, and it is a matter of fact that there was nobody outside having claims against the Government for those bonds. They were still in the possession of the Government.

Mr. THURMAN. That will apply only to the loan account and not at all to the account of receipts and expenditures. And now what strikes me as singular is that upon this statement the books of the Treasury have been kept so long in such a way that they do not show of themselves and without extrinsic aid and the employment of experts the true state of the public debt or the true state of the receipts and expenditures of the Government; and yet our committee has reported that no change in the mode of book-keeping is necessary, if I understand the report. Such is their report, if I am not misinformed.

Mr. SHERMAN. I will state further that in the nature of things when books are kept in any way but in different offices and dealing from different times and embracing different elements, it is not possible for them to agree; and the very fact that by analyzing and taking out the different elements, comparing them they can be tested by each other, is the very highest security, and that security ought to be preserved and is preserved by the present mode. I think it would be the same with a great commercial house. In a commercial house it would not be possible from their books to show the precise state of accounts, because there may be outstanding checks, there may be unpaid notes, the final ledger may be made up as of a different date or subsequent to the journal, and therefore the accounts might differ. If the accounts of a commercial house were made up on the debits and credits in the ledger account, they might differ somewhat from the accounts made up from the journal, and both might differ from the actual fact by omitting other elements that are necessary to make the true account.

Mr. RANDOLPH. May I interrupt the Senator? I think the Senator from Ohio [Mr. SHERMAN] is mistaken when he says that it is not practicable in Congress to change the mode of book-keeping in the Treasury Department so that greater certainty may be had. I have the authority of the recent Secretary of the Treasury, Mr. Bristow, for saying, upon an inquiry made by me to him, that the present mode of book-keeping in the Treasury Department is most unsatisfactory, unreliable, and incapable of making the detection of errors that would be made in the ordinary course of a commercial business.

Mr. SHERMAN. In his report under his sign-manual sent by him to us, he says that this mode of keeping books has grown up in the Department and he would be a bold man who would change it, and that it ought not to be changed. We have here his official statement to that effect.

Mr. RANDOLPH. I cannot help what Mr. Bristow has said in his official statement. I state on my responsibility here as a Senator that he has said to me, and in answer to a direct inquiry made on that subject, that the mode of book-keeping is unsatisfactory and that under the present mode—a fact which I knew very well without his telling me, a fact which every man acquainted with the mode of keeping books in commercial houses, in banking institutions, and every man who chooses to look at the mode of keeping these books must know—there is a capacity for the books having great errors and that the mode of ascertaining those errors must of necessity be very long and very uncertain. I was very much surprised when this whole matter was referred to the Committee on Finance, as I think I have said to some of the members that they should have reported back; that the present mode of book-keeping was substantially sufficient. I should be very glad indeed if some action should be taken by this body by which, in the future at least, we should have the security that is had by the smallest commercial house in the country. We do not have it to-day.

Mr. THURMAN. Can it be possible that a system of book-keeping can be correct and all that is required which admits of a remodeling of the whole accounts and a statement that the public debt is $200,000,000 more than it appears on the books? Can it be possible that such a system of book-keeping can be correct? My colleague says that such discrepancies occur in commercial houses. What would be said of the Bank of England if its reports showed a discrepancy of two hundred millions in regard to the liabilities of that institution? It would not stand in public confidence in England one hour.

I will not say that the late Secretary of the Treasury, now one of our brethren on this floor, was at all wrong in remodeling that statement. If truth required it he was right in remodeling it; but I do say that a system that required that remodeling, that required a statement of the public debt at $200,000,000 more than it had been stated before, that required a change in the statement of the receipts and expenditures of the Government of $8,000,000 or $9,000,000 in a single year—that such a system of book-keeping cannot be correct, at least it cannot be what the Government ought to require, and it is not what any great moneyed or commercial institution in the country would endure for a moment. That is what I object to. What confidence can the country have in the statements of the indebtedness of the country or its resources, what confidence can be placed in the credit of the Government, if we cannot rely upon the books of the Treasury Department, if it requires its books to be remodeled, if it requires the labor of experts for months to find out whether they are correct or not, and if the statements made to Congress differ by millions and tens of millions and hundreds of millions from the statements made in previous years?

I say, Mr. President, that the Senator from West Virginia is entitled to the gratitude of this country for calling attention to these facts. I do not say at all that there has been anything wrong in what has been done. I do not know it, and I am not the man to make accusations without knowledge; but I do say that the mode of keeping these books must be wrong or there could have been no such discrepancies in the reports that have been made to Congress.

Now, sir, one word about the Register's accounts. As I understand, the Register is required by law to make a statement of the receipts and expenditures of the Government by warrants, at least he has been accustomed so to do, and I suppose there is some law for his doing it. If I understand the statement of the Senator from West Virginia, the report made to us by the Register of the Treasury does not agree with the warrant account. What answer is it to say that some of the bonds or the like, or warrants issued by the Government, have not been redeemed at the Treasury? That is not the question at all. The question is, "Are you, Mr. Register, bound to make a report to Congress by warrants of the receipts and expenditures of the Government; if you are, how dare you make a report that is not by the warrants?" That is the question. Let him say this report is not by the warrants; and yet if I am not mistaken—I may be wrong about it, but if I am not mistaken—you cannot find one of his reports down to this day that does not purport to be a report of the receipts and expenditures by warrants. If it is not a report by warrants, if the warrants do not verify that report, we have a false report.

I say again, I wish to be most distinctly understood that I am charging no wrong upon any human being. All that I am saying is that if this is the mode of keeping the books in the Treasury, it deserves the most careful consideration of a committee to know whether that mode cannot be changed so that the books should import, and be what they import, absolute verity.

Mr. HAMLIN. I now ask for the regular order.

Mr. DAVIS. Mr. President——

Mr. HAMLIN. No, I will not yield to anybody more.

Mr. DAVIS. I think it fair that I should be heard for not more than two or three minutes.

The PRESIDING OFFICER. The Senator from Maine declines to yield.

Mr. HAMLIN. I ask the Senate now, after the day has been spent on this matter, to let us get to the regular order.

Mr. DAVIS. Only a minute. I want to say something in justice to myself.

Mr. HAMLIN. Very well.

Mr. DAVIS. I have not stated that the books of the Treasury Department have been changed; but I have stated, and it has been admitted by the Senator from Massachusetts and the chairman of the Finance Committee, that the statements to Congress have been changed, and that they do not correspond with the books in the Department. It has been my endeavor to point that out, and I think I have done it. There has not been as yet a single figure that I have

presented in either one of my statements impeached. All are correct, I believe, and so acknowledged. As to the difference between the books and the statements to Congress, that is acknowledged on all hands.

Now, one word more and I have done. I did feel hurt at what the Senator from Massachusetts said when he made allusion to me in his remarks a few days ago; but his remarks to-day have been so different from what they were on the day to which I refer, that I now feel quite differently; and I ask the permission of the Senate, when I come to revise my remarks, if I have said anything that would be at all personal to the Senator from Massachusetts, to be allowed to strike it out.

Mr. SHERMAN. I only want to suggest that as I criticised the allusion of the Senator it might put me in a very awkward position; but I still make no objection. I rather criticised the Senator for attacking the motives of the Senator from Massachusetts. It will leave me in my criticism in an awkward position if he strikes out that on which I based it; but I am perfectly willing that the Senator shall do as he pleases.

Mr. DAVIS. I take back no facts or figures that I have submitted. I only refer to some allusions I made. I believe every figure I quoted to be correct.

Mr. HAMLIN. Now I insist on the regular order.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the post-route bill.

Mr. EATON. If the Senator from Maine has no objection, I should like to be heard either now or to-morrow.

Mr. HAMLIN. I hope my friend will allow me to go on with the bill.

Mr. EATON. Very well; I will take occasion to call this matter up again. I wish to present a figure or two and say a word or two about it.

POST-ROUTE BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3628) establishing post-routes.

Mr. HAMLIN. I wish to say a few words in relation to this bill. It came to us from the House of Representatives, and our committee has stricken out ninety-two routes that were established by the bill of the House. Some of them were duplicated in the same bill; others had been provided for in a previous bill of this year; others had been provided for in a bill of a previous year; and some few, upon investigation and conference with the Post-Office Deparment, were determined to be unnecessary. They have therefore been eliminated from the bill. The number of routes is very large; but I may add that there is a third, I am not quite sure but a half, of the routes named in this bill that will call for no additional postal service.

I suppose it is within the knowledge of every Senator that special offices are established in every State. They are largely established in consequence of the railroad system. A railroad is constructed, the old post-route is abandoned, and special offices along from one to three miles away from the route have been established, and have been supplied as special offices, and the compensation for supplying the mail has been generally the revenue of the office. In these vast number of cases there has, from the depot of the railroad to the office established, never been a post-route established. What is true of railroads is equally true of the same class of offices which are adjacent to large places. Many special offices are supplied from the large offices. This bill has provided to make these all post-routes. Therefore for that number, which is very nearly one-half of the bill, no additional service will be required. Here are fifty-five routes in Massachusetts; I am not sure that a single route there requires any additional service. Here is Vermont with quite a large number; I think there is but one single route in that State which requires any additional service. In Connecticut there are some twenty-five, and not more than one or two of them require additional service.

I make these general remarks and now will only add that the committee have given to the subject very careful consideration. We have conferred with the Department; we have sought on all occasions to ascertain a fair and just necessity for a route before we would incorporate it in our bill. The bill itself is long. Perhaps the Senate will indulge me if we only proceed in considering the amendment to the bill, and not read the text. I will make that request.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) If there be no objection, that will be the order. The Chair hears none.

The Chief Clerk proceeded to read the amendments reported by the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. Are we not to hear what is left in the bill?

The PRESIDING OFFICER. The Senate have ordered that only the amendments be read.

Mr. EDMUNDS. Then on the third reading I shall ask that the bill be read at length, as the rule requires, so that we shall have it read once before it passes.

The amendments reported by the Committee on Post-Offices and Post-Roads striking out routes in the bill, inserting others, and varying others, and changing the spelling in several instances, were agreed to.

Mr. HAMLIN, on behalf of the committee, reported an additional series of similar amendments, which were agreed to; as were also similar amendments by Mr. KEY, Mr. MAXEY, and Mr. GORDON.

Mr. HAMLIN. I submit the following amendment as an additional section to the bill:

SEC. 2. That section 1 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876, be, and the same is hereby, amended by repealing the following words:

Provided, That the Postmaster-General be, and he is hereby, authorized and directed to re-adjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, for the transportation of mails on the basis of the average weight.

And that the sum of $900,000 be, and the same hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated for transporting the mails of the United States on railroads.

Mr. EDMUNDS. Let us have the yeas and nays on that.

Mr. SAULSBURY. I wish to inquire if this amendment is reported by the Committee on Post-Offices and Post-Roads?

Mr. HAMLIN. It is reported with the approval of the committee. The bill had been reported to the Senate, but subsequently at our meeting the committee gave its approval to the amendment, although the subject was not strictly before it.

Mr. INGALLS. I wish the Senator would explain the meaning of it.

Mr. SAULSBURY. I was not present at the meeting of the committee and therefore know nothing about it.

Mr. HAMLIN. The Senator was not present.

Mr. SAULSBURY. As I understand it increases some $900,000 the appropriations already made for the postal service.

Mr. HAMLIN. Certainly it does.

I will state to the Senate the reasons which the committee have in presenting the amendment to it for its consideration, and I express a hope for its favorable action. If we are wiser to-day than we were yesterday we should utilize that wisdom. If we committed an error yesterday and have discovered that error, it is the highest and the first duty that we should perform to correct that error, in my judgment. That we are wiser to-day than we were, and that we committed, all alike, an error in abolishing what was called the fast-mail service I sincerely believe; and if we have that information to-day which would have induced us to act otherwise than to abolish that service at the time it was done, and if we did make a mistake and commit an error at that time, I trust the Senate will remedy the error which has been committed. Did we do so? I think we did. I think there has been a very grave misapprehension on the part of the Senate in relation to that service. When I say to the Senate that we have never paid one mill in addition for that service I think I say what to some of them may be new.

About ten months since the Postmaster-General inaugurated a service which was called the "fast-mail" service. It affected the whole country. It reduced the time between Chicago and New York twenty-four hours, and it consequently benefited the community lying beyond the termini of that road just as much as it did those who were upon it or near it, because at each terminus of the road the time had been saved. This mail matter was distributed and radiated from those various points. Everybody had the same benefit from it that those did who lived directly upon the route. It was attempted partially as an experiment. England has long had what she has called her fast-mail service; not ours, because her fast-mail service is at a speed of sixty miles an hour. Our fast-mail service was at a speed of thirty-five miles an hour. It went into effect. It met the approbation, I think, of all classes in every part of the country. I know there was a little uneasy feeling among newspapers at the precise time fast-mail service was created, as bringing from the great central points their newspapers in competition with those at local points. That, however, I think has all changed. To the business man, to the merchant, time is money, and if we can transport our mails so that twelve or twenty-four hours may be gained by all the community lying on and receiving their mail communication from Chicago west, and all portions of the community lying north and east of New York, we contribute so much to the benefit of the business portion of the community.

I said a moment ago that we had paid not one single cent additional for this fast-mail service. That is true, and how? The compensation to railroads is based almost exclusively upon weight. There is the element of space coming in, but the element of fast trains has never entered into the system at all. The difficulty arising in the country has been that all railroads have been paid precisely the same sum, whether they run twenty miles an hour or thirty-five miles an hour. The fast train that did run thirty-five miles an hour received not one mill of additional compensation in consequence of that speed. Perhaps I ought not to say that so broadly. The Government contributed not one mill more in consequence of that fast service, and why? It was produced in this way: You first gave $50 a mile for all railroads that transported two hundred pounds of mail daily and you went up on your scale until it amounted to $300, and then you gave $25 a mile for every two tons transported upon the road daily. You do not take and never have taken into account increased speed. The compensation for the increased speed was produced by giving large mails to these roads.

Mr. WEST. More weight.

Mr. HAMLIN. More weight. If the matter had gone upon other roads the same moneys would have been paid to the other roads for transporting the mails. The fast train got an increased compensation, but the Government paid no more. It only aggregated its mail

upon this route, and gave to it a great sum that would have divided among other roads if it had not been aggregated upon the fast-mail trains. That is the condition of it.

When the amendment in relation to this service was agreed to in the committee of conference on the post-office appropriation bill, I think my friend from Louisiana [Mr. WEST] agreed precisely with me. We were conferees upon that bill. I have said we committed an error. I own to the error quite as much and perhaps more than this body, because I was one of the conferees who signed the report which the Senate agreed to. But what were the conditions which led the Senator from Louisiana and myself and I do not know but the Senator from Texas, [Mr. MAXEY,] though I cannot speak for him, but I think I can speak for the Senator from Louisiana, to agree to that report? It was the last point upon which the conferees disagreed, and we were told distinctly that no agreement could be had upon the bill unless we would agree to a reduction of 10 per cent., a horizontal scale of reduction, of all the railroad service of the country. I affirmed from knowledge which I had that I believed it would stop the fast trains. The conferees on the part of the other House expressed just as strong an opinion—I doubt not they believed just as sincerely as I did—that it would produce no such effect. We did sign the report; it came here, was agreed to, and became the law. Now, what is the result? The result proves that the Senator from Louisiana and myself were right in our judgment that we should lose the fast-mail service. We have lost it, and I fear we cannot get it back. I want to say that if the Senate and the House shall agree to this amendment, I am not quite sure that it will bring the fast-mail service back; but it will approximate toward it, at least, and it will accommodate the whole country. It is worth trying, and I hope the amendment will meet the approbation of the Senate.

Let me make one other suggestion for the consideration of the Senate. You cannot legislate in relation to your postal system upon isolated questions and divide it into distinct branches, fostering the one and destroying the other. It is not right in principle. You must deal with it as a system. Why is it that this large bill, establishing post-routes all over the country, is presented here? Why have I agreed to this report from the Committee on Post-Offices and Post-Roads? Because I regard your frontiers and your remote sections as a part of a general system that must be cared for from the general revenues. I have therefore cheerfully agreed to it and believe it is right, and I stand here as I have always stood in favor of granting postal facilities to non-paying points. That is just what this bill will do. Is it wise, is it right—and I put the question to Senators in candor—to take the great arteries through which the communications of your country go by the ton, and the sources from which your revenues are derived, that send out their power to the utmost extremities of the Republic, and while you are thus doing your only simple duty in providing for distant, remote, and non-paying sections, that you shall shut down upon the great business marts of the country that communication which is of inestimable value to them? I affirm to-day that the stoppage of the fast mails in England would turn out any administration that ever held power there.

Mr. MORRILL. May I ask the Senator from Maine a question?

Mr. HAMLIN. Yes, sir.

Mr. MORRILL. I desire to know whether all the mail service transported upon railroads could be obtained with the 10 per cent. reduction, excepting the fast mail service?

Mr. HAMLIN. No, sir. I ought to have said in going along that I drew this amendment first for the purpose solely of restoring the fast mail.

Mr. MORRILL. My purpose is to get at the fact whether we have got to pay 10 per cent. increased pay for all of our mail service in order to obtain the fast-mail service. I see that this amendment appropriates $900,000.

Mr. HAMLIN. Yes, sir; it is just what we cut it down precisely, and that diminution was in consequence of this 10 per cent. We diminished the appropriation for the railroad service in the post-office bill just $900,000.

Mr. MORRILL. But I do not understand that any other service has been cut off, except the fast-mail service, in consequence of the 10 per cent. reduction.

Mr. HAMLIN. I understand this, and I was about saying to the Senator that I first drew a measure for the purpose of restoring the fast-mail service. I found this difficulty standing directly in my way, and I think the Senator from Vermont will see the difficulty when I state it. You cannot have two rates for your railroads. That is precisely what we understand from the information that we get. If you restore your fast-railroad service by an increasing compensation over what other roads get for performing their service, you have got two rates. We have great thoroughfares, those coming next to them, and the very moment that you create a distinction in the compensation which you pay for transporting your mails, that very moment you make a difficulty that the Department cannot go along with. That is the very trouble. Therefore it becomes necessary, in my judgment, to restore the system precisely to what it was; though I have said, and I repeat it, I doubt if we have not lost the golden opportunity. I doubt if we shall be able to get back that service as it was, but we can certainly improve it vastly from what it now is.

Mr. DAWES. Does that arise from the fact, I inquire of the Senator, that you cannot compel the railroads to take the mail at all, and that they will not take it unless they have it upon a fair and equal compensation?

Mr. HAMLIN. You can compel no railroad company to carry one letter or one paper. They control their own road, and they have complained persistently that they have never had, for certain portions of the service, an adequate compensation.

Mr. SAULSBURY. I should like to inquire of the chairman of the Committee on Post Post-Offices and Post-Roads, whom I know to be well informed on all questions relating to the service, if he can inform us as to the relative cost of the railroad transportation of mails in this country and in England?

Mr. HAMLIN. I cannot. I did have occasion to investigate that subject the past winter, but the relative cost has escaped me and I dare not undertake to state it. I am not able to do it. You have no power, none whatever, over the roads. I ought also to state what is very familiar to me, more so at least than to many other Senators whose duty it has not been to examine the subject so carefully as I have, that in this very post-office appropriation bill we have provided for a commission to take this whole subject up during the recess and report to Congress at its next session, re-adjusting, so far as they may be able, the mode and manner of compensating our railroads.

Mr. MERRIMON. I beg to ask the Senator whether the free use of the telegraph does not obviate to a very great extent the necessity for the fast transportation of the mails?

Mr. HAMLIN. O yes; if you want to make a man pay four times as much; it undoubtedly comes in competition with the mails, but not to any very considerable degree so as to disturb the great bulk of communications that always have passed in the mails and always will.

Mr. MERRIMON. I suppose that commercial people use the telegraph very freely.

Mr. HAMLIN. Undoubtedly. I noticed in a paper the other day what met my views so fully that I cut from it a paragraph which I will ask the Secretary to read. I think it states truthfully the true state of affairs.

The Chief Clerk read as follows:

THE FAST-MAIL SERVICE.

In our news-columns this morning will be found two letters, one written by Mr. Vanderbilt and the other by Mr. Scott, notifying the Post-Office Department that after Saturday next the fast-mail service will be discontinued over their railroad lines because of the inadequate compensation paid them by the Government. The public cannot justly complain if these gentlemen carry their threat into execution. Railroad companies are as much entitled as anybody else to fair remuneration for their services, and it is unjust to expect them to serve the public for nothing.

We have no apprehensions whatever that the fast mails will be discontinued, and we are confident that Congress will not do anything to interrupt a service which is of so much advantage to the whole people. To do so would be false economy and a species of retrenchment which the country would not fail to condemn when the time came. It would be a step backward in our civilization and that we are not likely to take this centennial year.

Into the merits of the controversy we do not propose to enter this morning. It may be that the railroad companies in question are now sufficiently well paid for the work they do and it is possible that they are not. They say they are not, and announce their surrender of the service. Steps should immediately be taken by the Post-Office Department and Congress to investigate the matter, and do even justice between both parties. To go back to the old slow system would disarrange everything. Fast-mail trains we must have, no matter what they cost. After a full investigation of the whole subject we are confident the House will cheerfully vote whatever may be necessary to increase the efficiency of the Post-Office Department. To do otherwise would be a very fatal mistake.

Mr. HAMLIN. I cut that from the Baltimore Gazette. I did it because it expresses my opinion better perhaps than I should be able to express it myself. I believe it states truthfully what is the condition of things. I think in nearly every city of any considerable magnitude boards of trade, business men, and commercial bodies have expressed a very earnest desire that this service should be restored. If we are wise, we shall restore it. I have here a very long communication from the Post-Office Department, from the superintendent of the railroad service. It goes into this matter with a good deal of accuracy, and I ask that it may be read for the information of the Senate.

Mr. SHERMAN. By whom is it signed?

Mr. HAMLIN. By Mr. Vail.

The PRESIDENT *pro tempore*. The Secretary will read the communication.

The Secretary proceeded to read the communication; and after having proceeded some time,

Mr. CONKLING. I make a suggestion which I think at this hour will meet the approbation of everybody. The Senator from Maine does not care to have that paper read actually, if it go into the RECORD, and I think no Senator will object to that. We can all see it in the morning and it will save so much time. The hour of adjournment is very near.

Mr. WEST. If that proposition is assented to, as this amendment is likely to provoke further debate perhaps, and there are other amendments that I know will, I move that the Senate adjourn.

By unanimous consent, the communication was ordered to be printed in the RECORD. It is as follows:

SIR: In answer to your inquiries regarding the discontinuance of the fast-mail service, I beg leave to submit the following:

It is popularly supposed that only the fast-mail trains were withdrawn from the lines of the New York Central and Hudson River Railroad, Lake Shore and Michigan Southern, and Pennsylvania Company and its connections. This is an error, as will be shown hereafter.

Some time prior to 1873 the trunk railroads, over which passed the great bulk of

mails, finding that they were increasing in bulk, and also that in the improvement of method of working and handling the mail, additional space on their best trains was demanded, met in consultation on the subject and agreed that unless some relief was granted them by Congress the postal cars furnished would be withdrawn.

The compensation to which they objected was governed by the law of 1845, which divided railroads into three classes, and paid to each class one, two, or three hundred dollars per mile per annum, with 25 per cent. additional when one-half of the service was performed at night.

This classification was made by the Postmaster-General, based upon the importance of the road. Were it not that the highest compensation to any one road was $375 per mile per annum it would be the most just and equitable law that could be framed for this purpose.

But it must be remembered that this law was framed in 1845, in the infancy of railroad service of any kind and when the mails were small. At that time, also, the mails were carried in bulk, stowed in the smallest possible space, and accompanied by a messenger who threw off and took on bags or pouches at stations, but made no distribution, not even of the mails local to the line or route. All distribution was made in the offices at the termini of routes or at distributing post-offices.

In process of time these messengers began to open the pouches received from the offices on the line of the road, take out the mail for other offices on the line, and for which they put off mails; sending all mail going beyond the route into the head office, as it was called, or the terminal offices. Then was required small apartments on the cars for the first time.

The law of 1845 makes no mention whatever of apartments to be furnished on the cars, and therefore did not anticipate the growth of this kind of service.

With the increase of railroad mileage and combinations of short lines into trunk lines under one management, connecting the different sections of the country; and the running of trains of the various roads in close connection with each other, so that a passenger could go from one end of the country to another on connecting trains and without "laying over" at any place; it was soon discovered that the sending of mails from one "distributing office" to another resulted in serious delays; consequently, instead of intrusting valuable or important communications to the mails, the business man forwarded by messenger or oftentimes by express. To avoid this delay or "laying over" of the mails the system of "railway post-offices" was devised, and in 1864 the first one was put in operation from Chicago west.

A railway post-office is a distributing post-office on wheels; as, for instance, prior to the establishment of the railway post-office mails for Wisconsin from New York would be sent to "Chicago D. P. O.;" that is, distributing post-office. These mails would leave New York, say, at night, reach Chicago the second morning, and go to the post-office, where they would be distributed or assorted; part sent to "Milwaukee D. P. O.," part to Madison, part to Green Bay, and to other centers from which railroad or stage routes radiated. At those points the mail would go again to the post-office for another distribution to the various offices on the lines of those routes radiating.

Now, when these mails arrived in Chicago on trains over one road, the trains on the roads running into Wisconsin were waiting, and within a short time would start, delaying only time enough to allow passengers to get from one depot to another, while the mail would go to the post-office and be delayed until the next train, which would leave about twelve hours after. This same thing would be repeated at Milwaukee, Madison, or other places to which the mails would be sent from Chicago.

If only one train a day was run, as is the case on many roads in the Northwest, the delay would be twenty-four hours instead of twelve. Thus if a passenger and letter left New York at the same hour over the same route for an interior town in Wisconsin, the passenger would arrive from twenty-four to thirty-six hours in advance.

The railway post-office system avoids this delay, and in this manner: A car is fitted up in precisely the same manner as a distributing post-office, with a force of clerks, &c. The mail for, say, Wisconsin is put into the car, and after the train leaves New York and before it reaches Chicago, or while in transit, the distribution is made to the various railway post-offices on the trains over the lines leading into Wisconsin. This mail is put in pouches labeled to the different lines, and as soon as the train arrives in Chicago these mails are sent to the trains soon to depart, and upon which are railway post-office cars and clerks who make the final distribution, so that the mails are ready for the radiating routes at every junction or stage center, and sent out on trains with which they connect closely, and the person addressed is soon in receipt of the news, be it good or bad, contained in the letter; and no messenger, private express, or what not can anticipate the letter or pass it on its way.

The establishment of the railway post-office of course necessitated the furnishing of much additional space on the part of the railroad companies. Instead of the mails being forwarded in the baggage-car with freight, express, or baggage, whole cars were set apart for the exclusive use of the mails. And for this space no provision was made under the law of 1845. Nor could any railroad, no matter how much mail was carried, receive over $375 per mile per annum. This led to the agreement by the railroad companies to throw off the postal cars referred to before.

In 1873 Congress passed the law under which railroads are now paid. That is:

Routes carrying over their whole length a daily average weight of mails of two hundred pounds receive $50 per mile of road per annum; five hundred pounds, $75; one thousand pounds, $100; fifteen hundred pounds, $125; two thousand pounds, $150; thirty-five hundred pounds, $175; five thousand pounds, $200; and $25 per mile per annum additional for each additional two thousand pounds daily average weight.

In addition, routes upon which postal cars are run are allowed $25 per mile per annum for cars forty feet long; $30 for cars forty-five feet long; $40 for cars fifty feet long; and $50 for cars fifty-five and sixty feet long.

The objection of the railroad companies to this was that it paid too much for weight and too little for space. In other words, if five thousand pounds of mail was forwarded over a road on which there was no railway post-office service the compensation would be $200 per mile per annum. While if the railroad was required to furnish a postal car forty feet long in which to work this mail the compensation would only be $225. While in one case the mail would be stowed in one end of a baggage-car on two or three trains a day and an apartment a few feet long furnished for the route agent on one train a day to do the local work on the line or exchange mails with the different post-offices, the other furnished a car complete on their train, besides carrying mails in the baggage-car on other trains.

Neither does the speed at which the mails are conveyed enter into consideration when the compensation is fixed; it is the same when carried on a freight-train as when carried on the fastest express-train. These, together with the fact that the Post-Office Department requires the railroads to take the mails to and from the post-offices at the ends of the route and to and from all offices within eighty rods of the line of road are the underlying causes of all troubles between the railroads and the Post-Office Department.

Whether the compensation as fixed by law of 1873 is too great or too little is a matter too intricate for discussion here. One thing, however, is certain; that is under the provisions of that law great irregularities exist in the payments to railroad companies if a comparison is made based upon the facilities furnished.

The railroad companies demand that their compensation shall be based upon the elements which they claim enter into the cost of performing this service, that is, space and facilities furnished, and speed at which the mail is conveyed; and that their work shall commence and end at the stations of their line; that is, the Post-Office Department shall perform its own mail-messenger service.

Some of the demands made by the railroad companies have been exorbitant and unjust so far as price is concerned; but so far as the principles involved are concerned they are not only just, but have been and are concurred in by all the officers of the Department who fully understand and have carefully studied the subject.

The second bill of Mr. STONE as sent to the Committee on Appropriations of the House last winter was intended to meet the question and would have done so at a reduced cost for railroad transportation, as under its provisions there would have been a saving to the Government of from $500,000 to $1,000,000 on transportation of the mails. But the House Committee on Appropriations so changed it that had it become a law in the shape it came from the committee, it would not only have destroyed the railway post-office service but all other railroad service.

Then, as the House failed to get its reduction by making a careful revision of the law which would improve the service, put the Department and the railroads on good terms, and save fully 10 per cent. of the annual cost of mail transportation, got it by making what might be called a horizontal reduction of 10 per cent. This was done after a statement was made by the officers of the Post-Office Department that it would result in the withdrawal of all first-class postal facilities from the trunk-lines, and which prediction, unfortunately for the country, has come true.

But the answer to the statement that the postal facilities would be withdrawn was met by one of the leading members of the Appropriation Committee and the House of Representatives: "That the people did not desire such rapidity in the transmission of the mails; that it made no difference to them; that it was only a few over-critical business men who were so particular."

The statement is made that everything is falling in price, that freights, passenger fare, &c., are being reduced, and consequently the railroads can afford to carry the mails at a less figure than before.

It is doubtless true that if a wise revision of the law regulating compensation to railroads should be made a considerable reduction in the aggregate cost would follow. But to make a reduction in the rate which already bears unequally on the railroads for the reason that it is based upon an element, "weight," which since the introduction of postal railway service has given way to space. It matters little to the railroad company after the car is furnished how much or how little weight is in the car, the expense of performing the service remains the same.

If the weight bore an equal proportion to the space required on all roads it could be regulated by weight, but upon every railroad the features of the service are so different that it does not. The space on any train for a given weight depends upon the local mails, whether heavy or light, on the proportion of through mails, and also whether the through mails are sent through in bulk to be distributed on some road beyond, or are distributed on the line of road.

If the mails were like express goods then weight could govern, but in addition to the storage necessary for the mail there must be a portion of the car fitted up as a post-office, which is additional to the space necessary for storage purposes.

Then each year, with the improvements made in the workings of the mails and the more detailed distribution necessary to meet the demands of the public, additional space is necessary for the same weights.

It can thus be seen that even if the rates for railroad traffic have fallen, the compensation for mail service has been reduced by demanding additional facilities for the same pay, or for little increase. To show this the increase of facilities furnished on the Lake Shore and Michigan Southern and the Pennsylvania Railroads can be cited:

Pennsylvania Railroad, New York to Philadelphia.

Feet of linear car space furnished each way daily:

1862	20
1864	65
1866	100
1870	120
1875	275

The weight of mails on this line from the first record until 1875 have about doubled.

Lake Shore and Michigan Southern.

Feet of linear car space furnished each way daily:

1868	13
1869	36
1871	72
1874	160
1875	280

The weight of mails on this line from the first record until 1875 have about doubled.

On many roads there has been but little increase of facilities demanded.

The result is that the roads furnishing large proportionate space are either underpaid or the roads furnishing comparatively few are fearfully overpaid. One thing is certain the thing should be equalized, and it would be economy to do so.

A horizonal reduction of 10 per cent., or even more, therefore might be just to some roads while it would be unjust to others.

It may be said that space is considered, as there is a certain pay provided for the railway post-office car, but that amounts to but about four cents per mile run for an average postal car, about the rental paid by one company to another for use of car, and amounts to a rental from the Department to the railroad for the use of the extra car. The compensation for hauling, &c., must come from the compensation for weight carried.

The above will suffice to show the causes which have led to the action on the part of the railroad companies in throwing off the post-office cars.

The New York Central and Hudson River and Lake Shore and Michigan Southern Railroads have withdrawn the fast-mail train.

This train, an exclusive postal train, was run between New York and Chicago in twenty-six hours, leaving New York in the morning, connecting at Albany with the mails from Boston, leaving the latter place at 9 p. m., connecting at Cleveland with the trains to Cincinnati and the South, leaving Cleveland at 7.45 p. m., reaching Cincinnati at 5.15 a. m., connecting at Toledo with trains to Saint Louis and the Southwest and to Detroit, leaving Toledo 11.25, reaching Saint Louis 2 p. m. and Detroit 5.15 a. m., and connecting at Chicago with all trains leaving for the West and Northwest in the morning.

This train took all mails gathered in New England the day previous to its starting, from New York, all New York mail deposited up to starting time, delivered them through New York and Northeastern Ohio during the day, connecting trains which delivered mails in all parts of Ohio and Indiana during the night ready for an early morning delivery, and delivering mails in all parts of Illinois, Michigan, most of Wisconsin and parts of Iowa, Minnesota, and Missouri the day after it left New York, and connecting with the *only* through train to the Pacific coast and Territories, advancing the mails to the whole Northwest and West from twelve to twenty-four hours.

Much criticism has been passed on its time of starting from New York, that it was a newspaper train, &c. In arranging its schedule the idea was to give it the best schedule for the accommodation of the largest number of people. Not alone New York and Chicago were to be considered, but New England, the Middle States, and the great West, and also the greatest extent of territory that it would supply during business hours of the day.

If mails are to be delivered in the night and could be as well dispatched on a later train which would deliver early in the morning, the mails better lay at the office of origin, giving more time to the patrons to prepare the mails and at the same time do the work equally well. Heretofore the trains leaving New York in the evening left at such hours that the latest possible time a letter for the West

could be deposited in the New York post-office was six p. m. This meant sending a letter from the writer's office in many cases at five; or, in other words, the correspondence of a business man had to be prepared during his heaviest working hours to get a dispatch the same day. And although many hypercritical people who probably had nothing to do but criticise amused themselves with the idea that people did not write letters at midnight, it was found by actual observation that about 150,000 letters were deposited in the New York post-office alone for the West after the last close for the evening trains and before eleven p. m., which, had it not been for the fast-mail train, would have been delayed twenty-four hours. And judging from the complaints which now come in of having to use extra force to get their correspondence off on the trains as now run, it would seem that the people do appreciate a train leaving at night.

So far as New York and Chicago were concerned no train could be run that would advance the mails more than the fast-mail train. It left New York after all letters were in and reached Chicago in time for the first morning delivery. Had it left at night it would have reached Chicago after all business was done, and letters would have then only been delivered by the first morning delivery; and in that case it would have been no benefit to New England, and it would have delivered in the Northwest during the night to such places as were large enough to receive a special pouch, for the reason that all railway post-offices are upon the day trains out of Chicago, and to all other places the second day.

Had it left at noon, as some suggest, and arrived in Chicago at noon or a litte later, it then would have been in truth a New York and Chicago train; for it would have reached Cleveland, Toledo, and other places where connections are made for all parts of the country midway between the departure of trains, and mails for all these sections would have been forced to lay there until the regular trains started. This would have been an extravagance which the Department could ill afford. As it was Boston and New York and surrounding country had a dispatch for Chicago, Saint Louis, and Cincinnati, and all the country beyond, leaving the former cities after all mails were in, both city mail and that from concentrating roads, reaching Chicago and Cincinnati early in the morning, connecting with all trains beyond, reaching Saint Louis at two p. m. in ample time for delivery.

On this fast-mail train during the last six months of its existence about sixty-five million letters and about sixty million pieces of other mail were distributed, besides nearly as much more was sent through to other lines in bulk.

It carried from New York nearly thirty tons of mail daily. And of this thirty tons, or sixty thousand pounds, not to exceed fifteen hundred pounds, or 2½ per cent., was made up of daily newspapers; which is far below the percentage of daily newspapers sent out on the regular morning trains.

The limited mail has been withdrawn from the Pennsylvania road; this train corresponded to the fast-mail train on the Northern road, delivering all mails from New England and the North of the day previous through New Jersey, Pennsylvania, District of Columbia, Maryland, and Delaware the day of its starting from New York, making through connections to Cincinnati, New Orleans, Saint Louis, and all portions of the Southwest.

The following extract from a report to Postmaster-General Tyner, under date of July 21, will explain the situation pretty fully:

"The Pennsylvania Company leaves postal service on that road through to Saint Louis on the best postal train (5.55 p. m.) from New York to the Middle States and Southwest. This was the train on which we tried so hard to get them to shorten the time and put cars at the time of starting the limited mail over the road instead of starting in the morning, as they insisted upon doing. The Pennsylvania Railroad, by denying us mail facilities upon the day express and fast line leaving Pittsburgh at 8.45 a. m. and 8.10 p. m., respectively, even for mail in bulk, will practically place an embargo upon all mail from the Southwest for the East, excepting such as we can forward via Toledo and Cleveland.

"So far as local service is concerned, we will have about the same on the Pennsylvania Railroad as we had previous to the establishment of the 'fast' mail trains.

"On the New York Central and Lake Shore, however, we are seriously crippled. The speed of the 'fast mail' enabled us to concentrate most of the service upon that train. Between New York and Buffalo, therefore, we had but one additional service, leaving New York at 8 a. m., connecting with the postal car leaving Boston at 5 a. m., at Albany; giving us a very complete local service. Previous to the fast train there was a local service leaving Albany at 7 a. m., taking the New England mail leaving Boston the night previous and New York mail leaving at 11 p. m., which was of course merged into the 'fast' train. This will not be restored, and its absence will be most seriously felt through New York and New England.

"On the Lake Shore there are very ample facilities left for local service, and sufficient car space and cars in which to handle all New England mails for the West; but not sufficient to handle any part of the through mails from New York to the West, which are very heavy.

"These companies also will carry such mails as can be put into the baggage-cars on all trains upon which they now carry them, but these facilities are not sufficient for a tithe of the mails.

"The Erie has a double daily line of postal cars through to Hornellsville, and a single line from there to Dunkirk, where they connect with the Lake Shore.

"We can put a force of clerks in these cars, as we had previous to the fast train, and work mails for Michigan, and Ohio, and Indiana, or such parts of the two latter States as will be forwarded via the Lake Shore.

"This will prevent too great delay to the mails for those States, and give us an outlet for mails that can by no possibility be forwarded on the New York Central owing to the refusal of facilities."

So far as expense is concerned, the fast-mail trains were no additional expense to the Government, but were economical.

The mails are paid for by weight, and whether carried on one road or a dozen at one hundred miles per hour or ten, the compensation is $25 per ton per mile of road per annum for all weights over five thousand pounds.

Running mails at a high rate of speed would and did naturally concentrate on those roads performing the service all mails that could be advanced to its destination, but running at a high rate of speed involves expense, while the compensation for service did not increase in the same ratio.

In fact if all the service performed by three roads could be performed by one, it would make a considerable reduction in the aggregate compensation. For instance, if 21,000 pounds of mail was carried by one road the compensation would be—

For the first five thousand pounds, $200 per mile	$200
Each additional two thousand pounds, at $25 per mile	200
Total	400

Four hundred dollars per mile per annum.

If that was divided between three roads, each carrying seven thousand pounds, the compensation would be—

For the first five thousand pounds, at $200 per mile	$200
Each additional two thousand pounds at $25 per mile	25
Total	225

or two hundred and twenty-five to each road or $675 aggregate compensation to the three, a difference of $275 per mile of road per annum in favor of concentrating the mails, and in this way the fast-mail service worked economy.

So far as distribution is concerned, that must be made at some place, and it is economy to do it on the cars.

If done at a post-office it must be made in a limited time, as the mails are mostly deposited at the latest possible moment before closing-time, or the departure of the trains. To distribute these mails in the post-office, force enough must be on hand to do this as quickly as possible.

If this work is performed on the cars, the clerks have all the time the mails are in transit to do it, and can thus distribute the work over their whole working hours. This work of distribution if done at post-offices is going on in a great number of them while one railway post-office car passes along and makes the distribution for each office.

Now that the postal facilities have been withdrawn, much of this maill will be forced into different post-offices for distribution. The working force of these offices organized upon the supposed continuance of this service has been reduced to correspond to the reduced appropriations made by the present Congress, which will make this sudden increase of work result in very serious delay and detriment to the corresponding and reading public.

The effect of all this is already fully felt, and will result in a unanimous demand from the great public that their mails be given them again with as much promptitude as heretofore.

It must be borne in mind that all fast-mail service so far was more experimental than otherwise. That is, the idea of running trains at high rates of speed involving connections with the thousands of railroads in all parts of the country could not be developed in perfection from the start; that the possibilities of the idea were greater than was anticipated.

It was hoped that it could be made an object to the railroads not only to continue it, but to improve it from time to time as it was found possible to be improved. This was prevented in a great measure by the fact that the companies who undertook this gigantic scheme of running a train upon a schedule and with such perfect system as has never been approached in any country, found that in their opinion its expenses exceeded its revenue; at least that, together with the fact that the compensation was reduced 10 per cent., led to the abandonment of this class of service.

It was in operation long enough for the Department and the public to find,

First. That the fast-mail trains advanced mails to their destination in advance of the time by which they could be delivered by any train leaving the night previous, even if they did start in the morning, and that, too, for sections of country very close to its initial point. To the section of country within a radius of three hundred miles of New York the withdrawal of the fast trains and the consequent retardation in the transmission of mails will be more felt than the whole saving resulting from their discontinuance will counterbalance, even if it was such an expensive luxury as has been claimed. But it has already been shown that it involved no additional expense, and for that reason the abandonment is the more criminal.

Second. It was also ascertained that certain improvements could be made in its schedule which would render it even more far-reaching in its benefits. But any change to this end was defeated by the uncertainty of congressional action in the matter of compensation, and which has unfortunately resulted as it has.

Very respectfully,

THEO. N. VAIL,
General Superintendent Railway Mail Service.

Hon. H. HAMLIN,
United States Senator.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate adjourn.

The motion was agreed to; and (at five o'clock and seventeen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 4, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

SAINT PAUL, MINNESOTA.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported back, without amendment, a bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal.

The bill was ordered to a third reading, read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHICAGO PENSION AGENCY.

Mr. HURLBUT, from the Committee on Civil Service Reform, which had been instructed to inquire into the truth of certain allegations in regard to the Chicago pension agency, reported the testimony taken by the committee, together with the report of the committee upon the subject.

Mr. FOSTER submitted the views of the minority of the committee upon the same subject.

Mr. HURLBUT moved that the reports be printed and laid upon the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. LANE. I ask unanimous consent to have taken from the Speaker's table at this time and put upon its passage Senate bill No. 538, to which there can be no possible objection.

Mr. HOLMAN. I have no objection to that particular bill, but we

must at an early hour proceed to the consideration of business on the Speaker's table.

Mr. RANDALL. This taking particular bills from the Speaker's table is an unusual proceeding, and it places those whose bills are left there at a disadvantage.

The SPEAKER *pro tempore*. The proposition of the gentleman from Oregon [Mr. LANE] can only be admitted by unanimous consent.

Mr. LANE. If the bill is read, I think there can be no objection to it.

Mr. EDEN. I will reserve my right to object until the bill is read.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The title of the bill was read, as follows:

A bill (S. No. 538) to create an additional land district in the Territory of Idaho.

Mr. HOLMAN. I think my friend from Oregon [Mr. LANE] will consent that that bill remain on the Speaker's table for the present.

The SPEAKER *pro tempore*. Objection is made.

HEAD-STONES FOR NATIONAL CEMETERIES.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, submitted a unanimous report on the matter of the contract to furnish soldiers' head-stones; and moved that the report be printed and the committee discharged from the further consideration of the subject.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EVANS. I ask unanimous consent to take from the Speaker's table and put upon its passage at this time Senate bill No. 944.

Mr. LANE. I reserve the right to object until the bill is read.

Mr. RANDALL and Mr. PIERCE called for the regular order.

The SPEAKER *pro tempore*. The gentleman from West Virginia, [Mr. HEREFORD,] as the Chair understands, desires to ask for a committee of conference.

RIVER AND HARBOR BILL.

Mr. HEREFORD. I ask unanimous consent to have taken from the Speaker's table at this time House bill No. 3022, with the Senate amendments thereto, being a bill making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes. And I am instructed by the Committee on Commerce to move a non-concurrence in the Senate amendments, and to ask for a committee of conference thereon.

Mr. EDEN. I desire to ask a question of the gentleman from West Virginia, [Mr. HEREFORD.] Is the object of non-concurring in the Senate amendments and asking for a conference to increase the aggregate amount of appropriations as contained in the bill as it comes from the Senate; or is the object simply to re-adjust the different items of appropriations?

Mr. HEREFORD. I have no objection to answering the question of the gentleman from Illinois, [Mr. EDEN.] There is no intention on the part of the committee of conference to ask the House to increase the amount of appropriations in the bill as it comes from the Senate.

Mr. HOLMAN. I believe the motion first in order is to concur in the amendments of the Senate, inasmuch as the motion that tends to bring the two Houses together in their action takes precedence of the motion to non-concur.

The SPEAKER *pro tempore*. The motion to concur is first in order.

Mr. HOLMAN. Inasmuch as I wish to submit that motion, while opposed to the entire bill, I desire to state that the bill, as it comes from the Senate, at least reduces the amount of appropriations contained in the House bill. There is, as I understand, a reduction of $800,000 from the bill as it passed the House. I therefore propose to submit a motion to concur in the Senate amendments.

Mr. ATKINS. To concur without knowing what the amendments are?

Mr. HOLMAN. I think most of us know what they are. If any gentleman desires it I will ask that the amendments of the Senate be reported.

The SPEAKER *pro tempore*. The motion to concur takes precedence of the motion to non-concur, even when the previous question has been ordered upon a motion to non-concur.

Mr. HOLMAN. If the gentleman from West Virginia [Mr. HEREFORD] would prefer it, I have no objection to referring this bill with the Senate amendments to the Committee on Commerce, so that they may report to the House what changes, if any, should be made in the Senate amendments. But in the absence of any report of a committee to the House, it seems to me that we should act upon the information which we now possess, and which we derive from the CONGRESSIONAL RECORD, as to what action the Senate has taken. Upon such a bill as this I hope the House will not consent to non-concur in amendments reducing appropriations nearly a million of dollars, over $800,000, without a report from a committee. Therefore if the gentleman from West Virginia prefers it, instead of acting upon these amendments in the House now, or going into Committee of the Whole to consider them as we have a right to do, I will move that the bill with the amendments of the Senate be referred to the Committee on Commerce for their report.

Mr. ATKINS. To report at any time?

Mr. LUTTRELL. I wish to ask one question. If the House proceeds under the motion of the gentleman from Indiana [Mr. HOLMAN] to consider these amendments, will it be in order as they come up to offer amendments to the Senate bill as it comes back to us?

Mr. HOLMAN. Certainly.

The SPEAKER *pro tempore*. Certainly.

Mr. WILSON, of Iowa. I think it would be more in accordance with the custom of the House to refer these amendments for consideration to the Committee of the Whole on the state of the Union. I understand that there are extensive changes made in the bill; and if we are to carry out the theory of gentlemen on the other side, that the Senate has no right to amend appropriation bills, if the House is to control appropriation bills altogether, then these amendments ought to be considered in Committee of the Whole, where every member can have an opportunity to offer amendments and speak upon them.

Mr. HOLMAN. Certainly; let the gentleman make that point if he thinks proper.

Mr. WILSON, of Iowa. I think the Committee of the Whole is the proper place for the consideration of these amendments.

Mr. HOLMAN. I think so, too, if they are to be considered otherwise than under the five-minute rule.

Mr. WILSON, of Iowa. I move that the amendments of the Senate be referred to the Committee of the Whole on the state of the Union.

Mr. DUNNELL. The course suggested by the gentleman from Iowa has not been adopted in any case during the present session. I hope that the motion of the gentleman from West Virginia will prevail. It is in harmony with our action heretofore during the present session.

The SPEAKER *pro tempore*. The Chair will state, however, that the motion of the gentleman from Iowa is strictly parliamentary.

Mr. DUNNELL. It may be parliamentary, but it is not in harmony with the action thus far taken during the present session.

Mr. WILSON, of Iowa. I want to ask the gentleman from Minnesota [Mr. DUNNELL] whether he indorses the management of appropriation bills during the present session?

Mr. DUNNELL. I am in favor of a uniform course of procedure throughout the session. I do not propose to single out this bill and make it the object of a particular attack.

Mr. WILSON, of Iowa. We ought to forsake our evil ways as soon as we can.

Mr. REAGAN. I desire to say a word in reference to the different motions submitted in regard to this bill.

Mr. THORNBURGH. I call for the regular order.

The SPEAKER *pro tempore*. This is the regular order. The question has been raised by unanimous consent, and it is now before the House.

Mr. REAGAN. Mr. Speaker, this bill as passed by the House appropriated about $5,800,000. The House committee worked upon the measure for three or four months as faithfully and laboriously as any committee ever worked upon any bill. They read the report of the engineers in reference to every case that they acted upon. They called before them the Representatives of every district affected by any proposition in the bill. They received before them any Senator desiring to make suggestions in reference to the formation of the bill.

The purpose of the committee at first was to frame a bill which should not appropriate more than $5,000,000; but before it was completed the amount, in response to demands of members of the Senate and the House and upon the reports of the Engineer Department, was increased about $800,000 beyond what we originally designed. Indeed, some of us were in favor of making the amount as low as $4,000,000 if an equitable bill of that amount could be framed. The bill went to the Senate. The Senate has struck out some items and inserted others, making a reduction of about $603,000, and making the aggregate appropriation $5,200,000.

Having been an earnest laborer in the formation of the House bill, and having examined carefully the amendments made by the Senate, I wish to say that they create an inequitable and unjust distribution of the amounts proposed to be appropriated. I trust, therefore, that the motion of the chairman of the Committee on Commerce [Mr. HEREFORD] will be adopted and that upon a free conference of the two Houses there may be a redistribution of the amounts appropriated, without augmenting the aggregate appropriation and possibly making a still further reduction, which I think practicable. Thus the bill may, I hope, be put in a form more equitable and just, which will satisfy both Congress and the country better than the present Senate bill which the gentleman from Indiana [Mr. HOLMAN] proposes to take as it is.

One of the reasons in favor of the course which I advocate is that the House bill was not acted upon in the Senate by the Committee on Commerce but by the Committee on Appropriations, and at a late hour in the session when it was impossible for the committee to give it one-tenth of the consideration that was given to it by the House committee. I have no complaint to make of the action of the Senate committee; because I presume that in the time allowed them they did the best they could except in this: notwithstanding the general aggregate of the bill is reduced about $600,000, there is in particular States a considerable increase of the amounts appropriated. It is not

a reduction all 'round upon an equitable basis, but it shows it was just acted on according to the judgment of the committee without time to consider the reports and the facts in relation to the different works. This being so, there is no way to correct it except by a conference. To accept the bill as it now is would be to do injustice to many States and many districts. The want of equity in the bill can in some measure be supplied by a committee of conference, and without the attainment of that end I say the bill is so inequitable as it now stands that the House ought to defeat rather than pass it.

Mr. HEREFORD rose.

Mr. REAGAN. One moment. My colleague on the committee suggests if I have not done it, and I think I may do so without impropriety, to say that whoever represents our committee in the conference under the instructions contained in the resolution will keep the bill down to $5,000,000 or below it. So the committal of the bill to a conference, and I hope the gentleman from Indiana will hear me, if the desire of the House committee can be followed, is not to increase the provisions of the Senate bill but to decrease them, if that can be done.

Mr. HOLMAN. Then let it go to the Committee on Commerce.

Mr. THORNBURGH. I rise to a question of order. The regular order has been called, and that is a motion to go into Committee of the Whole.

The SPEAKER *pro tempore*. The consideration of this question was agreed to by unanimous consent of the House. It is now fully before the House, and it is too late to make any objection. The point of order is overruled.

Mr. HEREFORD. If I can get the attention of the House for a few moments I will be very much pleased. The motion I made under the instructions of the Committee on Commerce was that we should non-concur in the Senate amendments and ask for a committee of conference. A motion has been made by the gentleman from Indiana [Mr. HOLMAN] which the Chair has ruled takes precedence. The first motion to be voted on, therefore, is one of concurrence in Senate amendments.

Now I desire to say to the friends of this bill in the House that I hope they will vote down the proposition of the gentleman from Indiana, and thereafter that they will sustain the motion I have made under the direction of the Committee on Commerce.

The question simply reduces itself to this: Shall we have a river and harbor bill or not? Evidently the object of the gentleman from Indiana—which I presume he will not deny—is to kill the bill *in toto*. Therefore I hope, inasmuch as the Speaker of the House has ruled the first question is one of concurrence, this House will vote down that proposition, and then sustain the motion I have made to non-concur and give the House a committee of conference between the two Houses, so we may pass this bill to-day, provided the two committees of conference can agree. We are not going to remain here much longer. This bill has been debated in the other end of the Capitol for weeks and weeks. We are now on the eve of an adjournment, and if this bill has friends on this floor, if there are gentlemen on this floor who are in favor of improving the great highways of the country, of cheapening the means of getting the produce of the poor man to market, of giving us cheap transportation, they will vote in the direction I have indicated.

And with these remarks I have nothing further to say. I do not desire to discuss any feature of the bill or the merits of the bill. The fate of the bill rests now on the success of the motion I have made, and I hope gentlemen of both political parties who are in favor of a river and harbor bill will vote non-concurrence. Give the House a committee of conference and let us see whether we can prepare a bill equitable to all parties. I now yield to the gentleman from Michigan.

Mr. CONGER. Mr. Speaker, I think the course which the House takes with regard to the disposition of this bill will determine whether we will have any river and harbor bill this year or not. Of course the action of the House heretofore and I believe the feeling of every member of the House is that a proper, judicious river and harbor bill is in the common interest of the whole country. Sir, my experience on the Committee on Commerce has taught me that it is an exceedingly difficult task from engineers' reports and from the demands made upon the Committee on Commerce by individual members and Senators, and chambers of commerce, and representatives of the different interests all over the country—that it is an exceedingly difficult task to prepare any river and harbor bill which shall be in every particular exactly just and exactly the most fair of all bills; for the general object of that bill is to improve the means of cheap transportation of the country, and each particular region desires that improvement shall be as full as possible, each member desires that shall be as full as possible in his own region, where he sees the necessity of it most.

Now, sir, I am free to say that I think the river and harbor bill reported by the Committee on Commerce this year was in the main fair and equal and in the common general interest of cheap transportation throughout the whole length and breadth of our country. I would not agree with all its provisions. No individual perhaps would, looking over the bill; but very few men have read the reports of the engineers for the last five, six, seven, eight, and ten years, forming a continuous history up to this time of each work and showing the necessity for it; and very few members can do so or have the time to do so. But, sir, this bill when sent to the Senate was not acted upon, as has been remarked, by the Committee on Commerce of the Senate, whose duty and whose privilege it was to bring their knowledge on commercial and navigation questions to the consideration of this bill. It was turned over to the Appropriations Committee of the Senate, which never has had charge of that class of questions.

Now, sir, I am free to say that in the particular position in which that bill appeared in the Senate the Senate have done far better than I had any reason to expect they would. They have made changes, in some respects judicious and in some respects injudicious. Were it a matter personal to me and my State, I might have great reason to complain of what I might think was a seeming unfairness to the State I in part represent or a seeming partiality to other States which are represented in the bill. But no man in this House can take up these two or three hundred matters in that bill, and without years of study, without at least months of careful study of the reports, can tell what is fair and what is just, even limiting the appropriation to any given amount. I am happy to state that I believe the Committee on Commerce made and sent to the Senate a bill as fair and as just as such bills can generally be made, and in the real interest of commerce and of cheap transportation.

But the House and the Senate disagree. Now, shall we send this into the Committee of the Whole for me and you and every other man to give his views upon his choice for his own locality? For that is all it means. If amended there, it will be amended, if I may say so, by the concurrence of those who can get improvements for their own particular regions by joining with others. In that case, sir, this bill will be lost. And I venture to say that the only manner in which this bill can be amended so as to meet the joint views of the House and of the Senate is by placing it in charge of a conference committee of gentlemen who have made it their study, and who will be able to meet the Senate committee, and who will explain to them from their own study and their intimate knowledge of every one of these appropriations why they ask for changes in the Senate bill, if they do ask for them.

Now, sir, this bill is the people's bill *par excellence*, the bill that the grangers, the farmers all over the United States demand shall be passed, that they may have cheap transportation and that the freights shall not eat up the entire value of their produce. Feeling that, I desire that the House shall pursue the course which shall most surely provide some proper bill for carrying on these valuable improvements throughout the whole country; and I believe that referring it to a committee of conference is the only way in which a proper bill can be passed in this brief remainder of the session.

Mr. HOLMAN rose.

Mr. HEREFORD. I now call the previous question.

Mr. HOLMAN. I wish to ask the gentleman from Michigan, if it is not too late in the season now to accomplish much by this bill?

Mr. CONGER. It is not too late, because a large part of these appropriations is for material, and a large portion of the material must be procured in the winter-time. It is essential that the bill should pass.

Mr. HOLMAN. I think it is too late to be of much use.

The SPEAKER *pro tempore*. The gentleman from West Virginia [Mr. HEREFORD] demands the previous question.

Mr. HOLMAN. I desire to interpose a motion to refer the bill and amendments to the Committee on Commerce.

The SPEAKER *pro tempore*. That motion cannot be entertained unless the call for the previous question is voted down.

Mr. WILSON, of Iowa. As the gentleman from West Virginia calls the previous question to shut off any opportunity for reply, I ask leave to have printed in the RECORD some remarks which I desired to make in the direction in which my friend from Michigan has spoken.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Iowa?

There was no objection; and leave was granted. [See Appendix.]

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The main question having been ordered, the first question is on the motion of the gentleman from Indiana, [Mr. HOLMAN,] that the House concur in the Senate amendments.

Mr. HOLMAN. I ask that they be reported.

The Clerk proceeded to read the Senate amendments.

Mr. HOLMAN. I presume most gentlemen have followed the course of these amendments in the other branch of Congress. I will not ask therefore that time be consumed in further reading them.

The SPEAKER *pro tempore*. The question then recurs on the motion of the gentleman from Indiana, that the House concur in the Senate amendments.

Mr. EDEN. I wish to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear it.

Mr. EDEN. I wish to ask the Chair if the House votes to concur in the Senate amendments whether that passes the bill?

The SPEAKER *pro tempore*. That unquestionably will pass the bill.

Mr. HOLMAN. The Senate amendments reduce the amount appropriated over $800,000 below the bill as it passed the House.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. FOSTER. Are we not under the five-minute rule?

The SPEAKER *pro tempore*. This is not in Committee of the Whole.

The question being taken on Mr. HOMAN'S motion, it was not agreed to.

So the House refused to concur in the Senate amendments.

Mr. HOLMAN. I now move to lay this bill and the Senate amendments on the table, for the reason that so much of the season has gone by as to render the appropriation of this vast sum of money of no value.

Mr. CONGER. I rise to a point of order.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana is not debatable. The gentleman from Michigan will state his point of order.

Mr. CONGER. My point of order is that the previous question is now operating.

The SPEAKER *pro tempore*. The previous question only operated upon the motion of the gentleman from Indiana, and the present motion of the gentleman from Indiana is now in order.

Mr. HOLMAN. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 48, nays 142, not voting 95; as follows:

YEAS—Messrs. Anderson, John H. Baker, Bell, Blackburn, Bland, Boone, John Young Brown, Horatio C. Burchard, Cannon, Collins, Cutler, Danford, Darrall, Eden, Fort, Frye, Glover, Hoar, Hoge, Holman, Hurlbut, Jenks, Le Moyne, Maish, Miller, Morgan, Mutchler, Neal, Packer, Poppleton, Powell, Rainey, Randall, Rice, Robinson, Savage, Sheakley, Singleton, William E. Smith, Southard, Springer, Stenger, Stevenson, Thompson, Charles C. B. Walker, Walsh, Wike, and James Williams—48.

NAYS—Messrs. Adams, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Bradford, Bright, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cason, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Culberson, Davis, Davy, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Ely, Evans, Felton, Finley, Forney, Foster, Franklin, Freeman, Garfield, Gibson, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Hartridge, Hartzell, Haymond, Henderson, Hereford, Abram S. Hewitt, Hopkins, House, Hubbell, Hunton, Hurd, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Luttrell, Lynch, Mackey, MacDougall, McCrary, McDill, McFarland, Metcalfe, Milliken, Mills, Monroe, Morrison, Nash, New, Norton, O'Brien, O'Neill, Page, Payne, Phelps, Pierce, Piper, Platt, Potter, Rea, Reagan, John Reilly, Riddle, William M. Robbins, Roberts, Miles Ross, Rusk, Sampson, Scales, Schleicher, Sinnickson, Slemons, Smalls, Strait, Stone, Teese, Terry, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Gilbert C. Walker, Ward, Warren, Erastus Wells, G. Wiley Wells, White, Wigginton, Willard, Alpheus S. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Woodburn, Yeates, and Young—142.

NOT VOTING—Messrs. Abbott, Ainsworth, Ashe, Bass, Beebe, Blair, Bliss, Blount, Bradley, William R. Brown, Buckner, Burleigh, Campbell, Candler, Chapin, Chittenden, Clymer, Cowan, Cox, Crapo, Croonse, De Bolt, Denison, Douglas, Egbert, Ellis, Faulkner, Fuller, Gause, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hooker, Hoskins, Hunter, Hyman, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Lewis, Lord, Lynde, Magoon, McMahon, Meade, Money, Odell, Oliver, John F. Philips, William A. Phillips, Plaisted, Pratt, Purman, James B. Reilly, John Robbins, Sobieski Ross, Sayler, Schumaker, Seelye, A. Herr Smith, Sparks, Spencer, Stowell, Swann, Tarbox, Martin I. Townsend, Turney, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Welling, Wheeler, Whitehouse, Whiting, Whitthorne, Andrew Williams, Charles G. Williams, James D. Williams, William B. Williams, Alan Wood, jr., Fernando Wood, and Woodworth—95.

So the motion to lay the bill on the table was not agreed to.

Mr. HEREFORD. I now call the previous question upon my motion that the House non-concur in the amendments of the Senate and ask a conference on the disagreeing votes of the two Houses thereon.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. HEREFORD's motion was agreed to.

Mr. HEREFORD moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as the conferees on the part of the House Mr. HEREFORD, Mr. REAGAN, and Mr. DUNNELL.

ORDER OF BUSINESS.

Mr. BRIGHT. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports of a private nature, and the morning hour begins at one o'clock p. m. and the call rests with the Committee on Patents.

HORACE L. EMERY.

Mr. J. H. BAGLEY, from the Committee on Patents, reported back, with a favorable recommendation, the bill (S. No. 675) to enable Horace L. Emery to make an application to the Commissioner of Patents for the extension of letters-patent for improvement in cotton-ginning machines.

The bill was read, as follows:

That Horace L. Emery, of Albany, in the State of New York, have leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to him for an improvement in cotton-ginning machines of date the 4th day of September, 1860, for the term of seven years from and after the date of such extension by the Commissioner of Patents; such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the aforesaid original term of said patent; and upon such application so filed, the Commissioner of Patents shall be authorized to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of said patent had not expired: *Provided*, That no person shall be held liable for the infringement of said letters-patent, if extended, for making use of said invention since the expiration of the original term of said letters-patent and prior to the date of the extension.

Mr. HURLBUT. I call for the reading of the report in that case.

The SPEAKER *pro tempore*. There is a report from the Senate committee accompanying the bill, which will be read.

The Clerk read the report, as follows:

That, from the evidence submitted, it appears that said Emery's improvement in cotton-ginning machines is a new and useful invention; that his patent was issued on the 4th day of September, 1860; that the said Emery has used due diligence in introducing the invention during the original term of his letters-patent, but that, without fault or negligence on his part, and owing to the interruption of business by the late war and to other circumstances beyond his control, he has not been adequately remunerated; that he has received, as a profit from his interest in manufacturing the said machines, the sum of $7,250, which has been mainly absorbed by his expenses in attending fairs, exhibitions, advertising, &c., for the purpose of introducing said invention.

That, in the opinion of the committee, the said improvement is capable of saving to the public a very large amount upon the annual crop of cotton made in the United States, by reason of the increased capacity of the machine, the more uniform cleanliness of picking, the improved condition and greater value of the staple, the economy of force required to drive the machine, and the exemption of danger from firing.

That the applicant had made preparations in time to visit Washington for the purpose of making application to the Commissioner for an extension of his patent, but supposing that the ninety days' notice required was a rule of the Commissioner of Patents and subject to his discretion to some extent, and not a statutory enactment, he did not reach Washington until fifteen days after the time limited, being seventy-five days before the expiration of the original term, when he learned that his only remedy was through an enabling act by Congress. That he has since been diligent in pressing his case upon the attention of Congress, and though it received the favorable action of our committee at the last session, the said committee were unable to submit their report.

Your committee are of the opinion that the applicant is entitled to relief from the effects of his mistake, and therefore recommend the passage of the accompanying bill.

The question was put upon ordering the bill to a third reading; and upon a division there were—ayes 7, noes 31.

Mr. J. H. BAGLEY. I call for tellers; but before the vote is taken I should like to say a word.

The SPEAKER *pro tempore*. The gentleman has a right to be heard.

Mr. J. H. BAGLEY. This bill is designed simply to correct an error or inadvertence on the part of the patentee. He was entitled under the statutes to the extension of his patent, but he was about ten days too late in making his application, and this bill is merely to correct that error. This patent was issued in 1860. It is for a machine which is used exclusively in the South, and on account of the war the patentee was unable to transact any business. Since then he has been introducing the machine, but has received no adequate reward for his invention.

Mr. HURLBUT. Why is it that this patentee did not go before the Commissioner——

Mr. J. H. BAGLEY. He was under the impression——

Mr. HURLBUT. He was ignorant of the law.

Mr. J. H. BAGLEY. No; he made a mistake of ten days in applying for his extension.

Mr. NEAL. Does not this report show that this patentee has already received over $7,000 for his machine?

Mr. J. H. BAGLEY. Yes; but he has expended it all in introducing his machine.

Mr. NEAL. The question, then, seems to be this: whether the Government shall not only give this patentee a term of fourteen years of exclusive privilege, but shall further insure the success of his patent?

Mr. J. H. BAGLEY. He has not had fourteen years' advantage of his patent; only about five or six years.

Mr. NEAL. He was granted a patent for fourteen years.

Mr. J. H. BAGLEY. That is true; but the war came on, and he could not introduce his machine during the first portion of that period.

Mr. NEAL. And you want the Government to insure the success of this patent?

Mr. J. H. BAGLEY. No. I simply ask the House to correct the error which the man made in applying for his extension. This bill was discussed in the Senate at length, and unanimously passed by the Senate, to give the man the privilege of again going before the Commissioner of Patents.

Mr. COCHRANE. Is there any provision in this bill to protect parties who in good faith had manufactured this machine since the expiration of the patent?

Mr. J. H. BAGLEY. There is such a provision. But the patentee has manufactured all these machines himself. He proposes to continue their manufacture himself, and not to license other parties for a royalty to manufacture them. I hope the bill will pass.

The question was upon ordering the bill to be read a third time.

The SPEAKER *pro tempore*. No quorum having voted, the Speaker will order tellers under the rule, and appoints the gentleman from New York [Mr. J. H. BAGLEY] and the gentleman from Illinois [Mr. HURLBUT] to act as tellers.

The House again divided; and the tellers reported that there were—ayes 55, noes 68; no quorum voting.

Before the result of this vote was announced,

Mr. J. H. BAGLEY called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 123, not voting 113; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Cason, Caulfield, Conger, Darrall, Davy, Dobbins, Dunnell, Eames, Ely, Finley, Hardenbergh, Benjamin W. Harris, Haymond, Henkle, Abram

S. Hewitt, Hoar, Hoge, Hurd, Hyman, Franklin Landers, Lane, Leavenworth, Lord, Nash, Norton, O'Brien, O'Neill, Page, Pierce, Platt, Rainey, Rea, Reagan, Sinnickson, Smalls, Stowell, Wait, Charles C. B. Walker, Ward, G. Wiley Wells, Alpheus S. Williams, Willis, and Woodburn—49.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Baker, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Caswell, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Culberson, Cutler, Danford, Davis, Dibrell, Durham, Eden, Evans, Felton, Forney, Fort, Foster, Freeman, Frye, Gibson, Glover, Goode, Goodin, Hale, Andrew H. Hamilton, Hancock, Harrison, Hartridge, Hartzell, Henderson, Holman, House, Hubbell, Hunton, Hurlbut, Jenks, Thomas L. Jones, Joyce, Kasson, Kimball, Lawrence, Le Moyne, Luttrell, Lynde, McCrary, McMahon, Milliken, Monroe, Morgan, Morrison, Neal, New, Packer, Payne, Phelps, John F. Philips, Piper, Plaisted, Poppleton, Potter, Randall, John Reilly, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sampson, Savage, Scales, Schleicher, Sheakley, Singleton, Siemons, William E. Smith, Southard, Springer, Strait, Stenger, Stevenson, Stone, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Walsh, Warren, Erastus Wells, Wigginton, Wike, Willard, James Williams, James D. Williams, Jeremiah N. Williams, James Wilson, and Yeates—123.

NOT VOTING—Messrs. Abbott, Ashe, Banning, Bass, Beebe, Blair, Bliss, Blount, Bradley, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, Campbell, Candler, Chapin, Chittenden, Clymer, Cowan, Cox, Crapo, Crounse, De Bolt, Denison, Douglas, Durand, Egbert, Ellis, Faulkner, Franklin, Fuller, Garfield, Gause, Gunter, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Hereford, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, Hoskins, Hunter, Frank Jones, Kehr, Kelley, King, Knott, Lamar, George M. Landers, Lapham, Levy, Lewis, Lynch, Mackey, Magoon, Maish, Mac Dougall, McDill, McFarland, Meade, Metcalfe, Miller, Mills, Money, Mutchler, Odell, Oliver, William A. Phillips, Powell, Pratt, Purman, James B. Reilly, Rice, Sobieski Ross, Rusk, Sayler, Schumaker, Seelye, A. Herr Smith, Sparks, Spencer, Swann, Tarbox, Teese, Martin I. Townsend, Tufts, Van Vorhes, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, White, Whitehouse, Whiting, Whitthorne, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—113.

So the bill was not ordered to a third reading.

Mr. CONGER. I move that this bill be recommitted to the Committee on Patents, not to be brought back on a motion to reconsider.

Mr. RANDALL. I move to lay the bill on the table. What is the use of killing these bills constantly, and having them always coming up?

Mr. CONGER. This bill has not been killed.

Mr. RANDALL. It has been pretty well scotched, and we may as well kill it at once.

The motion to lay on the table was agreed to.

Mr. RANDALL moved to reconsider the vote by which the bill was laid on the table, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF EMPLOYÉS OF THE HOUSE.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported the following resolution:

Resolved, That the Clerk of the House of Representatives be authorized to pay to the parties whose names appear on the annexed schedule the sums set opposite their names; the total sum to be paid amounting to $1,341.87.

Mr. RANDALL. Read the schedule.

Mr. HURLBUT. Let the names be read.

Mr. WILLIAMS, of Indiana. Some sixteen employés of the House who were discharged on the 30th of June did not receive their pay at that time, and could not receive it until the 22d day of July. A resolution was passed by the House the other day directing the Committee of Accounts to inquire into the propriety of allowing them compensation up to the time when they received their pay for June. We have agreed to this resolution allowing them pay up to the 22d of July.

Mr. HURLBUT. Do I understand that the chairman of the Committee of Accounts [Mr. WILLIAMS] reports here a proposition to pay men for time that they have not served—for time after they had been discharged from service?

Mr. WILLIAMS, of Indiana. Yes, sir.

Mr. HOLMAN. The gentleman from Illinois [Mr. HURLBUT] will remember that it has been the common practice to give employés a month's extra pay. A resolution is offered at almost every session of Congress to pay the pages of the House for an entire month after the adjournment of Congress.

Mr. HURLBUT. But the gentleman from Indiana always opposes it.

Mr. HOLMAN. That is unimportant. I am merely speaking of the practice, which has been to pay a full month's compensation in excess of the time of actual service. This practice seems to prevail in almost every Department of the Government.

Mr. HURLBUT. But I wonder at the gentleman from Indiana, who is the great fugleman of reform, proposing to pay men for work that they have not done and to pay them for staying over here in order to be paid.

Mr. HOLMAN. I am simply calling the attention of the gentleman to what has been a very common practice. My colleague [Mr. WILLIAMS] and the Committee of Accounts are merely following, and to a partial extent only, a practice which has been almost universal for many years past.

Mr. KASSON. Have the Committee of Accounts reported in favor of any extra pay for those men who were discharged last December?

Mr. HOLMAN. I would remark that the same thing was done, with the concurrence of the gentleman from Illinois, [Mr. HURLBUT,] in regard to the employés of the Engraving and Printing Bureau, who were paid a full month's extra compensation. The appropriation of $25,000 for making this additional payment to the discharged employés of that Bureau received, I believe, the universal concurrence of this House. The practice, therefore, is too general to permit any point to be made on this resolution, although I agree with the gentleman from Illinois that the practice is a very unwise one.

Mr. FRYE. Was it not also the "practice" to furnish tea for the use of members? [Laughter.]

Mr. HOLMAN. That was the practice, I believe, on the other side of the House.

Mr. WHITE. I would like to inquire of the gentleman from Indiana whether when the employés of the last Congress were discharged at the beginning of the present session they were allowed a month's extra pay after their discharge? Perhaps I do not make myself understood. If I understand the resolution now before the House——

Mr. WILLIAMS, of Indiana. Let me answer the gentleman's question.

Mr. WHITE. Not just now. The effect of this resolution, as I understand, is to allow additional salary to employés who have been discharged already. Now I want to know whether the employés who were discharged by the officers of this House when the administration of its affairs passed from republican into democratic hands were allowed any extra salary?

Mr. FORT. I can answer the gentleman that they were not.

Mr. WILLIAMS, of Indiana. We did not pay those employés who were discharged last December, because they received the pay that was due them and they did not have to wait here for even one day to get their pay. I am as far as any gentleman on this floor from being willing to pay men for services not rendered; and I would have been very much opposed to paying a single one of these men if they could have obtained their pay when they were discharged; but they could not then be paid. Why? Because the other branch of Congress refused to pass until the 22d of July the bill which had passed this House for the purpose of paying those employés. Consequently these men were detained here for want of money to take them to their homes. We now propose to pay them $77 apiece for the time they were detained here in consequence of not getting their pay.

Mr. WHITE. I would like to ask one other question. I understand that these are clerks of committees, and I would like to know whether this list includes all the committee clerks whose services might be dispensed with.

Mr. WILLIAMS, of Indiana. There is not a single clerk in this list.

Mr. RANDALL. Let me say that this is the result of the action of the House in reducing the number of employés heretofore employed by the republican House.

Mr. WHITE. That may be a good point; but does this list include all that might be dismissed? I ask that the list be read.

Mr. WILLIAMS, of Indiana. I call for the previous question.

Mr. CONGER. Let the list be read.

Mr. FORT. I would like to make a remark.

Mr. WILLIAMS, of Indiana. I yield of course to my colleague on the committee, [Mr. FORT.]

Mr. FORT. Since the honorable chairman of the Committee on Appropriations [Mr. RANDALL] has made his very cutting remark, I wish to say that if there is any economy in this proposition I would like him to point it out. This House now proposes to pay a man $133 for waiting here thirty days for fifteen days' pay. Is that economy? It will cost us $133 as interest on $45 for thirty days, and they ask us to pay over $1,300 for this delay.

Mr. RANDALL. I will answer the gentleman. It is practically dispensing with the number of officers whom you employed here in the last Congress, and whom we now discharge under the operations of a policy of reduction. Because we were not able to pay them promptly, we give them pay for twenty days that they were detained here waiting for their pay.

Mr. FORT. These were not the employés of the last Congress, but are the appointees of the present democratic House.

For one I do not propose to sit here longer and be lectured by the gentleman [Mr. RANDALL] on economy when his practice will not bear him out. I have asked the names be read by the Clerk. It will be seen that one person was discharged on the 15th of June and who only had pay for fifteen days due him. It is now proposed to pay him $133 as interest on his pay for fifteen days. That is the economy the gentlemen of the other side propose.

Mr. RANDALL. We have reduced the expenses here $100,000.

Mr. FORT. I am willing to pay all discharged men and have been, but no such proposition was ever made by gentlemen on the other side of the House to pay employés discharged when they came into power. Not one single wounded Union soldier ever got one cent additional pay when he was discharged. Gentlemen on that side of the House did not propose to pay them any extra pay. Now I want this list of discharged employés to be read and put into the RECORD. It will show that those gentlemen who are lecturing us on economy do not practice it themselves when it applies to their own party.

I wish it distinctly understood that the other side of the House have made no such proposition to pay republicans who were discharged when they came into power. They have kicked out one-legged and one-armed Union soldiers, and did not propose to pay

them one single cent beyond the pay for the days they had rendered their faithful service.

Mr. HOLMAN. The gentleman is mistaken.

Mr. FORT. No; I am not mistaken.

Mr. HOLMAN. It has been explained there has never been but one disabled soldier dismissed from the service, and that was under a misapprehension, and another wounded soldier put in his place at once.

Mr. FORT. The gentleman knows that at least twenty wounded Union soldiers were discharged, and he can find the names of some of them published in the New York Times of August 1, 1876, and in no instance did his party pay them a single cent in addition to what they had earned.

Mr. RANDALL. In reference to this matter of not paying discharged clerks of the last administration, I desire to say we paid them by keeping them here up to December and later, paying them for five months when they did not perform any service at all.

So much for that. As to our action in the administration of this House the record shows that we have reduced the expenditures of the employés about this House about $100,000 since we had the power.

Mr. CONGER. Not if the gentleman adds the expense of clerks employed since the number of clerks was adopted.

Mr. RANDALL. Yes, sir; the force is enormously reduced.

Mr. CONGER. The force has enormously increased since the gentleman's committee reported the number that should be employed.

Mr. RANDALL. We have adhered mainly to the number we agreed upon, although the other end of the Capitol would not.

Mr. CONGER. The other end of the Capitol did not employ clerks for our committees. I ask now for the reading of those names.

The SPEAKER *pro tempore*. Prior to putting the question on the seconding the demand for the previous question the Clerk will read the list.

The Clerk read as follows:

List of employés of the House.

Names.	Capacity.	Annual salary.	Pay to July 22, 1876.
CLERK'S OFFICE.			
George W. Chapman	Folder	$1,440 00	$86 03
Wilmot Leach	do.	1,440 00	86 03
George W. Parvis	do.	1,440 00	86 03
Frank Lamar	do.	*3 60	79 20
DOORKEEPER.			
H. T. Burrows	do.	*3 60	79 20
William W. Lester	do.	*3 60	79 20
S. M. Freeman	do.	*3 60	79 20
J. W. Wiggins	do.	*3 60	79 20
R. H. Paxton	do.	*3 60	79 20
Benoni Shindler	do.	*3 60	79 20
William Tucker	Folder	*3 60	79 20
William H. Minuix	do.	*3 60	79 20
Nicholas Dawson	do.	*3 60	79 20
C. H. Sargent	do.	*3 60	79 20
Lewis Y. Ellis	do.	*3 60	79 20
J. H. Walters	do.	†3 60	133 20
Total			1,341 87

*Twenty-two days, to July 22, at $3.60 per day.
†Thirty-seven days, to July 22, at $3.60 per day.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee was adopted.

Mr. WILLIAMS, of Indiana, moved to reconsider the vote by which the report of the committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK TO A COMMITTEE.

Mr. WILLIAMS, of Indiana, also, from the Committee of Accounts, reported the following resolution:

The Clerk read as follows:

Resolved, That the Committee on the Real-Estate Pool and Jay Cooke Indebtedness be, and are hereby, allowed to retain the service of a clerk from the 15th day of July, 1876, to the close of the present session; and the compensation of said clerk shall be $4 per diem.

Mr. HOLMAN. Will my colleague allow me to ask this question: Whether the services required of a clerk on that committee are not performed almost entirely by a stenographer?

Mr. WILLIAMS, of Indiana. I am not able to answer that. They have sent a request for the service of a clerk for this time.

Mr. HOLMAN. As my colleague has not inquired into the subject, I ask him to consent to recommit the resolution. Committees engaged in investigations have stenographers employed at high salaries, and as a general thing, so far as I am informed, they do not require the services of a clerk. I hope my colleague will inquire whether the duties performed are not by stenographers instead of by a clerk.

Mr. WILLIAMS, of Indiana. I have been satisfied of that fact all the time; that the investigation had to be performed by a stenographer. But notwithstanding that every committee seemed to be very anxious to have a clerk; and I have only reported this resolution in accordance with the instructions of the majority of the Committee of Accounts and at the request of the committee which desired the services of this clerk. The chairman of the committee can probably explain it.

Mr. HOLMAN. With the consent of my colleague, I will move to recommit the report of the Committee of Accounts with instructions to inquire if the duties are not performed by a stenographer.

The question being taken on Mr. HOLMAN's motion, there were—ayes 17, noes 45; no quorum voting.

Mr. HOLMAN. I insist on further count. Gentlemen must know there is an army of clerks unemployed about this House, absolutely unemployed; the duties being performed by stenographers.

The SPEAKER *pro tempore*. Debate is not in order. Further count being demanded, the Chair will order tellers; and appoints the gentleman from Indiana, Mr. WILLIAMS, and the gentleman from Indiana, Mr. HOLMAN.

Mr. O'BRIEN. I ask to have the resolution read again.

The resolution was again read.

Mr. HOLMAN. I will not interrupt further the public business by insisting on further count, although I am satisfied that this clerk is not required.

Mr. CONGER. Since the gentleman from Indiana has called the attention of the House to the increase of this great army of clerks, I think we ought to have that question decided. Therefore if the gentleman fails to have the courage——

Mr. HOLMAN. The gentleman is not stating correctly what I said. I did not say there was an increase in the number, but that an unnecessary number was employed.

Mr. CONGER. I understood the gentleman to state that there is an enormous increase in the number of clerks employed.

The SPEAKER *pro tempore*. Debate is out of order.

Mr. WHITE. I rise to a point of order.

The SPEAKER *pro tempore*. The tellers will take their places.

Mr. HOLMAN. I have withdrawn the call for further count.

The SPEAKER *pro tempore*. It is renewed by the gentleman from Michigan, and the Chair appoints as tellers the gentleman from Michigan, Mr. CONGER, and the gentleman from Indiana, Mr. WILLIAMS.

Mr. CONGER. I do not insist on further count.

So (further count not being called for) the motion to recommit the report was not agreed to.

The SPEAKER *pro tempore*. The question recurs, Will the House agree to the report?

Mr. WHITE. I rise to a point of order. Will it be in order to move to amend this resolution by transferring a clerk from a committee where he does no work to this committee where he may perform service for the $4 per diem?

The SPEAKER *pro tempore*. If the gentleman from Indiana [Mr. WILLIAMS] yields to the gentleman from Kentucky for that purpose, any amendment may be offered.

Mr. WHITE. Will the gentleman yield to me for an amendment?

Mr. WILLIAMS, of Indiana. I call for the previous question.

Mr. WHITE. My proposition is that the clerk of the Committee on Education and Labor be assigned to this committee.

Mr. EDEN. I object to debate. I understand the previous question is operating.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. WILLIAMS] has just demanded the previous question.

The question being taken on seconding the demand for the previous question, there were—ayes 67, noes 14; no quorum voting.

Mr. BAKER, of Indiana. I call for further count.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Indiana, Mr. WILLIAMS, and the gentleman from Indiana, Mr. BAKER.

Mr. HURLBUT. I wish to inquire if the morning hour has not expired?

The SPEAKER *pro tempore*. The House is now dividing.

The tellers reported—ayes 109, noes 42.

So the previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. WHITE. I move to reconsider the vote by which the resolution was adopted for the purpose of offering an amendment.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves to reconsider the vote by which the resolution was adopted.

Mr. WILLIAMS, of Indiana. And I move to lay that motion on the table.

Mr. WHITE. I do not yield for that purpose. I ask that the amendment may be read.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana is in order. No other business being before the House, the gentleman from Indiana has the right to move to lay the motion to reconsider on the table.

Mr. HOAR. I rise to a parliamentary inquiry. If the Chair recognized the gentleman from Kentucky to move to reconsider, is it not the universal rule that he should be given the floor for debate if it is a debatable motion? The Chair is entitled to recognize the gentleman having charge of the measure or any other gentleman in favor of it to move to reconsider the vote by which the resolution was adopted and to lay the motion to reconsider on the table. But if he recognizes another gentleman who moves to reconsider and takes the

floor to debate the measure, is he not entitled to the floor for that purpose? The Chair will recollect that that rule was enforced by Speaker KERR at an early period of the session in an important case, the amnesty bill.

The SPEAKER *pro tempore*. The Chair does not desire to take the gentleman from Kentucky off the floor. He supposed the gentleman had made his motion and yielded the floor.

Mr. WHITE. I did not yield the floor.

The SPEAKER *pro tempore*. Then the gentleman is recognized by the Chair.

Mr. WHITE. I move to reconsider the vote by which the resolution was just passed, and I will state my object in so doing.

Mr. EDEN. I make the point of order that the morning hour has expired.

Mr. WILLIAMS, of Indiana. I make the point of order that the gentleman from Kentucky did not rise from his seat until he had shouted "Mr. Speaker," and therefore that I am entitled to the floor.

The SPEAKER *pro tempore*. The Chair cannot take the gentleman from Kentucky off his feet; he is entitled to the floor.

Mr. WHITE. I am much obliged to the gentleman from Indiana for his courtesy.

Mr. EDEN. I make the point of order that the morning hour has expired.

Mr. WHITE. Then I make the point of order that I shall be entitled to the floor to-morrow upon this motion.

Mr. TUCKER. Oh! "Sufficient unto the day is the evil thereof."

Mr. HOAR. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will be glad to hear the gentleman.

Mr. HOAR. Is not a motion to reconsider a question so highly privileged that a gentleman who is addressing the House upon it may continue notwithstanding the expiration of the morning hour?

The SPEAKER *pro tempore*. The Chair thinks the point of order is well taken and the gentleman from Kentucky [Mr. WHITE] is recognized.

Mr. WHITE. I do not desire to detain the House for more than a moment in support of the amendment which I desire to offer to the resolution just adopted. I ask that the resolution be read as passed and as I proposed to amend it.

Mr. WILSON, of Iowa. The gentleman must allow the vote to be taken on the motion to reconsider before he can offer an amendment.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kentucky to ask that his proposed amendment shall be read as a part of his remarks, and not as being offered at this time.

The Clerk read the amendment proposed by Mr. WHITE, as follows:

After the words "present session," add the following:
That the clerk of the Committee on Education and Labor be instructed to perform this labor without extra compensation.

Mr. WHITE. Mr. Speaker, the gentleman from Indiana, [Mr. HOLMAN,] who is always in favor of retrenchment and honest reform, has said that we have an army of officers about this House that are not needed; he has said that at least in substance. Now we have a proposition here to increase that army of officers by one and to give him $4 per day for his work. I make the point that we have a clerk to the Committee on Education and Labor who I think cannot certainly be employed by that committee, and I ask that he be assigned to perform this duty. His name is now upon the roll of the officers of the House and he is receiving compensation I am not sure whether at the rate of $4 per day or $5 per day. That committee have not held a meeting for some weeks, and I ask that their clerk be assigned to discharge these duties and thus save the salary of an additional clerk to the country.

Mr. HARRISON. Why not discharge that clerk to the Committee on Education and Labor?

Mr. HOLMAN. I move to lay the motion to reconsider on the table.

Mr. WHITE. The gentleman then is certainly not in favor of retrenchment and reform.

The question was taken on Mr. HOLMAN's motion, and it was agreed to.

So the motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

An act (S. No. 234) to amend section 4698 of the Revised Statutes of the United States so as to allow a pension of $37 per month to soldiers who have lost both an arm and a leg, in lieu of $24 per month now allowed;

An act (S. No. 307) concerning security on writs of error and appeals, and for other purposes;

An act (S. No. 526) to amend section 1036 of the Revised Statutes relating to the District of Columbia; and

An act (S. No. 1007) concerning the employment of Indian scouts.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 2133) to amend section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876; and

An act (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory.

The message further announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealnig in of counterfeit trade-mark goods; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CONKLING, Mr. FRELINGHUYSEN, and Mr. STEVENSON as managers of the conference on the part of the Senate.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas by actual settlers, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. INGALLS, Mr. EDMUNDS, and Mr. KERNAN as managers of said conference on the part of the Senate.

The message further announced that the Senate had agreed to the concurrent resolution of the House correcting an error in the enrollment of the bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and section 3954 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. BRIGHT. Pending that motion I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The motion of the gentleman from Tennessee takes precedence on Friday.

Mr. RANDALL. We want to keep faith with the gentleman from Ohio [Mr. GARFIELD] as to his speech.

Mr. BRIGHT. The gentleman from Ohio can speak to-morrow.

The SPEAKER *pro tempore*. This being Friday the motion of the gentleman from Tennessee is, under the rules, first in order.

Mr. CROUNSE. I rise to a parliamentary inquiry. Some days since a report was made from a committee of conference on Senate bill No. 779, which report was rejected by the House, and a motion to reconsider entered. The inquiry I desire to make of the Chair is, whether that motion to reconsider can be called up at this time in antagonism of the motion of the gentleman from Tennessee [Mr. BRIGHT] that the House now resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. This being Friday, under the rule it is private-bill day, and no motion to reconsider the action of the House in relation to a bill of a public character can be entertained on this day, unless the consideration of private business is postponed. Therefore the privileged question before the House at this moment is the motion of the gentleman from Tennessee [Mr. BRIGHT] that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. CROUNSE. Will not the gentleman from Tennessee yield just long enough to allow a vote to be taken on the motion to reconsider?

Mr. BRIGHT. I cannot yield to the gentleman. A number of requests have been made to me, and if I should grant them all they would take up an hour or more.

The motion of Mr. BRIGHT was not agreed to; upon a division—ayes 38, noes 110.

Mr. HOLMAN. I move that the rules be suspended and that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. FORT. I desire to submit a report from a committee.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana [Mr. HOLMAN] is pending to go into Committee of the Whole on the state of the Union.

The motion of Mr. HOLMAN was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon their amendments, disagreed to by the House, to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the managers of the conference on the part of the Senate Mr. ALLISON, Mr. SARGENT, and Mr. RANSOM.

COMMITTEE OF THE WHOLE.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. EDEN in the Chair.

The CHAIRMAN. The Committee of the Whole will resume the consideration of the pending special order, being the bill (H. R. No. 2592) to transfer the conduct of Indian affairs from the Interior to the War Department. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor.

Mr. GARFIELD. Mr. Chairman, I regret that the speech of the gentleman from Mississippi [Mr. LAMAR] has not yet appeared in the RECORD, so that I might have had its full and authentic text before offering my own remarks in reply. But his propositions were so clearly

and so very ably stated, the doctrines that run through it were so logically connected, it will be my own fault if I fail to understand and appreciate the general scope and purpose of his speech.

In the outset, I desire for myself and for a majority, at least, of those for whom I speak, to express my gratitude to the gentleman for all that portion of his speech which had for its object the removal of the prejudices and unkindly feelings that have arisen among citizens of the Republic, in consequence of the late war. Whatever faults the speech may have, its author expresses an earnest desire to make progress in the direction of a better understanding between the North and the South; and in that it meets my most hearty concurrence and approval.

I will attempt to state briefly what I understand to be the logic of the gentleman's speech. He sets out with deploring the evils of party, and expressing the belief that the great mass of the American people are tired of much that belongs to party; and, looking beyond and above mere party prejudices and passions, they greatly desire to remove public corruptions, and reform the manifold errors and evils of administration and legislation; that those errors and evils consist mainly of two things: First, of a generally corrupt state of public administration; and second, of a deplorable state of the civil service; that this state of affairs is buttressed and maintained by an enormous army of 100,000 civil office-holders and 100,000 more expectants for office; and that because of this vast force the people have hitherto been unable to make the reforms they desire. This is his major premise.

The next point, his minor premise, is that the republican party is incapable of effecting the great reforms which the people desire; and his conclusion from these premises is that the democratic party ought to be brought into power in the coming election.

This was the summary, and, I may say, abrupt, conclusion of his reasoning. The gentleman seemed to be aware that there might be some apprehensions in the minds of the people that it would not, quite yet, be safe to recall the democratic party to power; and he endeavored to quiet those apprehensions by stating in the first place that there need be no fear that the South, lately in rebellion, would again control the Government; that they were prostrated; that their institutions had been overthrown; that their industries had been broken up; that in their weak and broken condition there need be no fear that they would again be placed at the head of public affairs; and, finally, that the South has united with the democratic party not from choice, but forced to it by inexorable necessity as their only means of protection.

In the second place, there was apprehension, he said, that the democracy, if they came into power, would not preserve the beneficent results of the war. But he assures us that this fear is groundless; that the people of the South have no aspirations which are not bounded by the horizon of the Union; that they as well as the democracy of the North accept, honestly and sincerely, the great results of the war; and that they can be trusted to preserve all the good that has been gained.

Again he says it is feared, on the part of many, that the colored race, lately enslaved, will not be safe in the full enjoyment of all the rights resulting from the war and guaranteed by the amendments to the Constitution. This he also assures us is a groundless fear, because the people of the South understand the colored race, appreciate their qualities, and are on such a footing of friendship and regard that they are in fact better fitted to meet the wants of that people and help them along in the way of civilization, enlightenment, and peace than those who are further removed from such knowledge.

He emphasizes the statement that the South cheerfully accepts the results of the war; and admits that that much good has been achieved by the republican party which ought to be preserved. I was gratified to hear the gentleman speak of Lincoln as "the illustrious author of the great act of emancipation." That admission will be welcomed everywhere by those who believe in the justice and wisdom of that great act. While speaking of the condition of the South and its wants he deplores two evils which afflict that portion of our country: First, Federal supervision; and second, negro ascendency in its political affairs. In that connection, it will be remembered, he quoted from John Stuart Mill and from Gibbon; the one to show that the most deplorable form of government is where the slave governs; and from the other to show the evils of a government which is in alien hands. The gentleman represented the South as suffering the composite evils depicted by both these great writers. That I may be sure to do him justice I quote a paragraph from the Associated Press report of his speech:

> The inevitable effect of that reconstruction policy had been to draw one race to its support and drive the other race to its opposition. He quoted Gibbon, the historian, as saying that the most absurd and oppressive system of government which could be conceived of is that which subjects the native of a country to the domination of his slave. He also quoted from John Stuart Mill to the effect that when a government is administered by rulers not responsible to the people governed, but to some other community, it is one of the worst of conceivable governments, and he said that the hideous system established in the South is a composite of those two vicious systems. The people are subjected to the domination of their former slaves, and are ruled over by people whose constituents were not the people for whom they should act, but the Federal Government

Now, I have stated—of course very briefly but I hope with entire fairness—the scope of the very able speech to which we listened. In a word it is this: the republican party is oppressing the South; negro suffrage is a grievous evil; there are serious corruptions in public affairs in the national legislation and administration; the civil service of the country especially needs great and radical reform; and therefore the democratic party ought to be placed in control of the Government at this time, by the election of Tilden and Hendricks.

It has not been my habit, and it is not my desire, to discuss mere party politics in this great legislative forum. And I shall do so now only in so far as a fair review of the gentleman's speech requires. My remarks shall be responsive to his; and I shall discuss party history and party policy only as the logic of his speech leads into that domain.

From most of the premises of the gentleman, as matters of fact and history, I dissent; some of them are undoubtedly correct. But, for the sake of argument only, admitting that all his premises are correct, I deny that his conclusion is warranted by his premises; and, before I close I shall attempt to show that the good he seeks cannot be secured by the ascendency of the democratic party at this time.

Before entering upon that field, however, I must notice this remarkable omission in the logic of his speech. Although he did state that the country might consider itself free from some of the dangers which are apprehended as the result of democratic ascendency, he did not, as I remember, by any word attempt to prove the fitness of the democracy as a political organization to accomplish the reforms which he so much desires; and without that affirmative proof of fitness his argument is necessarily an absolute failure.

It is precisely that fear which has not only made the ascendency of the democratic party so long impossible, but has made it incompetent to render that service so necessary to good government—the service of maintaining the position of a wise and honorable opposition to the dominant party. Often the blunders and faults of the republican party have been condoned by the people because of the violent, reactionary, and disloyal spirit of the democracy.

He tells us that is one of the well-known lessons of political history and philosophy; that the opposition party comes in to preserve and crystallize the measures which their antagonists inaugurated; and that a conservative opposition party is better fitted to accomplish such a work than an aggressive radical party who roughly pioneered the way and brought in the changes. And to apply this maxim to our own situation he tells us that the differences between the republican and the democratic parties upon the issues which led to the war and those which grew out of it, were rather differences of time than of substance; that the democracy followed more slowly in the republican path, but have at last arrived, by prudent and constitutional methods, at the same results; and hence they will be sure to guard securely and cherish faithfully what the republicans gained by reckless and turbulent methods. There is some truth in these "glittering generalities," but, as applied to our present situation, they are entitled only to the consideration which we give to the bright but fantastic pictures of a Utopian dream.

I share all that gentleman's aspirations for peace, for good government at the South; and I believe I can safely assure him that the great majority of the nation shares the same aspirations. But he will allow me to say that he has not fully stated the elements of the great problem to be solved by the statesmanship of to-day. The actual field is much broader than the view he has taken. And before we can agree that the remedy he proposes is an adequate one, we must take in the whole field, comprehend all the conditions of the problem, and then see if his remedy is sufficient. The change he proposes is not like the ordinary change of a ministry in England when the government is defeated on a tax bill or some routine measure of legislation. He proposes to turn over to the custody and management of the Government to a party which has persistently and with the greatest bitterness resisted all the great changes of the last fifteen years, changes which were the necessary results of a vast revolution—a revolution in national policy, in social and political ideas—a revolution whose causes were not the work of a day nor of a year but of generations and centuries. The scope and character of that mighty revolution must form the basis of our judgment when we inquire whether such a change as he proposes is safe and wise.

In discussing his proposition we must not forget that as the result of this resolution the South, after the great devastations of war, the great loss of life and treasure, the overthrow of its social and industrial system, was called upon to confront the new and difficult problem of two races; one just released from centuries of slavery, and the other a cultivated, brave, proud, imperious race, to be brought together on terms of equality before the law. New, difficult, delicate, and dangerous questions bristle out from every point of that problem.

But that is not all of the situation. On the other hand, we see the North, after leaving its 350,000 dead upon the field of battle and bringing home its 500,000 maimed and wounded to be cared for, crippled in its industries, staggering under the tremendous burden of public and private debt, and both North and South weighted with unparalleled burdens and losses—the whole nation suffering from that loosening of the bonds of social order which always follows a great war and from the resulting corruption both in the public and the private life of the people. These, Mr. Chairman, constitute the vast field which we must survey in order to find the path which will soonest lead our beloved country to the highway of peace, of liberty, and prosperity. Peace from the shock of battle; the higher peace of our streets, of our homes, of our equal rights we must make secure

by making the conquering ideas of the war everywhere dominant and permanent.

With all my heart I join with the gentleman in rejoicing that—

The war-drums throb no longer and the battle-flags are furled,

and I look forward with joy and hope to the day when our brave people, one in heart, one in their aspirations for freedom and peace, shall see that the darkness through which we have traveled was a part of that stern but beneficent discipline by which the Great Disposer of events has been leading us on to a higher and nobler national life.

But such a result can be reached only by comprehending the whole meaning of the revolution through which we have passed and are still passing. I say still passing; for I remember that after the battle of arms comes the battle of history. The cause that triumphs in the field does not always triumph in history. And those who carried the war for union and equal and universal freedom to a victorious issue can never safely relax their vigilance until the ideas for which they fought have become embodied in the enduring forms of individual and national life.

Has this been done? Not yet.

I ask the gentleman in all plainness of speech and yet in all kindness, is he correct in his statement that the conquered party accept the results of the war? Even if they do I remind the gentleman that *accept* is not a very strong word. I go further. I ask him if the democratic party have *adopted* the results of the war? Is it not asking too much of human nature to expect such unparalleled changes to be not only accepted, but, in so short a time, adopted by men of strong and independent opinions?

The antagonisms which gave rise to the war and grew out of it, were not born in a day, nor can they vanish in a night.

Mr. Chairman, great ideas travel slowly, and for a time, noiselessly as the gods, whose feet were shod with wool. Our war of independence was a war of ideas, of ideas evolved out of two hundred years of slow and silent growth. When, one hundred years ago, our fathers announced as self-evident truths the declaration that all men are created equal, and the only just power of governments is derived from the consent of the governed, they uttered a doctrine that no nation had ever adopted, that not one kingdom on the earth then believed. Yet to our fathers it was so plain, that they would not debate it. They announced it as a truth "self-evident."

Whence came the immortal truths of the Declaration? To me, this was, for years, the riddle of our history. I have searched long and patiently through the books of the *doctrinaires* to find the germs from which the Declaration of Independence sprang. I found hints in Locke, in Hobbes, in Rousseau, and Fénelon; but they were only the hints of dreamers and philosophers. The great doctrines of the Declaration germinated in the hearts of our fathers, and were developed under the new influences of this wilderness world, by the same subtle mystery which brings forth the rose from the germ of the rose-tree. Unconsciously to themselves, the great truths were growing under the new conditions until, like the century-plant, they blossomed into the matchless beauty of the Declaration of Independence, whose fruitage, increased and increasing, we enjoy to-day.

It will not do, Mr. Chairman, to speak of the gigantic revolution through which we have lately passed as a thing to be adjusted and settled by a change of administration. It was cyclical, epochal, century-wide, and to be studied in its broad and grand perspective—a revolution of even wider scope, so far as time is concerned, than the Revolution of 1776. We have been dealing with elements and forces which have been at work on this continent more than two hundred and fifty years. I trust I shall be excused if I take a few moments to trace some of the leading phases of the great struggle. And in doing so, I beg gentlemen to see that the subject itself lifts us into a region where the individual sinks out of sight and is absorbed in the mighty current of great events. It is not the occasion to award praise or pronounce condemnation. In such a revolution men are like insects, that fret and toss in the storm, but are swept onward by the resistless movements of elements beyond their control. I speak of this revolution not to praise the men who aided it, or to censure the men who resisted it, but as a force to be studied, as a mandate to be obeyed.

In the year 1620 there were planted, upon this continent, two ideas irreconcilably hostile to each other. Ideas are the great warriors of the world; and a war that has no ideas behind it is simple brutality. The two ideas were landed, one at Plymouth Rock from the Mayflower, and the other from a Dutch brig at Jamestown, Virginia. One was the old doctrine of Luther, that private judgment, in politics as well as religion, is the right and duty of every man; and the other that capital should own labor, that the negro had no rights of manhood, and the white man might justly buy, own, and sell him and his offspring forever. Thus freedom and equality on the one hand, and on the other the slavery of one race and the domination of another, were the two germs planted on this continent. In our vast expanse of wilderness, for a long time, there was room for both; and their advocates began the race across the continent, each developing the social and political institutions of their choice. Both had vast interests in common; and for a long time, neither was conscious of the fatal antagonisms that were developing.

For nearly two centuries there was no serious collision; but when the continent began to fill up, and the people began to jostle against each other; when the Roundhead and the Cavalier came near enough to measure opinions, the irreconcilable character of the two doctrines began to appear. Many conscientious men studied the subject, and came to the belief that slavery was a crime, a sin, or as Wesley said, "the sum of all villainies." This belief dwelt in small minorities for a long time. It lived in the churches and vestries, but later found its way into the civil and political organizations of the country, and finally found its way into this Chamber. A few brave, clear-sighted, far-seeing men announced it here, a little more than a generation ago. A predecessor of mine, Joshua R. Giddings, following the lead of John Quincy Adams of Massachusetts, almost alone, held up the banner on this floor, and, from year to year, comrades came to his side. Through evil and through good report he pressed the question upon the conscience of the nation, and bravely stood in his place in this House, until his white locks, like the plume of Henry of Navarre, showed where the battle for freedom raged most fiercely.

And so the contest continued; the supporters of slavery believing honestly and sincerely that slavery was a divine institution; that it found its high sanctions in the living oracles of God and in a wise political philosophy; that it was justified by the necessities of their situation; and that slaveholders were missionaries to the dark sons of Africa, to elevate and bless them. We are so far past the passions of that early time that we can now study the progress of the struggle as a great and inevitable development, without sharing in the crimination and recrimination that attended it. If both sides could have seen that it was a contest beyond their control; if both parties could have realized the truth that "unsettled questions have no pity for the repose of nations," much less for the fate of political parties, the bitterness, the sorrow, the tears, and the blood might have been avoided. But we walked in the darkness, our paths obscured by the smoke of the conflict, each following his own convictions through ever-increasing fierceness, until the debate culminated in "the last argument to which kings resort."

This conflict of opinion was not merely one of sentimental feeling; it involved our whole political system; it gave rise to two radically different theories of the nature of our Government: the North believing and holding that we were a nation, the South insisting that we were only a confederation of sovereign States, and insisting that each State had the right, at its own discretion, to break the Union, and constantly threatening secession where the full rights of slavery were not acknowledged.

Thus the defense and aggrandizement of slavery and the hatred of abolitionism, became not only the central idea of the democratic party, but its master passion; a passion intensified and inflamed by twenty-five years of fierce political contest, which had not only driven from its ranks all those who preferred freedom to slavery, but had absorbed all the extreme pro-slavery elements of the fallen whig party. Over against this was arrayed the republican party, asserting the broad doctrines of nationality and loyalty, insisting that no State had a right to secede, that secession was treason, and demanding that the institution of slavery should be restricted to the limits of the States where it already existed. But here and there, many bolder and more radical thinkers declared, with Wendell Phillips, that there never could be union and peace, freedom and prosperity, until we were willing to see John Hancock under a black skin.

That we may see more clearly the opinions which were to be settled by war, I will read two passages from the Congressional Globe, not for the purpose of making a personal point against any man, but simply to show where honest men stood when that contest was approaching its crisis. I read from a speech made on the 19th day of December, 1859, by the distinguished gentleman from Mississippi, [Mr. SINGLETON,] then and now a member of this House:

The South will never submit to that state of things. It matters not what evils come upon us; it matters not how deep we may have to wade through blood; we are bound to keep our slaves in their present position. And let me ask you, what good would you bring to the slaves by this process of abolition? You may possibly have the object in view of benefiting the slave or benefiting the white race or both; but suppose you could carry out your plans and confine us to our present area and suppose that the institution of slavery should abolish itself, what would you have done? You know it is impossible for us to live on terms of equality with them. It is not to be supposed for a moment that we can do so. The result would be a war between the races, which would perhaps involve the utter annihilation of one or the other; and thus you see that instead of benefiting either you would have brought disaster upon both.

But I tell you here, to-day, that the institution of slavery must be sustained. The South has made up its mind to keep the black race in bondage. If we are not permitted to do this inside of the Union, I tell you that it will be done outside of it. Yes, sir, and we will expand this institution; we do not intend to be confined within our present limits; and there are not men enough in all your borders to coerce three million armed men in the South, and prevent their going into the surrounding Territories.

In the course of that debate, the same gentleman said:

I am one of those who have said, and here repeat it, if the black republican party elect a President I am for dissolving the Union.

I have no doubt the gentleman fairly and faithfully represented the opinions of his State. Not long before the date of this speech, it will be remembered that two distinguished members of the republican party had uttered their opinions on this question. Mr. Lincoln had said, that it was impossible for a country to remain partly slave and partly free. And Mr. Seward had said, that there was an irrepressible conflict between the systems of free and slave labor, which could never cease until one or the other was wholly overthrown. The republican party, however, disclaimed all right or purpose to interfere

with slavery in the States; yet they expressed the hope that the time would come when there should be no slave under our flag. In response to that particular opinion, the distinguished gentleman from Mississippi, [Mr. LAMAR,] then a member of this House, on the 23d day of December, 1859, said this:

I was upon the floor of the Senate when your great leader, William H. Seward, announced that startling programme of anti-slavery sentiment and action. * * * And, sir, in his exultation he exclaimed—for I heard him myself—that he hoped to see the day when there would not be the foot-print of a single slave upon this continent. And when he uttered this atrocious sentiment, his form seemed to dilate, his pale, thin face, furrowed by the lines of thought and evil passions, kindled with malignant triumph, and his eye glowed and glared upon southern Senators as though the fires of hell were burning in his heart.

I have read this passage to mark the height to which the antagonism had risen in 1859. And this passage enables us to measure the progress he has since made.

I mark it here as one of the notable signs of the time, that the gulf which intervenes between the position then occupied by the gentleman from Mississippi and the position he occupies to-day, is so deep, so vast, that it indicates a progress worthy of all praise. I congratulated him and the country that, in so short a time, so great a change has been possible.

Now I ask the gentleman if he is quite sure, as a matter of fact, that the democratic party, its southern as well as its northern wing, have followed his own illustrious and worthy example in the vast progress he has made since 1859? He assures us that the transformation has been so complete, that the nation can safely trust all the most precious fruits of the war in the hands of that party who stood with him in 1859. If that be true, I rejoice at it with all my heart; but the gentleman must pardon me if I ask him to assist my wavering faith by some evidence, some consoling proofs. When did the great transformation take place? Certainly not within two years after the delivery of the speech I have quoted; for two years from that time, the contest had risen much higher; it had risen to the point of open, terrible, and determined war. Did the change come during the war? O, no; for in the four terrible years ending in 1865, every resource of courage and power that the Southern States could muster was employed not only to save slavery but to destroy the Union. So the transformation had not occurred in 1865. When did it occur? Aid our anxious inquiry, for the nation ought to be sure that the great change has occurred before it can safely trust its destinies to the democratic party. Did it occur in the first epoch of reconstruction—the two years immediately following the war? During that period the attempt was made to restore governments in the South on the basis of the white vote. Military control was held generally; but the white population of the Southern States were invited to elect their own legislatures and establish provisional governments.

In the laws, covering a period of two and a half years, 1865, 1866, and a portion of 1867, enacted by those Legislatures, we ought to find proof of the transformation if it had then occurred. What do we find? What we should naturally expect: that a people, accustomed to the domination of slavery, re-enacted in almost all of the Southern States, and notably in the States of Mississippi and Louisiana, laws limiting and restricting the liberty of the colored man; vagrant laws and peonage laws, whereby negroes were sold at auction for the payment of a paltry tax or fine, and held in a slavery as real as the slavery of other days. I believe that this was true of nearly all of the Southern States; so that the experiment of allowing the white population of the South to adjust that very question proved a frightful failure; and then it was that the national Congress intervened. They proposed an act of reconstruction, an act which became a law on the 2d of March, 1867.

And what was that act? Gentlemen of the South, you are too deeply schooled in philosophy to take any umbrage at what I shall now say, for I am dealing only with history. You must know, and certainly do know, that the great body of the nation which had carried the war to triumph and success, knew that the eleven States that had opposed the Union, had plunged their people into crime; a crime set down in the law—a law signed by President Washington—at the very top of the catalogue of crimes: the crime of treason and all that follows it. You certainly know that, under that law, every man who voluntarily took up arms against the Union could have been tried, convicted, and hanged, as a traitor to his country. But I call your attention to the fact that the conquering nation said, in this great work of reconstruction, "We will do nothing for revenge, everything for permanent peace;" and you know there never was a trial for treason in this country during the whole of the struggle nor after it; no man was executed for treason; no man was tried. There was no expatriation, no exile, no confiscation after the war. The only revenge which the conquering nation gratified was this: In saying to the South "You may come back to your full place in the Union when you do these things: join with the other States in putting into the Constitution a provision that the national debt shall never be repudiated; that your rebel war debt shall never be paid; and that all men, without regard to race or color, shall stand equal before the law; not in suffrage, but in civil rights; that these great guarantees of liberty and public faith shall be lifted above the reach of political parties, above the legislation of States, above the legislation of Congress, and shall be set in the serene firmament of the Constitution, to shine as lights forever and forever. And under that equal sky, under the light of that equal sun, all men, of whatever race or color, shall stand equal before the law."

That was the plan of reconstruction offered to those who had been in rebellion, offered by a generous and brave nation; and I challenge the world to show an act of equal generosity to a conquered people. What answer did it meet? By the advice of Andrew Johnson, a bad adviser, backed by the advice of the northern democracy, a still worse adviser, ten of the eleven States lately in rebellion contemptuously rejected the plan of reconstruction embraced in the fourteenth amendment of the Constitution. They would have none of it; they had been invited by their northern allies to stand out, and were told that when the democracy came into power they should be permitted to come back to their places without guarantees or conditions.

This brings us to 1868. Had the transformation occurred then? For remember, gentlemen, I am searching for the date of the great transformation similar to that which has taken place in the gentleman from Mississippi. We do not find it in 1868. On the contrary, in that year, we find Frank P. Blair, of Missouri, writing these words, which a few days after they were written, gave him the nomination for the Vice-Presidency on the democratic ticket.

There is but one way to restore government and the Constitution; and that is for the President-elect to declare all these acts—

And the constitutional amendment with them—

to declare all these acts null and void, compel the Army to undo its usurpations at the South, and disperse the carpet-bag State governments and allow the white people to re-organize their own governments and elect Senators and Representatives.

Because he wrote that letter he was nominated for Vice-President by the democratic party. Therefore, as late as July, 1868, the transformation had not occurred.

Had it occurred in 1872? In 1871 and 1872 all the amendments of the Constitution had been adopted, against the stubborn resistance of the northern and southern democracy. I call you to witness that, with the exception of three or four democratic Representatives who voted for the abolition of slavery, the three great amendments, the thirteenth, the fourteenth, and the fifteenth, met the determined and united opposition of the democracy of this country. Each of the amendments, now so praised by the gentleman, was adopted against the whole weight of your resistance. And two years after the adoption of the last amendment, in many of your State platforms, they were declared to be null and void.

In 1871 and 1872 occurred throughout the South those dreadful scenes enacted by the ku-klux organization, of which I will say only this, that a man *facile princeps* among the democrats of the slave-holding States, Reverdy Johnson, who was sent down to defend those who were indicted for their crimes, held up his hands in horror at the shocking barbarities that had been perpetrated by his clients upon negro citizens. I refer to the evidence of that eminent man, as a sufficient proof of the character of that great conspiracy against the freedom of the colored race. So the transformation had not come in the days of ku-klux of 1871 and 1872.

Had it come in 1873 and the beginning of 1874? Had it come in the State of Mississippi? Had it come in one-quarter of the States lately in rebellion? Here is a report from an honorable committee of this House, signed by two gentlemen who are still members, Mr. CONGER and Mr. HURLBUT—a report made as late as December, 1874, in which there is disclosed, by innumerable witnesses, the proof that the white-line organization, an armed military organization formed within the democratic party, had leagued themselves together to prevent the enjoyment of suffrage and equal rights by the colored men of the South. Without detaining the House to read them now, I will quote two or three paragraphs from that report, dated December 14, 1874, and printed House Document No. 265.

THE "WHITE LINE."

This interior organization has not yet assumed definitely in the State of Mississippi such precise form and so distinct an existence as in the State of Louisiana, but is unquestionably an extension into Mississippi of the "white league" organization, whose headquarters are in New Orleans. In Warren County it is sometimes called the "White Line," and by that name is familiarly spoken of by the leading papers of Vicksburgh, as well as by some of the prominent witnesses before this committee. It is also known as "people's clubs;" but in all instances the formation of the clubs or civil organization is accompanied by establishing within the clubs themselves a military organization, officered, equipped, and armed.

Thus the clubs and the tax-payers' league are open associations, apparently directed toward objects in which all citizens might lawfully unite, but controlled from within by the military and partisan organizations whose purposes are special and unlawful.

The purposes of these clubs or white-line companies are these, as they are openly avowed or secretly cherished:

1. They are *first* to make a census and enrollment of all the white men in the State.

2. To incorporate into the interior military organizations all the whites who will join with them.

3. To set aside, by whatever means may be necessary, the election of colored men to office, and to nullify in practice the enabling and enforcement acts of Congress, granting and enforcing the right of all citizens, without distinction of color, to hold offices, if properly elected to them.

4. To allow none but white men to be elected to office or to hold office.

And how was it about the same time and even later in other States? Here is a report upon Louisiana, the report from which the gentleman quoted, a report that exhibits the same condition of affairs, signed by the gentleman who sits in front of me, [Mr. HOAR.] Although by a minority of the committee, it is a report of great power and of indubitable truth. I quote from page 18:

The White League is an organization which exists in New Orleans, and contains at least from twenty-five hundred to three thousand members, armed, drilled, and

officered as a military organization. Organizations bearing the same name extend throughout many parts of the State.

* * * * * * *

On the 14th of September, 1874, it arose upon and attacked the police of the city, the pretext of the attack being the seizure of arms which it had imported from the North; and having defeated them with considerable slaughter, it took possession of the State-house, overthrew the State government, and installed a new governor in office, and kept him in power until the United States interfered. This rising was planned beforehand.

* * * * * * *

The White-League of New Orleans itself was and is a constant menace to the republicans of the whole State.

* * * * * * *

We cannot doubt that the effect of all these things was to prevent a full, free, and fair election, and to intimidate the colored voters and the white republicans.

So the transformation had not occurred in August, 1874. I come down now to 1875, to the late autumn of that year, and ask if the transformation had then occurred. I will not detain the House by reading the testimony of the cloud of witnesses which gathers around me, but will print a few specimens of the proof, most of them relating to the recent State election in Mississippi. While I say, to the honor of the gentleman from Mississippi, that in his own State he spoke against the organization of the White Line, it is unquestionably true that he was not supported by a like action on the part of the great mass of his political associates. With the permission of the House I will quote from a number of papers in his State, which say with the utmost boldness that though Colonel LAMAR spoke against the White Line, and though the State convention ignored it, yet back of the convention, and back of the gentleman himself, the White Line was formed and carried the election, and intends in the same way to carry the next.

The following quotations need no comment:

[From the Columbus (Mississippi) Index, August, 1875.]

Already do we see signs in our State of the good effects of the color line. Prior to its organization there was no harmony or unity of action among the whites. The negroes had perfected their race in organizations and were able to control the politics of the State. The whites, after having attempted every scheme to secure an intelligent government and a co-operation of the negroes in this behalf, wisely gave it up and determined to organize themselves as a race and meet the issue that had presented itself for ten years.

Now we recognize the fact that the State is most thoroughly aroused, more harmonious in its actions, and more determined to succeed in the coming election than it has been since the days of secession.

* * * * * * *

So the grand result of the color line has been accomplished in organizing the white people of the State and placing them in a position to control the coming election. No other policy could have effected the result.

[From the Shubuta Times.]

Call it what you please. Some call it the color line. It looks to us like the white line. It shall be seen who in this emergency can choose to stand with the negroes as against the whites. Mark them.

[From the Handsborough Democrat.]

We are in favor of the color line as a principle, a necessity, and a policy.

[From the Meridian Mercury.]

Rally on the color line, boys, beyond the platform, every man to his color and colors, and make these negro pretenders to govern this great country to come down, else put 'em down. What do the young men say to the old men's battle-cry in this political campaign, "Step across the platform, boys, and go for 'em!"

[From the Forest Register.]

The body of the democratic party will carry their colors of the White Line over the State. Some of the auxiliaries in a scout or bushwhacking maneuver may use a mild conservative face over the flag, but still it will rest on a white journal. To the radicals we say just superintend your structure; we will raise our own flag and colors.

The Vicksburgh Herald, speaking of the State democratic convention of August 9, 1875, says:

The color line was by common consent ignored. It was only mentioned incidentally, and it was not "killed off" either by the speech of Colonel LAMAR or by a vote of the convention. The representatives of the people expressed no opinion on the subject. The convention left each county to manage its own affair in its own way.

Speaking of the State democratic platform of August 9, 1875, the Columbus Index says:

We stand on the color line, because it is tacitly indorsed by the platform, and because we believe it to be the only means of redeeming this and other counties from negro rule.

Again, from the same paper:

The necessities of the State of Mississippi recall this injunction and give emphasis to the parallel—put none but democrats in office.

We have gained a great victory—Bull Run or Chickamauga. Let us follow it up to the securing of results.

The white people must be welded into one compact organization. All differences of opinion, all personal aspirations, must be settled within our own organization, and from its decision there must be no appeal. Otherwise each recurring election produces its disorders.

[From the Meridian Mercury.]

Our correspondent at Running Water Mills makes his points well. His positions cannot successfully be contradicted. The miserable bunglers who have put the negro in the Constitution have certainly written themselves down asses all. When we accept "results of the war" we do not accept the notion of statesmen, but the blunders of unreasoning malice and stupidity, and of course we continue to accept it only so long as we are compelled to.

[From the Jackson Clarion.]

Appeal after appeal has been made in vain to the colored people. No more appeals will be made to them.

[From the Alabama Examiner.]

The present contest is rather a revolution than a political campaign; it is the rebellion, if you see fit to apply that term.

[From the Forest Register.]

In this connection we will state that the white men who ally themselves with negroes in this conflict need not expect any better fate than they; fact is, they will be the first to suffer, if the Caucasian can find them at all when trouble comes.

In July, 1875, the Raymond Gazette, whose editor is now a member of the Legislature, and which is published only eight miles from Clinton, where the bloody riot of last September occurred, made this startling demand:

There are those who think that the leaders of the radical party have carried this system of fraud and falsehood just far enough in Hinds County, and that the time has come when it should be stopped—peaceably if possible, forcibly if necessary. And to this end it is proposed that whenever a radical pow-wow is to be held, the nearest anti-radical club appoint a committee of ten discreet, intelligent, and reputable citizens, fully identified with the interests of the neighborhood and well known as men of veracity, to attend as representatives of the tax-payers of the neighborhood and the county, and true friends of the negroes assembled, and that whenever the radical speakers proceed to mislead the negroes and open with falsehoods and deceptions and misrepresentations, the committee stop them right then and there, and compel them to tell truth or quit the stand.

The Clinton riot was the direct outgrowth of this demand. What follows? The same paper, of date July 26, 1876, shows that this vicious policy has been renewed in Hinds County, as follows:

DEMOCRATIC CENSORS.

The county executive committee of the democrats and conservatives of Hinds County held a meeting at Raymond the other day, at which, on motion, it was ordered that each club in the county appoint a special committee whose business it shall be to attend any and every radical meeting held in its vicinity, and that each of said committees shall report to its own club and to this executive committee the action, attendance, and general tone and temper of said meeting.

A SYSTEM OF COERCION.

A very general system of coercion was adopted throughout the South by democratic clubs and associations agreeing not to employ negroes who voted the republican ticket, not to lease them lands, nor to furnish them with or allow them to obtain for themselves any means of subsistence.

The proofs of this are overwhelming. I read from the Chickasaw Messenger a communication from Buena Vista, Mississippi:

BUENA VISTA, MISSISSIPPI, *January* 1, 1876.

EDITOR MESSENGER: The following list comprises the freedmen that have been reported by the members of the Buena Vista democratic conservative club as the one-third that would be refused to recontract for the year 1876. You are requested by the club to publish their names in the Messenger.

Respectfully, yours,

C. A. M. PULLIMAN,
Secretary Buena Vista Democratic Conservative Club.

"Fred. Crow, Frank Williams, Dary Holliman, John Doss, Wade Pulliam, Calvin Gladney, Joe Moore, Henry Johnson, Anderson Williams, Ed. Bramlett, John Pulliam, Ben Valliant, Gay Brand, Wash Chandler, Jake Walker, Henry Woodard, Lawson Pulliam, W. Huddlestone, Martin Pulliam, Ed. Kyle, Calvin Gray, John Buchanan, Dan. Punds, Albert Conor, Ed. Nathan, Jim Pulliam, Simon Baskin, Bill Pulliam, George Gates, J. Featherston, Shadi Love, Hilliard Fields.

"We are not familiar with the names of all the leading darkies in Buena Vista, but it occurs to us that many of them do not appear upon the list sent to us. We may not understand aright the action of the Buena Vista club, but our impression was that one-third of the laborers were to be discharged, and that one-third should include such turbulent, vicious rascals as Fred McIntosh, Prince Huddlestone, and others who once held high carnival in that section. Let us have no 'whipping the devil around the stump,' friends, but let us carry our pledges both in spirit and letter."

HOUSTON, *January*, 1876.

Pursuant to a call of the president, the club met at the court-house at eleven o'clock a. m., W. S. Bates presiding.

On motion of Captain Frank Burkitt, the following resolutions were read:

1. That we solemnly declare our purpose to stand to and abide by our pledges made during the canvass, and that we will hold in utter detestation any man claiming to be a conservative democrat who by any equivocation shall in the least violate the sacred promises made by us previous to the election, either as a club or as individuals.

2. That at no time and under no circumstances will we employ those who are regarded as leaders in the radical party.

3. That we will not employ any laborer who has been discharged by any member of our club because of his past political course.

4. That the members of this club are requested to send into the secretary the names of all persons turned off by them under the above resolutions and that the executive committee of the county is requested to publish their names.

5. That every other club in the county is requested to take like action.

6. That our papers are requested to publish these resolutions and the names of persons sent to them by the executive committee.

7. That colored men are invited to join this club.

8. That this club meet the first Saturday in each month.

J. B. GLADNEY, *Secretary.*

[From the Okolona (Mississippi) States, November 18, 1875.]

The radical party of Mississippi contend that intimidation won the white-line victory. It is not the first time, neither will it be the last time in which *intimidation has been successfully used.* The white men have been intimidated in times past, and we wonder which has the best of the bargain. We are so situated that we are obliged to fight the devil with fire. Let the white men not be afraid to intimidate evil-doers. *Intimidation is legitimate, perfectly legitimate.*

Ex-Governor Benjamin G. Humphries, of Mississippi, made a speech at a reunion of the Thirteenth Mississippi Confederate Infantry, at Meridian, on the 22d of November, 1875, in which he said:

We have surrendered none of our convictions and still claim the right of vindication. In looking back at our past actions and motives, and the wrongs we have suffered and are still suffering, we confess that we have no regrets for the choice we made between the "higher-law" license of majorities in the Union and the sacred security of self-government in the States, between the Federal and confederate governments. We are not conscious of a solitary dereliction of duty, either as citizens or soldiers, and feel that truth, reason, and religion exculpate us from wrong-doing. We know we were right, and though crushed to earth we should ever remember, and teach our children to remember, *our cause was just!* We are still *proud* of the cause and *glory* in the fight we made.

After the election, the Meridian Mercury of November 20, 1875, says:

We have to contend with the blunder of the fifteenth amendment while it stands as best we can. Ridiculous appeals to the reason and judgment of the negro have

been the cause of incalculable injury in the inflation of his vanity and making him believe he was of real consequence as a governing element in the body-politic. Now that the negro in this State is down and his personal self-conceit well knocked out of him, it is probably a fit time for the white people to impress upon him that the white people will in future control the politics of this State, and that he should keep himself in his proper sphere and leave to the intelligent white man the exclusive use of statecraft for the best interest of both races. Impress him continually with the idea of his unfitness for the ballot and his proper place on election day away from the polls.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAVAGE. I move that his time be extended.

Mr. HALE. I hope that another hour may be given him.

The CHAIRMAN. That will be the effect of an indefinite extension, to which the Chair hears no objection.

Mr. GARFIELD. I could fill many columns of our RECORD with evidences like those above quoted from the gentleman's own State. In the light of this testimony, is it possible for us to believe that the transformation had occurred in the gentleman's own State in the election of that Legislature that made him a Senator?

If the testimony of the democratic press of Mississippi is to be credited, the late election in the State of Mississippi was tainted with fraud and managed by intimidation unparalleled by anything in our recent political history. Let the gentleman explain this striking fact: There are many thousand more colored than white voters in Mississippi. In the election of 1873 the republican party had 22,976 majority; in the election last autumn the democratic party had 30,922. How came this change of more than 53,000, in the short space of two years, if there was a free and uncoerced vote of the electors of that State?

The President of the United States has sent to the Senate a letter addressed by him to Governor Chamberlain, under date of July 26, 1876, from which I read a few words of high official authority, bearing upon the point I am now discussing. He says:

The scene at Hamburgh, as cruel, bloodthirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen through fraud and violence such as would scarcely be accredited to savages, much less to a civilized and Christian people. How long these things are to continue or what is to be the final remedy the Great Ruler of the universe only knows; but I have an abiding faith that the remedy will come, and come speedily, and I earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South. Nothing is claimed for one State that is not freely accorded to all others, unless it may be the right to kill negroes and republicans without fear of punishment and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States.

But it is aside from my purpose to go into the question of the validity of the late election in Mississippi. That subject is being investigated by a committee of the Senate, and I shall be surprised, if from the evidence they have taken, they do not concur in the opinion I have expressed. I desire gentlemen to remember that the great question I am discussing is, had the great transformation taken place among the gentleman's constituents in the late autumn of 1875?

The answer of his own people is overwhelmingly in the negative.

I now ask, had the transformation occurred in the winter and spring of the present year?

I hold in my hand the report of an address of Rev. Taylor Martin, of Charlotte, North Carolina, the town to which Congress lately gave a mint building, to be used for school purposes. The address was made on Decoration Day, May 5, 1876. I quote:

The South is to-day ruled over by the miserable thrall of Yankeedom; but they cannot muzzle our chivalry and patriotic devotion to the "lost cause." We have fought for our rights, but in God's dispensation we are vanquished, but not cowed. Slavery was a divine institution, and we must have that institution or the South will ever be bankrupt. They speak of our cause as the "lost cause." If so, shall it be lost forever? No! a new generation has sprung up, and at a not far distant day there will be "stars and bars" floating proudly *over our sunny South*. In the next political campaign we must, even if in the minority, support a southern man who will build up our interests and hurl the Yankee pickpockets from our midst. We are to-day united to the puritanical host by an artificial tie; but we are a distinct people, and God and the right will enable us to show to the world the truth and the equity of our claims. Our statesmen now in Congress are the cream of that body, and are the only element that reflects credit on the United States. Is it not better to hang on to the "lost cause" than to stay in a government of corruption?

Mr. YEATES. With the consent of the gentleman from Ohio, I want to state that I have seen under the signature of the gentleman from whom he has just quoted a statement denying in *toto* every word of what has just been read; and a number of gentlemen who heard the speech certify that the quotation is false in every particular.

Mr. GARFIELD. If that be the fact I will cheerfully strike the extract from my speech. I never before heard its authenticity denied.

Mr. YEATES. There is no doubt of the correctness of my statement.

Mr. GARFIELD. Let the extract and the denial stand together. But, sir, I will quote a recent utterance of public opinion, the authenticity of which I am quite sure no gentleman will deny. They will neither deny the ability nor the prominence of Robert Toombs of Georgia, formerly a Senator and a Secretary of the Treasury. On the 25th of January, 1876, he addressed the Legislature of Georgia by invitation; and the following extract from that speech will show how far the transformation has taken place in him and in his followers:

We got a good many honest fellows into the first Legislature, but I will tell you how we got them there. I will tell you the truth. The newspapers won't tell it to you. We got them there by carrying the black vote, *by intimidation and bribery*, and I helped to do it! I would have scorned the people if they had not done it! And I will buy them as long as they put beasts to go to the ballot-box! No man should be given the elective franchise who has not the intelligence to use it properly. The rogue should not have it, for government is made to punish him; the fool should not have it, for government is made to take care of him! Now, these miserable wretches—the Yankees—have injected five millions of savages into the stomach of our body-politic, and the man who says he accepts negro suffrage, I say, accursed be he! I will accept everything; I will accept Grant and empire before I will accept such a democrat! The poor, ignorant negro—talk of him governing you and me! It takes the highest order of intellect to govern the people, and these poor wretches talk of governing us! Why, they can't perpetuate their own negro power. In the countries where they were in the majority they did not preserve their power and perpetuate their rule. My remedy helped us to break that up. We carried them with us *by bribery and intimidation*. I advised it and paid my money for it! You all know it, but won't say it. But I will say it, for I fear no man, and am prepared to render an account to none but the Great Judge, before whom I must appear in a few years, for my enemies have thought my services to my country so great that they have done me the honor to exclude me from again serving my people. I contest that honor with our chief, Mr. Davis. I am just as good as he is, and he is no better than I am. I demand that they shall place me beside him. I thank them for it! It is very few things that I have to thank them for, but I do thank them for that.

In view of the testimony I have offered, we must wait for an answer to the question, when and where did the transformation occur? It occurred long ago in the philosophical and patriotic heart and mind of the gentleman from Mississippi; but has it occurred in the majority of the eleven millions who joined with him to destroy the Union, to perpetuate slavery, to defend the cause that is now "lost?"

Had it occurred last week in the town of Meridian, in the gentleman's own State. I quote from the Meridian Mercury of July 29, 1876:

We heard LAMAR'S Scooba speech, and while his truth to his beloved South, perhaps, flamed out a little more than common we remarked nothing inconsistent with his other speeches we had heard or read of. The morning of his arrival here the Mercury contained a sharp fling at him about the Sumner oration, and that night at the court-house he ventured to chastise us sharply for it in the house of our friends and was boisterously applauded. We consoled ourself that the applause might have been more in compliment to the excellence of the oratory than in satisfaction at our castigation. We had our revenge, though, in taking which we inaugurated the policy of the canvass in spite of him which carried the State like a prairie on fire. He, and others who wanted to dress up in a nice starched and ironed white shirt that would shame the bloody shirt, established a laundry at Jackson on the 4th of August, and a great many patronized it and came out in snowy white fronts to present themselves creditably before the northern public sentiment. In their party pow-wow of that day, disregarding the deep under-current of public opinion, they declared by formal resolution against the white-line policy.

The Mercury had sounded the depths of that under-current, and we knew it would not do. In heart we felt with the platform, but our judgment assured us that the canvass must be lost on it, and that to practice it were a fatal error. We denounced the platform upon the instant, and took what care we could that LAMAR'S speeches upon his national reputation should not ruin our canvass. We called upon the people to "step across the platform" which denamed it, and form the White Line beyond it. The summons was music to their ears, and the unconquered and unconquerable Saxon race of Mississippi rallied to the slogan.

* * * * * * * *

We have got the State; we know how we got it; we know how to keep it; and we are going to keep it without regard to race numerical majority.

Mr. Chairman, after the facts I have cited, am I not warranted in raising a grave doubt whether the transformation occurred at all except in a few patriotic and philosophic minds? The light gleams first on the mountain peaks; but shadows and darkness linger in the valley. It is in the valley masses of those lately in rebellion that the light of this beautiful philosophy, which I honor, has not penetrated. Is it safer to withhold from them the custody and supreme control of the precious treasures of the Republic until the midday sun of liberty, justice, and equal laws, shall shine upon them with unclouded ray?

In view of all the facts, considering the centuries of influence that brought on the great struggle, is it not reasonable to suppose that it will require yet more time to effect the great transformation. Did not the distinguished gentleman from Massachusetts [Mr. GEORGE F. HOAR] sum up the case fairly and truthfully when he said of the South, in his Louisiana report of 1874:

They submitted to the national authority not because they would, but because they must. They abandoned the doctrine of State sovereignty, which they had claimed made their duty to their States paramount to that due to the nation in case of conflict, not because they would, but because they must. They submitted to the constitutional amendments which rendered their former slaves their equals in all political rights, not because they would, but because they must. The passions which led to the war, the passions which the war excited, were left untamed and unchecked, except so far as their exhibition was restrained by the arm of power.

The gentleman from Mississippi [Mr. LAMAR] says there is no possibility that the South will again control national affairs, if the democracy be placed again in power. How is this? We are told that the South will vote as a unit for Tilden and Hendricks. Suppose those gentlemen also carry New York and Indiana. Does the gentleman believe that a northern minority of the democracy will control the Administration? Impossible! But if they did, would it better the case?

Let me put the question in another form. Suppose, gentlemen of the South, you had won the victory in the war; that you had captured Washington, and Gettysburg, and Philadelphia, and New York; and we of the North, defeated and conquered, had lain prostrate at your feet. Do you believe that by this time you would be ready and willing to intrust to us—our Garrisons, our Phillipses, and our Wades, and the great array of those who were the leaders of our thought—to intrust us the fruits of your victory, the enforcement of your doctrines of State sovereignty and the work of extending the domain of slavery? Do you think so? And if not, will you not pardon us when we tell you that we are not quite ready to trust the precious results

of the nation's victory in your hands? Let it be constantly borne in mind that I am not debating a question of equal rights and privileges within the Union, but whether those who so lately sought to destroy it ought to be chosen to control its destiny for the next four years.

I hope my public life has given proof that I do not cherish a spirit of malice or bitterness toward the South. Perhaps they will say I have no right to advise them; but at the risk of being considered impertinent I will express my conviction that the bane of the southern people, for the last twenty-five years, has been that they have trusted the advice of the democratic party. The very remedy which the gentleman from Mississippi [Mr. LAMAR] offers for the ills of his people, has been and still is their bane. The democratic party has been the evil genius of the South in all these years. They yielded their own consciences to you on the slavery question, and led you to believe that the North would always yield. They made you believe that we would not fight to save the Union. They made you believe that if we ever dared to cross the Potomac or the Ohio to put down your rebellion we could only do so across the dead bodies of many hundred thousands of northern democrats. They made you believe that the war would begin in the streets of our northern cities; that we were a community of shop-keepers, of sordid money-getters, and would not stand against your fiery chivalry. You thought us cold, slow, lethargic; and in some respects we are. There are some differences between us that spring from origin and influences of climate—differences not unlike the description of the poet, that—

> Bright and fierce and fickle is the South;
> And dark and true and tender is the North,

differences that kept us from a good understanding

You thought that our coldness, our slowness, indicated a lack of spirit and of patriotism, and you were encouraged in that belief by most of the northern democracy; but not by all. They warned you at Charleston in 1860.

And when the great hour struck, there were many noble democrats in the North, who lifted the flag of the Union far above the flag of party; but there was a residuum of democracy, called in the slang of the time "copperheads," who were your evil genius from the beginning of the war till its close, and ever since. Some of them sat in these seats, and never rejoiced when we won a victory, and never grieved when we lost one. They were the men who sent their Vallandighams to give counsel and encouragement to your rebellion and to buoy you up with false hope, that at last you would conquer by the aid of their treachery. I honor you, gentlemen of the South, ten thousand times more than I honor such democrats of the North.

I said they were your evil genius. Why, in 1864, when we were almost at the culminating point of the war, their Vallandighams and Tildens (and both of these men were on the committee of resolutions) uttered the declaration, as the voice of the democracy, that the experiment of war to preserve the Union was a failure and that hostilities should cease. They asked us to sound the recall on our bugles, to call our conquering armies back from the contest, and trust to their machinations to save their party at the expense of a broken and ruined country. Brave soldiers of the lost cause, did you not, even in that hour of peril, in your heart of hearts loathe them with supremest scorn? But for their treachery at Chicago, the war might have ended and a hundred thousand precious lives been saved. But your evil genius pursued you, and the war went on. And later, when you would have accepted the constitutional amendment and restoration without universal suffrage, the same evil genius held you back. In 1868 it still deceived you. In 1872 it led you into

> A gulf profound as that Serbonian bog
> Betwixt Damiata and Mount Casius old,
> Where armies whole have sunk.

Let not the eloquence of the gentleman from Mississippi [Mr. LAMAR] lure you again to its brink.

Mr. Chairman, it is now time to inquire as to the fitness of this democratic party to take control of our great nation and its vast and important interests for the next four years. I put the question to the gentleman from Mississippi [Mr. LAMAR] what has the democratic party done to merit that great trust? He tried to show in what respects it would not be dangerous. I ask him to show in what it would be safe. I affirm, and I believe I do not misrepresent the great democratic party, that in the last sixteen years they have not advanced one great national idea that is not to-day exploded and as dead as Julius Cæsar. And if any democrat here will rise and name a great national doctrine his party has advanced, within that time, that is now alive and believed in, I will yield to hear him. [A pause.] In default of an answer, I will attempt to prove my negative.

What were the great central doctrines of the democratic party in the presidential struggle of 1860? The followers of Breckinridge said slavery had a right to go wherever the Constitution goes. Do you believe that to-day? Is there a man on this continent that holds that doctrine to-day? Not one. That doctrine is dead and buried. The other wing of the democracy held that slavery might be established in the Territories if the people wanted it. Does anybody hold that doctrine to-day? Dead, absolutely dead!

Come down to 1864. Your party, under the lead of Tilden and Vallandigham, declared the experiment of war to save the Union was a failure. Do you believe that doctrine to-day? That doctrine was shot to death by the guns of Farragut at Mobile, and driven, in a tempest of fire, from the valley of the Shenandoah, by Sheridan less than a month after its birth at Chicago.

Come down to 1868. You declared the constitutional amendment revolutionary and void. Does any man on this floor say so to-day? If so, let him rise and declare it.

Do you believe in the doctrine of the Broadhead letter of 1868, that the so-called constitutional amendments should be disregarded? No; the gentleman from Mississippi accepts the results of the war! The democratic doctrine of 1868 is dead!

I walk across that democratic camping-ground as in a grave-yard. Under my feet resound the hollow echoes of the dead. There lies slavery, a black marble column at the head of its grave, on which I read: Died in the flames of the civil war; loved in its life; lamented in its death; followed to its bier by its only mourner, the democratic party, but dead! And here is a double grave: Sacred to the memory of squatter sovereignty. Died in the campaign of 1860. On the reverse side: Sacred to the memory of Dred Scott and the Breckinridge doctrine. Both dead at the hands of Abraham Lincoln! And here a monument of brimstone: Sacred to the memory of the rebellion; the war against it is a failure; *Tilden et Vallandigham fecerunt*, A. D. 1864. Dead on the field of battle; shot to death by the million guns of the Republic. The doctrine of secession; of State sovereignty. Dead. Expired in the flames of civil war, amid the blazing rafters of the confederacy, except that the modern Æneas, fleeing out of the flames of that ruin, bears on his back another Anchises of State sovereignty, and brings it here in the person of the honorable gentleman from the Appomattox district of Virginia, [Mr. TUCKER.] [Laughter.] All else is dead.

Now, gentlemen, are you sad, are you sorry for these deaths? Are you not glad that secession is dead? that slavery is dead? that squatter sovereignty is dead? that the doctrine of the failure of the war is dead? Then you are glad that you were outvoted in 1860, in 1864, in 1868, and in 1872. If you have tears to shed over these losses, shed them in the grave-yard, but not in this House of living men. I know that many a southern man rejoices that these issues are dead. The gentleman from Mississippi [Mr. LAMAR] has clothed his joy with eloquence.

Now, gentlemen, if you yourselves are glad that you have suffered defeat during the last sixteen years, will you not be equally glad when you suffer defeat next November? [Laughter.] But pardon that remark; I regret it; I would use no bravado.

Now, gentlemen, come with me for a moment into the camp of the republican party and review its career. Our central doctrine in 1860 was that slavery should never extend itself over another foot of American soil. Is that doctrine dead? It is folded away like a victorious banner; its truth is alive forevermore on this continent. In 1864 we declared that we would put down the rebellion and secession. And that doctrine lives and will live when the second Centennial has arrived! Freedom, national, universal, and perpetual—our great constitutional amendments, are they alive or dead? Alive, thank the God that shields both liberty and Union. And our national credit, saved from the assaults of Pendleton; saved from the assaults of those who struck it later, rising higher and higher at home and abroad; and only now in doubt lest its chief, its only enemy, the democracy should triumph in November.

Mr. Chairman, ought the republican party to surrender its truncheon of command to the democracy? The gentleman from Mississippi says, if this were England, the ministry would go out in twenty-four hours with such a state of things as we have here. Ah, yes! that is an ordinary case of change of administration. But if this were England, what would she have done at the end of the war? England made one such mistake as the gentleman asks this country to make, when she threw away the achievements of the grandest man that ever trod her highway of power. Oliver Cromwell had overturned the throne of despotic power and had lifted his country to a place of masterful greatness among the nations of the earth; and when, after his death, his great scepter was transferred to a weak though not unlineal hand, his country, in a moment of reactionary blindness, brought back the Stuarts. England did not recover from that folly until, in 1689, the Prince of Orange drove from her island the last of that weak and wicked line. Did she afterward repeat the blunder?

For more than fifty years, pretenders were seeking the throne; and the wars on her coast, in Scotland and in Ireland, threatened the overthrow of the new dynasty and the disruption of the empire. But the solid phlegm, the magnificent pluck, the roundabout common sense of Englishmen steadied the throne till the cause of the Stuarts was dead. They did not change as soon as the battle was over, and let the Stuarts come back to power.

And how was it in our own country, when our fathers had triumphed in the war of the Revolution? When the victory was won, did they open their arms to the loyalists, as they called themselves, or tories, as our fathers called them? Did they invite them back? Not one. They confiscated their lands. The States passed decrees that no tory should live on our soil. And when they were too poor to take themselves away, our fathers, burdened as the young nation was with debt, raised the money to transport the tories beyond seas or across the Canada border. They went to England, to France, to Nova Scotia, to New Brunswick, and especially to Halifax; and that town was such a resort for them, that it became the swear-word

of our boyhood. "Go to Halifax" was a substitute for a more impious, but not more opprobrious expression. The presence of tories made it opprobrious.

Now I do not refer to this as an example which we ought to follow. O, no. We live in a milder era, in an age softened by the more genial influence of Christian civilization. Witness the sixty-one men who fought against us in the late war, and who are now sitting in this and the other Chamber of Congress. Every one of them is here because a magnanimous nation freely voted that they might come; and they are welcome. Only please do not say that you are just now especially fitted to rule the Republic, and to be the apostles of liberty and of blessings to the colored race.

Gentlemen, the North has been asked, these many years, to regard the sensibilities of the South. We have been told that you were brave and sensitive men, and that we ought not to throw fire-brands among you. Most of our people have treated you with justice and magnanimity. In some things we have given you just cause for complaint; but I want to remind you that the North also has sensibilities to be regarded. The ideas which they cherished and for which they fought, triumphed in the highest court, the court of last resort, the field of battle. Our people intend to abide by that verdict and to enforce the mandate. They rejoice at every evidence of acquiescence. They look forward to the day when the distinctions of North and South shall have melted away in the grander sentiment of nationality. But they do not think it is yet safe to place the control of this great work in your hands. In the hands of some of you they would be safe, perfectly safe; but to the hands of the united South, joined with the most reactionary elements of the northern democracy, our people will not yet surrender the Government.

I am aware that there is a general disposition "to let by-gones be by-gones," and to judge of parties and of men, not by what they have been, but by what they are and what they propose.

That view is partly just and partly erroneous. It is just and wise to bury resentments and animosities. It is erroneous in this, that parties have an organic life and spirit of their own—an individuality and character which outlive the men who compose them; and the spirit and traditions of a party should be considered in determining their fitness for managing the affairs of a nation. For this purpose I have reviewed the history of the democratic party.

I have no disposition nor would it be just to shield the republican party from fair and searching criticism. It has been called to meet questions novel and most difficult. It has made many mistakes. It has stumbled and blundered; has had some bad men in it; has suffered from the corruptions incident to the period following a great war; and it has suffered rebuke and partial defeat in consequence. But has it been singular and alone in these respects? With all its faults, I fearlessly challenge gentlemen to compare it with any party known to our politics. Has the gentleman shown that the democratic party is its superior either in virtue or intelligence? Gentlemen, the country has been testing your qualities during the last eight months. The people gave you a probationary trial by putting you in control of this House. When you came here, in December last, the same distinguished gentleman to whom I am replying, addressed you on the evening of your first caucus in these words:

> There has been for some time in the public mind a conviction profound and all-pervading that the civil service of the country has not been directed from considerations of public good, but from those of party profit, and for corrupt, selfish, and unpatriotic designs. The people demand at our hands a sweeping and thorough reform, which shall be conducted in a spirit that will secure the appointment to places of trust and responsibility of the honest, the experienced, and the capable.

That is sound doctrine; and I have advocated here and elsewhere and during the last eight years. I remind him that the pernicious doctrine that "to the victors belong the spoils," is of democratic origin; that nearly half a century of democratic tradition and practice has fastened upon the country. We found it, and have been cursed by it ever since; and though some efforts have been made to reform it, the good work is hardly begun. When, therefore, the gentleman from Mississippi, [Mr. LAMAR,] as chairman of the democratic caucus, at the opening of the session, announced the doctrine I have quoted, we had reason to hope that a new era of civil service had dawned upon the Capitol. But what performance has followed his high-sounding proclamation? No sooner did this reforming party take possession of this House, than it began the most wholesale, sweeping changes of officials from the highest to the humblest employés of the House, that has been known in our history. Many of these officers had come to us from our democratic predecessors; but they were almost all dismissed to give place to hungry partisans. Sixty-seven Union soldiers, who were faithfully doing their duties here, were turned out, and among those who filled their places were forty-seven rebel soldiers.

Mr. WILLIS. May I inquire of the gentleman how many Union soldiers were put in office?

Mr. GARFIELD. I do not know the precise number.

Mr. WILLIS. If the gentleman will institute a comparison he will find that it is decidedly favorable to the democratic party so far as patriotism and favoritism to Union soldiers is concerned.

Mr. GARFIELD. The facts do not bear the gentleman out in his statement. This is the practice which followed your professions of civil-service reform.

Mr. HOLMAN. As a matter of justice and fair play the gentleman from Ohio certainly knows and should admit that a large number of disabled soldiers who are republicans are still holding offices in this House.

Mr. CONGER. I object to the gentleman from Indiana interrupting the gentleman from Ohio. Let the gentlemen opposite give our side an opportunity to be heard for once.

Mr. GARFIELD. I am almost through and will soon yield the floor.

In answer to the gentleman from Indiana, I understand that a considerable number of democratic Union soldiers were appointed; but I was discussing civil-service reform and the declaration of the gentleman from Mississippi [Mr. LAMAR] that appointments to office should not be used as party rewards.

I desire to glance for a moment now at the career of this House and at what they have done and omitted to do. Passing by their treatment of contested-election cases, their appointment of officers, employés, and committee-clerks who have reflected no credit upon the House, I desire to ask what valuable work of general legislation has this House accomplished?

We had hardly been here a month, when, among the first things demanded was that, in disregard of the deep feelings of the northern people, it was proposed to crown Jefferson Davis with full and free amnesty, notwithstanding he had contemptuously declared he never would ask for it; and this was to be done, or no amnesty was to be granted to any one. And when we objected because he was the author of the unutterable atrocities of Libby and Andersonville prisons, the debate which followed disclosed the spirit and temper of the dominant party.

We were hardly in our seats when the gentleman from Virginia [Mr. TUCKER] brought in a bill to repeal a statute of 1866 which no democrat had before that proposed to disturb, so far as I know; a statute which provided that no man who voluntarily went into the rebellion against the Union should ever hold a commission in our Army or Navy. And a democrat from my own State, [Mr. BANNING,] the chairman of the Committee on Military Affairs, became the champion of that bill; and this House passed it.

Again, we had passed a law to protect the sanctity and safety of the ballot in national elections, so that the horrors of the Ku-Klux and the white-liniisms should not run riot at the polls, and among the earliest acts of this House was a clause added to one of the appropriation bills to repeal the election law; and to effect that repeal they kept up the struggle lately under the fierce rays of the dog-star. They have been compelled by a republican Senate to abandon the attempt.

Again, what have they neglected? Early in the session, indeed in the first days of it, a proposition was made, introduced by the gentleman from Maine, [Mr. Blaine,] so to amend the Constitution as to remove forever from the party politics of the country the vexed and dangerous question of church and state by preventing the use of the school funds for sectarian purposes. That amendment was sent to the Committee on the Judiciary to sleep, perhaps to die; for it is said to have been three times voted down in that committee.

Again, the Secretary of the Treasury officially informed us that his power was exhausted further to refund the debt; and that if we would give him the requisite authority he could refund four or five hundred millions more at so favorable a rate as to save to the Treasury at least 1 per cent. per annum of the whole amount. The Senate passed the bill more than six months ago, but this House has taken no action upon it.

Our revenues have been threatened with a deficit and our industries have been shaken with alarm by bills reported to the House but never been brought to a vote; for example, the tariff bill, floating lazily upon the stagnant waters of the House,

> As idle as a painted ship
> Upon a painted ocean—

a promise to free-traders, a threat of danger to manufacturers, but with no prospect or purpose of acting upon it.

And the Government has been crippled by the withholding of necessary appropriations; withheld, as I do not hesitate to say, for the purpose of making political capital at the coming election, in which the gentleman from Mississippi desires his party to succeed in the name of honesty and reform. His colleague was frank enough to declare that he wanted to reduce the general appropriations, so as to have money enough to devote to some scheme for his section, such as the cotton claims and the Southern Pacific Railroad.

But party necessity has held many waiting schemes and claims in leash. They are anchored in the lobbies and committee-rooms of this House, till the election is over. There is the bill to refund the cotton tax to the amount of $60,000,000, waiting to be launched, when the election is over. A subsidy of a hundred millions upstairs (Pacific railroad committee-room) is waiting to come down upon us for the Southern Pacific Railroad, when the election is over. There are $38,000,000 of private claims, southern claims, war claims, waiting to burst up from the committee-rooms below stairs, when the election is over.

While these things surround us; while the very earth shakes with the tramp of the advancing army of schemers, who are coming "with the Constitution and an appropriation," the gentleman from Mississippi thinks that as a measure of reform the democratic party ought at once to be brought back into power!

Meanwhile what has been the chief employment of this House? It has divided itself in a score of police courts, in the hope of fir

corruption. Like those insects that feed upon sores, it has hoped to live and thrive upon the corruption of others. Like that scavenger of the air, the carrion bird that buries its beak in the rotton carcass, so the democratic party seeks to fatten on the refuse which is here and there thrown out of the public service.

This House has adopted eighty-three resolutions of investigation, besides a legion of resolutions of inquiry of the several Departments. Twenty-five standing committees and eight select committees, up to the 20th of June, in all thirty-three committees, have been raking all the slums of the nation, to find, if possible, some savory morsel with which to impregnate the air during the coming election.

And what have they found? Has any one of these committees found that a single dollar has been stolen from the Treasury of the United States? If so, let them declare it. Why, sir, the republican party for the last three years has been investigating its own Administration far more effectually than you have investigated it. It has had not only the courage of its opinions, but the courage to punish its own rascals.

But, gentlemen, after all that may be said of corruptions and wrong-doing, do you show, on that ground, any good reason why the republican party should surrender the Government to the democracy? Would it be better? It is a matter of official record that the Treasury suffered a far greater percentage of loss, by mismanagement and defalcation, under your administration than it has suffered under ours.

In an official letter to the Senate, under date of June 19, 1876, the Secretary of the Treasury copies from his records the aggregate losses by defalcations and the loss per $1,000 in each period of four years since 1834 in all the Departments and Bureaus of the Government. Without quoting the table at length, the grand aggregate stands thus:

From January 1, 1834, to July 1, 1861, the total disbursements of the Government were $1,369,977,502.52; the total defalcations were $12,361,722.91; or a loss of $9.02 to the $1,000.

From July 1, 1861, to July 1, 1875, the total disbursements were $12,566,892,569.53; the total defalcations were $9,905,205.37; or a loss of twenty-six cents to the $1,000. In the latter period the disbursements were nearly ten times as great as in the former, and the defalcations one-third less.

Is this country so given over to corruption as the gentleman from Mississippi suggests? I will answer by quoting two distinguished witnesses. In his able speech on the impeachment trial, one of the democratic managers, the gentleman from New York, [Mr. LORD,] said:

> Senators, I am one of those who believe in progress. I believe that this age is the best age which the sun has ever shone upon; I believe there is more of religion, more of humanity, more of love, more of charity in this age than in any age that has preceded it.
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> * * * * * * *
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> There is now a higher and healthier sentiment than in any former age. Men are held to official responsibilities now, thank God, that they never were before. The time has been in the recollection of many of you when a person thought he had the right to use his official position for his own advantage; but that time has gone by, and a good deal of what we see and hear which leads a great many so mournfully to say that the age is going backward and we are receding to barbarism, very much which occasions the apparent increase of wrong arises from the higher demands of a greater civilization, from the higher plane of an enlightened people.

Now, I ask the Clerk to read a paragraph which I have marked from the centennial address of Rev. Dr. Storrs, a man fit to be the teacher of his race.

The Clerk read as follows:

> I scout the thought that we as a people are worse than our fathers. John Adams, at the head of the War Department in 1776, wrote bitter laments of the corruption which existed in even that infant age of the Republic, and of the spirit of venality, rapacious and insatiable, which was then the most alarming enemy of America. He declared himself ashamed of the age in which he lived. In Jefferson's day all federalists expected the universal dominion of French infidelity. In Jackson's day all whigs thought the country gone to ruin already, as if Mr. Biddle had had the entire public hope locked up in the vaults of his terminated bank. In Polk's day the excitements of the Mexican war gave life and germination to many seeds of rascality. There has never been a time, not here alone, in any country, when the fierce light of incessant inquiry blazing on men in public life would not have revealed forces of evil like those we have seen or when the condemnation which followed the discovery would have been sharper. And it is among my deepest convictions that, with all which has happened to debase and debauch it, the nation at large was never before more mentally vigorous or morally sound.

Mr. GARFIELD. Now, Mr. Chairman, after all the fearful corruption of his time described by John Adams, our fathers never thought it necessary to call the tories back to take charge of their newly gained liberties.

I will close by calling your attention again to the great problem before us. Over this vast horizon of interests North and South, above all party prejudices and personal wrong-doing, above our battle hosts and our victorious cause, above all that we hoped for and won, or you hoped for and lost, is the grand, onward movement of the Republic to perpetuate its glory, to save liberty alive, to preserve exact and equal justice to all, to protect and foster all these priceless principles, until they shall have crystallized into the form of enduring law and become inwrought into the life and the habits of our people.

And, until these great results are accomplished, it is not safe to take one step backward. It is still more unsafe to trust interests of such measureless value in the hands of an organization whose members have never comprehended their epoch, have never been in sympathy with its great movements, who have resisted every step of its progress, and whose principal function has been

> To lie in cold obstruction

across the pathway of the nation.

It is most unsafe of all to trust that organization, when for the first time since the war, it puts forward for the first and second place of honor and command, men who, in our days of greatest danger, esteemed party above country, and felt not one throb of patriotic ardor for the triumph of the imperiled Union, but from the beginning to the end hated the war and hated those who carried our eagles to victory.

No, no, gentlemen; our enlightened and patriotic people will not follow such leaders in their rearward march. Their myriad faces are turned the other way; and along their serried lines, still rings the cheering cry, "Forward!" till our great work is fully and worthily done. [Loud and continued applause.]

REMONETIZATION OF SILVER.

Mr. WILSON, of West Virginia. Mr. Chairman, I do not propose to discuss the two irritating questions that have occupied so much of the time of this House for the last two days. There are other questions of greater magnitude that we should look to and pass upon in the few remaining days of this session.

It is a bootless question at this time as to what the Judiciary Committee has done or may do with Mr. Blaine. The judgment of this House in his case has been suspended until next session, and I do not now propose to waste time with a consideration of it. And it is also now a bootless question as to the terms and conditions upon which the war was ended or as to how the people of the South suffered upon the close of that war. I sympathized with them as deeply and felt for them as keenly and deplored as much as any gentleman on this floor the harsh manner in which they were persecuted by the Administration and the party in power. But all that is of the past, and I think it most wise to let those irritating questions pass into history and no longer seek to inflame the passions of the people and to array one section against another. Let us hear no more of war or rumors of war; let us turn our attention and direct our steps to the paths of peace. We all accept the situation, and it is our duty as patriots to utilize that situation for the benefit of the people, the whole people, in all parts of the country.

In the few remarks I shall make I propose to discuss another and different question, one that absorbs as much of the public attention, if not more, than any other question with which this Congress has had to deal: it is the remonetization of silver.

As the bill offered by the gentleman from Missouri [Mr. BLAND] presents that question more fairly than any one now pending before the House, I will ask the Clerk to report the title of the bill and also its fourth section.

The Clerk read as follows:

> A bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes.
>
> SEC. 4. That the coin-notes issued under the provisions of this act shall be receivable without limit for all dues to the United States; and the coin mentioned in this act shall be a legal tender for all debts of the United States, public and private, not specified to be paid in gold coin.

Mr. WILSON, of West Virginia. In addition to this bill I wish to say that upon the first opportunity I have I will offer the following resolution:

> *Resolved*, That the Committee on Banking and Currency be, and they are hereby, directed to report a bill to this House providing for the coinage of silver coin of the United States as it existed prior to the 12th day of February, 1873, the same to be a legal tender for all debts as it was under the laws existing prior to that date.

If this Congress shall persistently and improperly refuse to repeal the specie-resumption clause of the act of 1875 there will remain a renewed necessity to return to a double metallic standard, a necessity such as the present generation never knew and, I may add, no past generation ever experienced. This necessity is keenly seen and felt and feared by the people. The fact is apparent that the great body of the people demand its repeal; their future prosperity demands and depends upon it. We have recently witnessed the sessions of two national conventions, one at Cincinnati and the other at Saint Louis. At Cincinnati the delegates did not meet the question fairly and deal with it frankly. Notwithstanding a large preponderance of the republican members on this floor and in the Senate and the candidates of that party are in favor of enforcing that act, and thus driving the debtor class to the wall, their delegates at Cincinnati did not dare to insert a plank in their platform opposing its repeal, while at Saint Louis, one of the largest conventions that ever assembled on this continent, composed of delegates from all sections of the country and fresh from the people, representing their views, its repeal was demanded in unequivocal terms. It remains to be seen whether democratic Representatives in Congress will repudiate the instructions from the people as expressed through their delegates in that convention. If that act is not to be repealed there will continue to remain, I repeat it, a necessity such as the Anglo-Saxon race never witnessed before for a return to a double metallic standard.

The debt of the United States is about $2,100,000,000, and it was stated by the gentleman from Ohio [Mr. GARFIELD] a few days ago that private citizens of the United States owe probably $2,500,000,000 more. Now, sir, take it that the figures I have just quoted are substantially correct and contemplate for one moment the situation. It will be seen that the relation of debtor and creditor in the United States involves about $5,000,000,000. With that vast debt hanging over the heads of the American people, a mortgage on their property and involving the honor of the country, it is gravely proposed to resume specie payment on the 1st day of January, 1879, and that all

this vast debt from and after that date shall be paid in coin; not in the coin that the fathers and founders of the Republic made legal tender, but in gold coin alone.

Why, sir, do gentlemen remember that if this resumption act goes into operation the $369,000,000 in legal-tender currency is to be paid off with gold raised by the sale of interest-bearing Government bonds, which will increase the Government interest by various estimates from twenty to thirty-five millions of dollars annually? The annual interest now amounts to nearly $100,000,000, and where is it and this additional amount to come from? Gentlemen say it can be easily paid in gold, but do they forget that the annual interest of this Government upon bonds now outstanding and bonds to be issued to pay off the three hundred and sixty-nine millions of legal-tenders will amount to more money than the whole world's annual production of gold? Yet such is the fact. Upon this subject I quote from the speech of Hon. JOHN P. JONES, delivered in the United States Senate April 24, 1876:

> I allude to the interest on the public debt, which debt is very largely held abroad. This interest now amounts to nearly $100,000,000 per annum. By selling bonds to the extent of $350,000,000, say at 10 per cent.—for it is perhaps hopeless to expect to do it at a lesser sacrifice—you will add $35,000,000 a year to your gold-interest debt, and those $35,000,000 to the portion held abroad. Where are these $35,000,000 to come from? Where are the whole $135 000,000 to come from? Your annual-interest charge will alone amount to more than the whole world's product of gold.

Is it not insane to talk or even think of paying the vast indebtedness of this country, public and private, in gold or upon a currency floated upon a gold basis? It is simply a physical and financial impossibility. If that is the fixed purpose of this national Legislature, the destruction of the hundreds of thousands of the debtor class will be complete. The circumlocution of resorting to specie resumption might as well be avoided, for the result could be more directly but not more effectively reached by a simple statute transferring the lands and tenements, goods and chattels, of the debtor class to the bondholder, the broker, the banker, and the money-changer. I repeat, that if you would stay the hand of financial destruction and avert the cries of sorrow and woe that would otherwise fall upon our ears, you must remonetize silver and postpone the day of resumption. Resumption may be possible and within the grasp of the people; it may be accomplished without detriment to any class; but this will require time and rigid economy, that economy which has been inaugurated in this House at this session, and which will save $40,000,000 annually to the people. Resumption must come, when it does come, through prosperity and not through contraction, distress, and adversity. Our bonds were bought, or a large portion of them were bought, at forty cents on the dollar in gold, and since then they have been legislated up to par and even beyond par. The interest is paid in coin and the bond is exempt from taxation. Therefore the bondholder is in a condition to resume, but the mass of the people are not.

Remonetize silver, infuse confidence among the people, and in a few years the financial affairs of the country will be in a healthy condition. We may thus be able to tide over the threatened trouble. But why not remonetize silver? I have heard with pain and regret from two members of this Congress, one from Pennsylvania [Mr. TOWNSEND] and the other from Ohio, [Mr. GARFIELD,] that they oppose the remonetization of silver for the reason, among others, that the great supply of American mines has tended to reduce its market value. Why, sir, the British dominions are the largest gold-producing sections of the world, and hence the Englishman, true to his interest, true to his government, and ever ready to add to its strength and material wealth and to add to the purchasing power of gold, has demonetized silver and reduced its market value; but why an American should join in the crusade against America's production, his own country's coin, I cannot understand. It is a high constitutional duty that this Congress owes to the country to provide for the coinage of silver as of its former purity and to make it a legal tender for all debts, public and private. This will go far to enhance its purchasing power both in Europe and America. European capitalists hold large amounts of our bonds, and will be induced by their interest to give silver its proper place and standard in value in the coinage of the world.

It is safe to assume that our fathers, the framers of the Constitution of the United States, were as patriotic and as far-seeing as we are. By the eighth section of the first article of that Constitution they conferred upon Congress the power "to coin money and to regulate the value thereof;" and by the tenth section of the same article they conferred upon the States respectively the power to make gold and silver a legal tender for the payment of all debts. Under this power so conferred upon Congress gold and silver were made and continued legal tender for three-quarters of a century, during which time with silver as a legal tender our area was more than doubled; our increase in population and wealth and progress in the arts and sciences stand unrivaled in the history of the world. If Congress shall deny to the people the relief to which under the Constitution they are clearly entitled, and shape legislation for the benefit of the favored and wealthy few, it will devolve upon the States, each speaking and acting for itself, to resort to the power quoted above and declare gold and silver a legal tender for contracts between man and man and for all dues to the State.

But it is to be hoped that this Congress will not adjourn without providing by appropriate legislation for the issue of silver coin and to restore it and gold to their former relative values, whatever the present value of either may be. Give it the weight and fineness to make it equal to gold and it will soon return to the old standard.

The gentleman from Ohio [Mr. GARFIELD] flippantly flaunts the question in the face of this House and demands to know whether, since the passage of the act of 1869 to strengthen the public credit, any man dare say we can pay the public debt in silver? I dare to say we can, and I further dare to say and feel it my duty to say that the act of 1869 was a flagrant outrage and wrong, that its practical effect was to swindle, and it did swindle, the people of this Government out of millions of money, and elevate the basis of the payment of the bonds referred to to a much higher and more costly standard than was contemplated upon the passage of the act authorizing their issue. Why, sir, it is known that the very language of the law authorizing the issue of some of those bonds only required the interest to be paid in coin; that the principal was payable in currency. Need I remind the gentleman that the great commoner of Pennsylvania, Thaddeus Stevens, here on the floor of this House, as its leader and in its presence, so declared? That opinion was then held and has since been promulgated by a prominent gentleman of the same State who lends dignity to this presence by occupying a seat on this floor as the oldest member of this House, a gentleman whose influence, learning, and experience, republican though he is, has been upon this currency and silver question steadily, so far as I have observed, in the interest of the people as against ring capitalists. I need not remind the House that I refer to Judge KELLEY. His teachings upon this money question at least are sound and worthy of emulation. Upon the feasibility and practicability of specie payment I beg to quote from a letter of Hon. H. C. Carey to Hon. Moses W. Field, dated August 18, 1875:

> Forty years since the use of gold as money was almost as rare with us as it now is among the Esquimaux. Contracts abounded here and elsewhere providing for the payment of interest and ultimately of principal in silver dollars of certain weight and fineness; but it may be doubted if ever a single one could have been found providing for such payment in the more costly metal.
>
> Just then, however, the gold mines of the South were becoming so productive as not only to have caused large expenditure for southern mints, but also to have produced a determination on the part of southern men to force their product into that home circulation which, until then, had been held exclusively by the Mexican silver. To that end, while professing an utter abhorrence of governmental interference in any matter of trade, they by law raised the price of gold to 16 for 1 of silver, and so intent were they on the accomplishment of their object that I myself heard an eminent Senator, of the South Carolina delegation, assert that should it prove to be required they would proceed still further, giving to the gold a legal-tender value as high as 17 to 1.
>
> Of all American writers whose attention was then given to monetary questions, there was, as I think, none whose opinions in relation thereto were held in more respect than were those of my friend Mr. Condy Raguet, from whose work, published in 1839, I take the following passage:
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> "Prior to the passage of the gold bill above referred to, the metallic currency of the United States had been virtually, as above stated, a currency of silver since the establishment of the Government, gold very rarely appearing, while that of Great Britain was of gold. The consequence was that the currency of each was independent of the other, and the contraction or expansion of each did not necessarily act upon the other. The contraction in England, which preceded the resumption of specie payments, in 1821, after a long suspension of twenty-four years, produced no convulsion on this side of the Atlantic; nor did our contraction, distressing and durable as it was, after the removal of the public deposits from the Bank of the United States, on the 1st of October, 1833, which brought down the prices of stocks from 20 to 50 per cent, and led to the importation of $3,793,293 in silver from England alone during the year ending on the 30th of September, 1834, produce any convulsion whatever in that country. Such would have continued to be the case had the mint regulations remained without alteration; but no sooner was gold, by a change in its relative value to silver, rendered the more profitable of the two metals to import than we found the currency of England disturbed to a degree that rendered necessary an immediate reduction of her paper issues, although the amount of gold drawn from her between the passage of the law in June, 1834, and the 30th of September, of the same year, was but $1,922,960. To the importations of gold in the years 1835 and 1836, instead of silver, may be ascribed that further contraction of the British currency which led to the crisis of the latter year that was so fatal to American credits and American cotton, by which millions of dollars were lost to the country.
>
> "Now, as like causes will produce like effects, it behooves us to examine well into this matter, and, if we find that we have committed an error, it is our duty to retrace our steps. Thus far very little progress has been made toward introducing gold into actual circulation, notwithstanding that a large amount had been imported; still a long perseverance in the law will give us a gold currency, but it will be most dearly purchased. It will so closely ally our fortunes with those of Great Britain that no convulsion can take place in the currency of that country that will not act directly and powerfully upon ours; while, on the other hand, none can take place on our side that will not act directly upon hers, and in so doing break down the prices of cotton and tobacco and other American products in the markets of Europe, to the great injury of our planting interest."
>
> The extreme importance of the view here presented, to wit, the necessity for avoiding "entangling alliances" in reference to a matter so important as the monetary machinery of exchange, was made clearly obvious when in 1866, like a clap of thunder in the clearest sky, the great crisis of that year, greater than any by which it had been preceded, brought ruin to hundreds of what had been considered the strongest British houses, and made demand on all the world for aid if the Bank of England itself were to be enabled to avoid suspension. The crash was terrific, yet it never affected our domestic operations for even a single hour. Our monetary independence had been established. Our machinery of exchange being a non-exportable one, we had no use for gold, and if it were needed abroad we could say, "why let it go!" Accordingly, no less than £30,000,000 were at once dispatched; the bank was saved, and injury was thus avoided to an extent that would scarcely be exaggerated were it counted by hundreds of millions of pounds; and thus did Britain benefit by the fact that the currencies of the two countries were different.
>
> Had we been using gold, where should we then have found ourselves? In the midst of a crisis greater than the country had ever known. Every golden dollar would have been withdrawn. Banks, after running their customers, would themselves have been driven to suspension. Mills and mines would have ceased to work, and the power to pay for foreign merchandise would have disappeared, to the great loss of Britain, whose market in this country, owing to depression at home, became so greatly enlarged as to aid materially in the work of recuperation.
>
> To the two countries thousands of millions of dollars were saved by the simple

fact that our currency was of a character not liable to be affected by the financial movements of a neighbor nation that seeks to control the universal monetary movement, and yet is more than any other liable to convulsions by means of which disturbance is produced throughout the world at large.

The more perfect the independence of individuals, the greater is their power to aid each other in case of sudden or unforeseen trouble. So precisely is it with nations; and yet, every step that has been, or now is, urged upon us, has tended, and is now tending, to make us more and more dependent on foreign money markets; liable at any moment to disturbances like to those by which the year 1866 stands so much distinguished

I also commend to the gentleman from Ohio [Mr. GARFIELD] an extract from a speech made in this House March 16, 1876, by the gentleman from Pennsylvania, [Mr. KELLEY:]

Mr. KELLEY. It always received the money which it made the people receive. It receives its own paper for taxes, for government dues, and thus for the time being it demonetizes gold. It was our dishonoring of our own paper that called the "gold-room" of New York into existence, that brought thither the vampires of the world to fasten and fatten upon the industries of the country. It was the dishonesty of the American Congress and Government in repudiating the money it created and forced the people to receive that has cost us the countless millions made and lost in the "gold-room" of New York and through its influence.

I have said, and here repeat, that if this Congress does not afford the relief which the people of the country are clamoring for, distress, deep and heart-rending distress, must follow. The productions of the farmer, manufacturer, and laborer are dropping down to ruinously low figures. One instance, sir, from my own State: live stock is being sold in the eastern markets to-day for less money than was paid for it last fall; the farmer loses the grain that it consumed, loses the interest upon the money, which, bythe way, is generally borrowed capital, and also loses his own time and the use of his farm, and while thousands of idle men are begging for work at fifty cents per day he cannot afford to give them employment. Everything but money is upon the decline; and yet gentlemen are urging a speedy resumption of specie payment. I have heard a good deal said upon this floor about the injustice of forcing the creditor to accept depreciated silver in payment of debts; but there is another view of this question. The existing debts of the country were contracted upon a greenback basis and should be paid in greenbacks, or in silver, if the debtor prefers it. A speedy return to a gold basis will largely increase those debts and compel the debtor to pay more than he contracted to pay. That is to say, his indebtedness will be increased just in proportion to the premium of gold over greenbacks. If the debt is $1,000 and payable in greenbacks, $1,000 will pay it; but if specie resumption is forced upon the country and gold shall bear a premium of 12 per cent., it will require $1,120 in greenbacks to discharge the obligation. As there is not gold enough in the country to meet the wants of exchange the debtor must pay in its equivalent.

Now, it is said that silver is only worth seventy-nine cents on the dollar, say, for illustration, eighty cents on the dollar in gold. If the debtor had nothing other than silver with which to pay he would be required to advance $1,200 of that metal to pay his debt, which a few months before might have been discharged with $1,000 in greenbacks. And this is the just and humane legislation that gentlemen demand in this House.

History is repeating itself. We have only to look to England as far back as 1819, when Peel's currency bill "for the restoration of cash payments" was enacted, "beginning with an issue of gold at £4 1*s.* the ounce in 1820, and ending with the standard unit price of £3 17*s.* 10½*d.*" It also, among other things, provided for a gradual return to cash payments. This bill passed with a unanimity rarely ever witnessed in legislation, and seemed to quiet the fears of nearly all classes. There were a few experienced financiers, however, who foresaw that it could not meet the necessities of the hour; and it did not. Mr. Cobbett was among this number. He had the boldness to say that "Before this bill can be carried out a million of persons at least must die of hunger." As to how far the predictions of Mr. Cobbett were verified let the historian speak.

Distress is the real parent of crime. Keep a people at ease, and their moral teachers must be at fault indeed if the mass is not well-conducted and honest. Plunge them into misery and desperation, and vice and criminality shall begin to stalk through the land. We have already seen that from the increasing pressure of the debt and taxes, and from the ease with which it was effected, the time of uttering forged bank-notes had grown until the juries got sick of blood; and executions as a spectacle even ceased to interest the strangely constituted minds that find a pleasure in such exhibitions. Well might this be when we learn the appalling fact that in the single year of 1830 one hundred and fifty persons were tried at the Old Bailey alone for uttering false notes; and that of these, forty-six suffered death, being at the rate nearly of a victim per week through the twelve months. This, however, was only a part of the mischief of the time.

* * * * * * * * *

They made political libels felonies, punishable by transportation; and lastly, they surrounded the press with so many difficulties, publishers of newspapers being compelled to give security beforehand, to answer for any libel which possibly might be inserted therein, and to deposit at the stamp-office a copy of every paper they published, that unless backed by one of the great political parties that ruled the state, to conduct a political journal became a matter of deadly peril; and freedom of writing was at an end. Every man who really opposed in writing the existing system of tyranny and deception was sure of pecuniary ruin and the loss of liberty—perhaps of life. The few honest and intelligent public writers at that time existing were exiled or silenced; and, upon the whole, the most dismal and dark year of English history was perhaps that of 1819. That famous bill, however, which we have just seen the Houses of Parliament passed so unanimously, soon made amends for all. Some of "the six acts" were temporary, and expired. The laws concerning the press, however, remain to this hour; but the changes produced by the workings of the bill of Peel have enabled the people partly to overgrow them, and their sting is all but gone.

Such were the fruits of the revulsion of the paper money, as far as respect for the maxims of constitutional law was concerned; but it produced more novelties than these. Amid the doubts, fears, and general want of confidence caused by appalling ruin which flowed from the sudden drawing in of the paper, and by the bloody outrages and bitter persecutions which again flowed from the effects of that ruin, it was felt necessary to attempt to draw, if possible, the ties that bound the middling classes of the nation to the funding and paper system still closer, and to add, if such a thing could be accomplished, to the strength and number of these ties. Close observers, and those especially behind the scenes of this strange drama, saw that the fabric was now beginning to show signs of dissolution. The people, amazed that a state of peace, instead of its usual blessings, had brought a palpable increase of difficulty and suffering, showed a marked and alarming impatience under their manifold burdens. In proportion as the discontent was strong, had the government of a sudden become weak. That strength which is derived from the power of lavishing immense sums of money was gone forever. The eight hundred millions of debts were borrowed and expended. No increase could be made here; and those who carried on the government were henceforward bound by the bill of Peel to pay the interest of that debt in convertible money of the value of £3 17*s.* 10½*d.* to the ounce of gold, and to raise all their taxes in money of the same value, which was (had they known it) a virtual bar to any future increase in the proportionate issues of paper, however desirable the ease obtainable from such issues might be.—*Doubleday's Financial History of England*, pages 250-253.

Mr. Chairman, I will, even at the expense of being regarded tedious, make one other quotation from the same author:

The distress, ruin, and bankruptcy which now took place were universal, affecting both the great interests of land and trade; but among the landlords, whose estates were burdened by mortgages, jointures, settlements, legacies, &c., the effects were most marked and out of the ordinary course. In hundreds of cases, from the tremendous reduction in the price of land which now took place, the estates barely sold for as much as would pay off the mortgages, and hence the owners were stripped of all and made beggars. (*Ibid.*, page 271.)

I will not recount the scenes of blood and suffering and death that followed and flowed from this blunder of the English Parliament, but content myself with warning the American Congress against a similar mistake. The people of this country are in no frame of mind to be driven to the wall and beggared. They will not go into involuntary bankruptcy nor have their property improperly wrung from them to pay in coin Government bonds that should and would without question have been paid in greenbacks except for the fraudulently procured acts of Congress to strengthen the public credit. As to how those bonds should be paid I will take a future opportunity to discuss.

We are told there is a plethora of money in the great monetary centers of New York, Philadelphia, and other cities of this Union. And yet we see it stated that during the first week in June of this year over one thousand properties were knocked down under the hammer at forced sale in Philadelphia. Upon this subject I commend to the House the following article, taken from the Wilmington Herald of June 21:

O THE TIMES! THE TIMES!

The first Monday of each and every month is the time fixed by act of Assembly to sell real estate by the sheriff of Philadelphia. The first Monday of this month was the bluest day that city ever saw. Over one thousand properties were sold by the sheriff, and in almost every instance the property was bought in by the mortgagee or judgment-creditor. The rich are enriching themselves by obtaining for a debt, representing say 40 per cent. of the value of a piece of real estate, a property worth more than twice the amount of the debt. This is harrowing. Think of the sheriff's hammer falling successively for eight hours, and each stroke the type of ruined hopes, the sad ending of a struggle to have a shelter for the declining days of one's life. Is it not enough to make strong men shudder? "Next sale," said the sheriff, "will be still larger." "Next sale" will be upon the 3d of July. How many groans of sorrow will be mixed with the popular gratulations of the centennial eve.

The most alarming statement in this connection is the fact that in almost every instance the property was bought in by the mortgagee or judgment-creditor. What good then, I ask, results to the people from this plethora of money if property goes for a song and the owner and his little ones are turned out houseless and homeless?

But, again, I see by the papers yesterday morning that in the great monetary center of the country, the city of New York, one thousand unemployed workmen held a meeting and called at the office of the mayor of that city, peaceably demanding work that they might have bread. When such scenes as these are enacted in the very heart of the two largest and wealthiest cities in the country, where the money of they country is locked up and her bonds held by hundreds of millions, do gentlemen yet insist upon inviting us to the resumption feast on the 1st day of January, 1879? I commend to this House the following brief newspaper extract:

The Pittsburgh Post (democratic) says: "Bread or blood. This is an ugly cry to be heard in the land, and shows that we are terribly misgoverned."

I will not longer trespass upon the time of this House. We are about entering upon an eventful chapter in the history of this country. The times demand just and humane legislation—that all classes in all sections and of all colors shall be protected. Do this, and this centennial year will be a year of jubilee.

[At the conclusion of his speech Mr. WILSON, of West Virginia, yielded the remainder of his hour to Mr. HARRISON.]

Mr. RANDALL. If the gentleman from Illinois [Mr. HARRISON] will yield I will move that the committee rise. He will have the floor when the House again goes into Committee of the Whole.

Mr. HARRISON. Will the House again go into Committee of the Whole on the state of the Union?

Mr. RANDALL. I think that in all human probability it will.

Mr. HARRISON. I desire to submit some remarks; and unless there is a tolerably fair certainty that I shall have an opportunity hereafter I prefer to speak now.

Mr. RANDALL. So far as I am concerned I cannot promise anything as to the future action of the House, but I think it probable that the gentleman will have his opportunity hereafter.

Mr. HARRISON. With the understanding that I retain the floor in Committee of the Whole, I yield for the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. EDEN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly a bill (H. R. No. 2592) to transfer the conduct of Indian affairs from the Interior Department to the War Department, and had come to no resolution thereon.

UNSECTARIAN DISTRIBUTION OF PUBLIC FUNDS.

Mr. LORD. I hold in my hand a report from the Committee on the Judiciary upon House resolution No. 1, which is known as the Blaine amendment to the Constitution. I had been directed by the committee to make this report, and intended to do so early in the day, but was prevented. I now present the report.

The SPEAKER *pro tempore*. Is this a privileged report?

Mr. LORD. I do not understand that there is any objection.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. LORD] asks unanimous consent to report back from the Committee on the Judiciary a resolution which will be read.

Mr. SAMPSON. I ask the gentleman to yield for the appointment of a conference committee before we enter upon the consideration of this report.

Mr. LORD. This will meet with no antagonism; it is the unanimous report of the committee. I will ask the reading of the report.

Mr. SAMPSON. I apprehended that this might occupy some time.

Mr. CONGER. I reserve the right to object until I hear the report read.

The SPEAKER *pro tempore*. The Chair will hold that the right to object continues until the resolution has been read. The Clerk will read the report and the resolution.

Mr. LORD. There is a motion to reconsider pending, which I can call up as a matter of high privilege.

The SPEAKER *pro tempore*. If a motion has been entered to reconsider the vote by which the joint resolution was referred, then the gentleman should ask to take up that motion.

Mr. LORD. I will put it in that form.

The SPEAKER, *pro tempore*. The gentleman from New York calls up at this time the motion to reconsider the vote by which the joint resolution which will be read was referred to the Committee on the Judiciary.

Mr. CONGER. Does the record show that that motion was entered?

The SPEAKER, *pro tempore*. The Chair accepts the statement of the gentleman from New York.

Mr. LORD. It was entered by Mr. Blaine in my hearing.

The SPEAKER *pro tempore*. The Clerk will first read the report of the Committee on the Judiciary.

The Clerk read as follows:

The Committee on the Judiciary respectfully report that they have had under consideration House resolution No. 1, and have amended the same by adding thereto that the article should not vest, enlarge, or diminish legislative power in the Congress. Thus amended the resolution was unanimously adopted. While there may be a difference of opinion as to the necessity of such a constitutional amendment, all agree that the underlying principles are right and in accordance with the spirit of the age.

The SPEAKER *pro tempore*. The Clerk will now report the joint resolution.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the several States of the Union as an amendment to the Constitution, namely:

ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

The SPEAKER *pro tempore*. The amendments proposed by the committee will now be read.

The Clerk read as follows:

In line 12, after the word "sect," insert the words "or denomination."

At the end of the article add the following: "This article shall not vest, enlarge, or diminish legislative power in the Congress."

Mr. KASSON. Is it proposed to act on this now?

Mr. LORD. I move the previous question.

Mr. LAWRENCE. There are two amendments in the body of the resolution.

Mr. CONGER. I reserve the right to object until the amendments are all in.

The SPEAKER *pro tempore*. The right to object cannot obtain. The only question that can be raised is the question of consideration. The gentleman from New York rises to call up the motion to reconsider the vote by which this resolution was referred to the Committee on the Judiciary, which motion, the Chair is informed, is pending. The question of consideration can be raised upon that motion; but the right of objection does not lie against it.

Mr. CONGER. The Chair will recollect that the proposition as put to the House was upon the request to make a report from the committee, and not upon calling up a motion to reconsider.

The SPEAKER *pro tempore*. That was subsequently corrected.

Mr. KASSON. I want to ask the gentleman from New York whether, in view of the present condition of the House, which is very thin, he will not consent to call this up to-morrow when the House will be full?

Several MEMBERS. O, no.

Mr. HALE. Will the gentleman let me ask him one question: Is this proposed constitutional amendment now in the same form as when it was referred to the Committee on the Judiciary?

Mr. LORD. Precisely, except in two particulars. We have inserted the words "or denomination" after the word "sect," so as to make the language correspond with that in another portion of the proposition; and at the conclusion we have added a provision that this article "shall not vest, enlarge, or diminish legislative power in Congress."

Mr. HALE. Otherwise, as I understand, the resolution is not changed.

Mr. KASSON. I would inquire whether this provision that it shall not enlarge the power of Congress does not defeat the very purpose of the proposition? [Cries of "Regular order."]

Mr. FRYE. Will the gentleman from New York allow me a word?

Mr. WADDELL. I object to any debate.

Mr. THROCKMORTON. I rise to a parliamentary inquiry. I asked the Speaker a moment ago whether this matter was subject to objection.

The SPEAKER *pro tempore*. The Chair then supposed that it was from the manner in which it was called up; but he has since been corrected by the Clerk as to the position of the joint resolution. It comes up on a motion to reconsider the vote by which it was referred to the Committee on the Judiciary, and it is not subject to objection. It is only subject to the question of consideration.

Mr. THROCKMORTON. Well, sir, I move that the joint resolution be laid on the table.

Mr. LAWRENCE. That motion, I believe, is not debatable. I ask for the yeas and nays upon it.

Mr. STEVENSON. I ask that the resolution, as amended, be read.

The joint resolution, with the proposed amendment, was again read.

Mr. THROCKMORTON. I withdraw the motion to lay on the table.

Mr. KASSON. Then I ask a separate vote on the last amendment.

Mr. HOLMAN. I understand that the amendments are in the form of a substitute.

Mr. LORD. This is offered as a substitute.

Mr. KASSON. As I understand, this comes up on a motion to reconsider; and when the original proposition is before the House these are proposed as amendments.

Mr. HOLMAN. I desire to ascertain the state of the case. The motion, as I understand, is simply to reconsider the vote by which this subject was referred to the Judiciary Committee. The previous question being called operates on that. When the subject comes before the House, then the gentleman from New York [Mr. LORD] can offer his substitute.

The SPEAKER *pro tempore*. That is unquestionably the condition of the bill.

Mr. BURCHARD, of Illinois. What is the decision of the Speaker as to how far this motion for the previous question applies?

The SPEAKER *pro tempore*. Only to the question of reconsideration.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to reconsider was agreed to.

Mr. LORD. I now propose the resolution with the amendments as read by the Clerk as a substitute for the resolution as originally proposed; and on that I call the previous question.

Mr. KASSON. I call attention to this parliamentary point: We have now reconsidered simply the reference to the Judiciary Committee, and the motion now pending is, therefore, Shall the resolution be referred to that committee?

The SPEAKER *pro tempore*. That is a correct point; the Chair recognizes it as such. The question is, Will the House refer this resolution to the Committee on the Judiciary?

The question was decided in the negative.

Mr. LORD. I now propose my substitute, and call for the previous question.

Mr. CONGER. I raise the point of order that this proposition has not been referred to the Committee on the Judiciary and they have no right to report upon it, and the gentleman from New York has no control of the matter to bring it before the House.

Mr. HOLMAN. The answer to that is very clear. Any gentleman has the right to call up the motion to reconsider. The gentleman from New York having the floor has called it up. The resolution is now before the House; and the gentleman from New York upon his own responsibilty offers this substitute.

Mr. LORD. With the unanimous approval of the Committee on the Judiciary.

Mr. CONGER. Then I object to its consideration to-night.

The SPEAKER *pro tempore*. The objection cannot lie. The matter is before the House.

Mr. CONGER. Then I insist upon the proposition that this House has decided that this matter is not in the hands of the Judiciary Committee, and therefore cannot be reported from that committee.

The SPEAKER *pro tempore*. The point of order is overruled.

Mr. McCRARY. I wish the gentleman from New York would allow me a moment.

Mr. LORD. I will as soon as the substitute is read.

The SPEAKER *pro tempore*. The substitute will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the several States of the Union as an amendment to the Constitution, namely:

ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations. This article shall not vest, enlarge, or diminish legislative power in the Congress.

Mr. LORD. Before demanding the previous question, I yield five minutes to the gentleman from Iowa, [Mr. McCREERY,] who was not present at the meeting of the committee this morning, and desires to occupy a few moments.

Mr. McCRARY. Mr. Speaker, the situation of this question before the House as I understand it is this: The original proposition to amend the Constitution as offered by the late member from Maine, Mr. Blaine, is the main proposition pending before the House. The gentleman from New York offers a substitute for that original amendment, and I suppose the first vote will be on adopting the substitute for the original proposition. I desire to say, sir, that I am in favor of the original resolution, and hope it will be adhered to by the House, and I am opposed to the amendment in the nature of a substitute offered by the gentleman from New York.

The difference between the two is this: the original is a plain proposition to amend the Constitution upon the matter before it. The substitute embodies the original proposition and adds to it what I can consider in no other light than a nullifying clause.

Mr. KASSON. That is it.

Mr. McCRARY. It amends the Constitution and denies to Congress the power to legislate for enforcing the amendment after you have made it. Now, sir, a proposition like that is too plain for discussion. If the House, if the people of the country, desire the Constitution of the United States to be amended in this particular, then it follows it ought to be so amended that the legislative body that makes laws for the National Government shall have power to enforce it by proper legislation.

It would be an anomaly, it would be a strange proceeding indeed, to put a provision in the Constitution of the United States and accompany it with another proposition that the law-making power of the United States shall have no power to enforce it. Therefore I hope the substitute will not be adopted, but the original proposition will be sustained by the House.

Mr. LORD. I now yield to the gentleman from Massachusetts.

Mr. HOAR. Mr. Speaker, this is a matter of amending the Constitution of the United States. If adopted by Congress and by the State Legislatures it will be irrepealable. I do not think any gentleman in the House, on reflection, will insist that such a matter as that should be put through without reasonable opportunity for discussion.

I am sorry to detain the House, but I have something I desire to say on this subject. I am heartily in favor of the substitute reported by the gentleman from New York, [Mr. LORD.] I think it is better than the original proposition. It makes no difference to me in dealing with an amendment to the Constitution from what quarter the proposition may come.

Now, sir, the Constitution of the United States was framed with two principles running through its entire frame-work. One was this: that where the Constitution asserted certain rights of citizens or prohibited to the States or Congress certain legislative powers, the right to enforce those provisions of the Constitution was left to the courts. And the Supreme Court of the United States has repeatedly held that a provision like this in the first article of amendments, and various provisions in the Constitution itself relating to State Legislatures were to be enforced solely and were enforced sufficiently by the power of the Supreme Court of the United States to declare such things null and void, although they vested no legislative power in Congress whatever.

Now, Mr. Speaker, that was the purpose of the distinguished gentleman from Maine in drawing this original amendment, as anybody will see by looking at its language. He did not intend, and he could not have intended when he drew that amendment, to imply that Congress should have the legislative power to enforce it. He did not intend that or he would have put it in as we put it in the fourteenth and fifteenth amendments, when it was deemed necessary, for reasons which need not now be repeated. But when the Constitution enacts that no State Legislature shall pass a law of a particular character, the Supreme Court of the United States will hold such law null and void, and that constitutional principle is perfectly adequate and sufficient; and if Mr. Blaine's amendment were adopted without the addition now proposed, it would mean exactly the same thing it means with the addition proposed.

The proposition of the Judiciary Committee does not alter the meaning of the amendment of Mr. Blaine in the least. Why, then, do you add to the original proposition when you do not alter its meaning? The reason is this: This constitutional amendment has got to pass the jealous scrutiny, not merely of both branches of Congress, but of three-fourths of the States, by the action of their State Legislatures or conventions. There is great anxiety and jealousy for fear the powers of Congress, if any now exist under any particular circumstances to affect the school systems in the various States, may be extended, or on the part of those who do not believe they exist, may be asserted. It is therefore for the purpose of commending this proposition to the people of the United States, and that no jealousies, or alarms, unreasonable as they would be, may exist, that we propose to express in terms that this shall be one of the class of amendments, like similar provisions in the Constitution, which do not enlarge the legislative powers of Congress. Nobody wants Congress shall undertake to legislate in regard to the school systems of the States, when there is no power except so far as it may be involved in the power to secure republican government.

I suppose, Mr. Speaker, I go as far as any man on this floor in the desire that if the States refuse altogether to establish school systems, Congress, under the power to secure a republican government, should interpose. I do not know there is any other gentleman on this floor who is prepared to go as far as I do in that direction. I think they can do it in such a case just as, if a State should refuse to establish courts altogether, they could interfere. But it was not intended to embarrass this proposition for an amendment to the Constitution by alarming the fears or exciting the opposition of any American citizen in regard to that subject. And therefore I heartily concur with this amendment, which I had the honor to suggest in substance in the Judiciary Committee, and I trust it will be adopted.

Mr. LORD. I yield five minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. KASSON. Before the gentleman from Massachusetts resumes his seat I desire to ask him one question. I observe that the language of the proposed constitutional amendment embraces grants of land for school purposes, including all those made by the United States, which we all know are numerous.

Mr. HOAR. No, sir.

Mr. KASSON. Certainly they are numerous. It covers all grants of land or money. Now it struck me as remarkable that when the proposition seemed broad enough to cover every grant made by the United States, whether of money or lands, you should deny to the United States the power of that legislation that would be necessary to see to the administration of the funds or lands thus granted; or, rather, not to see to the administration, but to guard against maladministration.

Mr. LORD. I rise to a question of order. The gentleman is discussing an abstract question, which does not arise under this joint resolution.

Mr. KASSON. By the courtesy of the gentleman from Massachusetts, I have been pointing out that the last clause had a scope beyond what he suggested.

Mr. HOAR. If the gentleman will hear the proposed amendment read again I think he will see that his objection entirely disappears.

The SPEAKER *pro tempore*. The Clerk will again read the resolution as proposed to be amended.

The Clerk read as follows:

No State shall make any law respecting the establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination, nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

This article shall not vest, enlarge, or diminish legislative power in the Congress.

Mr. KASSON. Now, my point has reference to the clause, "nor any public lands." If the United States finds that a portion of its public lands have been diverted to a religious sect, under this last clause it would be deprived of all power of enforcing this constitutional amendment.

Mr. HOAR. The answer to that is this: The remedy is in the courts. It is true, if the State appropriates to this unconstitutional purpose land originally granted by the United States, it would be included in this prohibition. But it is equally true that the remedy in the courts is ample. Such an act would be null, waste paper; and the courts so declaring it, no title could be given under it.

Mr. KASSON. But no suit against the State can be brought.

Mr. LORD. I yield five minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. I shall vote for this resolution to submit to the States the proposed amendment to the Constitution, whether the House shall put it in the form recommended by the Judiciary Committee or shall determine to adopt it in the form in which it was originally presented to the House. I am so much in favor of the purposes contained in this proposed constitutional amendment that I am ready to take it in either form. I would prefer that it should be adopted in the form in which it was originally presented to the House, adding only in the body of the proposed amendment after

the word "sect" the words "or denomination," which I suggested in the Judiciary Committee this morning, and which I think are necessary, or at least proper, to perfect and make uniform the language and purpose of the original proposition. I assented to the other addition, being the closing sentence of the substitute as agreed upon in the Judiciary Committee this morning; in fact I suggested the final words in which it was adopted in committee. I did so assent because I desired that there should be a unanimous report of the Judiciary Committee in favor of the proposition to amend the Constitution; and I did so because I desired that the House should pass this amendment. And I believe that in all probability it would not be possible to get this amendment adopted unless it was in this form; for there is so much jealousy against the exercise of power by Congress in the affairs of a State that I feared this House would not adopt this proposition unless this amendment or additional sentence should be agreed to.

Undoubtedly there is some authority for saying that where there is an amendment to the Constitution imposing restraints on a State, without a provision expressly declaring that Congress shall have power to legislate to enforce it, that Congress cannot so legislate; but I would prefer to let it rest upon authority or decisions of courts, whatever they are or may be, rather than to add a provision *expressly* excluding the power of Congress to legislate upon the subject. I would rather leave it just where all the first amendments were left; and in that view, if Congress cannot legislate to enforce the new article, this last and added sentence to it would be unnecessary.

Mr. KASSON. It never has been made before.

Mr. LAWRENCE. On the authorities as they are now claimed to stand this added sentence would not be necessary to exclude the power of Congress to legislate.

Mr. CONGER. Will the gentleman allow me to ask him a question?

Mr. LAWRENCE. Yes, sir.

Mr. CONGER. The Constitution provides that—

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Mr. LAWRENCE. Yes, undoubtedly.

Mr. CONGER. Now I ask the gentleman if this proposition is not a denial to Congress of its power under that article?

Mr. LAWRENCE. I do not think it can exclude any power *heretofore* given by the clause of the Constitution which has been read, but it is a declaration that this article shall not, *per se*, *vest* or *enlarge* legislative power in Congress. This would seem to go so far as to say that it shall not *draw after it* any power in Congress to legislate either by virtue of the clause which has been read or any other. But it cannot exclude an existing power to legislate, as the power already existing to establish schools under the authority, to guarantee a republican form of government. This must be so, because this proposition says it shall not "*diminish*" existing legislative power. It is because the effect will be as I have stated it that I would prefer the original proposition—the constitutional amendment as it was originally introduced in the House—so that if Congress or the courts should ever hereafter determine, as they possibly might, that under the original proposition there is or could be under proper circumstances legislative power in Congress to enforce it, the people would have the benefit of that power. If the States will not submit to the restraints imposed by the national Constitution or carry into effect the rights thereby secured there should be a power somewhere to give them vigorous effect. Congress should have power in such case to do what the States refuse to do. No provision of the Constitution should be left a mockery and a sham.

I may say further that I have repeatedly expressed the opinion in this House that under the Constitution as it now stands, under the power of Congress to guarantee a republican form of government to the States, if a State should fail to provide for common schools, without which no republican government can exist, Congress would have the power to legislate for the establishment of schools in such State.

I adhere to that opinion now, and this power will exist if the proposed amendment to the Constitution should be adopted either with or without the last and added sentence of the pending substitute. The words of this sentence are, "This article shall not vest, enlarge, or *diminish* legislative power in Congress." Notice the word *diminish*. This word, or the whole sentence, implies that there is elsewhere in the Constitution some power to legislate on the subject of schools. In this sentence there is an implied concession that under some other provision of the Constitution there is or may be power in Congress to legislate upon the subject of schools in the States.

This is the view I take of this question, and I hope that in some form or other this amendment will be agreed to. If we cannot now secure it in a form to enable Congress to enforce it by legislation, the national courts will at all events have jurisdiction to maintain and give it effect and secure rights under it, and, if necessary, Congress can hereafter be clothed with power to enforce its provisions by legislation. I regret the long delay in reporting this subject to the House for its action. No part of the responsibility for the delay rests on me.

The true theory of our Government, justice, and the enlightened public sentiment of the country require action on this subject, and in the direction and to secure the purposes contemplated by the proposed amendment of the Constitution.

Mr. BANKS. I desire to make the suggestion to the gentleman from Ohio and to my colleague who has spoken upon it that I wish to call attention to the amendment proposed by this joint resolution. If the Constitution is amended so as to secure the object embraced in the principal part of this proposed amendment it prohibits the States from exercising the power they now exercise. Congress at present has no power to legislate upon this subject in any way or form.

If this amendment becomes a part of the Constitution by the concurrence of the States with Congress the amendment declaring that the powers of Congress shall not be enlarged or diminished on the subject then Congress will have no more power to legislate on it than it has now. It absolutely excludes and precludes any legislation by Congress; therefore this amendment takes out of the body of the Constitution that power which was guaranteed to Congress by the old Constitution.

Mr. HOAR here made a remark which was inaudible to the reporters.

Mr. BANKS. What I want to say is that I do not see it in that light. If the Constitution itself precludes any legislation by Congress, and Congress refuses by constitutional amendment to diminish or enlarge the powers of Congress, it cannot, after that amendment is adopted, execute any powers conferred upon it by the old Constitution. But the gentleman from Ohio says that the right to guarantee a republican form of government can have no effect if an express amendment to the Constitution prohibits the exercise of that power.

Mr. LORD. I must resume the floor. This question has been before the Congress for nearly eight months, and has been pressed upon our attention by the President, by the press, and by the most distinguished republican leader in the House. The Committee on the Judiciary have unanimously adopted his amendment almost *in his verbis*. I will say that the gentleman who introduced the amendment—and I know his views upon this question, for he stated them to me more than once—never contended that such amendment to the Constitution, which was drawn by him, conferred any legislative power on Congress whatever, and he never intended that it should. But inasmuch as this question, as said by the gentleman from Massachusetts, [Mr. HOAR,] is one that has been watched with some jealousy and inasmuch as several Congresses in the adoption of past amendments have added a clause to each amendment declaratory of the power of Congress, it was deemed wise to add to this article that it should not "vest, diminish, or enlarge" legislative power in Congress. It was understood by the committee, and I believe that on reflection it will without exception be understood by the House, that this additional clause does not in any manner change the preceding part of the proposed article. It is simply declaratory; more than this, if Congress had any power over the question before, it is thoroughly and absolutely reserved. The criticism, therefore, of the learned gentleman from Massachusetts [Mr. BANKS] falls utterly to the ground, because the proposed amendment provides that this article shall not "vest, diminish, or enlarge" the power of the Congress. Mark the words, "shall not diminish the power of the Congress." Therefore if the Congress has any power now, under any possible view, over the subject-matter of the proposed amendment, such power remains in full force and vigor. The words of limitation only apply to the proposed article; I repeat, any power the Congress has under the Constitution is expressly affirmed and reserved. Therefore, so far from the power of the Congress in the premises being affected, even to the thousandth part of a hair, we affirm that any power that the Constitution has vested in the Congress heretofore will be there when this constitutional amendment is adopted by the States. And we allege that the proposed article, with the addition made by the committee, will be submitted precisely as its author intended it should be. Under these circumstances I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute reported by the Committee on the Judiciary was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The Chair will order the yeas and nays to be now called, as this is a proposed amendment to the Constitution, and it requires a two-thirds vote.

The question was taken; and there were—yeas 180, nays 7, not voting 98: as follows:

YEAS—Messrs. Abbott, Adams, Ainsworth, Atkins, Bagby, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Bell, Blair, Bland, Boone, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, William P. Caldwell, Cannon, Cason, Caswell, Cate, Caulfield, Chittenden, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cox, Crounse, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Eden, Evans, Felton, Finley, Fort, Foster, Franklin, Freeman, Frye, Garfield, Gause, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Haymond, Henderson, Henkle, Abram S. Hewitt, Hoar, Holman, Hopkins, Hunton, Hurd, Hyman, Jenks, Thomas L. Jones, Joyce, Kasson, Kehr, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Lynch, Lynde, Mackey, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Neal, New, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Plaisted, Platt, Poppleton, Potter, Powell, Pratt, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Springer, Stenger, Stevenson, Stone, Teese, Terry, Thomas, Thompson, Throckmorton, Washington Townsend, Tufts, Turney, Van Vorhes, John L.

Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, White, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Woodburn, and Yeates—180.

NAYS—Messrs. Blackburn, Bradford, John H. Caldwell, John B. Clarke of Kentucky, Forney, Knott, and O'Brien—7.

NOT VOTING—Messrs. Anderson, Ashe, George A. Bagley, John H. Baker, Bass, Beebe, Bliss, Blount, Bradley, Buckner, Burleigh, Campbell, Candler, Chapin, Collins, Cowan, Crapo, Culberson, De Bolt, Denison, Douglas, Egbert, Ellis, Ely, Faulkner, Fuller, Gibson, Glover, Robert Hamilton, Harrison, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Hereford, Goldsmith W. Hewitt, Hill, Hoge, Hooker, Hoskins, House, Hubbell, Hunter, Hurlbut, Frank Jones, Kelley, Kimball, King, George M. Landers, Le Moyne, Luttrell, Magoon, Meade, Money, Nash, Norton, Odell, Oliver, Phelps, John F. Philips, Purman, James B. Reilly, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, Sheakley, Sparks, Spencer, Strait, Stowell, Swann, Tarbox, Thornburgh, Martin I. Townsend, Tucker, Robert B. Vance, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Walling, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, and Young—98.

So (two-thirds voting in the affirmative) the joint resolution was passed.

During the call of the roll the following announcements were made:

Mr. COCHRANE. My colleague, Mr. ROSS, of Pennsylvania, is absent by leave of the House on account of sickness.

Mr. VANCE, of Ohio. My colleague, Mr. WALLING, is absent by leave of the House; if present he would vote "ay."

Mr. JOHN REILLY. My colleague, Mr. JAMES B. REILLY, is absent on important business by leave of the House.

Mr. RICE. My colleague, Dr. COWAN, is detained at home on account of injuries received by a fall from his carriage; if present he would vote "ay."

Mr. HARTZELL. My colleague, Mr. SPARKS, is absent by leave of the House.

Mr. WILLIS. My colleague, Mr. BLISS, is absent by leave of the House; if present he would vote "ay."

Mr. HARDENBERGH. My colleague, Mr. ROBERT HAMILTON, is detained from the House by sickness.

Mr. CONGER. My colleague, Mr. WALDRON, is absent by leave of the House; if present he would vote "ay."

Mr. WILLARD. My colleagues, Mr. W. B. WILLIAMS and Mr. BRADLEY, are absent by leave of the House; if present they would both vote in the affirmative.

Mr. CASWELL. My colleagues, Mr. CHARLES G. WILLIAMS and Mr. MAGOON, are both absent on leave; if here they would vote "ay."

Mr. STEVENSON. My colleague, Mr. CAMPBELL, is absent by reason of sickness; if present he would vote "ay."

Mr. HOLMAN. My colleague, Mr. FULLER, is absent by leave of the House; if present he would vote "ay."

Mr. HANCOCK. My colleague, Mr. CULBERSON, is absent from the House on account of sickness; if present he would vote "ay."

Mr. PIERCE. My colleague, Mr. CRAPO, is absent; if present he would vote "ay."

Mr. HEWITT, of New York. My colleague, Mr. ODELL, is absent on account of sickness; if present he would vote "ay."

The result of the vote was announced as above recorded.

Mr. LORD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LORD. The gentleman from Maryland, Mr. O'BRIEN, went home this afternoon, under the impression that this joint resolution would not be voted upon this afternoon. He desired to be heard upon it, so he told me, for four or five minutes. I ask unanimous consent that he be granted leave to have printed in the RECORD a five-minute speech on this subject.

Mr. RUSK. Twenty-five, if he wants it.

No objection was made; and Mr. O'BRIEN was accordingly granted leave to print in the RECORD remarks on the proposed constitutional amendment.

RIVER AND HARBOR BILL.

Mr. DUNNELL. The Speaker did me the honor this morning to appoint me one of the managers on the part of the House upon the conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes. Since then I have received a telegram which makes it necessary for me to leave town this evening. I therefore ask to be excused from service on that conference.

No objection was made, and Mr. DUNNELL was excused.

The SPEAKER *pro tempore* appointed Mr. CONGER in place of Mr. DUNNELL.

Mr. WILLARD. I move that the House now adjourn.

Pending the motion to adjourn,

COUNTERFEIT TRADE-MARKS.

Mr. SAMPSON. I desire to call up from the Speaker's table the bill (S. No. 846) to punish counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods. This bill has been returned from the Senate, where the amendments of the House have been disagreed to. The Senate requests a conference with the House and has appointed managers for that purpose. I move that the House insist upon its amendments and agree to the conference asked by the Senate.

There being no objection, the motion was agreed to.

Mr. SAMPSON moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* subsequently announced the appointment of Mr. J. H. BAGLEY, Mr. HARTZELL, and Mr. SAMPSON as the conferees on the part of the House.

WILLIAM B. THOMAS.

Mr. BLACKBURN. With the permission of the gentleman from Michigan [Mr. WILLARD] who has moved that the House adjourn, I ask to submit for reference to the Committee of Accounts a resolution designed to correct a mistake in the settlement of the accounts of one of the employés of the House.

Mr. HEREFORD. What is the amount?

Mr. BLACKBURN. Fifty-nine dollars.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives is hereby instructed and authorized to pay to William B. Thomas $59.34 for services rendered in the Doorkeeper's department from April 1 to April 15, 1876, inclusive.

There being no objection, the resolution was received and referred to the Committee of Accounts.

CLERK FOR SUBCOMMITTEE ON FOREIGN AFFAIRS.

Mr. ROBERTS, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the subcommittee on foreign affairs, having in charge the investigation of the Venezuelan mixed commission, be, and they are hereby, allowed to employ a clerk from the 16th day of July, 1876, to the close of the present session; and the compensation of said clerk shall be fixed at $4 per day.

COMMISSION ON RE-ORGANIZATION OF THE ARMY.

The SPEAKER *pro tempore* announced the appointment of Mr. BANNING and Mr. HURLBUT as members on the part of the House of the commission upon the subject of reform and re-organization of the Army, as provided for in the fourth section of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1877.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory.

HARO ARCHIPELAGO, WASHINGTON TERRITORY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to House bill No. 3878 for the relief of settlers on San Juan, Orcas, and other Islands in the Haro Archipelago, San Juan County, Washington Territory; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BUCKNER indefinitely;

To Mr. PHILIPS, of Missouri, indefinitely;

To Mr. DOBBINS for six days;

To Mr. ABBOTT for ten days from August 5;

To Mr. MILLIKEN indefinitely from Monday next;

To Mr. DUNNELL for two weeks; and

To Mr. LE MOYNE for ten days.

The question being taken on the motion of Mr. WILLARD that the House adjourn, it was agreed to; and accordingly (at five o'clock and and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. GOODIN: The petition of J. H. Rogers, electrician of the House of Representatives, for the appointment of a special committee to examine and report upon the probable cost and efficiency of his plan of taking the vote of the House of Representatives and for calling pages thereof, to the Committee on Public Buildings and Grounds.

By Mr. HUNTON: The petition of James Burk, for a pension, to the Committee on Revolutionary Pensions.

By Mr. LUTTRELL: Resolutions of the Legislature of the State of California, asking that certain lands along the Atlantic and Pacific Railroad reserved by the Commissioner of the General Land Office from sale or settlement be restored to entry and sale, to the Committee on Public Lands.

Also, resolutions of the Legislature of California, asking for legislation that will cheapen telegraphic facilities for the State of California, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

SATURDAY, *August* 5, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, and was interrupted by

Mr. EDMUNDS. I move to dispense with the further reading of the Journal. There is nobody here, and there is no use reading it.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the further reading will be dispensed with.

Mr. EDMUNDS. I move that the Senate take a recess for one hour. I do not believe in two or three people coming here and waiting.

Mr. HARVEY. I hope not. I think a call of the Senate will be better.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, that the Senate take a recess for one hour.

The motion was not agreed to; there being on a division—ayes 3, noes 11.

The PRESIDENT *pro tempore*. There is not a quorum present. The Secretary will call the roll of Senators.

The Secretary called the roll, and sixteen Senators answered to their names.

Mr. HARVEY. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

After some delay, twenty more Senators having entered the Chamber,

The PRESIDENT *pro tempore* (at eleven o'clock and fifteen minutes a. m.) announced that there was a quorum present.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, reported it without amendment, the committee adopting the report of the House committee.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, communicating the offer of the State of Texas and the International and Great Northern Railway Company to donate to the United States the land upon which Fort Elliott is built, submitted a report thereon, accompanied by a bill.

The bill (S. No. 1031) to authorize the Secretary of War to accept a conveyance of the site of Fort Elliott, Texas, was read and passed to the second reading.

Mr. LOGAN. I also, from the same committee, to whom was referred the bill (H. R. No. 2653) making appropriations for the improvement and repair of the military road between Springfield and Fort Randall, in the Territory of Dakota, report it without amendment. I was instructed by the committee to refer the bill to the Secretary of War for information. Having received the information, which shows the necessity of the bill, I take the responsibility of reporting it back, that it may go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

MARY A. ALLEN.

Mr. LOGAN. I move that the vote by which the bill (H. R. No. 1496) granting a pension to Mary A. Allen was indefinitely postponed, the Senator from Mississippi [Mr. BRUCE] making the report, be reconsidered, in order that it may be placed on the Calendar. I think it is a bill that ought to be considered by the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the vote indefinitely postponing the bill be reconsidered.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

BILL INTRODUCED.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1032) authorizing the appointment of a commission to consider the expediency of issuing a silver dollar and making the same a legal tender; which was read twice by its title, and ordered to be printed.

COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. I ask the unanimous consent of the Senate to take up the bill reported by the Committee on Privileges and Elections in regard to counting the electoral votes. I made a motion to reconsider the vote by which the bill was passed, and I thought that my motion was still pending. The other day when it was called up I was told that the reconsideration had been ordered. I now propose that we take up the bill and act upon it without any debate, in order that it may go to the House of Representatives to see whether an agreement can be arrived at. I therefore ask unanimous consent to proceed to the consideration of Senate bill No. 1.

Mr. SARGENT. I suppose it will take but a moment.

Mr. WRIGHT. I shall not interpose any objection if my friend from Ohio——

Mr. THURMAN. I propose that we just vote upon the bill at once.

Mr. WRIGHT. Then I shall not object.

By unanimous consent, the Senate resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. THURMAN. The yeas and nays were ordered before, and were taken on the passage of the bill.

Mr. EDMUNDS. I know.

Mr. THURMAN. If we order the yeas and nays it may give rise to debate.

Mr. EDMUNDS. It need not give rise to any debate, but I do not want the bill to pass without my name appearing voting for or against it on the record, as it is a bill of great importance, and otherwise might appear as if passed by unanimous consent. I therefore, as everybody agreed it ought to be acted upon by yeas and nays before, ask for the yeas and nays again; it will not take any time. I do not propose to debate it at all.

The yeas and nays were ordered.

Mr. CHRISTIANCY. I ask that the bill be read.

The Chief Clerk proceeded to read the bill.

Mr. MERRIMON. Is the Clerk reading the bill as amended?

The PRESIDENT *pro tempore*. One amendment was made to it. The Clerk is reading it as it stands on its passage as amended.

The Chief Clerk resumed and concluded the reading of the bill, as follows:

That the Senate and House of Representatives shall assemble in the Hall of the House of Representatives, at the hour of one o'clock p. m., on the last Wednesday in January next succeeding the meeting of the electors of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; two tellers shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate the certificates of the electoral votes, which certificates shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States and, together with a list of the votes, be entered on the Journals of the two Houses. If upon the reading of any such certificate by the tellers any question shall arise in regard to counting the votes therein certified, the same having been stated by the presiding officer, the Senate shall thereupon withdraw and said question shall be submitted to the body for its decision; and the Speaker of the House of Representatives shall in like manner submit said question to the House of Representatives for its decision; and no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses. When the two Houses have voted, they shall immediately re-assemble, and the presiding officer shall then announce the decision of the question submitted.

SEC. 2. That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return and that only from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

SEC. 3. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, each Senator and Representative may speak to such objection or question ten minutes, and not oftener than once: *Provided*, That after such debate has lasted two hours it shall be the duty of each House to put the main question without further debate.

SEC. 4. At such joint meeting of the two Houses, seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next day at the hour of ten o'clock in the forenoon.

Mr. CHRISTIANCY. I wish to be heard one moment in order to make an inquiry of the Senator from Ohio. I notice that this bill, which it is proposed to make an act of Congress, provides for the length of the time that any Senator or Representative may speak when the Senate is acting separately and the House is acting separately. I wish to know if that is not trenching upon the constitutional power of each House to make its own rules to regulate its own proceedings.

Mr. THURMAN. The joint rule heretofore adopted prohibited all debate, and it seems to have been held good. No question was ever made in respect of that rule. If we have the right to legislate upon this subject, as I think we have—and this whole bill goes upon that foundation—then I think we have a right to regulate the mode of procedure so that it shall not be defeated, as it otherwise might be, by the consumption of time in speaking.

Mr. EDMUNDS. Then you might pass a law as to all bills.

Mr. HAMLIN. Let me ask the Senator from Ohio if this is not the precise condition of things: The Senate makes its own rule; the House make their own rules; when the two bodies are together it is

neither the House nor the Senate, but a convention, and this will be a convention agreed upon by both branches.

Mr. EDMUNDS. But the bill refers to their action when they are separate. Your answer would be perfect when they acted together.

Mr. FRELINGHUYSEN. I suppose the object of the vote is to have this bill referred to a committee of conference. I would suggest to the Senator from Ohio whether it would not be a better plan to reconsider the vote upon the third reading and to make the bill here as we think it ought to be.

Mr. THURMAN. I do not object to that.

Mr. FRELINGHUYSEN. It seems to me, as I recollect the bill, there is an omission in it. There is no provision made in case two sets of returns come up from the same State. That is left open. There was an amendment to meet that difficulty which I offered myself, which I really think is the best one, not because I offered it, but after hearing the whole discussion. I had offered another which I withdrew and presented this one, which was to provide that in that event the question shall be determined by the President of the Senate, the Speaker of the House, and the Chief Justice of the Supreme Court of the United States. I am perfectly satisfied in my own mind that we cannot meet this exigency better than by adopting that amendment. There is, I think, reported to the Senate a constitutional amendment covering this case; but that of course does not apply to the present year. I am not the manager of the bill and do not propose to make any motion, except merely to suggest that we should reconsider the third reading and adopt some amendment providing for that omission in the present bill.

Mr. THURMAN. I have not the least objection to that course; but I suggested that we take the vote on the bill in deference to the opinion of the Senator from Indiana, [Mr. MORTON,] the chairman of the committee, who reported the bill, and who thought it had better go to the House and let the House amend it, and then the Senate could agree or disagree to their amendment, and in case of disagreement have a committee of conference; but for my own part I am perfectly indifferent which course may be taken. I think something ought to be done, and as time is so short, I am in favor of that course which is most likely to effect the passage of an act on this subject. I confess that I am a little apprehensive of the result if we merely pass this bill as it is, with the objection which prevails on all this side of the Chamber, and which is very weighty with me, which I had great difficulty in overcoming so far as to vote for the bill, that there is no provision made in case of two returns from a State, which was the fatal point in the bill, and which was the cause of nearly every vote on this side of the Chamber being cast against it. Should the bill go in that way to the House of Representatives, I am very apprehensive that nothing will be done, and I would be perfectly willing that the vote should be taken on any one of the propositions that have been made to amend the bill to supply the deficiency of the bill in that respect. I will go further and say that if I can get nothing else I will vote for the amendment, if I understand it correctly, proposed by the Senator from New Jersey, There may be some doubt as to whether that is strictly within the spirit of the Constitution; but I am inclined to think that if we have the power to legislate upon the subject at all we have the power to adopt that amendment, and that is the better impression, although I confess that I am not as clear on it as I should like to be. But rather than let matters stand as they are I would vote for that amendment in the hope that the House might propose even something better, or if they did not, that it might result in a conference committee that would agree upon something better. If the Senator from New Jersey sees fit to move to reconsider the third reading of the bill I shall make no objection.

Mr. FRELINGHUYSEN. I will test the view of the Senate by making that motion.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to reconsider the vote by which the bill was ordered to be engrossed for a third reading.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now open to amendment.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Ohio that the bill be passed over for the present, and taken up after I can prepare the amendment.

Mr. THURMAN. I have no objection to that.

Mr. ANTHONY. I hope it will be with the general understanding that when the amendment is prepared the bill shall be taken up.

Mr. THURMAN. I hope so.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. That general understanding must take its chances with everything else.

Mr. HOWE. It is to be taken up at some time when nothing else is pending, I suppose.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asked unanimous consent that it be taken up as soon as the amendment was prepared. The Chair heard no objection to that suggestion, and so stated.

Mr. EDMUNDS. I object, not that I shall make the slightest opposition, but in the present stage of the session we cannot foresee what at any particular moment may be the pending urgency.

Mr. ANTHONY. Then let the bill be laid aside informally, subject to be called up at any time.

Mr. MORTON. Is that the understanding of the Senate?

The PRESIDENT *pro tempore*. Is there objection to the suggestion now made by the Senator from Rhode Island? The Chair hears none.

Mr. MORTON. If that is the understanding, then I ask the Senate to take up the resolution I offered several days ago in regard to printing the President's message and accompanying documents and which I gave notice yesterday I should ask the Senate to consider this morning. I move now to proceed to the consideration of that resolution.

The PRESIDENT *pro tempore*. There is morning business. The Senator from Iowa is on the floor.

Mr. WRIGHT. I rise to call attention to a little bill before the Senator proceeds with his resolution.

Mr. MORTON. If the resolution is taken up I will give way.

Mr. EDMUNDS. All of us have a little bill apiece, and it will take all the time.

Mr. MORTON. My friend from Vermont suggests that we all have a little bill. I have one.

Mr. EDMUNDS. I have one about those poor sailors in that monitor that are going to have their bones blown in the midst of the sea that I want to have the Senate act upon speedily.

Mr. MORTON. I hope my friend from Iowa will allow me to have the resolution taken up.

Mr. WRIGHT. I have no wish to yield, but if there is no objection to taking it up I will yield for that purpose.

Mr. THURMAN. I wish to say to the Senator from Indiana that I feel bound to oppose taking this matter up. It will be debated.

Mr. MORTON. I propose to submit it to a vote of the Senate.

THE HAMBURGH RIOTS.

The PRESIDENT *pro tempore*. The Senator from Iowa has yielded to the Senator from Indiana and the Senator from Indiana moves the present consideration of the resolution referred to by him.

Mr. THURMAN. Of course I cannot discuss the merits of this resolution upon the proposition to take it up, but I hope the Senate will not take it up, because it will give rise to a very useless debate, in my judgment, a debate occupying time which might be better occupied with the business that is before the Senate and that ought to be attended to in the few days of this session that are left. I think that there is some more important business pending before the Senate and to come before it than printing papers as mere electioneering documents. The Senate has before it now the usual number of copies of this message; it has all before it that is necessary for the information of the Senate or to enable it to inaugurate any legislation that may be proper. There can then be no object whatever in ordering ten thousand copies of this message to be printed at the public expense but to circulate it. That is the whole of it—not for purposes of legislation; for no purpose in the world but——

Mr. EDMUNDS. That is debating the merits.

Mr. THURMAN. I say there is much more important business than this before the Senate, and I hope the Senate will not proceed to consider this resolution and waste time upon it.

Mr. MORTON. Mr. President——

Mr. EDMUNDS. Let us get up the resolution first.

Mr. MORTON. If I can get a vote on it, I will yield.

Mr. SAULSBURY. Before the resolution is taken up I wish to say as a member of the Committee on Printing that I did not join in recommending the adoption of the resolution. I feel it my duty to myself as a member of the committee to say that it does not come here with the unanimous consent of the Committee on Printing before this body. If the matter is taken up and becomes a subject of discussion here, I shall have something to say on the merits of the resolution.

Mr. ANTHONY. The Senator was not in, I believe, when the report was made which was made by me, and I stated that it was not unanimous and that I would not call it up in the absence of the Senator from Delaware who was opposed to it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to take up the resolution.

Mr. THURMAN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. MERRIMON, (after having first voted in the negative.) I am paired with the Senator from Arkansas [Mr. CLAYTON] upon political questions. I believe my friend from Indiana [Mr. MORTON] regards this as a political question and I must observe my pair on this vote. I therefore desire to withdraw my vote and to state that if the Senator from Arkansas were here he would vote "yea" and I should vote "nay."

The PRESIDENT *pro tempore*. The Senator's vote will be withdrawn if there be no objection. The Chair hears none.

The roll-call having been concluded, the result was announced—yeas 30, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conover, Cragin, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Morton, Patterson, Sargent, Spencer, Wadleigh, West, Windom, and Wright—30.

NAYS—Messrs. Cockrell, Cooper, Dennis, Eaton, Jones of Florida, Kelly, Kernan, Key, McCreery, Norwood, Ransom, Saulsbury, Thurman, Wallace, and Withers—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Bruce, Burnside, Clayton, Conkling Davis, Dawes, Dorsey, Goldthwaite, Gordon, Johnston, Jones of Nevada, McDonald, Maxey, Merrimon, Oglesby, Paddock, Randolph, Robertson, Sharon, Sherman, Stevenson, and Whyte—26.

So the motion was agreed to.

PARTITION OF REAL ESTATE.

Mr. WRIGHT. I have a little bill that I do not think will take long. It is a House bill, and it is important that the amendment should be agreed to and sent back to the House.

Mr. McMILLAN. I ask leave to make a report.

Mr. MORTON. There are but a few minutes of the morning hour left and I see a number of Senators rising. I must ask for the disposition of this resolution. I should like to accommodate my friends as a matter of course, but I want this resolution disposed of.

Mr. WRIGHT. I do not understand the request of the Senator from Indiana.

Mr. MORTON. I would say to my friend from Iowa that while I should like to accommodate him and the Senator from Minnesota and others who have business, there are but a few minutes left and I hope we shall have this resolution disposed of in the morning hour. If I yield to one I must yield to all.

Mr. WRIGHT. My friend cannot object to me. I had the floor and yielded to him.

Mr. MORTON. I had the floor when the Senator from Iowa rose.

Mr. WRIGHT. The President *pro tempore* decided I had the floor and I yielded to the Senator.

Mr. MORTON. If my friend's business does not give rise to any debate, I will not object.

Mr. WRIGHT. I am very sure it will not elicit any debate. I ask the Senate to proceed to the consideration of House bill No. 3168. I send to the desk the substitute recommended by the Committee on the Judiciary.

There being no objection, the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment to strike out all after the enacting clause and to insert:

That in all cases of partition in the District of Columbia, the court, in decreeing the partition of any lands and tenements, or any right or interest therein, legal or equitable, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale, among the parties, according to their respective rights and interests.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE HAMBURGH RIOTS.

Mr. MORTON. I now ask for a vote on the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution which will be reported.

The Chief Clerk read as follows:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

Mr. THURMAN. I move to postpone that order and take up the bill reported by the Judiciary Committee of the Senate to provide for the creation of a sinking fund for the payment of the debts of the Pacific railroads.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

Mr. MORTON. I do not think that this resolution ought to be antagonized by the Pacific Railroad bill or by any other matter. My friend from Ohio suggested a few moments ago that there could be but one object in asking to print 10,000 copies of this message and the accompanying documents, and that that object was to circulate them. I agree with my friend, that is the object; it is to circulate documents and convey the information to the people. It refers to a very important, a very significant transaction, one which the people of this country ought to understand. I regret to observe this morning in reading the letters of Mr. Tilden and Mr. Hendricks that they did not see fit to take notice of this transaction or transactions of a kindred character. They had much to say about the currency, about corruption in office, about civil-service reform, but they had no time and they had no place to say anything in regard to this massacre and this slaughter that has shocked the nation.

There are circumstances attending this slaughter which the country ought to understand, which are of a most significant, of a political, and I may say of a dangerous character. I think that this message ought to be printed with the accompanying documents and put into the hands of the people, and that it is quite as important at this time to attend to this as any other matter that can be brought before the Senate. There has been a great deal of time in the last few months in which to attend to the Pacific Railroad matter, and there will be time hereafter. But now this matter is before the Senate, and I hope it will not be shoved off by any bill to provide for a sinking fund for the Pacific Railroad or for any other purpose.

Mr. THURMAN. Mr. President, the purpose of this resolution is admitted. It is merely to print at the public expense an account of a very deplorable transaction that took place in South Carolina—a transaction which, if it has been correctly stated, (and how that is I do not know, for I have seen no authentic account of it,) is one that every good man in the country deplores. There is no necessity of bringing it to the attention of the people of this country in any extraordinary manner in order to secure their condemnation of any such transaction, if, as I say, the transaction is what it has been reported to be, about which I know nothing, as I have already said, having seen no authentic account of that transaction.

But, Mr. President, here is a most extraordinary state of things. Whenever any violence takes place in one section of this Union there are Senators on this floor always ready to print large numbers of copies of accounts of that transaction at the public expense just before an election, while murders may go on again, again, and again, until the very neighborhood is red with blood in other sections of the Union, and not one word is said about them or any proposition made to print any account of them. The reason of this is very apparent indeed. You can have murders in Pennsylvania; you can have Molly Maguires in Pennsylvania slaughtering people; you can have violence in Indiana; you can have people hung up by the neck there without judge or jury; the same thing can take place in Ohio, as it has, and it excites no indignation whatever in the breast of the Senator from Indiana.

Mr. CAMERON, of Pennsylvania. I hope the Senator from Ohio will allow me to say one word in regard to Pennsylvania.

Mr. THURMAN. Yes, certainly.

Mr. CAMERON, of Pennsylvania. He has referred to murders in Pennsylvania. There have been most horrid murders there, and a great many of them, but the authorities of the State have gone to work as honest officials should do, and have arrested the murderers and have already condemned five or six of them to be hanged, and before they get through with them more than thirty will be hanged until they are dead in the counties of Schuylkill and Carbon alone. Whenever the people of the South will take the same rapid and legal measures to punish those who have committed murders in South Carolina, then I shall be glad to say they have done well; but I see no effort at all in that direction, except that the governor of the State has had a coroner's jury convened and that jury has said that the most foul and atrocious murders have been committed at Hamburgh on a number of harmless and unoffending negroes, and it is believed on all hands that it will be impossible to find any jury in the State that will convict them, for they were negroes and the murderers are whites who feared the equality that the musket and the drill will make between the races under the protection of law. In the State of Pennsylvania every man, of whatever politics he may be, has been vigilant in endeavoring to punish the guilty wretches, and they will all be punished by the most severe punishment that the laws of this country can inflict upon anybody. They will be hanged by the neck until they are dead, dead; all good men will feel that they are safe.

Mr. PATTERSON. Will the Senator from Ohio allow me? I want to ask the Senator from Pennsylvania if the murders by the Molly Maguires are considered political murders in Pennsylvania?

Mr. CAMERON, of Pennsylvania. No, they are not political murders. The murders were always committed by democrats upon men who are not democrats. [Laughter.] But democrats and republicans with equal zeal are striving to convict them.

Mr. THURMAN. That may pass for what it is worth. But now the Senator says that they are punished in Pennsylvania. What right has he to say that they will not be punished in South Carolina; and if they are not punished in South Carolina, whose fault is it? The governor is a republican; the Legislature is republican; every judge on the bench I am told is a republican; the attorney-general is a republican; and so far as I have been informed, and I believe it is true, every commonwealth's attorney in South Carolina is also a republican. If, then, the laws are not enforced there, whose fault is it?

Mr. GORDON. Will my friend from Ohio allow me to make this suggestion also, that I believe it is true (and the Senator from South Carolina will know whether it is or not) that every militia company, perhaps not every one but nearly every company in that State that belongs to the State militia is a black company and armed at the public expense.

Mr. McMILLAN. Will the Senator from Georgia allow me to ask him a question? Under the militia law of South Carolina is it not competent for the white people of the State to organize as well as the blacks?

Mr. GORDON. Altogether so; but unfortunately the white companies have not been allowed arms.

Mr. PATTERSON. In reply to the Senator from Georgia I will state that the militia companies in South Carolina are all colored, but we have military organizations in South Carolina that are white, that are not responsible to the State government at all. They call themselves rifle clubs.

Mr. MORTON. Are there many of them?

Mr. PATTERSON. A great many of them in the State, and they hold no allegiance to the State authority.

Mr. GORDON. I believe they arm themselves at their own expense.

Mr. PATTERSON. They arm and uniform themselves at their own expense.

Mr. THURMAN. How can that take place without the sanction of law? If that is an illegal organization——

Mr. PATTERSON. I will state to the Senator that they were organized under the incorporation law and call their captains presidents.

Mr. THURMAN. Very well; then let your republican Legislature repeal the law. That is all you have to do if these white companies are illegal. If they are formed for any unlawful or treasonable purpose, if they do not——

Mr. PATTERSON. If we did that we should repeal all the incorporation acts of the State and have no corporations.

Mr. THURMAN. Then upon my word I should very likely think that was about the caliber of the Legislature of South Carolina, that it cannot prohibit an illegal armed organization without repealing all the incorporation acts of the State. That is just about the caliber of the South Carolina Legislature of late years.

Mr. GORDON. I should like to ask the Senator from South Carolina at that point, with the permission of the Senator from Ohio, whether the law to which he refers does not make it a penitentiary offense for any companies to organize except in accordance with law; and if that be true, if these gentlemen are organized in violation of law, why is it that the courts of that State have not put them all in the penitentiary long ago?

Mr. PATTERSON. I do not think there is any such law as that. I never heard of it.

Mr. GORDON. I think the Senator is not informed——

Mr. PATTERSON. The question has been discussed in the papers. They claim the right to organize under the incorporation act.

Mr. THURMAN. The organizations to which the Senator from South Carolina refers are lawful organizations or they are unlawful. If they are unlawful they are subject to punishment. If they are lawful who can object to them?

Mr. PATTERSON. I did not say they were unlawful. I say they exist.

Mr. THURMAN. Certainly; and would the Senator disarm all the white men in South Carolina? I am sure he would not. But we are getting away from the point. I want to know who is authorized to say that South Carolina will not enforce her laws just as much as Pennsylvania will enforce hers? The Senator from South Carolina says they have indicted these men.

Mr. PATTERSON. If the Senator will allow me I will correct him there. The authorities of South Carolina are going ahead and trying to enforce the law. The coroner has had an inquest, and there has been a return made. The State authorities are going to try to punish these parties. I do not know whether they will succeed or not. They have never succeeded in punishing anybody for killing negroes down there yet.

Mr. THURMAN. Now, Mr. President, we have the acknowledgment that the authorities of South Carolina are proceeding to punish these men, or trying to do it. What can any authorities do except to try to do it until they actually get a conviction? But here is a fact that I call your attention to, that the executive, the Legislature, the courts, the attorney-general, the prosecuting attorneys, the sheriffs, in South Carolina are all republican, and if they do not execute the law in that State it is their own fault. But what are you to do about it?

Mr. PATTERSON. I wish the Senator from Ohio to go a little further and just say that the juries are not all republicans.

Mr. THURMAN. Yes, sir; and when any man says to me that because a juror is not a republican he will not render an honest verdict, I say he libels his State. I say there is not a State in this Union upon which any such libel ought to be cast. If that is the state of society in South Carolina, that men will not render judgments because of their political differences, there is anarchy there.

Mr. PATTERSON. Mr. President, if the Senator will allow me, I will say in answer to that, that men have been tried in South Carolina for political murders, and they have not been convicted in any case. Never has a man in South Carolina been convicted for a political murder, because of the failure of the juries to agree.

Mr. THURMAN. The presumption might be that there was no case for conviction.

Mr. PATTERSON. Yes, plenty of them.

Mr. THURMAN. That is the Senator's theory against the oaths of the jurors who tried the cases. I prefer to take the oaths of the jurors. But, sir, suppose there are prejudices that prevent convictions, is that the only State, is that the only section in the Union in which verdicts have been rendered acquitting persons accused of crime that rather surprise and astonish a man of a legal turn of mind? Have there been no other places, I should like to know, in which it has been found difficult to convict? If not, what is the meaning of the law in every State that allows a change of venue? What is the meaning of your own law, enacted by Congress in your enforcement acts and the like, in which you have put it in the power of the United States marshal to select a jury to convict instead of a jury to try?

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. THURMAN. I call for the regular order.

Mr. MORTON. I hope we shall be allowed to go on and dispose of this resolution.

Mr. THURMAN. I insist on the call of the regular order.

Mr. MORTON. My friend has spoken the time out, and now calls for the regular order.

Mr. EDMUNDS. I move to lay the regular order on the table.

The PRESIDENT *pro tempore*. The Chair will announce the regular order, which is the post-route bill, on which the Senator from Maine [Mr. HAMLIN] has the floor on his amendment. The Senator from Vermont [Mr. EDMUNDS] now moves to postpone all prior orders for the purpose of considering the consideration of the resolution presented by the Senator from Indiana, [Mr. MORTON.]

Mr. THURMAN. I thought the motion was to lay on the table.

Mr. EDMUNDS. My motion is to lay the regular order on the table, so that we can take it up again presently. A postponement would be until to-morrow.

Mr. THURMAN. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I take it that this vote involves political considerations; and therefore I shall observe my pair with the Senator from Arkansas, [Mr. CLAYTON.] If he were here he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 32, nays 18; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Morton Paddock, Patterson, Sargent, Spencer, Wadleigh, West, Windom, and Wright—32.

NAYS—Messrs. Bayard, Cockrell, Cooper, Dennis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Ransom, Saulsbury, Thurman, Wallace, and Withers—18.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Burnside, Clayton, Conkling, Davis, Dorsey, Goldthwaite, Hamlin, Johnston, Jones of Nevada, McDonald, Merrimon, Oglesby, Randolph, Robertson, Sharon, Sherman, Stevenson, and Whyte—21.

So the motion was agreed to.

Mr. EDMUNDS. I move to take up the resolution of my friend from Indiana.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I move to amend the motion by substituting the bill reported by the Committee on the Judiciary relating to the Pacific Railroad.

Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. The amendment is not in order. The motion is to take up a specific resolution. When it is up the Senator can move to substitute another bill.

Mr. THURMAN. Very well.

Mr. MITCHELL. Some two weeks ago I was paired with the Senator from Alabama, [Mr. GOLDTHWAITE,] and the fact slipped my mind on the last vote. I desire to make that statement now. If he were here I should vote "yea," and he would vote "nay."

Mr. MERRIMON. On this vote I shall observe my pair with the Senator from Arkansas, [Mr. CLAYTON.] If he were here he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 32, nays 18; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conover, Cragin, Dawes, Edmunds Ferry, Frelinghuysen, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill, Morton, Paddock, Patterson, Sargent, Sherman, Spencer, Wadleigh, West, Windom, and Wright—32.

NAYS—Messrs. Bayard, Cockrell, Cooper, Dennis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Ransom, Saulsbury, Thurman, Wallace, and Withers—18.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Burnside, Clayton, Conkling, Davis, Dorsey, Goldthwaite, Hamlin, Johnston, Jones of Nevada, McDonald, Merrimon, Mitchell, Oglesby, Randolph, Robertson, Sharon, Stevenson, and Whyte—21.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. THURMAN. Mr. President——

Mr. INGALLS. I ask the Senator from Ohio to yield to me to make a report from a committee of conference.

Mr. THURMAN. Certainly.

OSAGE CEDED LANDS.

Mr. INGALLS submitted the following report:

The committee of conference upon the disagreeing votes of the two Houses upon the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House of Representatives recede from their disagreement to the amendments of the Senate number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; and agree to the same.

The Senate recede from its amendment to the bill number 12.

JOHN J. INGALLS,
FRANCIS KERNAN,
Managers on the part of the Senate.

JOHN R. GOODIN,
LAFAYETTE LANE,
JAMES W. McDILL,
Managers on the part of the House.

Mr. THURMAN. Will the Senator explain that?

Mr. INGALLS. The effect of the report of the committee of conference is to agree to the amendment of the Senate striking out section 8, which provided for an imposition of fifteen cents per acre on the land for the purpose of paying the expenses of the litigation of the suit; and also to strike out the additional section proposed by the Senator from Vermont, [Mr. EDMUNDS,] to the effect that the assent of the Indians should first be obtained to the provisions of the bill.

Mr. ALLISON. I ask the Senator from Kansas what was done with the provision relating to sections 16 and 36?

Mr. INGALLS. The action of the Senate in striking out the provision was agreed to by the committee of conference.

Mr. THURMAN. There is no provision, then, made for the attorneys?

Mr. INGALLS. None.

Mr. THURMAN. And the land sells for $1.25 per acre?

Mr. INGALLS. One dollar and twenty-five cents.

Mr. MORRILL. What is the twelfth amendment? Let it be read.

Mr. INGALLS. It is the last amendment.

The PRESIDENT *pro tempore*. The amendment referred to will be read.

The CHIEF CLERK. The twelfth amendment was to add the following section to the bill:

SEC. —. This act shall not take effect until said tribes of Indians shall file their assent thereto with the Secretary of the Interior.

Mr. HOWE. I wish that might lie on the table and have the bill printed as it will read if the report of the conference committee be agreed to. Is there any objection to that?

Mr. INGALLS. There is objection to that.

Mr. HOWE. What is the objection, if I may be so bold as to ask?

Mr. INGALLS. Because it procrastinates action on the bill, which at this stage of the session is objectionable in my mind.

Mr. HOWE. That is a slight objection; but the question must be taken on the report of the conference committee, and I think the Senator ought to allow us to read the bill before we vote.

Mr. INGALLS. I should be very glad to explain to the Senator the effect of the report of the committee of conference if it is in any way a matter of doubt in his mind. I should be very much gratified if the report could be acted on this morning and the announcement made to the House, from which the bill emanated.

Mr. HOWE. I do not see the Senator from Vermont [Mr. EDMUNDS] in his place.

Mr. INGALLS. The Senator from Vermont is immediately behind the Senator from Wisconsin.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin object to the present consideration of the report?

Mr. HOWE. I will object to the present consideration of the report, I think. I should really like to have the report printed with the bill as amended. I ask to have the report lie over for to-day.

The PRESIDENT *pro tempore*. The Senator from Wisconsin objects to the present consideration of the report. It will lie over one day.

Mr. EDMUNDS. Then let it be printed.

Mr. INGALLS. Is that the rule?

The PRESIDENT *pro tempore*. It is.

Mr. CAMERON, of Pennsylvania. Before the vote is taken I wish to ask the Senator from Kansas a question. He said something about fifteen cents an acre on land for legal fees. How is that disposed of?

Mr. INGALLS. That is stricken out entirely.

Mr. CAMERON, of Pennsylvania. I feel a little interest in that. One of my good friends, I understand, is to get $40,000 to $50,000 out of that, my friend Judge Black.

Mr. HOWE. What will be the price of the land if the bill passes as agreed to by the committee?

Mr. INGALLS. One dollar and twenty-five cents an acre.

Mr. HOWE. And there is no provision for the payment of counsel?

Mr. INGALLS. None whatever.

Mr. HOWE. No provision for taking the opinion of the Indians?

Mr. INGALLS. None.

Mr. HOWE. And the bill still allows parties not on the lands to settle upon them hereafter and purchase at the same price?

Mr. INGALLS. The land is entirely occupied. There is not a quarter section of land that has not either an occupant or a claimant.

Mr. HOWE. As the bill was before the Senate, there was a provision in it which allows entries to be made hereafter at $1.25 an acre. Is that provision still in it?

Mr. INGALLS. The provision that the Senator refers to, I think, was in reference to entries hereafter made or to be made. There was a provision for the purpose of declaring the time within which such entries should be made. I will state to the Senator that that is entirely ineffectual, from the fact that there are claimants already upon every quarter section of the land.

Mr. HOWE. I will withdraw my objection to the present consideration of the report. I think I know all about it that I should know after the report was printed and the bill was printed. I will only ask the yeas and nays on agreeing to the report of the committee, and will say just two words as an explanation of my vote.

The objections that I have to voting for this report are that I understand the effect of it will be first to sell to a given number of individuals lands at $1.25 an acre which in fact are worth from $10 to $20 an acre. The other objection I have is that I understand it to be in direct contravention of a treaty of the United States which obliges you, if you can be obliged by treaty—upon which point I express no opinion—to sell these lands in a fair market at a fair cash price. There is another provision in it that is less objectionable, and that is that you propose to sell on time.

Mr. SAULSBURY. I suggest to the Senator from Wisconsin that we had better have the bill, as amended by the conference report, printed.

Mr. HOWE. I wanted that done, but the Senator from Kansas objected. He has made statements which enable me, I think, to understand all the provisions of the bill which are seriously objectionable to me. I object to selling $10 lands for $1.25 an acre.

Mr. THURMAN. I wish to ask a question for my own information. Do I understand the Senator that the treaty requires that these lands shall be sold as other public lands are, which would require them to be first offered at public sale?

Mr. HOWE. I believe that expression is not used, "as other public lands are."

Mr. INGALLS. That expression is used.

Mr. THURMAN. It struck me the other day when the treaty was read that that expression was used, and I should like to understand whether that does or does not bind us to offer the land at public sale, for other public lands are offered at public sale. If the treaty requires these lands to be sold as other public lands are sold, it would seem to require that they should first be offered at public sale. I have not looked into the treaty and do not know.

Mr. HOWE. It is some time since I saw the language of the treaty; but, from the language of the treaty when I read it, I came to the conclusion that the United States assumed the obligation of disposing of these lands at a fair price, in a fair market, and turning them into money, and dedicated that money to a specific use; and now this bill, as I understand, in utter disregard of that provision, proposes to sell the lands at an even sum of $1.25 an acre, and to do that on time. I thought it was a very remarkable thing that this Senate objected so strenuously to allowing these settlers, all hands of them, to pay $1.40 and allow the fifteen cents to be disposed of in another way; but when the Senate refused to allow them to pay $1.40 because the fifteen cents was to go to somebody else, they struck out the $1.40 and put in $1.25, declaring that we were absolutely unreconciled to taking from the settlers any more than $1.25 an acre unless we could have the privilege of putting fifteen cents an acre into the hands of some attorneys.

Mr. CONKLING. I understand the provision making the assessment of fifteen cents an acre has been stricken from the bill, as the Senate struck it out.

Mr. INGALLS. That is the case.

Mr. CONKLING. May I inquire whether any other provision on that subject has been included?

Mr. INGALLS. None.

Mr. CONKLING. Nothing equivalent to that, and nothing which makes an assessment?

Mr. INGALLS. Nothing equivalent; nothing which makes any assessment whatever upon the land.

Mr. CONKLING. Has the Senator the language of the treaty before him?

Mr. INGALLS. I am familiar with it.

Mr. KERNAN. If my colleague will yield to me I will read the language of the treaty, and as I united in this report I desire to say one word. The language of the treaty is as to this land in the first article:

Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws.

Mr. THURMAN. What is the date of that treaty?

Mr. KERNAN. September 29, 1865.

Mr. INGALLS. It was proclaimed in 1867.

Mr. KERNAN. Very likely; I take the date from the heading.

Mr. FRELINGHUYSEN. I ask whether the treaty makes provision as to what shall be done with the money.

Mr. KERNAN. It does; I will read it:

But no pre-emption claim or homestead settlement shall be recognized; and after re-imbursing the United States the cost of said survey and sale, and the said sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund," to be used under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

It will be borne in mind by the Senate that first the United States issued a patent for these lands to a railroad company. Subsequently and in 1869 there was a joint resolution passed by Congress authorizing entries by settlers on these lands; and it has been decided that the title remained in the United States, and that that patent was not valid conveying them to the railroad company. Large numbers of settlers acting under this resolution of Congress on the one side, and acting under this patent of the lands to the railroad company on the other, had in good faith entered on these lands, contracted or paid for them, and made improvements. Now it is said we should not confirm their title without having also the assent of the Indian tribe, for the reason that we are bound to sell these lands for the best price we could, as other public lands have been sold. Therefore it will be observed that if we do not confirm these titles we ought certainly make some compensation to these settlers, as it seems to me. We cannot say to them "Although you have gone on and bought from us and bought from our grantee, in form at least, we will now turn you out and the land shall not be sold unless the Indians consent or unless we sell them at public auction for cash as an ordinary trustee would." In my judgment the Indians have never understood that these lands were to be disposed of differently from other lands. The price has uniformly been, I believe, $1.25 an acre. The Government has been allowing these lands to be entered at $1.25 an acre. We in-

quired from those living in Kansas who know all about it whether this Indian tribe had ever made the slightest objection to the mode in which the Government has been disposing of these lands for years or allowing entries to be made for years. We were informed by a gentleman who is familiar with it, who has been a judge in that State, that there has never been a suggestion made that the Government was not dealing with the Indians fairly in regard to these lands. Therefore I assented to the report that we should not now refuse to confirm these titles or relieve these settlers unless the Indian tribe file an assent, because I could readily see that persons from any motive might now say to them "Do not you assent; although you have sat by and seen the Government doing this and have been entirely content apparently, do not assent now; let all these settlers be in great distress and you may exact something more from the Government." Therefore I do not think the law unjust to the Indians. I think the treaty has been carried out, as they understood it, by selling the lands in the ordinary way, at the ordinary Government price.

Mr. CONKLING. Will my colleague allow me——

Mr. KERNAN. Allow me to say one other thing first, and then I will yield. Moreover, it seems to me under existing circumstances, after what the Government has done, having allowed men to enter upon these lands, buy them, and become grantees under patents from the Government on one side, and allowed others to go there and enter upon them and contract and purchase and pay for them under the joint resolution of Congress on the other, that if we have wronged the Indians we must protect the settlers who make improvements and let the Indians make their claims, and then we can deal justly with them. Now I will yield to my colleague.

Mr. CONKLING. My colleague has made a very clear statement, very clear to me except that he passed over the resolution of 1869 without stating with any fullness what that was. I ask the Senator to state that, and to state it in this view: How did that resolution coincide or conflict with the treaty?

Mr. KERNAN. I am sorry to say I cannot state it. It was discussed and talked about for the purpose of authorizing them to enter, but the Senator from Kansas [Mr. INGALLS] doubtless can give the information. Therefore the bill comes back to the Senate precisely as the Senate passed it, I believe, with the exception of striking out the section requiring this assent. We have struck out all about authorizing the payment of counsel fees and left that between those who employed them and themselves.

Mr. DAWES. I desire to make an inquiry of the Senator from Kansas in explanation of a remark he made a moment ago. In reply to the Senator from Wisconsin the Senator from Kansas said that there was not a quarter section of this land which had not an occupant or claimant. What does the Senator mean by "claimant?"

Mr. INGALLS. I mean, of course, that there are a great many persons who purchased from the railroad companies when they, under the decision of the Secretary of the Interior, held patents for the lands, and that in some cases where persons purchased from the railroad companies they may be actual occupants.

Mr. DAWES. But I ask in reference to the word "claimant." Does it apply to those who claim title to large tracts of land under the railroads, which title is to be confirmed at a dollar and a quarter an acre?

Mr. INGALLS. Those parties are limited to one hundred and sixty acres of land. No person is authorized under the terms of the bill to secure more than one hundred and sixty acres of this land.

Mr. DAWES. How many of the one-hundred-and-sixty-acre tracts are there to which the Senator applies the word "claimant" in contradistinction from "occupant."

Mr. INGALLS. I do not know.

Mr. DAWES. Has the Senator any estimate?

Mr. INGALLS. No estimate at all.

Mr. DAWES. For aught the Senator knows, half of this land may be held under the term "claimant" as contradistinguished from "occupant."

Mr. INGALLS. The word "claimant" is not mentioned in the bill.

Mr. DAWES. That was the remark the Senator made. He distinguished between one class of people, beneficiaries under this bill, and another by terming one "occupants" and the other "claimants."

Mr. INGALLS. The bill limits the amount of land that may be secured by any person to one hundred and sixty acres, and requires actual occupancy as a condition-precedent to the purchase.

Mr. EDMUNDS. How long an occupancy?

Mr. INGALLS. Occupancy at the time when the entry is made.

Mr. EDMUNDS. But not afterward.

Mr. MORTON. I supposed that this report would take but a moment or two when it was called up, yet I see the beginning of a long debate. If there is to be any further debate I must call for the regular order, being the resolution in relation to printing extra copies of the President's message.

Mr. INGALLS. I believe I have been occupying the floor with the consent of the Senator from Ohio, [Mr. THURMAN,] who was entitled to the floor and by unanimous consent yielded to me.

Mr. MORTON. He cannot farm out the floor, I take it.

Mr. INGALLS. I do not understand that he is farming the floor out. He took the floor and I asked permission to make a report from a committee of conference which, I understand, is always in the nature of a privileged report. The Senator from Ohio yielded to me for that purpose, and by unanimous consent the report was received. It certainly would be a very strange proceeding at this time, after the debate has gone on, for an objection to be made.

The PRESIDENT *pro tempore*. The Senator from Ohio moved to postpone the resolution for some purpose, and that question was pending, at which time he yielded to the Senator from Kansas for the purpose of making the report. The Senator from Kansas took the floor by the Senator from Ohio yielding on the motion to postpone, and therefore is entitled to the floor.

Mr. INGALLS. I think the Chair is mistaken. My recollection is that the regular order was postponed, being the post-route bill, and thereafter by a vote of yeas and nays the resolution of the Senator from Indiana was taken up, upon which the Senator from Ohio had the floor.

The PRESIDENT *pro tempore*. The Senator from Ohio moved to postpone for the purpose of taking up another measure. The Chair ruled he could not move to substitute until the resolution was postponed. Then the motion was to postpone, on which he yielded to the Senator from Kansas, and the Senator from Kansas holds the floor at the instance of the Senator from Ohio, and is entitled to the floor.

Mr. THURMAN. I think we ought to get through with this Osage bill; and in order to afford an opportunity to do that I move to lay the resolution of the Senator from Indiana on the table.

Mr. MERRIMON. It is not up yet.

Mr. THURMAN. Yes, the resolution of the Senator from Indiana was taken up.

The PRESIDENT *pro tempore*. It was taken up, and then the Senator from Ohio yielded to the Senator from Kansas for the purpose of making a report.

Mr. THURMAN. For the purpose of continuing the Osage business, I move to lay the resolution of the Senator from Indiana on the table.

Mr. EDMUNDS. What has become of the report?

The PRESIDENT *pro tempore*. The Senator from Ohio yielded to the Senator from Kansas to make his report.

Mr. THURMAN. I did, and in order that we may get through with it I move to lay the resolution of the Senator from Indiana on the table.

Mr. EDMUNDS. What has become of the report? What is the pending question?

The PRESIDENT *pro tempore*. The Senator from Ohio having yielded to the Senator from Kansas, the report is before the Senate.

Mr. INGALLS. The report of the committee of conference is before the Senate by unanimous consent.

The PRESIDENT *pro tempore*. It is before the Senate by consent of the Senator from Ohio.

Mr. MORTON. And must either be adopted, or rejected, or laid on the table?

The PRESIDENT *pro tempore*. So the Chair rules.

Mr. MORTON. I desire to inquire whether the Senator from Ohio having the floor on a motion can yield it to another Senator upon an entirely different matter and a general debate go on upon the other subject in entire displacement of the matter before the Senate? That is practically what is undertaken here.

Mr. THURMAN. The Senator from Indiana is entirely mistaken. I did not bring up the conference report. The Senate by unanimous consent agreed to take it up.

Mr. MORTON. I understand; but the Senator from Ohio had the floor—so the Chair decides—and yielded it to the Senator from Kansas to make this report.

The PRESIDENT *pro tempore*. And by unanimous consent the Senate proceeded to consider the report.

Mr. EDMUNDS. Was the report taken up subject to a call for the regular order?

The PRESIDENT *pro tempore*. No one objected. If the Senator from Indiana or any other Senator had objected the Senator from Ohio could not have yielded for that purpose; but as no Senator objected, by unanimous consent the report was before the Senate; and the Chair could not rule otherwise.

Mr. EDMUNDS. Is it now before the Senate?

The PRESIDENT *pro tempore*. The report of the committee of conference is before the Senate for concurrence.

Mr. EDMUNDS. Is the resolution of the Senator from Indiana now subject to a call as the regular order, into which this report is interpolated?

The PRESIDENT *pro tempore*. Not now.

Mr. EDMUNDS. What has become of the resolution?

The PRESIDENT *pro tempore*. It was pending, and by unanimous consent was laid aside temporarily.

Mr. EDMUNDS. If laid aside temporarily, then the Senator from Indiana according to the usage has a right to call for it; but if it was laid aside altogether then it has gone back on the Calendar, and we have to take it up again?

The PRESIDENT *pro tempore*. That has been the practice of the Senate.

Mr. THURMAN. This is exactly the state of the case: The resolution of the Senator from Indiana having been taken up and I being entitled to the floor rose to speak. The Senator from Kansas asked me if I would yield to him to make a conference report. I

said I would do so. He then asked the unanimous consent of the Senate to take up the conference report, and that unanimous consent was given without anything being said about the resolution of the Senator from Indiana being laid aside temporarily, or provisionally, or anything of the sort. The Senate was asked to give unanimous consent to take up the conference report, and that unanimous consent was given, and that is now the matter before the Senate.

Mr. MORTON. I did not hear anything about unanimous consent. The Senator from Ohio gave way, as I understood, for a matter that would take but a moment; but my friend from Ohio thinks he has successfully swapped my resolution off for this Osage business. I think he would swap it off for any other subject before the Senate. I hope that the regular order will not be put out of sight in this way. If this report can be disposed of without further debate, I have no objection to its going on, but if it is to take all afternoon and to displace the other matter, I am opposed to it.

Mr. INGALLS. I do not want to debate this report. The Senate are fully in possession of the facts in connection with it. The bill itself has been the subject of elaborate and protracted debate, and I am entirely willing that the vote upon the report of the conference committee shall be taken at once.

Mr. EDMUNDS. What is the pending question at this present moment?

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. EDMUNDS. Is it in order to call for the resolution of the Senator from Indiana?

The PRESIDENT *pro tempore*. By unanimous consent the Senate took up the report of the conference committee, and it is before the Senate. Two matters cannot be before the Senate at once. The Chair understands that whenever the Senate by unanimous consent has determined to take up an intervening question it has not been the practice to lay it aside.

Mr. EDMUNDS. So I understand the Chair to hold that the resolution of the Senator from Indiana is not subject to call at this moment?

The PRESIDENT *pro tempore*. Not after unanimous consent to take up the report. The report is before the Senate.

Mr. EDMUNDS. Then I do not see but that the resolution of the Senator from Indiana is gone for the present time, and we must proceed to consider what we have before us.

I did not concur in the report of this conference committee and did not sign the report, because I believed that to pass such a law, without this tribe of Indians assenting to the new arrangement proposed in the bill, would be a plain and palpable violation of their rights of property secured under the treaty of 1865. I say nothing of the other topics in the bill but merely speak of this one. I do not mean to say that I assent to the bill in other respects as it now is, but on this particular topic I wish to occupy a moment of the time of the Senate.

In 1825 the Indians were in possession of this country and a great deal more, and we made a treaty with them then by which this particular reservation was secured to them forever. In 1865 they disposed of that reservation to us on the trust stated in the treaty just read by the Senator from New York, and that was that these lands should be "surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash." The bill says that they shall be sold to particular persons named in effect in the bill, because it is to those persons who have filed claims, leaving no discretion in the Secretary of the Interior at all. Second, it provides that they shall be sold on time, and not for cash. In the third place, the treaty provides that these lands shall be sold "as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognized."

The whole of the substance of this bill is that pre-emption and homestead claims shall be recognized instead of not being recognized. Therefore, if you wanted to reverse the reading of this treaty, it would only be necessary to enact this law; and yet we are asked by this conference report to say that this shall be done without the assent of the Indians, to whom we have plighted whatever of faith there is in the solemn treaty of the Government, to deal with this property in a particular way. My honorable friend from New York [Mr. KERNAN] says that he regards this price of a dollar and a quarter an acre as within the treaty on account of the words that they shall be surveyed and sold as other public lands are, and as they are sold for a dollar and a quarter these must be; but when it is stated that they shall be sold for cash and on the most advantageous terms, you must strike out those terms, or else you cannot agree to what the Senator from New York says. The idea of saying that they shall be sold for cash on the most advantageous terms for a dollar and a quarter an acre would be nonsense. There are no terms about it except those which refer to price. No time is to be given, no security needs to be taken, or anything to be done except to take the money for the land on the most advantageous terms that can be obtained. What is meant, then, by "other public lands?" The existing laws as to public lands in respect of sale in all the statutes, as distinguished from pre-emption, is that they are to be sold at auction to the best bidder. That is the existing law, and was at the time of the passage of this treaty.

Mr. THURMAN. I should like to ask the Senator from Vermont for information——

Mr. EDMUNDS. If the Senator will wait one moment until I finish this particular topic.

Mr. THURMAN. It is right in the line of what the Senator is saying.

Mr. EDMUNDS. I wish to say one or two words more in exactly this connection in respect of this clause in the treaty, and then I will hear my friend with pleasure, for I wish to condense as much as possible in order to save time.

The next clause in the treaty is, as if to remove any possibility of doing what this bill provides:

> But no pre-emption claim or homestead settlement shall be recognized.

There is a positive prohibition against any pre-emption or any homestead. Here is a positive enactment that with or without and in spite of any assent of this tribe of Indians to this new arrangement there shall be pre-emption and there shall be homestead at a price fixed by Congress, and not at auction. I do not know but that there is ingenuity enough in this body and in my friend from New York [Mr. KERNAN] to show that it does not mean any such thing, but that it really means that Congress in its discretion may sell these lands for a dollar and a quarter an acre to pre-emptors or may give them all away to homestead settlers.

Mr. CONKLING. Then came the act of 1869.

Mr. EDMUNDS. Then came, as my friend from New York suggests, what I was just coming to, the act of 1869, which said that for two years from the passage of the act all *bona fide* settlers on those lands should be entitled within that space of two years to pre-empt these lands at the price of a dollar and a quarter an acre, subject to all existing outstanding legal rights. The matter was then drawn into controversy and was under discussion; and therefore, in order to cover these squatters who had gone on by right or by wrong and wished to get some status, this joint resolution proposed to give them some status, but Congress was careful then to say, "You must take your chances; we do not propose by this act of 1869 to create any rights in invasion of rights that already exist outside of our powers;" but that act was only to continue for two years. That time expired on the 10th of April, 1871, five years ago, since which time many of these thousands, if there are thousands, of pre-emptors have walked on to the land, proved up as an actual occupant at the moment of entry, so made their claim, and then gone back to their farms in different parts of Kansas and elsewhere.

Mr. CONKLING. They were not actually on the land, then?

Mr. EDMUNDS. Certainly not. I never heard it claimed or suggested that on the 10th of April, 1871, any such number of people or squatters as is there now or anything like it, probably not a quarter of them, were on the land. In that state of the case we are asked to pass this law. It did appear to me, desiring heartily to relieve the difficulty that exists there, that the only plain and honest way to do it was to try to get the assent of the Indians to this arrangement. That being given intelligently, of course nobody would complain. As it stands now, in my opinion, we shall have plainly violated this treaty and invaded the rights of the Indians, and they with the other Indians of the country will have a just right to believe that we do not care anything about a treaty at all, and will violate it when we like. I am very sorry indeed to hear that such legislation ought to adopted. Now I will hear my friend from Ohio.

Mr. THURMAN. I want, in the first place, to be informed whether the amendment offered by the Senator from Vermont, requiring the assent of the Indians, was stricken out?

Mr. EDMUNDS. That was stricken out, and on that ground I declined to sign the conference report.

Mr. THURMAN. The next thing I wish to know is whether my information is correct that these Osages retain their tribal relations and are competent to make a treaty?

Mr. EDMUNDS. They certainly do. They had their tribal relations then, as the Supreme Court decided that the treaty was valid. That was the ground on which, the representatives of the State of Kansas having transferred the land to the railroad, the Supreme Court defeated it, on the ground that this treaty gave it to the Indians; and these Indians are still existing as a tribe in the Indian country to which they are removed.

Mr. THURMAN. And therefore competent to give their assent.

Mr. EDMUNDS. And therefore competent to give their assent. When I offered the amendment my friend from Kansas had no objection, because I think he saw the justice of it, and practically, certainly we had no division on the subject, as I am quite sure.

Mr. INGALLS. I trust the Senator does not quote me as not having any objection because I did not openly express it. The Senator is aware that the bill had consumed a great deal of time and that I expressed a willingness to have the vote taken without further delay, but I gave no assent whatever.

Mr. EDMUNDS. Very well. I certainly did not mean to put the Senator in a position he did not wish to occupy. I misunderstood what his attitude was; that is all; and I certainly make the correction with a great deal of pleasure.

That is about all I desired to say about this thing; that it did appear to me that it was so plain, obvious, and adverse a violation of this fair contract which we made with these Indians, who in pursuance of it and on the faith of it left their homes on that reservation and moved off into the Indian country; it was so grossly unjust for the sake of anybody or any cause that we should violate their rights in that way, without even asking them whether it was agreeable or not, that I could not possibly assent to it.

One word in respect to the apparent claim of an implied assent from the fact that these Indians have not objected. I think that was very well answered. I do not know that they have not objected. The settlers say they have not. That is all we have got about it. We have not asked the Department of the Interior. We have no recommendation that I ever heard of from the Secretary of the Interior to pass this bill. I do not know whether they object in the Interior Department or not; but that was perfectly answered, as it struck me, by the Senator from New York on another branch of the case about some of the settlers who held under the railroad and the State, that we might fairly imagine at least that the Indians might rest upon their rights in the belief that the Congress of the United States and the President of the United States would not flagrantly violate their rights without saying something to them about it. They had a right to repose upon the good faith of this nation and do not lose anything by not making a perpetual clamor about it.

Mr. MORTON. Mr. President, I did not suppose that I should be drawn into a discussion of this conference report, but the resolution before this Senate was switched off so handsomely that I feel it to be my duty to say something in regard to it. The subject involved, as shown by the Senator from Vermont, is very interesting; but the remarks which the Senator from Ohio [Mr. THURMAN] had made just before this report came up will now receive my attention for a few minutes.

The Senator said that when murders were committed in the Southern States we would publish documents at public expense, but when they were committed in the Northern States nothing was said about it. I can only say that there are murders committed in all the Northern States. We have bad men in the North, and murders are committed, sometimes in passion, sometimes in drunkenness, sometimes for gain, sometimes for revenge; but this class of murders is always committed in the Southern States, and it is not the thing to which the reference is made at all. This refers to a kind of murder distinguished from the murders by Molly Maguires or ordinary killings. It refers to political murders, murders that are brought about for the purpose of controlling the politics of States, murders not committed by common cut-throats and by felons, but murders committed under the direction of men who write for the newspapers, who are intelligent gentlemen, men who have occupied public positions, murders that have for their purpose political consequences, far-reaching consequences. That is the class of murders referred to by the President's message and to which my resolution refers.

Mr. EDMUNDS. Murders that represent opinions.

Mr. MORTON. Murders that represent opinions.

I called the attention of the Senate this morning to the letter of Mr. Tilden. He ought to have reflected when he wrote that letter that life is short and that everybody could not read it; but I did get through with it. And there is Mr. Hendricks's letter also. While they talk about everything else, they forgot to say one word condemning this massacre at Hamburgh, South Carolina, or one word in regard to these numerous slaughters that are political in their character and that have political results for their purpose. I make this statement, I make it deliberately, and I make it emphatically, that Mr. Tilden and Mr. Hendricks dare not denounce the men who committed the murders at Hamburgh, South Carolina. They dare not denounce the men who committed the murders in Mississippi, at Coushatta, and at Colfax, and at other places that might be named, because their prospect of carrying four or five republican States in the South depends entirely upon the support, the influence, and the operations of that class of men who committed these murders at Hamburgh. Therefore they are silent, and they dare not denounce them, because they rely upon them and their operations for their success in carrying four or five southern States. My friend from Ohio did not know anything about the Hamburgh matter; had not seen anything authentic about it at all; had no opinion about it; it might be so and it might not be so. How much evidence will it take to satisfy that Senator that foul murder has been committed? The whole country, I think, understands something about it. We tried to get some definite information, and we did get some. We got the letter of the governor of South Carolina; we got the letter of the attorney-general; we got the evidence taken before the coroner's jury; and this furnishes authentic information. The Senator says he has it not. Well, we want to furnish it to him. That is the point; and we want to furnish it to his constituents. We propose to furnish this message and send it over the land, so that he will not be able on the stump in the campaign to say, "I do not know anything about it; I have not had anything authentic in regard to these murders." We propose to furnish him something authentic. As my friend is here, and I want him to have some information on the subject, and for the purpose of enlightening the Senate on this conference report, I will ask the Secretary to read Governor Chamberlain's letter.

The PRESIDENT *pro tempore*. The Secretary will report the letter.

The Chief Clerk read as follows:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, July 22, 1876.

SIR: The recent massacre at Hamburgh, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it for the purpose of laying before you my views of its effect and the measures which it may become necessary to adopt to prevent the recurrence of similar events.

It is, in the first place, manifestly impossible to determine with absolute certainty the motives of those who were engaged in perpetrating the massacre at Hamburgh. The demand which was made by the mob upon the militia company for the surrender of their arms, taken in connection with the fact that the militia are not shown to have committed or threatened any injury to any persons in that community, would seem to indicate a purpose to deprive the militia of their rights on account of their race or political opinions. It seems impossible to find a rational or adequate cause for such a demand, except in the fact that the militia company was composed of negroes, or in the additional fact that they were, besides being negroes, members of the republican party. Those who made the demand were, on the other hand, white men, and members of the democratic party. The lines of race and political party were the lines which marked the respective parties to the affair at Hamburgh. I mention this as a fact, and as apparently the most trustworthy index of the motives and aims which inspired those who brought on this conflict.

As affecting the public peace, however, the *effect* of this massacre is more important than the motives which prompted it. Upon this point I can speak with more confidence. It is not to be doubted that the effect of this massacre has been to cause wide-spread terror and apprehension among the colored race and the republicans of this State. There is as little doubt, on the other hand, that a feeling of triumph and political elation has been caused by this massacre in the minds of many of the white people and democrats. The fears of the one side correspond with the hopes of the other side.

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers or otherwise here, on the white or democratic side, upon this matter, have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre, nor do I see any greater reason for believing that it will do so in the future. That class which now engage in this cruel work certainly disregard the expressed sentiments of those who assume to speak, for the most part, for their communities, and go forward without fear of public opinion or punishment.

It is sometimes asked, Why do not the colored race return this violence with violence? Why do they suffer themselves to be thus terrorized, when their numbers greatly exceed those of their enemies in the localities where many of these outrages occur? The answer is not difficult. The long habit of command and self-assertion on the part of the whites of these Southern States, their superior intelligence as compared with the colored race, the fact that at least four-fifths of the property of these States is in their hands, are causes which contribute to give them an easy physical superiority thus far over the recently-emancipated race, which still exhibit the effects of their long slavery in their habit of yielding to the more imperious and resolute will and the superior intelligence and material resources of the white men.

Add to this that in almost every southern community there may be found a considerable number of daring, lawless, reckless white men, accustomed to arms and deeds of violence, over whom the restraints of the sentiments of the better and more conservative classes of society have little, if any, power, who are inspired by an intense and brutal hatred of the negro as a free man, and more particularly as a voter and a republican, and you have the elements which would naturally give rise to, and in point of fact do give rise to, nearly all the scenes of bloody violence which occur in the Southern States. Besides all this, another fact must be noted here, a fact which, in my judgment, marks and explains the world-wide difference between the effects of such occurrences as this at Hamburgh upon the mass of the white people here and the effects of deeds of blood and violence upon the people of other sections of the country, namely: that such occurrences as this at Hamburgh have generally resulted in what is thought to be political advantage to the democratic party here. From this fact it results that the white people here are induced, to a considerable extent, to overlook the naked brutality of the occurrence and seek to find some excuse or explanation of conduct which ought to receive only unqualified abhorrence and condemnation, followed by speedy and adequate punishment. In this way it often happens that a few reckless men are permitted or encouraged to terrorize a whole community and destroy all freedom of action on the part of those who differ from them in political opinions. The more respectable portion of the white people here content themselves with verbal perfunctory denunciations, and never adopt such measures or arouse such a public sentiment as would here, as well as elsewhere, put a stop to such occurrences.

In respect to the Hamburgh massacre, as I have said, the fact is unquestionable that it has resulted in great immediate alarm among the colored people and all republicans in that section of the State. Judging from past experience, they see in this occurrence a new evidence of a purpose to subject the majority of the voters of that vicinity to such a degree of fear as to keep them from the polls on election day, and thus reverse or stifle the true political voice of the majority of the people.

But the Hamburgh massacre has produced another effect. It has as a matter of fact caused a firm belief on the part of most republicans here that this affair at Hamburgh is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of this State. They see, therefore, in this event what foreshadows a campaign of blood and violence, such a campaign as is popularly known as a campaign conducted on the "Mississippi plan."

From what I have now said it will not be difficult to understand the feeling of a majority of the citizens in a considerable part of this State. It is one of intense solicitude for their lives and liberties. It is one of fear that, in the passion and excitement of the current political campaign, physical violence is to be used to overcome the political will of the people. I confine myself here to a statement of what I believe to be the facts of the present situation in this State as connected with the public peace and order, without any expression of my individual feelings and opinions. My first duty is to seek to restore and preserve public peace and order, to the end that every man in South Carolina may freely and safely enjoy all his civil rights and privileges, including the right to vote. It is to this end that I now call your attention to these matters. I shall go forward to do all in my power as governor to accomplish the ends above indicated, but I deem it important to advise you of the facts now stated, and to solicit from you some indication of your views upon the questions presented. To be more specific, Will the General Government exert itself vigorously to repress violence in this State during the present political campaign on the part of persons belonging to either political party, whenever that violence shall be beyond the control of the State authorities? Will the General Government take such precautions as may be suitable, in view of the feeling of alarm already referred to, to restore confidence to the poor people of both races and political parties in this State, by such a distribution of the military forces now here as will render the intervention of the General Government prompt and effective, if it shall become necessary, in restoring peace and order?

It seems proper to add that I am moved to make this communication to you by no motive or feeling save such as should animate me as the chief executive of this State, bound to do justice to all and to oppress none. I venture to say that I have given sufficient evidence by my whole conduct in this office, that, as governor, I am guided by my oath of office and my duty to all the people. I challenge any proof or indication, from any word or act of mine as governor, that I am capable of doing injustice or denying justice to any citizen of this State. But I do deem it my solemn duty to do my utmost to secure a fair and free election in this State; to protect every man in the free enjoyment of his political rights, and to see to it that no man or combination of men, of any political party, shall overawe or put in fear or danger any citizen of South Carolina in the exercise of his civil rights. In accomplishing these results, I now recognize, with deep regret, that there are many indications that it will be necessary for me to invoke the aid which, under the Con-

stitution and laws, the authorities of the General Government may extend under certain circumstances.

And I trust you will permit me to add that I know no official duty more binding, in my judgment, on the Chief Executive of the United States than that of exercising the powers with which he is invested for the protection of the States against domestic violence, and for the protection of the individual citizen in the exercise of his political rights, whenever a proper call is made upon him. I understand that an American citizen has a right to vote *as he pleases*; to vote one ticket as freely and safely as another; to vote wrong as freely and safely as to vote right; and I know that whenever, upon whatsoever pretext, large bodies of citizens can be coerced by force or fear into absenting themselves from the polls, or voting in a way contrary to their judgment or inclination, the foundation of every man's civil freedom is deeply, if not fatally, shaken.

I inclose, for your information respecting the Hamburgh massacre, the following documents: the report of Hon. William Stone, attorney-general of this State; the report of General H. W. Purvis, adjutant and inspector general; a copy of all the evidence taken before the coroner's jury; a copy of the printed statement of General M. C. Butler; a copy of a letter addressed by me to Hon. T. J. Robertson; an address to the American people by the colored people of Charleston, and a similar address by a committee appointed at a convention of leading representatives of the colored people of this State, in Columbia, on the 20th instant.

I have the honor to be, your obedient servant,

D. H. CHAMBERLAIN,
Governor of South Carolina.

The PRESIDENT.

Mr. MORTON. Mr. President, for the purpose of furnishing to the Senator from Ohio and others some more authentic information in regard to this Hamburgh massacre which would authorize them to form an opinion, and to show the importance of printing this document, and to let the people of the whole nation know the true character of this transaction, I will now ask the Secretary to read the letter of the attorney-general of South Carolina to the governor, which is one of the documents that we are asking to print.

The Secretary read as follows:

OFFICE OF ATTORNEY-GENERAL,
Columbia, South Carolina, July 12, 1876.

SIR: According to your request of Monday last, I have visited Hamburgh for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial Justice Rivers and from the testimony of persons who have been examined before the coroner's jury now in session, and from those who received wounds from the armed body of white men who had taken them prisoners. From this information the following facts seem to be clearly established:

During the administration of Governor Scott, a company of State militia was organized at Hamburgh, of which Prince Rivers was captain. This company was known as Company A, Ninth Regiment National Guard of the State of South Carolina. Arms were at that time furnished to it and some ammunition.

This company, previous to May, 1876, had for some time but few names on its rolls, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburgh. The street on which they drilled was between one hundred and one hundred and fifty feet wide; but it was little used, and was overgrown with grass except in that portion which was used as a carriage-road. While the company was thus drilling Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seems to have angered Butler and Getzen, who made complaint before Trial Justice Rivers against the militia company for obstructing the highway. The trial justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. Butler, who had been employed by Robert I. Butler, father of the former, as their attorney, repaired to the office of the trial justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial justice was to hear the case as trial justice or in his official capacity of major-general of militia. To this the trial justice replied that he was to hear the case as a trial justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial. General Butler then stated that he thought the case might be arranged, and, at his suggestion, time was given him to see the parties. After this the trial justice did not see General Butler at his office, but learned that he had gone over to Augusta. In the mean time the trial justice had been informed that some two or three hundred armed white men were in Hamburgh, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of Rivers's house; the two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up. Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor, to which General Butler replied that he would box them up and send them to the governor, and if he (the governor) should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and, turning to another person—I think R. J. Butler—asked if he wouldn't go on a bond also, to which he replied that he would. Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them unless General Butler showed some authority to take them.

After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more, but the whole matter was in General Butler's hands. General Butler said that, as the men would not meet him, he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward. This statement is confirmed by S. P. Pixley.

While these negotiations were going on, the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing had begun it was returned by the militia, and one of the attacking party, McKee Merriwether, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta, and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under the floors of adjacent buildings or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets. Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as they were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them. None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was told to turn round, and was then shot to death by the crowd. David Phillips was next taken out and was similarly killed. Pompey Currey was next called out. He recognized among the by-standers Henry Getzen and Dr. Pierce Butler, and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward, Albert Myniart, Mosca Parks, and Hampton Stephens were killed. Stephens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company. When he was arrested and taken to the spot where the other prisoners were, he recognized among the party two gentlemen of Augusta, named Twiggs and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. Butler asked if he was one of the d—d rascals. The reply was in the affirmative. He was then shot in the back. Messrs. Twiggs and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who at the time was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carnile and —— Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The men stated that John Swaringen, of Edgefield County, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing and told him he would have enough of it before he got through. He was shot in the arm near the elbow when about twenty paces distant from the crowd. The ball is still in his arm and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men herein named, the party broke open several stores and houses, and in some instances robbed the inmates. They took from Mr. Charles Roll, the postmaster, and a very respectable white citizen, a gun which he had in his store and his private property. From an old colored man, named Jacob Samuels, in his employ, they took a watch and set fire to his house. They broke open the house of Trial Justice Rivers and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut and some fences were torn down.

So far as I can learn the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler (white) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them anyway on the next day.

On Saturday rumors were abroad in Hamburgh that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburgh heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A. P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the store-keepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendant of Hamburgh, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial Justice Rivers is now holding an inquest and taking the testimony of witnesses. Until their verdict is rendered, it will be impossible to tell who were engaged in the attack on the militia, and the subsequent killing and wounding of the colored men.

It may be possible that a careful judicial investigation may show some slight errors in some of the minor details stated in this report. But, making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded. It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE,
Attorney-General South Carolina.

Hon. D. H. CHAMBERLAIN,
Governor.

Mr. MORTON. Mr. President, it seems to me the statement of the governor of South Carolina and of the attorney-general furnishes very authentic evidence in a general way of the character of this transaction, and shows sufficiently the importance of spreading its true character before the American people. The Senator from Ohio asks why will not the State authorities of South Carolina punish these men? He says the officers of the courts, the judges, the governor, are all republicans. Does not the Senator from Ohio understand that there is now a terrorism in the State of South Carolina, and in almost every other State in the South, that prevents the punishment of any man for killing a negro; and I now challenge Senators on the other side of this Chamber to point to a case—I am advised by the Senator from South Carolina and other Senators on this floor that I may do it—to point to a case where a white man has been punished for killing a negro.

Mr. MERRIMON. It has been repeatedly done in my State.

Mr. WITHERS. And in mine.

Mr. MERRIMON. There is one in the penitentiary now and one has been hanged.

Mr. MORTON. It is possible that where a white republican kills a negro he would be punished for it. ["O."] My friends say "O." I point you to the State of South Carolina; I point you to the State of Mississippi; I point you to the State of Louisiana; I point you to any of these States where these great outrages have been committed, and I ask the question when and where has a white man been punished for killing a negro, and I might extend the question further, and inquire when and where a man has been punished for killing a republican? Sir, there is a terrorism that goes into the jury-box, which goes into the witness-box, it goes even with the republican officers and prevents the administration of justice, and with a mixed jury, made up of whites and blacks, made up of all political parties, the punishment of men down there for the commission of these crimes is highly improbable. With all that Governor Chamberlain can do, I express the opinion here to-day, and see if time does not verify it, that all the State prosecutions for these foul murders will come to nothing.

Mr. THURMAN. Then may I ask the Senator what he proposes to do about it?

Mr. MORTON. Ah, what do I propose to do about it? I propose to let the country know about it, and I propose to furnish authentic information to the Senator himself on the subject. He says he does not know anything about it, has not heard anything that amounts to anything, nothing definite on the subject. The Senator will never be satisfied, I am afraid. I propose to let the country know in regard to these things.

Mr. President, I can but repeat what I said a while ago. I believe that Mr. Tilden and Mr. Hendricks did not dare in their letters of acceptance to condemn these outrages at Hamburgh and at other places in the South because, as I said before, that State is a republican State by 35,000, Mississippi by more than 30,000, Alabama by more than 10,000, North Carolina by more than 8,000, Louisiana by more than 15,000; and those gentlemen cannot carry those States without these republican majorities being overcome, and they can only be overcome by violence. Therefore these things are to be slurred over, they are to be passed by, and the perpetrators are to go unwhipped by public opinion. If such men as Tilden and Hendricks were to denounce these crimes, if they were boldly denounced on the floor of this Senate and not apologized for and not denied and Senators who say "I do not know, I have got no information;"—if the leading men of the democratic party everywhere would come out and denounce these things and demand that the perpetrators be brought to justice, then these things will stop; but they never will be stopped so long as men ignore them or so long as they are justified or excused.

Mr. President, there is no use in talking about these things being non-political. My friend might just as well attempt to conceal Mount Vesuvius by spreading his pocket-handkerchief over the crater as to deny that these murders were political. This is one of a series of atrocities. It is one just like many others that have occurred, all inflicted for the same purpose, and all to be covered up, justified, or excused by the same infamous falsehoods.

Mr. President, I believe I have had the Clerk read all that I desire to have read on this report of the committee of conference. When we get up the resolution, which is the main thing, I shall perhaps have something to say about it.

Mr. THURMAN. Mr. President, the Senator from Indiana was so anxious to make his little campaign speech that he could not wait for his resolution to be taken up again, but on an Indian bill he saw fit to make his stump-speech that has just been delivered; and there was another singular thing about it, and not usual in this Senate, that his speech, as he announced it, was to be a reply to a speech that he said I had delivered but which was in an unfinished state. Without waiting for me to conclude what I had to say, he injects his speech right in the midst of mine.

Mr. MORTON. I think I ought to state in this connection as a justification of my course that my friend from Ohio first spoke out the morning hour and then called for the regular order, and after that had been laid on the table and my resolution was got up in regard to printing the President's message, my friend adroitly swapped it off for this conference report, after having spoken on it for about twenty minutes, and then shifted the argument on to something else. If my friend thinks that is all right, he is certainly not in any condition to find fault with me.

Mr. THURMAN. I think that is rather a lame excuse.

Mr. MORTON. Perhaps it is.

Mr. THURMAN. I had the floor. The Senator from Kansas asked me to give way to the report of a committee of conference, a thing that I never knew refused since I have held a seat in the Senate, and certainly not at as late a day in the session as this. I could not give him the authority to bring that up. I was only one out of sixty-odd Senators present, and the Senator had to ask the unanimous consent of the Senate to take up his conference report, and that unanimous consent was given, the Senator from Indiana making no objection, and that is the way that bill came before the Senate; and yet on that bill, and without waiting for it to be disposed of and me to resume the remarks that I was making on his resolution, the Senator could not wait—so eager was he to get at this favorite subject of his that he could not wait for me to conclude my "few feeble remarks," but he had to jump into the lists with his armor on, and that same old lance and saber that have so often flourished in this same kind of encounter once more to stir up the northern heart and make them hate the people of the South, once more to preach hatred and vengeance toward the people of the South, be they guiltless or be they guilty. Well, Mr. President, I do not envy that feeling. I suppose, though, the Senator cannot help it; it is the force of habit. It has become a chronic disease of the Senator, and nothing in the world seems to afford him so much delight on the eve of an election as to find that some few black people down South have lost their lives in an affray. I do not say that he wished it; certainly I am far from believing he did; but if the thing does happen in the dispensations of Providence, he thanks the Almighty for the aid that He has furnished to the republican party; and so it happens now. The Senator knows as well as he sits in his seat that of all the men in this country those who most deplore these acts of violence are the democratic party, and especially the democratic party of the North.

Mr. MORTON. Your candidates should say so in their letters, then.

Mr. THURMAN. Why say so? I do not wish to be offensive, but I declare I could hardly help blushing for the Senator from Indiana when he was guilty of the small criticism that Tilden and Hendricks did not notice this particular Hamburgh matter in their letters of acceptance, as if they were to go out of their way in a paper like that, and without having heard the evidence on either side, with nothing but newspaper reports, without having had even the benefit of these documents which the Senator now asks to have printed and which were presented here on the 1st day of this very month and not seen by Tilden or by Hendricks, notice this occurrence that happened down in South Carolina. Why, sir, they would have made themselves the laughing-stock of the community if they had done any such thing.

But let me ask my friend, if he makes such a criticism as that, how comes it that Mr. WHEELER, your candidate for Vice-President, took no notice of this thing? His letter was written on the 15th day of July, and these murders took place on the 8th day of July, and the telegraph had scattered the information all over the country before WHEELER wrote his letter. How comes it that he took no notice of it at all, and how small a criticism it would be for me if I were to say that Mr. WHEELER dare not condemn that massacre! No, Mr. President, that will not do. Why did he not take notice of Coushatta and the like; in other words, why did he not take notice of all the speeches the Senator from Indiana has been accustomed to make on southern outrages in the last four or five years? I might answer, why did not Governor Hayes take notice of them? Why did not Governor Hayes put into his letter of acceptance liberal extracts from the speeches of the Senator from Indiana? Why did he not make a campaign document by finding chosen excerpts of the horrible pictures drawn by the fertile imagination of the Senator from Indiana for the last three or four years? Why, on the contrary, did Governor Hayes hold out his hands, and use mild language like the mild-mannered man he is, although he has proven himself to be a brave soldier, (for I have generally found that the men who were the bravest soldiers have the mildest tongues?) Why is it, instead of hoisting the bloody flag and preaching vengeance and hatred in his letter of acceptance, that Governor Hayes speaks in language of mildness and of kindness to all the South? Not a word about Coushatta and not a word about Hamburgh, although for aught I know he had heard of it, though it was hardly possible, for his letter is dated on the very day this transaction took place at Hamburgh. He says not one word about these various occurrences which the Senator from Indiana has been accustomed to bring to the attention of the Senate so often, and so forcibly, and so earnestly.

But, sir, there is in Governor Tilden's letter of acceptance, which I have not had time to read in full because I only saw it this morning, a passage that I commend to my friend from Indiana and it embraces everything that a man writing such a letter could be required to say. It is a pledge which if delivered in his inaugural address or a message to Congress would satisfy the whole country that the man who delivered it had a sound head and a right heart. What does he say?

The nobler motives of humanity concur with the material interests of all in requiring that every obstacle be removed to a complete and durable reconciliation between kindred populations once unnaturally estranged on the basis recognized by the Saint Louis platform of the Constitution of the United States, with its

amendments universally accepted as a final settlement of the controversies which engendered civil war; but in aid of a result so beneficent, the moral influence of every good citizen as well as every governmental authority ought to be exerted not alone to maintain their just equality before the law, but likewise to establish a cordial fraternity and good-will among citizens, whatever their race or color, who are now united in the one destiny of a common self-government. If the duty shall be assigned to me, I should not fail to exercise the powers with which the laws and the Constitution of our country clothes its Chief Magistrate to protect all its citizens whatever their former condition in every political and personal right.

What more can be asked than that? What more with any propropriety or dignity could Governor Tilden have said than that? Was it for him to go peddling around and mousing around upon newspaper reports, and without hearing the other side to go into the particulars of some outrage in the Southern States? Was that his duty? Does not every man see how miserable is the criticism of the Senator from Indiana?

But, Mr. President, let us get to something larger than that. Now I have heard the letter of the attorney-general of South Carolina. I had not seen it before, as I said in my opening remarks this morning, and although I have learned, by more than forty years' practice at the bar and some little experience upon the bench, always to hesitate to give judgment upon the testimony on one side alone, although I have thought the maxim *Audi alteram partem*, "Hear the other side before you determine," to be one of the soundest dictates of justice and jurisprudence, yet I am bound to say that if this statement made by the attorney-general of South Carolina be true—and I am sorry to say that it is most probably substantially so—then the transaction at Hamburgh was so atrocious that there are no words in our language sufficiently strong to condemn it. That is what I say of it. It is adding to brutality cowardice, the meanest and basest cowardice. In all ages and in all countries, since at least prisoners were entitled to life when they surrendered, and in all modern times, according to the laws of modern warfare, the shooting of unarmed prisoners is a crime too great to be described by words; and that is precisely this case if the statement made by the attorney-general of South Carolina is true. Sir, no man can abhor that crime more than I do. Years ago I said in the debate on the enforcement bill, and said it as strongly as I could put it to those misguided men down South, that they were the very worst enemies that the southern people had. I have repeated it again and again. Every act of violence they commit is seized hold of by demagogues at the North to inflame the North against the South and without any regard to the guilt or innocence of the mass of the southern people. What man in his senses believes that the mass of the white people in any State in the South desires a state of anarchy? They have the property; they have their wives and children there who require safety and protection. What man believes in his senses to-day that they want a state of civil war, of servile war, or a war of races; that they want insecurity for their wives and children, insecurity of property, a state of anarchy instead of a state of prosperity? No man in his senses believes it. But there are bad men there, as there are bad men elsewhere, and under the peculiar circumstances, the changed condition of that country, who can wonder that there are outbreaks? It is no justification of them, but who can wonder at the fact that there are outbreaks? Take this very State of South Carolina; I am assured that the entire organized militia of that State are colored men, that there is not one single militia company that is composed of white men.

Mr. PATTERSON. The Senator from Ohio is right in that statement; but it is not the fault of the colored people and it is not the fault of the State government, but the fault of the white people. The white democrats will not go into the State military organizations.

Mr. THURMAN. I think I have heard some other account of that.

Mr. PATTERSON. That is true.

Mr. THURMAN. I think we had some evidence before that when that militia law was passed the whites did go into it, and why should they not? They wanted arms, but their arms were taken from them and their companies disbanded. That is the evidence we had here some two or three years ago.

Mr. PATTERSON. Will the Senator state when that happened?

Mr. THURMAN. I recollect——

Mr. PATTERSON. When were arms ever taken by the State government from a white military company?

Mr. THURMAN. My impression is that it was about two years ago, and I am speaking simply from recollection.

Mr. PATTERSON. I live there, and I never heard of it.

Mr. THURMAN. There are a great many things perhaps that the Senator never heard of that nevertheless happened. How comes it that all the arms are given to colored people? Are the white people of South Carolina so rich that they are unwilling to take the arms that belong to the State, or that they go and purchase their own arms? Is that the state of the case down there?

Mr. PATTERSON. I am sorry to interrupt the Senator by saying that that is the truth. The white people in South Carolina prefer to buy their own arms and equip themselves, and are unwilling to go in under the State organization and be subject to the military law.

Mr. THURMAN. I cannot undertake to argue a question of the state of affairs in South Carolina with the Senator from that State; but one thing I do know: that, if that is the case there, the white population of South Carolina are totally abnormal and do not belong to our race. But there is the fact: fifteen regiments of colored troops there are armed and supplied with ammunition by the State, and there is not one white militia company in the State. Do you wonder that, with such a state of affairs as that, and with the negroes in the majority, and with this sudden change which has taken the late servile race and put it on top of the race to which Calhoun and McDuffie and Lowndes and men of that stamp belonged, there is dissatisfaction? Do you wonder that there is bad feeling? Do you wonder that men may be excited to acts of violence that our sober judgment cannot for one single moment approve and every sentiment of justice and humanity requires us to condemn? But, sir, when these things do occur, are the whole southern people to be indicted and the whole northern people to be excited against the South as if the whole southern people were a set of monsters and not human beings? Why, sir, we were told a long time ago by one high in station, "Let us have peace." But, so far from having peace, there seems to have been no end of this crusade of vengeance and hate which is to be preached on the eve of every presidential election, and not only of every presidential election but of every important election.

Mr. EDMUNDS. Does the Senator allude to this crusade at Hamburgh? Is that the one he is speaking of?

Mr. THURMAN. The Senator understands well enough what I allude to, and his question therefore was as *mal à propos* as it could possibly be.

Mr. EDMUNDS. Well, which does the Senator mean?

Mr. THURMAN. The Senator understands me perfectly well, and I have no doubt perhaps before we get through he will give some little proof of it.

Now, Mr. President, when in this world are we to have peace and fraternity in this country? If these things are to go on, how long will it take before we are once more a united people? Sir, we came into this centennial year with great blowing of trumpets and beating of drums, to welcome the one hundreth anniversary of the nation's independence and a reunited Republic from one end of the land to the other. We celebrated it by acts of fraternity. Troops went from South Carolina to join with Massachusetts, under the shadow of Bunker Hill, to celebrate that great victory and the first blows for the independence of the country. They were received in Boston in a manner that spoke in the highest conceivable language of the civilization of that city and of her fraternal and patriotic feelings. Troops went from Maryland to Philadelphia, to New York, and Boston, and were received in the same way. We invited the nations of the earth to come here to witness—what? Simply our material progress, simply our growth in the material arts and sciences? No, sir; but to witness a great, a prosperous, a united, and a patriotic people. We invited all the crowned heads of the world to attest by their own presence or that of their embassadors their friendship for the great Republic of the world, and to be witnesses of its prosperity, its union, and its glory. And some of them came, crowned heads; but what do they witness? Instead of a united and happy and contented people, they are told here from the Senate Hall of this Capitol that one-third of this people are a set of monsters in human form; that they have no love for this Union, and not only no love for the Union, but that the most common instincts of humanity and justice are blotted out of their hearts. That is the exhibition that you exhibit in your centennial year. Ah, Mr. President, if that is true, then I advise you to hide all your evidences of progress that are exhibited at Philadelphia, for no growth in the material arts, no mighty works of industry, nothing that you can show there will for one moment be more than dust in the balance against a country so infamous as that which Senators describe us to be.

Mr. MORTON. Mr. President, one word. The Senator asks this question, "When shall we have peace and fraternity in the North and in this country?" I want to answer that: when murder shall cease because of race, when men shall cease to be killed because of their political opinions, when they stop the slaughters at Hamburgh, at Coushatta, at Colfax, at Vicksburgh, at Clinton, at Mechanics' Institute. So long as these things are continued there can be no peace and fraternity. But the crime is in talking about them, that is all—not the killing but it is the talking about it. Because we remonstrate, because we raise our voices against these crimes and urge security to the lives of all, it is said that we are keeping up sectional differences! God forbid. When they stop these killings, we shall stop our talk; but for us to stop our remonstrances before these crimes shall cease would be criminal on our part.

Mr. President, the Senator says that Mr. Hayes did not say anything about this. I want to read what Mr. Hayes said. I want to vindicate him from the assault upon him. Mr. Hayes in his letter of acceptance says:

> There can be no enduring peace if the constitutional rights of any portion of the people are habitually disregarded. A division of political parties, resting merely upon distinctions of race, or upon sectional lines, is always unfortunate and may be disastrous. The welfare of the South, alike with that of every other part of the country, depends upon the attractions it can offer to labor, to immigration, and to capital; but laborers will not go, and capital will not venture, where the Constitution and the laws are set at defiance and distraction, apprehension, and alarm take the place of peace-loving and law-abiding social life.

He puts it very strongly; and how did Mr. Hendricks put it yesterday? The Senator has read what Mr. Tilden said. Why, he says, could Mr. Tilden and Mr. Hendricks stop to notice the Hamburgh massacre, that particular thing, the massacre at Colfax, at Coushatta,

at Vicksburgh, or at Clinton, or the general massacre in Mississippi? He says no. O, that would be beneath the dignity of those two men! These massacres have shocked the whole world; the whole country is talking about them and has been for months and for years; but they amount to so small a matter that these distinguished gentlemen could not afford to mention them! Ah, if the Senator himself would expend one-half the force in condemning these crimes that he does in condemning us for talking about them, he would have helped to stop them and would have materially contributed to that result. But instead of that we find apologies and excuses, and we find those who condemn the crimes are arraigned as the criminals while the criminals are let go, left unpunished, and left uncondemned.

The Senator says if the facts stated by the attorney-general of South Carolina are true, then these men did commit a great crime because they killed unarmed prisoners. Ay, there comes the rub. When will the Senator ever believe the facts as stated? How much evidence will convince him that the attorney-general has told the truth? There is where the trouble comes in. The Senator stated this morning that he knew nothing about it, had nothing authentic on the subject, and when the evidence is read he says if these things are so, then this was a very bad affair indeed!

In regard to Mr. WHEELER's statements I find on referring to his letter that for his opinion in regard to the condition of the South he refers to his report. I shall have that report in a few minutes and it will show that he is equally explicit, I have no doubt.

Mr. THURMAN. I guess he does not say anything about Hamburgh in that report.

Mr. MORTON. No; Hamburgh had not happened when he made his report. My friend from Illinois [Mr. LOGAN] had handed me the report. Mr. WHEELER in his letter refers to his report and says his opinions have not changed. I read now from his report:

First. That there has been, and is, on the part of the party calling themselves the white men's party, in Louisiana, a purpose to take possession by force and fraud of the State government, without regard to the question of who may have the numerical majority at a fair election.

That is a very important statement, and he re-affirms it.

Second. That, in the execution of this purpose, they have refrained, and will refrain, from the use of no instruments which they think designed to accomplish it, whether those instruments be murder, fraud, civil war, or coercion of laborers by employers.

And he expressly re-affirms that statement, and yet my friend from Ohio says Mr. WHEELER says nothing on the subject.

Third. While there are many men in their party of more moderate views, who do not themselves use or approve these unlawful means, such men desire the accomplishment of the same end, and are powerless to restrain their more violent associates.

And now I wish to say right here that there are millions of good people in the South. I want to believe that, and I do believe it; but the trouble is that they have not got the power, they have not got the courage to put down this violent element; they are controlled by it. I believe the violent element in the South is in the minority today; I have no doubt of it; but it has power to silence the majority; it has power to brave and control their politics; and such is its power, such is its terrorism that it is felt right here on the floor of the Senate and there are men here who dare not express the sentiments of their hearts because of this power and of their dread of this violent element in the States from which they come. This I have no doubt of at all, and this terrorism goes to Indianapolis and it goes to Albany, New York, and it prevents candidates for the highest offices in the land from expressing their condemnation of these crimes. As I said, they dare not condemn the authors of these crimes because their hopes of success in four or five republican States in the South depend on these very men and those of like character.

Mr. WITHERS. Will the Senator read a passage from Mr. Hendricks's letter in connection with the subject he is commenting on?

Mr. MORTON. I thank my friend for calling attention to it. I was coming to it.

Mr. WITHERS. I would be glad if the Senator would do it.

Mr. MORTON. I ask the Secretary to read it. I believe I will mark all that pertains to the subject. It is toward the close of the letter, is it not?

Mr. WITHERS. Yes, sir.

Mr. MORTON. I will mark the part and ask the Secretary to read.

The Chief Clerk read as follows:

All the people must be made to feel and to know once more that there is established a purpose and policy under which all citizens, of every condition, race, and color will be secure in the enjoyment of whatever rights the Constitution and laws declare or recognize, and that in controversies that may arise the Government is not a partisan, but within its constitutional authority the just and powerful guardian of the rights and safety of all.

The strife between the sections and between races will cease as soon as the power for evil is taken away from a party that makes political gain out of scenes of violence and bloodshed, and the constitutional authority is placed in the hands of men whose political welfare requires that peace and good order shall be preserved everywhere.

Mr. MORTON. He does refer to scenes of violence and bloodshed, but how? Condemning the bloodshed? No, but condemning the party that he says tries to make capital out of it, condemning those who talk about it, those who repudiate it, but for the bloodshed itself he has no word of condemnation; and his remedy is to turn over this Government into the hands of the very men in part who have perpetrated these crimes. This bloodshed was in his mind. Mr. Hendricks did not forget Hamburgh; he did not forget the one hundred other slaughters in the South in the last two or three years. But all he has to say about them is to condemn the men or the party that want to make political capital out of them! That is, he condemns the men who denounce it, condemns the men who make a noise about it, condemns the men who bring it to the attention of the country. That is all the condemnation he has about it. It would have been easy for him to say in referring to Hamburgh or if he did not even mention the name in referring to these general slaughters in the South where these things have occurred—to say "I condemn them; they have been committed by bad men who ought to be punished, and it will be my purpose to bring these men to punishment if I should get the power." But no word of that kind escapes his lips; and so with regard to Mr. Tilden. He talks in a general way about enforcing the laws and says he will use all his constitutional power to enforce the laws. But what constitutional powers has he got according to his construction? All that Grant has done has been denied to be constitutional; all that the republican party has done in suppressing these disorders has been said to be unconstitutional. Every step we have taken has been condemned.

I sympathize with my friend from Ohio in one respect. I sympathize with the sad necessity that compels him to defend these things, that compels him to excuse them, to apologize for them in a roundabout way; and whenever a word is said about them to be under the necessity of getting up and making a counter attack, attacking the republican party, and talking about "the bloody shirt." These murders and crimes are committed, and then they are to be shouted out of sight by the cries of "carpet-bagger," "scalawag," "bloody shirt," and all the slang-whangery of vulgar blackguardism. We are to forget these infamous crimes and lose sight of them under the cry of slang that is brought against us whenever we mention them.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference on the Osage land bill, on which the yeas and nays have been ordered.

The yeas and nays were taken; and resulted—yeas 27, nays 18; as follows:

YEAS—Messrs. Barnum, Booth, Bruce, Cameron of Wisconsin, Cockrell, Dennis, Eaton, Ferry, Gordon, Harvey, Hitchcock, Ingalls, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Morton, Paddock, Patterson, Randolph, Robertson, Sherman, Wallace, Withers, and Wright—27.

NAYS—Messrs. Anthony, Bayard, Boutwell, Conkling, Cooper, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Howe, McMillan, Merrimon, Mitchell, Morrill, Norwood, Saulsbury, and Wadleigh—18.

ABSENT—Messrs. Alcorn, Allison, Bogy, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Cragin, Davis, Dorsey, Goldthwaite, Johnston, Jones of Florida, Jones of Nevada, Logan, Oglesby, Ransom, Sargent, Sharon, Spencer, Stevenson, Thurman, West, Whyte, and Windom—26.

So the report was concurred in.

PETITION.

Mr. WITHERS presented the petition of W. F. Carrington, of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Claims, to whom was referred the petition of Joseph N. Lewis, praying to be re-imbursed for certain moneys expended by him in and about the seizure of the American bark Amelia at Port au Prince, Hayti, while he was acting as United States commercial agent at that point in 1855, submitted a report thereon, accompanied by a bill (S. No. 1033) for the relief of Joseph N. Lewis.

The bill was read, and passed to the second reading, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the resolution of the Legislature of Texas, in favor of the better protection of the frontier of that State and its re-imbursement of certain moneys expended for the protection of her citizens and their property from incursions from the adjacent Mexican territory, asked to be discharged from its further consideration; which was agreed to.

Mr. WHYTE, from the Committee on Public Buildings and Grounds, to whom was referred the memorial of the common council of Fredericksburgh, Virginia, in favor of the erection of a monument at Yorktown, Virginia, commemorative of the closing battle of the war of the Revolution, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House insisted on its amendments, disagreed to by the Senate to the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN H. BAGLEY, jr., of New York, Mr. WILLIAM HARTZELL of Illinois, and Mr. E. S. SAMPSON of Iowa, managers at the conference on its part.

The message also announced that the House had appointed Mr. OMAR D. CONGER, of Michigan, a manager at the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3022) mak-

ing appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, in place of Mr. MARK H. DUNNELL, of Minnesota, excused.

The message further announced that the House had passed a joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory; and it was thereupon signed by the President *pro tempore*.

PAPERS RECOMMITTED.

On motion of Mr. HOWE, it was

Ordered, That the petition and papers of Jackson Tibbetts and others, employés of L. J. and J. D. and T. W. Call, late contractors of the Fox River improvement, praying that the amount forfeited to the United States by the contractors by the annulment of their contracts be applied to the payment of wages due them, be recommitted to the Committee on Claims.

THE HAMBURGH RIOTS.

The PRESIDENT *pro tempore*. The question is now on the resolution submitted by the Senator from Indiana [Mr. MORTON] to print extra copies of the President's message in relation to the Hamburgh massacre.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. SAULSBURY. Mr. President, as a member of the Committee on Printing, to whom the resolution of the Senator from Indiana was referred, I objected to this publication by Congress of the message and accompanying papers not because I had any disposition whatever to cover up anything that had been done, any outrages that had been committed at Hamburgh, in South Carolina. I objected to it because I believed it to be an attempt to print a political partisan document, designed for political purposes, at the public expense, and to be paid for out of the public Treasury. I have not the least objection that the message of the President of the United States, with all the documents accompanying that message, shall be published by the thousand and the hundreds of thousands by any political party that may desire to publish them at their own expense; but when an attempt is made to publish for partisan purposes this message of the President of the United States, with the accompanying papers, I feel it my duty as a member of the committee to object to it; because it is taking from the public Treasury money that ought not to be used for such a purpose.

What is the character of the paper that it is proposed to publish? It is a message of the President of the United States sent here in obedience to a resolution of this body calling for the information in his possession in reference to a massacre said to have taken place at Hamburgh, in South Carolina, transmitting *ex parte* statements in reference to the affair. The usual number of that message, with the accompanying papers, has already been published. So far, therefore, as the Senate of the United States or Congress is concerned, and so far as the paper may be useful in order to aid in any legislation which may be necessary and proper to remedy any wrongs that exist there, that purpose has been complied with. But now, after the usual number of copies has been published, after the papers are upon our desks, the proposition is made by the Senator from Indiana to publish an unusual number in addition, 10,000 copies of the papers, to be paid for out of the public Treasury. I do not hesitate to say that the design is to manufacture and circulate at the public expense papers which it is supposed will be of some advantage in the presidential canvass to the republican party. What are the papers accompanying the President's message? The President says he sends:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.
No. 2. My reply thereto.
No. 3. Report of Hon. William Stone, attorney-general of South Carolina.
No. 4. Report of General H. W. Purvis, adjutant and inspector general of South Carolina.
No 5 Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburgh massacre.
No. 6. Printed copy of statement by M. C. Butler, of South Carolina.
No. 7. Printed letter from the same to the editors of the Journal of Commerce.
No. 8. Copy of letter from Governor Chamberlain to Hon. T. J. Robertson.
No. 9. An address to the American people by the colored citizens of Charleston, South Carolina.
No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, South Carolina.
No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States.
No. 12. Letter from same to same.
No. 13. Copy of report of a grand jury lately in session in Oxford, Mississippi.

It will be seen by an examination that these papers are mere *ex parte* statements in reference to the Hamburgh affair; that all the papers accompanying the President's message which relate to the unfortunate Hamburgh imbroglio are but mere partisan *ex parte* statements. It may be that they are true; I do not say whether they are true or not; I have not the evidence before me; I am not sufficiently familiar with the facts to say whether these statements are true or not true; but I have this to say, that I have no doubt there are many exaggerations of the affair contained in these statements. I have no doubt that a full investigation of them will prove, as is proved on all such occasions, that much exaggeration exists in reference to this affair.

Mr. PATTERSON. Will the Senator allow me to interrupt him a minute? Will the Senator believe the account if I give it to him in a democratic newspaper?

Mr. SAULSBURY. I will furnish myself with all the reading I want. I have got pretty nearly old enough to select my own reading.

Now, I say if there was any violation of law at Hamburgh, and I have no question there was; if there was any cruelty, and I have no question there was; if there was any inhumanity, and I have no doubt there was, that inhumanity ought to be ferreted out and punished to the full extent of the law. I am not here to defend any violation of the law either in South Carolina or any other State. The whole tenor of my life has been against it. The democratic party of my State and of every State of this Union, so far as I know, have set their faces against all violations of law, and they have complained justly and most bitterly against the numerous violations of law that have taken place under republican rule. They are the last men, therefore, who would encourage any violations of law. That there may be individual democrats that are guilty of crime I do not deny, just as there are individual republicans that have been sent to the penitentiary for their crimes.

The character of these papers are mere *ex parte* statements, which cannot convey to the country a true idea of the condition of affairs at Hamburgh and the true circumstances that led to that unfortunate massacre of the colored people at that point. And yet it is proposed to take these *ex parte* statements and to publish them at the public expense, and strew them broadcast over this country as a partisan political document to be used in the approaching campaign. Is that fair? Do democrats come here and ask that documents may be printed at the public expense to advance the interests of the democratic party? It may not cost a very large sum of money, but it is one of the items that helps to swell the public expenditures, which the people in these days of inquiry will recognize and condemn.

I wish to call attention to the character of one of these documents, and I refer to the letter of the President of the United States to Governor Chamberlain, which accompanies his message. I want to direct attention to this document and to ask my republican friends if in their judgment, if in their honest opinion, it is a document which ought to be published and sent out to the country, and if they will not place their President in an improper light before the American people. In reply to the letter of Governor Chamberlain the President of the United States says:

The scene at Hamburgh, as cruel, bloodthirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other southern States within the last few years, notably in Mississippi and Louisiana.

You will observe that the President of the United States in answering a letter specifically directed to him in reference to a particular transaction takes occasion in reply to that letter to hold up before the American people that there is a spirit of lawlessness in Mississippi, in Louisiana, and in other southern States. Does it comport, I ask, with the dignity and character of the Executive of this nation to become the persecutor, I will not say a partisan accuser, but an accuser of the people over whom he presides? He is the President not of a party. He is the President of this whole Republic, as much the President of the democrats of this country as of the republicans. It is true he was not elected by their votes, but he is charged with the duties appertaining to the executive office, and is the Chief Magistrate of the whole country; and it does not, in my judgment, comport with the high character of the President of the United States to become the accuser of the people of any State, especially when there was no case before him calling for the voluntary statement made in reference to these States. He goes on:

Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages, much less to a civilized and Christian people.

Does the President possess the evidence of that? Where is the evidence? There has been none laid before the Senate of the United States. There have been *ex parte* statements. There have been newspaper accounts of an election in Mississippi. There have been dispatches, I have no question, sent from private individuals, but that is not evidence that ought to govern the action of any person and that ought to govern the action especially of an Executive of this country. The President assumes, upon the *ex parte* statements that have been made in reference to that election, that they are true without proof. He assumes it upon the mere declaration of political partisans and demagogues, and not upon any evidence furnished to the Executive or the Senate of the United States. He goes on:

How long these things are to continue or what is to be the final remedy, the Great Ruler of the Universe only knows. But I have an abiding faith that the remedy will come and come speedily, and earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South.

I will not speak on that point. There are gentlemen in the country who believe the contrary, who at least believe that the republican party in some of the Northern States have had a disposition to oppress the people of the Southern States because they differed with them politically. But this question I shall not raise in this discus-

sion, because I wish to notice another thing which is said in this letter.

Nothing is claimed for one State—

Says the President—

that is not freely accorded to all the others, unless it may be the right to kill negroes and republicans without fear of punishment, and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States.

Notice that declaration. The President emphatically says that it has been a privilege claimed by a few States of this Union "to kill negroes and republicans without fear of punishment, and without loss of caste or reputation." That is not a charge made by the President against individuals. It is a charge made against southern States of this Union. What State, I ask, has manifested any such spirit? It is the first time that I have ever heard the charge preferred against any State of this Union as desiring to kill negroes and republicans. The honorable Senator from Indiana [Mr. MORTON] this morning said he had no doubt there were hundreds and thousands of good men in all the Southern States. That, I confess, was a great concession to be made by the Senator from Indiana; but the President of the United States in his letter to Governor Chamberlain openly proclaimed to the world that there are a few States of this Union over which he presides as the Chief Magistrate where the privilege is claimed "to kill negroes and republicans without fear of punishment, and without loss of caste or reputation." Is that a document that ought to go out to be published at public expense and spread broadcast through this land? What will be the estimate of the American people of their President when that document is spread before them? If the republican party can afford to publish that document, which will hurt their President alone, the democrats cannot and will not object, but let them publish it at their own expense. Do not let them come and ask for appropriations out of the public Treasury to publish a document of that character which is designed to have a political bearing, and for no other purpose that I can see.

So far then as the contents of these papers are concerned, in my opinion, they are not worthy of publication. These papers misrepresent the public sentiment in the South. Southern gentlemen I know on this floor have felt some hesitation in entering into discussions upon these questions. All they say is misunderstood and misconstrued because they come from the southern section of the country; and yet we are all familiar enough with the history of the South to deny that there is any such inhumanity, any such want of civilization, any such barbarism, any such atrocity as is sought to be imputed to them in these papers. What has been the effect of this constant misrepresentation of the people of the South? What has been its effect upon the prosperity of the South, upon the happiness of the people of the South? You have by this very policy of misrepresentation stirred up to some extent animosity between the races. You have disturbed at times the public peace in the Southern States by constant, invariable denunciation of southern white men when there is an election to come on and by representing the southern white men as hostile to the negro. There has been, I have no doubt, a disturbance of the friendly relations which ought to exist between the races and which would have existed between the races if this policy had not been pursued by our republican friends in the management of their campaign interests. But it is not alone the friendly relations of the people of the South that have been disturbed. You have affected the material prosperity of the Southern States. You have to a certain extent by this course of procedure disorganized the labor system of the Southern States, and you have by that means impaired the prosperity to a certain extent of that section of the country. But it is not only the Southern States that have been affected. Just in proportion as you affect the material interests of one section of the country you affect the material interests of every portion of the country. When the productive industries of the South are disorganized by your policy, when the labor system of the South is disorganized and the products of that section of the country reduced, the material prosperity of the people of the northern section have to some extent also been impaired. Hence you see to-day in all the Northern States the industries of the country are languishing; and I assert here as my firm conviction that much of the languishing condition of northern industry is owing to the policy that the republican party has pursued toward the southern people.

Mr. SHERMAN. What is that?

Mr. SAULSBURY. I say you disturb the friendly relations of the races, disorganize their labor, destroy their prosperity. They are unable to become purchasers in northern markets, and therefore the northern people begin to feel the reactionary influence of that policy. You may read to-day in the downfall and bankruptcies of your merchants in the North, in the closed manufactories and workshops, and in the distress of starving families and the demand of hundreds and thousands of people in the North, some of the results in part of the policy which you have pursued toward the South—a policy of denunciation and oppression, at variance with the true interests of the whole country, and which will in its reactionary influence prove as ruinous to the North as to the South, and the first fruits of which is already beginning to be realized.

Mr. MCMILLAN. Will the Senator from Delaware allow me to make a suggestion to him? So far as the relations between the colored people of the South and the white people are concerned, with reference to their relations as employers and laborers, the relation is satisfactory. So far as I have been able to ascertain no complaint whatever is made in that regard; but it is said by the southern people that outside of politics the relations are harmonious.

Mr. SAULSBURY. The Senator from Minnesota cannot inform me of anything about the condition of labor or anything else in States that have a colored population.

Mr. EDMUNDS. That is it, "or anything else."

Mr. LOGAN. Could he inform you on any subject?

Mr. SAULSBURY. I suppose he could inform me on some subjects; but I am not so certain that the Senator from Illinois could. [Laughter.] I say the Senator from Minnesota cannot give me any information that I do not possess in reference to the relations existing between the races in States where there is a large colored population. I do not live in such a State; yet I live in a State where there is a very considerable colored population. About one-fifth of the entire population of my State is colored, and I say that I know that even in that small State there have been men who have instructed some of the negroes not to work for the white people. In my own town I have heard of the declarations of colored people that they would not work for the white trash. Fortunately a large portion of the colored people have too much sense to be governed by any such persons as would give them that kind of instruction. But there are in every community of colored people some who are not sufficiently intelligent not to be influenced by such advice and instructions. In the Southern States while the relations between the races are perhaps as harmonious as could be expected, under the circumstances, when men have gone down through those States for political purposes seeking to array them in hostility against the whites, trying to indoctrinate them into every idea of prejudice against the whites, I am pretty sure that there is a large class of the laboring population that are governed by the advice of men who are their very worst enemies.

I said, however, before I was interrupted that the effect of this constant agitation, of this constant declaration that the southern white people were hostile to the colored people, that the southern white people are cruel to the colored people, that the southern white men are inimical to the colored people among them, has had its effect upon the industries of the country both North and South. There are hundreds of thousands of people to-day out of employment, and my firm opinion is that the policy which has been pursued injurious to one section of the country has had its reactionary influence and is now being felt in the northern sections of the country. It is time that this state of feeling should be put aside. It is time that cordiality and good-will should exist between the people of every section of this country. I am sorry to see that on all occasions, whenever an opportunity is afforded in this Chamber, declarations unjust and hostile to the South are made. I regretted exceedingly yesterday when I picked up the letter of the President of the United States to Governor Chamberlain to find that he had indulged in language which is, in my opinion, calculated not to promote the harmony of this country, not to promote the peace and good order of society, but calculated to represent the President himself as a partisan of the worst kind when, in my judgment, though elected by one party he ought to regard himself as the Executive of the whole people.

Mr. President, are we never to see the end? Is this thing to go on continually, and are even the letters of the candidates for President and Vice-President to be criticised and misrepresented because they did not condescend in their letters to notice a local crime? The Senator from Indiana in his criticism this morning has tried to make the impression on the country that the candidates of the democratic party were afraid to denounce the affair at Hamburgh, and yet there is denunciation of violations of law both in the letter of Governor Tilden and of Mr. Hendricks. I say to the Senator from Indiana they are engaged in a great work. They could not come down to deal with the individual commission of crimes. They have called the attention of the country to the condition of your civil service; they have called the attention of the country to the wasteful extravagance that has been practiced under republican rule; and they have pointed out the remedy. They have called the attention of the country to your financial condition, and they have suggested the necessity for its improvement. They are in earnest for reform and retrenchment. They are dealing with the interests of a great people, and they have not concealed their sentiments upon any of the absorbing topics that will enter into the coming campaign. They have spoken out with a manly frankness and boldness that defies a single criticism, except that which was uttered by the honorable Senator from Indiana that they did not come down and express their opinion about the affair at Hamburgh. That was the highest compliment the Senator from Indiana could have paid the letters of the candidates for President and Vice-President on the democratic side. The only fault he could find with those letters was that Tilden and Hendricks did not disgrace themselves and disgust their party by expressing their abhorrence of the commission of an individual offense. All else in their letters is conceded impliedly at least to be right, that being the only criticism volunteered in reference to anything contained in the letters.

In reference to the candidates of the republican party I have not one word to say. I scorn that partisanship which seeks to deal with individual character. If I can find nothing in the republican party to condemn during the coming campaign I shall certainly make no assault either upon Mr. Hayes or Mr. WHEELER. I have no question

that they are gentlemen of character and reputation, and I should be a blackguard myself if I would attempt in any respect to detract from the character which they possess. I hope that in this campaign individual character will be left alone. There is enough, I will say to our republican friends, in the administration of affairs by the republican party to engage all the talent of the democratic party. They will find enough there to condemn, and will be sure to do it. Public duty demands it. The duty which they owe to the country demands that they shall expose the peculation, the fraud, the venalities, the corruption, the extravagance, the maladministration that have existed in this country for the last eight years and have brought it almost to the verge of ruin. We shall go out before the people and hold up to them, backed up by proofs irrefutable, not by newspaper statements, but by proofs irrefutable, the fact that there has been a maladministration of affairs such as never disgraced the country from its foundation to the present administration.

Now, Mr. President, I shall leave this question; but in conclusion I protest against the publication of political documents, partisan documents, designed for partisan use and partisan purposes only, at the public expense. If this resolution passes among the complaints which the democrats will have of the republican Senate will be that they voted, deliberately voted, to take money from the public Treasury in order to publish a partisan political document to circulate in the approaching canvass.

Mr. LOGAN. Before the Senator takes his seat will he answer just one question in reference to the point he mentions now? Does he base his objection to the publication of this document on the ground that it is an unnecessary expense or on the ground that he disbelieves the statements in the document?

Mr. SAULSBURY. If the Senator had listened to me I said that so far as the facts disclosed are concerned I had no means of knowing whether they were true or false; that these are *ex parte* statements. I expressed the belief that there was a great deal of truth mixed up with much of error, but that they were *ex parte* statements and should not be published by the Senate as the true facts in the case. In reply to the Senator I will say that I have no objection to the publication of these papers if the Senator from Illinois and his party chooses to publish them at their own expense. I am not only willing that they shall publish 10,000, but a hundred thousand or a million copies if they see proper. What I object to is that it is proposed to be done at Government expense.

Mr. LOGAN. That is not the point. The point is whether it is the want of truthfulness of the statement which the Senator objects to or whether it is the expense of publishing it?

Mr. SAULSBURY. I object to both. I read statements of the President of the United States in which he charged upon a few of the States of this Union that they claimed the privilege of killing negroes and republicans without fear of punishment. That is not a charge against individuals, because if the President had said there were in the Southern States individuals who have such an impression his message would not have been subject to that criticism, but he prefers the charge against several States as claiming the privilege, if the Senator will mark the distinction, of murdering negroes and republicans "without fear of punishment." I say that is not a statement that ought to go out to the country from the Senate of the United States. The Senator from Illinois believes as much as I do that such a statement as that ought not to be published to the country as emanating from the White House. The White House ought to be content that the bloody shirt can float from this Capitol. I do not want to see the Presidential Mansion made the point from which the bloody shirt shall wave. Rather let the ensign of our freedom, the Stars and Stripes, float from the Presidential Mansion; but tell me not that the home which Washington filled, which Jefferson filled, which Jackson filled, which Polk filled, which a long line of illustrious Presidents has filled, has become the center wheel from which is to flaunt the bloody shirt that has waved from this Capitol for the last several years.

Mr. LOGAN. Do I understand the Senator now to say that he objects to the President's message because it is not truthful? Is that the point?

Mr. SAULSBURY. Do I understand that the Senator wants information?

Mr. LOGAN. I say then one of the points of objection made by the Senator is that the President's message is not a truthful message. Is that it?

Mr. SAULSBURY. The Senator may put what construction he pleases upon it. I have made all the comments I desire to make. I have no disposition to occupy the floor any longer. If the Senator from Illinois desires to discuss this question he can proceed.

Mr. LOGAN. I have no desire to make any remarks at all. I merely desire to know the position the Senator occupies; that is all.

Mr. MAXEY. Mr. President, I had no intention whatever to take any part in this debate and would not have done so had it not been for a remark which the honorable Senator from Indiana [Mr. MORTON] saw proper to make, that is to say, that there were Senators on this floor who dared not denounce crimes committed in the South. To that point and that only I care to address myself. Since I have been a member of the Senate I have never uttered a word calculated in the slightest degree to estrange the sections of this Union, nor have I done so anywhere. I have never in all the course of my life tolerated crime, either directly or indirectly. I will say to the Senate, as every man acquainted with history knows, that at the subsidence of a great civil war bad elements and bad men are spewed out upon society. This is true everywhere. It was true at the North at the close of the war; it was true at the South at the close of the war. In 1865, when the last of the confederate army surrendered, of which I was a member, I had a conference with the commanding officer at Shreveport, General Veitch, who was a citizen of the same State with the Senator from Indiana, in which he understood from me what my feelings were in regard to the preservation of law and order, and I said to him that I would go to my home and aid all in my power to protect the people against lawlessness and to defend law and order. I went home, and at my own instance I went to Union men, as they were then called, men who had been opposed to me during the war, who had been during the war known as Union men, but who were good and true citizens of the community in which I live, and I said, "Let us hold a meeting of the people; let it not be a meeting of the people of one party or another party, but a meeting of the whole people; and let us make a joint call upon all the people of the country to come up and unite in a solemn pledge to defend law and order." We held that meeting. It embraced the best men of the county. I was the chairman of the committee which reported the resolutions. Those resolutions were unanimously adopted; and from that day to this we have had law and order where I live, with no other exceptions than fall to the lot of communities generally.

I will say further, that when a citizen of the State represented by the gentleman who has just spoken [Mr. LOGAN] was cruelly and brutally murdered in the county of Grayson, the people of Grayson County, irrespective of party, made up a purse and employed counsel to prosecute the two men who committed the murder. I happened to be one of those counsel and in the worst of the time we have had since the war closed, about 1867 or 1868, when this affair occurred, during the days of reconstruction, in a densely crowded court-house, when I knew there were desperadoes present in the court-room, I and the other counsel employed dared to stand up before the jury of the country and prosecute those two men, and they were hung. Before every jury of the people where I appeared, and before the people of Texas wherever I have appeared, I have in unmeasured terms denounced mob violence and violations of law and order.

In so far as the facts connected with this immediate case at Hamburgh are concerned, I am not sufficiently advised to pronounce an opinion; but if it be true, as has been here asserted by Senators who have spoken, that prisoners were murdered, it was a dastardly and cowardly act, and I have no words at my command sufficiently strong to denounce such a crime. Whether the statements made here be true or not true I do not know, because I am not sufficiently acquainted with the facts; but I repeat that, if the statement as made be true, then the English language furnishes no words sufficiently strong to condemn such conduct. So far as I know, no such investigation has been had as will enable us to determine the truth or falsity of these reports with certainty. Still, if it does prove true, the criminals should be brought to condign punishment.

Furthermore, I will say that the State in which I live has been the last foot-hold where desperadoes could plant their feet; northern desperadoes driven from the North as well as southern desperadoes driven from other portions of the South. A northern man traveling in company with two other northern men was murdered in my own county by one of his own party, and the murderer was convicted and sent to the penitentiary for life for his crime. We got this refuse population, spewed up by the war, not only from the Southern States, but from the Northern States. They were thrown upon our State, and we, the people of Texas, a few years ago were held responsible for that which it was absolutely impossible, in the very nature of things, for us to have prevented. It was the last place they could have gone to. They went there, but, thank God, most of them have been driven away, by the public sentiment of a law-abiding people, across the Rio Grande into Mexico, and out into the wild country of the Indians. This very day we have organized in the State of Texas, under a democratic administration, a police force for the very purpose of hunting down and ferreting out those desperadoes yet in the State, wherever they may be found. I refer to the message which the governor of my State delivered at the last meeting of the Legislature, in which he denounced this lawlessness and crime in the most unmeasured terms. I have examined many of the papers which have come to me from my State, and those speaking of this Hamburgh matter place it as I do, and say that if the facts be as they are reported it was unjustifiable to the last degree, and a sin in the sight of God and man, which no good man can indorse; but, like myself, they have as yet no certain, reliable information. I wish here to say that I indorse crime nowhere. I condemn crime at all times and under all circumstances and, I might almost say, in season and out of season. I remember some seven or eight years ago, in the days of reconstruction and when lawlessness was at its worst, I was addressing a jury, and the court-house was crowded; while I was prosecuting a man for the crime of murder, a bullet was thrown against the breast of a juryman, and he picked it up and showed it to me. It was an indication of what might be expected; but that man was prosecuted to the gallows and suffered the penalty of the law. I say what Senators do not know, as I do, that the good men of the country in the Southern States, and more especially of such a State

as mine, which was the last resting-place, as I have said, for desperadoes, have had to show more courage since the war by far than they showed during the war; but the good men have got the upper hand, and through all that land to-day they rule and control it save in the exceptional cases I have stated, and it is because men had the nerve to dare do their duty.

Mr. President, if there has been a political murder committed within the limits of the State of Texas I have no knowledge of that fact.

Mr. BOUTWELL. Will the Senator allow me to ask whether it is within his knowledge, or known to him by report, that in the county of Limestone within the last year forty negroes were killed? It is so reported in the newspapers.

Mr. MAXEY. I happen to know something about the Limestone affair and I will state what I do know. There was then under a republican administration a police formed, some of whom were such as God Almighty never permitted to curse any country before, and I hope never will again. That force went into the county of Limestone and entered the house of an old citizen, Colonel Gathings, who resided near by in an adjoining county, and at the hour of midnight robbed that old man of $3,000 in gold. That is what took place in Limestone County and that is the true state of the case. My colleague will verify me in regard to the fact.

Mr. CONKLING. What followed that?

Mr. BOUTWELL. The question I asked was whether forty negroes were not killed in Limestone County.

Mr. MAXEY. I have no knowledge of any such thing as that.

Mr. BOUTWELL. It is so stated in a Texan paper, a republican paper to be sure, the Waco Register. The number is not stated in this paper, but it is stated that more were killed than at the Hamburgh massacre.

Mr. EDMUNDS. Why should they not be killed if somebody was robbed of $3,000?

Mr. BOUTWELL. This paper states—

In a county just adjoining to this, in Texas—

Which I understand is Limestone County—

there was a massacre of equal atrocity to the Hamburgh massacre and in which many more were killed, which comparatively few of the people of the North ever heard of at all we suppose.

Mr. MAXEY. I know something of the editor of that paper and I think I know the circumstances connected with this matter. I do know that a tax was levied upon the people of Limestone County that amounted almost to the confiscation of their property. It was levied by a military commander and collected to pay for what they called the expenses of keeping up the police in the county of Limestone. I have not time to go through the whole of that transaction; but I will simply say to the Senator from Massachusetts that there are two sides to the question, and so far as the side of the white people is concerned, I can very well understand why they were enraged.

Mr. EDMUNDS. What became of the forty negroes, I should like to know?

Mr. MAXEY. I never heard of the forty-negro matter.

Mr. BOUTWELL. I supposed that from the Senator from Texas we could ascertain the truth without having any one side presented. The report in this paper is that there was a massacre in the county adjoining that in which this paper is published, which, I know, is Limestone County, and a larger number were killed than in the Hamburgh massacre.

Mr. MAXEY. Does it say anything about the number killed there?

Mr. BOUTWELL. No, sir; but I understand from other sources that the number was forty.

Mr. CONKLING. The statement is that a larger number were killed than at Hamburgh.

Mr. MAXEY. I became acquainted with the editor of that paper here. He is the postmaster at Waco, and upon the recommendation of his republican friends I helped to get him his place.

Mr. BOUTWELL. Then I suppose you believe in his statement.

Mr. MAXEY. He is a strong partisan, and I suppose he made, from what the Senator has stated, a strong partisan statement without specifying any particular number. I never saw the number of the paper referred to.

Mr. BOUTWELL. I do not wish to press the honorable Senator from Texas; but I believe he did state to the Senate that he knew all about the affair. He has given us an observation that sounds very much like an excuse for what may have taken place without informing us exactly as to what did take place.

Mr. MAXEY. That matter grew out of a difficulty in which there was a colored man who was a complete desperado and considered so by all men. It resulted from the shooting down in the county of Limestone in cold blood of a citizen, and from that this difficulty sprung. This police force was sent there and the property of almost every citizen was taken to pay the expense of sending the police there.

Mr. HAMILTON. I beg to correct my colleague in the statement about this affair. This massacre is said to have occurred about eight or nine months ago. The police were sent up to Limestone County in 1871.

Mr. MAXEY. That is the affair I supposed the Senator from Massachusetts was referring to.

Mr. HAMILTON. I am not prepared to state positively about what is stated in the Waco Register; but I have had from many sources the statement made to me that that massacre was most deplorable. A colored man, a clergyman and a lecturer, was traveling through the country for the purpose of enlightening his countrymen, as I have understood. I have not been at home since it occurred. He was charged with some offense, I do not know what, in the county of Limestone, and was pursued by a crowd, I think a vigilance committee, I have always so understood, and surrounded in his house at night. He, understanding perfectly well what his fate would be, was armed and refused to surrender; but he was persuaded finally, after a parley, to give up his arms, and on giving up his arms, he was shot by five or six persons and killed on the spot. Then a raid was made upon the family with which he associated and where he stopped, I believe. Always in excitements of that sort crowds of negroes gather like sheep in some prominent quarter. They gathered there, were surrounded and assailed, and on that occasion about forty of them were killed, women, children, and men, as I have understood.

Mr. EDMUNDS. Who did it?

Mr. HAMILTON. A vigilance committee of white men, white-liners, or something of that kind, it is stated.

Mr. MAXEY. I ask if that statement is made there in the Waco Register?

Mr. HAMILTON. I have never understood, if my colleague will pardon me, that one solitary man of those men has ever been arrested or tried or punished, and if it is so, I hope my colleague knows something about it.

Mr. MAXEY. Does my colleague know in an authoritative way anything in regard to that matter?

Mr. HAMILTON. I have had it from a number of individuals; from the gentleman who edits this paper while here; I have had it from a gentleman who was run out of Limestone County about that time, Mr. Howard, and proceeded here to Washington.

Mr. MAXEY. I have only to say in regard to what my colleague states that I supposed when the Senator from Massachusetts interrupted me he was referring to a matter which was investigated and known as the Limestone troubles in 1871. I presumed that he was making reference to that, and I answered that point. So far as the matter to which my colleague now refers is concerned, I never heard of it before. It took place, if at all, since I have been here, and it is news to me. I have this to say, however, about it, that if the statement as made by my colleague is true, and for that I do not vouch nor does he, because he does not pretend to have authoritative testimony on the subject, then I denounce that as an unwarranted, unjustifiable, unholy, and criminal murder.

Mr. BOUTWELL. Before the Senator leaves this subject I wish to make one further inquiry, and that is whether he does not rely upon the statement made by the editor of this newspaper, who, I understand the Senator, holds the office of postmaster upon his recommendation?

Mr. MAXEY. I can only say in reference to that affair that we have very few republicans down in Texas that we could "bank on" very highly. It is very different from what it is anywhere else. We have a democratic majority of 100,000, and we have to take the best material we can get for republican positions, and we get no democratic positions from here. The editor of that paper is about as good as we can get I suppose at the town of Waco. I know nothing about his statement personally, but I am informed that he is a strong partisan, and that he gives strong partisan coloring to anything that he thinks will be to the advantage of his party. He is an officer holding a valuable office in the town of Waco, in the county of McLennan, and I presume, like most in Texas in like position, he understands somewhat how to make the most of these troubles.

Mr. BOUTWELL. It is quite important that the Senate should understand whether this is a trustworthy statement.

Mr. MAXEY. I refer the Senator from Massachusetts to my colleague, who is much better acquainted with him than I am.

Mr. BOUTWELL. Without wishing to interrupt the Senator from Texas——

Mr. MAXEY. There is a limit to all things. I have stated all I know about this man. I have known him since he has come here seeking office. He was represented to me as being a worthy man, and I supported him with my colleague to secure the office of postmaster at Waco.

Mr. BOUTWELL. If he is a postmaster, I presume he is to be believed.

Mr. MAXEY. I do not know whether he is to be believed or not further than I have met him here, as I have stated, in the city of Washington, when he was seeking an office, and having met him with such recommendations as I thought justified me, and knowing that no man of the democratic party, however respectable he might be, could get an office, I united in his application and he was confirmed; and that is all there is about it.

Mr. BOUTWELL. If the Senator will allow me one question——

Mr. MAXEY. Go on. Let us hear what you have to say.

Mr. BOUTWELL. It is simply this: Whether when this affair took place in which forty negroes were killed and, as the colleague of the Senator says, not one of the murderers to his knowledge has been punished, the governor and administration of Texas were not entirely in the hands of the democrats?

Mr. MAXEY. I will state that the editor, as I understand it, has made no such statement. You may put this and that together. It is

not to be presumed that every man in the State of Texas reads that paper—and I do not know the number who do—knows the number who were killed at Hamburgh. Certainly I do not. He speaks in general terms of the massacre at Hamburgh, and he says, as is stated—for I have not seen the article and have only heard it as it has been read—that there was a massacre equal to that in a county adjoining his, stated in equally vague and general terms, without specifically stating the facts. I do not believe that there was such a massacre, as is stated, of forty colored people. I do not believe that part of the statement. There may have been some difficulty there, and some persons may have been killed, but as to forty being killed, I not believe it. Nor does Mr. Chase say that number was killed there; but it makes no difference whether one, five, ten, twenty, or forty were killed, if the facts are that they were murdered in cold blood, as has been stated by my colleague, upon his information, then I denounce that as an unwarranted, unjustifiable, and unholy crime. But as I have again and again stated, I have no knowledge or information of this affair further than has been stated here. If it occurred at all, it has been since I have been here in attendance on the Senate. And I would go as far toward prosecuting, were I in the State of Texas and living in that portion of the State, those who were engaged, if such were the case, in such an unholy deed as any man within the length and breadth of this land, north, south, east, or west.

Mr. PATTERSON. Will the Senator from Texas allow me to ask him a question? The Senator says he has never heard of this. I ask him how far Limestone County is from his own residence in Texas?

Mr. MAXEY. I suppose three hundred miles. Limestone County is not one of our most populous counties. Speaking from memory, I should suppose it was about three hundred miles from my residence. I was never in Limestone County in my life, except passing through on the cars. I only know the county by the map and seeing it named in the newspapers, and from what could be seen passing through on the cars.

Mr. PATTERSON. Is there a democratic paper published in that county?

Mr. MAXEY. I think so. There are one hundred and forty-seven or more counties in the State, and I do not assume to know all the papers that are published in Texas; but there are democratic papers in most of the settled counties. If Senators, whose questions seem to be more to endeavor to throw me off my guard, which is difficult, rather than to seek real information, will permit me to go on without further interruption, I will proceed with what I have to say.

I rose for the purpose of saying that if crimes are committed anywhere within the limits of the State of Texas, the only State for which I am in any sense responsible as a private citizen, to the fullest extent of the ability which I have I dare to denounce crime there and to prosecute crime there, as I have done when there was danger in such a course; for, Mr. President, seven or eight years ago, when the whole country there had been flooded with the murderers and desperadoes from the North as well as from the South, it required some nerve in a law-abiding and peaceful man to stand up and denounce and prosecute crime; but now we have in the main got possession of the country, and, in so far as the recent acts of desperadoes are concerned, the one referred to especially I know nothing of. I have heard of some, however, through the State since I have been here. I do know that a company has been recently organized by the democratic Legislature of the State of Texas for the very purpose of hunting down crime; and I know that it is placed under one of the most gallant and daring officers, Captain McNally, that ever commanded a company, a man who is in favor of law and order anywhere and everywhere. If that is not a step in the right direction, what is? There may be sporadic cases throughout Texas, and it is only that class of cases that can be referred to, because in that vast area of country, as large as five of the largest States in the Union, a young and growing State, there are means and facilities of murderers and desperadoes getting out of the way and out of the clutches of the law that do not exist in the older States; and I ask if it is just, if it is right, to charge upon the whole people of a State like that these crimes, committed by men whose deeds of violence are lamented as much and deplored as much by the people of Texas as they are by the people anywhere? It is not right, it is not just so to do. But so so far as the great general welfare and prosperity of that country are concerned and the condition of that State is concerned, I am here to speak, and not to deny that sporadic cases of crime exist, such as can be found in the city of New York if you will, or the case of one of the foulest murders in Boston, or the case not long ago in Newark, New Jersey.

Everywhere so long as man is fallible, so long as man is fallen and erring, crime will be committed; and I ask—and I make that point—is it right, is it just, is it fair to charge crime upon the whole people of New York because of the Nathan murder or the car-hook murder, or upon the people of Newark the other day for that crime committed there when several men were killed, or the people of Boston because of the crime that was committed there lately by this strange boy and this other one? I ask if it be right, because of cases like that, to charge upon a whole community who are doing all in their power to extirpate crime and bring the offenders to condign punishment? Is it right to charge crime upon a whole people because of such cases? And, sir, if we obey the golden rule, if we had that feeling in our hearts which the late President of the United States but a few days before his death expressed when he said "charity toward all and malice toward none," if we would do unto others as we would have them do unto us, we should not consider it just, fair, or right to make such charges against the whole people of the South who under these infortuitous circumstances have been struggling as they have been. Think of it! Their property gone, their labor system changed as it was at the close of the war, their farms devastated, their homes desolated, all they hold near and dear on earth almost lost, everything except the life of those who survived, but little property left in all that country, and in that condition of things the entire control of almost all these States was taken from the people who had theretofore had control of them and given to strangers, strange rulers put over the people and a system adopted such as had never been known, the system of reconstruction, to any civilized nation so far as I know. Under all these adverse circumstances, with an enormous tax of from two and a half to three cents a pound laid upon the little cotton which they were enabled to raise and every other species of tax that the State authorities could devise, under all these circumstances I ask if you should charge upon these people every crime that was committed, not by them but in their midst, when they were struggling against poverty, when they were struggling to keep want from the door, when they were struggling to feed wife and children, when they had not the power, when the administration of the laws was not in their hands, but in the hands of strangers.

I ask if it is just that these men, good and true, such as the Senator from Indiana admits to be good and true, should be charged and held responsible for crimes committed by murderers and desperadoes and the foul scum of the earth thrown to the surface by the war, preying upon all alike, respecting neither one side nor the other, looking alone to gain. It was the money they wanted, and for that they would kill a democrat as quick as a republican. It matters not who possessed the means, it was the money, the gain that they were after, and those of us who live in that country know that to be true.

So far as these political crimes are concerned of which so much has been said personally I have no knowledge. Within the entire extent of my acquaintance in Texas, which is somewhat extensive, I have not knowledge of a single instance of that kind. I do know, however, that when I am at home republicans meet me there as friends and neighbors, the same as democrats. I do know that until a very recent day and upon his own voluntary action the cashier of the bank in my town, in which I am a stockholder and a director, is a republican, and there was personally not a more popular man in all that country. We make no distinction where men are respectable. We want people there, honest, good, upright people; and when we get them there, if we have the ability to do it, and we do our best to do it, we will make democrats out of them; but we will let them exercise their own free will and do as to them may seem best.

Now, Mr. President, I answered in regard to what I supposed was the allusion made by the Senator from Massachusetts to the troubles in Limestone County in 1871. I am told by my colleague that it was not that, but it was another one that he referred to. I have stated all that I care to say about that. I state here again that there are crimes, as I judge from the public prints which are sent to me, which have been committed throughout the State, such as occur in every State, and I say in addition that the civil authorities of that State are doing all in their power to suppress these crimes and have taken the extraordinary step which I have just now mentioned of organizing a police company under a captain of known nerve, of known prudence, and known intelligence, who are required to act in concert with the sheriff as his *posse* in hunting down criminals wherever they may be found.

I say further, so far as I know—and if I understand the statement made by the Senator from Minnesota, who has recently been South, he does not dispute that—the relation of employer and employé between the white men and the colored men throughout all the length of my acquaintance in Texas is kind, just, liberal; that the colored people there, who are not land-owners but hold the labor, are treated well by the white people; and that common sense would indicate that it was the duty of the white people as well as their interest so to treat them. This is shown by the fact that we are constantly progressing in wealth and in prosperity. More than that——

Mr. EDMUNDS. May I ask the Senator what are the evils then that lead to these extraordinary atrocities that seem to occur in many of these States? If the private relations are all correct, what is it that leads the white men to kill the black men and now and then other white men, so much?

Mr. MAXEY. The Senator from Vermont is too good a scholar to ask that question. I stated in the outset that the student of history would look in vain to a country in which at the close of a great civil war everything was left in peace and in quiet. I say—and it is according to the logic of man's nature—that the inevitable result at the close of a great civil war is to spew out on society bad elements. It has been the case I think always and everywhere. It was the case in the North that bad men were turned out at the close of the war; it was the case in the South and in my own State, as I have already said, which is the extreme southwestern State of the Union, the extreme land in that direction belonging to the Federal Union. We got more than our share, for it was the last resting-place for the foot of these men, and when driven from the North by your strong laws,

as you ought to have driven them, when hunted down and you could not catch them and they escaped, they found their last resting-place in Texas.

Mr. PATTERSON rose.

Mr. MAXEY. I beg the Senator not to interrupt me, for it is very disagreeable indeed to be interrupted at almost every sentence.

When they found Texas the last resting-place where they could put the sole of their foot with any hope of evading the law and the State had had men thrown into it from the North, from the East, from the West, and from the South, it was that class of men who have no personal interest or care for the rights of white or colored men who were the worst enemies to the law. They were the worst enemies to the people, white and black, in that land.

Mr. EDMUNDS. What did they do?

Mr. MAXEY. Sir, I am speaking of the days of reconstruction before the democratic party had any control of the State, as thank God it does this day; I am speaking of the days of reconstruction when lawlessness of every description went unwhipped of justice, and for which we are not responsible, for we in nowise controlled the State; the best men of Texas were disfranchised, not permitted so much as to vote or hold office; and for that condition of things and all that took place until the democratic party acceded to power in that State, I do not in any way hold the democratic party responsible. I only have to say, as I have said before, that everywhere during all those dark days I stood up with the good men of the State with all the power that was in me and I battled for law and order and I advised the people of that country, distasteful as the government under which they then lived was, to observe and obey the laws and wait for better times, and I have no doubt that when the Senators who have been assailed here by the suggestion that they dared not stand up and vindicate the law, who can answer for themselves and not I for them, speak, they can give the same account. And I say that I was not alone, but that good men and true all over Texas fearlessly upheld law and order as far as was in their power, and so continued until crime ceased to go unwhipped of justice.

Mr. McMILLAN and Mr. PATTERSON rose.

Mr. McMILLAN. Before the Senator from Texas takes his seat, will he allow me to ask one question?

Mr. MAXEY. Yes, one at a time, and we shall get through better.

Mr. McMILLAN. The Senator has said that after the close of the war a lawless element was thrown out upon the North and upon the South. Now, I should like to inquire from the gentleman what instance he can name in regard to any lawless element thrown upon the North from the Army? I do not understand that the result of the war brought upon the North any lawless element, but that the soldiers of the Army came home honest, faithful, law-abiding men; that they entered into their communities and took their part as citizens and have faithfully performed it; and I have never heard in the North of any lawlessness or of any disturbance or of any demoralization resulting to northern soldiers from the war. On the contrary, I have known instances where men have come through that great scene of conflict better men, better citizens, and have discharged their duties faithfully ever since; and that applies to all the northern soldiers. I never have heard of any lawless element resulting to the North from that war.

Mr. MAXEY. I am very glad, indeed, that the Senator from Minnesota has interrupted me, for it opens out a train of thought that I am glad to place on record. I have said on occasion, perhaps not here but down in my own State, that since this war has closed I have met the bold and brave soldiers of the North upon terms of fraternity and good-fellowship. We have struck the right hand of friendship and fellowship together, and I say to-day that if we could have left this matter of estrangement between the North and the South to the two armies that fought the battles, it would have been closed years and years ago. But, sir, you could scarcely find a man who served in high command in the Federal Army, I presume, who would say that in all his command there were no bad men. If there was such a company, it was a company of saints which was never heard of before from the days of Hannibal down to the time of which the Senator from Minnesota speaks. I speak of my own country, and I say I believe a braver, a bolder, a more gallant or daring set of men never shouldered the rifle than the soldiers of the confederate army, and yet in that army we had bad men; and that I presume to be the case with every army ever organized from the days of Hannibal down to the last gun that was fired at the surrender at Appomattox.

Mr. McMILLAN. My point was not that there were not bad men, individuals, in the Army from the North, but that the war resulted in no demoralization of the northern Army.

Mr. MAXEY. That is a philosophical question about which the Senator and myself greatly differ, and I presume all the world and all history will agree with me about that. War is in its nature demoralizing; its tendency is in that direction; and hence it is that almost arbitrary powers are given to commanders, and the organization of an army is essentially different from an organization in civil life. The reason for it is that discipline is an absolute necessity in an army.

Mr. PATTERSON. Now, Mr. President——

Mr. MAXEY. Perhaps the Senator might make a point that a confederate general from Texas had spoken certain things against the soldiers. I think not, and the man does not live on earth who can find such a thing in any remark I ever made here or elsewhere.

Mr. McMILLAN. I hope the Senator will not attribute to me such a motive. That idea never entered my brain at all.

Mr. MAXEY. I am willing to conduct a dignified debate. I am not willing to be catechised by everybody who seeks to ask a question. I will answer in courtesy everything that is properly put; but there is a limit to all things.

Mr. McMILLAN. In justice to myself as well as the gentleman, I wish to disavow any such motive. Such a motive never entered my head when I made the inquiry. I do the Senator the honor to say that for him I have the highest respect, and I know he would not make a statement of that kind. It was only in justice to the northern soldiery that I put the inquiry, and it was for the purpose of disabusing the minds of the Senate or of the country, if the remark goes to that extent, that any such result as the Senator indicated had been the case; and I do hope the Senator will not attribute to me such a motive as he has. It does both him and myself injustice.

Mr. MAXEY. I thank the Senator for his correction, and I am glad to take it. I never desire to do any one injustice; it is the last thing in my nature to be unjust to anybody; but it seemed to me that these constant interruptions had some purpose in view. I will say to Senators that I am sufficiently old in the practice of the law to answer a great many questions without being thrown out of harness; but there is no lawyer here but knows that if he is constantly interrupted it breaks the thread of his thought, and he cannot possibly do himself or his theme the justice he otherwise could. I only ask to present my own side of the question; and, when that is done, if I have said anything that any one excepts to, I shall be ready to reply to that. But I think it is but justice that I should state my story in a plain, straightforward way for the benefit of the Senate and the country, and then whatever may be said in reply, let it be said.

I now wish to add that in so far as my intercourse with the members of the Senate is concerned, I have been treated with the utmost courtesy by every member of this body, republican as well as democrat; and the Senator who made the remark this morning to which I refer, the Senator from Indiana, and in answer to which I rose, has always treated me with the most perfect courtesy. I have not a lingering feeling of hate or malice toward a human being in the entire North. We fought this war, so far as I was concerned, squarely and fairly like brave men; and, when the last shot was sounded, and the confederate flag was lowered, and I took my parol to observe and obey the laws in force in the State where I reside, I did so in good faith; and from that day to this I have never directly or indirectly done anything by any remark of mine calculated to produce discord or dissension between the sections of the country. On the contrary, Mr. President, I would rejoice to-day to see in all the length and breadth of this land of ours, North and South, East and West, that same fraternal concord, that same unity and harmony of sentiment that existed when our revolutionary forefathers, at the close of seven long years, triumphed and gained the libertics of the American people. We are one people; our destiny is one; we are bound together in one common Union. It does seem to me that everything calculated to bring about discord and dissension in the land is but a bombshell thrown in to produce consternation and destruction. I want to say to the Senator from Minnesota, and he has recently been South in the State of Mississippi, that so far as I know, and my acquaintance is extensive, there is not a prominent man in all the length and breadth of the State in which I live or in the State of Louisiana, where I am next best known, or in the State of Arkansas, lying next adjoining—in those three States there is not a prominent man I know but entertains the same feelings that I do, hoping, trusting, and praying that this war of hate will be buried forever, and that in this one-hundredth year of the independence of American freedom we can again meet as we met at Yorktown, at the close of the war of the Revolution, in one common brotherhood, knowing no North, no South, no East, no West, looking alone to the preservation of the glory of our common flag, the prosperity of our whole people, and a happy destiny for our common country.

Mr. PATTERSON. Before the Senator takes his seat I should like to ask his attention to a question. I understood the Senator from Texas——

Mr. MAXEY. Before the Senator asks his question, I beg to do an act of duty. The floor was yielded to me by the Senator from Kansas [Mr. HARVEY] as an act of courtesy; I told him for ten minutes. I told him what I then thought would be true. I had no expectation in the world of occupying more time than was needed simply to state what I wanted to state, that so far as I was concerned I was a law-and-order man and dare to be so everywhere. The Senate know the reason why I was not able to carry out my agreement with the Senator from Kansas.

Mr. PATTERSON. I understood the Senator from Texas to give as an excuse for these crimes in the South that a lawless body of men had been spewed up all over the South by the war; that they are responsible for these acts. Now, I hold in my hand The News and Courier——

Mr. MAXEY. I hope the Senator will put it in his speech and not in mine. That is not a fair way of asking a question.

Mr. PATTERSON. I want to ask a question.

Mr. MAXEY. Ask it directly.

Mr. PATTERSON. I will go on anyhow. I hold in my hand The News and Courier, the democratic organ of South Carolina, published in Charleston, and in that I find a list of nearly one hundred gentlemen returned by the coroner's jury as implicated in the Hamburgh massacre. I should like to have the Clerk read the names.

Mr. MAXEY. Why ask me about it? I know nothing about it.

Mr. PATTERSON. I want the Clerk to read the names and then I want the Senator from Texas to tell me whether these gentlemen have been spewed up by this revolution. Because, as far as I know these gentlemen, they represent the very best blood in South Carolina.

Mr. EDMUNDS. As they call it.

Mr. MAXEY. The Senator is talking about South Carolina matters. Let him answer for South Carolina matters.

Mr. PATTERSON. There are some gentlemen in that list from Georgia. I do not know them; but I would ask Senators from Georgia if they are gentlemen?

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. HARVEY] is entitled to the floor.

Mr. PATTERSON. I hope the list will be read. I shall be obliged to the Senator if he will allow the list to be read.

Mr. HARVEY. I yield to the reading.

Mr. ANTHONY. What is the list?

Mr. PATTERSON. A list of persons returned by the coroner's inquest for whom warrants have been issued for being implicated in the Hamburgh massacre.

The Chief Clerk read as follows:

Aiken men—R. J. Butler, Dr. Shaw, Rev. John Mealy, Thomas Butler, A. P. Butler, Henry Getsen, William Briggs, John Butler, Harrison Butler, Luther Reese, Dunbar Lamar, Pierce Butler, Crayton Matheny, Cornelius Benson, Aaron Tyler, Charles Cotlin, Thomas Shiver, John Crawford, Robert Gardner, Jack Vandiver, Charles Kernaghan, Walker Matheny, Frank Taylor, (colored,) Isaiah Marshal, (colored,) George Vincent, Arthur Johnson, Dr. Hugh Shaw, George Busel, John Busch, Leroy Hammond, James Hammond, James Smith, John Smith, Thomas Smith, Daniel Glover, Robert Morgan, John Lamar, Samuel Page, Luther Ramson, Thomas Plunkett, Frank Kramer, John Oliver, Benjamin Vandiver, and Pleasant Spinall.

Edgefield men—M. C. Butler, Benjamin Tilman, Charles Glover, Frank Settles, Joseph Merriwether, John Swearingen, James McKie, Tol Glover, George Adams, James Lanham, William Glover, John Roger, and Augustus Glover.

Georgia men—Thomas W. Carwile, William Robertson, James Clark, Dish Ramey, John Smith, Garland A. Snead, Joseph D. Twigge, Robert Chafee, Kinloch Chafee, Leopold Myers, William Pemble, John Bridges, Captain Conway, Murty Tarver, John Damish, ——— Hezzie, ——— Hezzie, George Hood, James Glover, William Antignac, Nick Bullineau, Polk Thomas, Daniel Hertz, Jacob Hertz, Mike Conner, Babe Bowers, Sam Whaley, John McNaer, John Kirkpatrick, and John Twiggs.

Mr. PATTERSON. I do not know anything about the persons named from Georgia; I do not know all the persons named in South Carolina; but I do know a good many of them personally and I know a good many of them by reputation, and I have no hesitation in saying that they were never spewed up by any revolution. They represent the very best families and the very best blood in South Carolina, as they claim, and they are, some of them, very good people, I will say. I was unwilling to let such a statement go to the country as was made by the Senator from Texas without a contradiction of that kind.

Mr. HARVEY. As far as the question of time is concerned between myself and my friend, the Senator from Texas, I will make that all right by making a ten-minute speech myself, and in doing so I will talk but very little if any about the last war, but a little about what he styles the present war of hate; and in that connection probably it as well to inquire how the last engagement, the last collision occurred in the war to which he alludes. How were the people who were murdered at Hamburgh engaged at the time? It seems from the history of the case that they were marching along as a militia company under the State law of South Carolina, engaged in celebrating the one-hundredth anniversary of the natal day of the Republic of which they are citizens as much as the Senator from Texas, the Senator from Delaware, or myself, or any other Senator here. They were as much entitled to celebrate that day in the way they saw fit as either of us. They were marching peacefully along the street of the town in which they live. They were not bearing the "bloody shirt" that the Senator from Delaware talks about so much. They were bearing what Daniel Webster called "the gorgeous ensign of the Republic," a banner which they had the right to bear. They were not "on bloody deeds intent." They were behaving themselves as peaceful, good, citizens of the State of which they were natives and citizens.

Mr. SAULSBURY. Will the Senator allow me to ask him aquestion? Does he speak of matters of his own knowledge or from hearsay?

Mr. HARVEY. I am speaking from knowledge acquired from the examination of good authority, the proper authority to give us information on this subject. And in this connection I will say that the republican party is not responsible for this war of hate. The Senator from Texas said that in his State there were not many republicans that it would do to bank on. It may be that these republicans in South Carolina would not in his estimation do to bank on. But, sir, I will say to him and to every Senator here that it is my opinion that the republican party will not much longer permit republicans, even though they may not be considered worthy to be banked upon, to be shot down in their own homes, even by the descendants of Calhoun, McDuffie, or Butler, or any others of the best families of South Carolina. I say it will not be permitted. This war of hate will be stopped.

The professions of the democracy of regard for the political rights of negroes reminds me of the story which was told of the old field marshal of France who, returning from the wars in Spain, brought with him a number of works of art obtained by him in a very questionable way, or rather it would be more proper to state in an unquestionably bad way. It seems that in the course of time he was exhibiting these pictures to some visitors. In passing one he remarked that he felt a great regard for that picture for the reason that it had at one time saved the lives of two estimable persons. The visitors wondered very much, of course, how this picture had had that effect, and were afterward informed by an aid-de-camp of the marshal that the old marshal threatened to have the owners shot if they did not give it up. [Laughter.] That is just the kind of regard that the democracy entertain for the political rights of the negroes. They say in effect to them, by these occurrences, by their character, by their sequences, "Give up your right of making a free political choice and you will be protected, you will not be shot down like dogs." You can see evidence of that every time these occurrences are alluded to. We are reminded that they occur in States where the officers are republicans. The Senator from Ohio emphatically reiterated that assertion this morning. What is the inference to be drawn? It is this, that whenever you will yield, whenever the colored and white republicans of a State will yield their right to a free choice of officers and of the party that they prefer, then they may have peace. Even Mr. Tilden as quoted by the Senator from Ohio is reported as saying something like this: that we may have peace on the basis set forth in the platform of the Saint Louis convention. I have no doubt he thought we might have peace on the basis of the platform which he helped to make in Chicago in 1864. [Laughter.] But it is not for Mr. Tilden or anybody else to dictate to the people of the United States on what basis or on the platform of what convention they may have peace. They will have peace upon whatever platform they choose to support.

I said in the beginning that this had been alluded to as a war of hate. It is a war of hate on the part of the lawless element connected with the democratic party. I do not say in the South alone, for that lawless element is given to acts of violence, not in the South alone, but even in the North. During the war the draft riots in New York occurred, which were alluded to the other day. The Senator from New York, [Mr. KERNAN,] making the best defense that was possible to make for the democracy and for the governor of that State in connection with that affair, endeavored to set forth and make the Senate believe that that riot was instigated by the fact that the law ordering the draft contained a provision by which men paying $300 could be exempted from the effects of the draft, and he used words which were intended to imply that even republicans might have taken part in that riot. I am well satisfied that such was not the case; and for this reason: republicans, no matter how unable to raise $300, no matter how poor, how wretched, even how ignorant, have no political instincts which impel them to murder inoffensive negroes, men, women, and children; and that was the most prominent characteristic of the New York mob. That was the way in which it vented its rage, showing plainly its political character and its political affiliations.

It is no use to talk in this connection about the hatred of the republican party and of republican Senators to the South. I certainly entertain no such hatred. I have friends and kindred there. I hope for the prosperity of the South. I am willing and anxious to do everything I can to bring it about; but I assert without fear of contradiction that there cannot be prosperity North or South when a minority of the people endeavor, through deeds of violence, through intimidation and murder, to bring about a revolution. These things must be brought about by appealing to ideas and the prevalence of opinions. It cannot be done in the way that a certain element in the democratic party of this country is endeavoring to bring it about.

I know that there are many honorable and high-minded gentlemen in the democratic party, men for whom I entertain personally the highest regard, but I think they are a little too sensitive when they resist the effort that is made to make it known to the world who the parties are that are engaged in this violence, this war of hate, this attempt through murder to bring about a political revolution. It is true, these men, being as the Senator from South Carolina says of the first families of that State, may feel somewhat hurt to have it known throughout the world that they have been guilty of cowardice and of atrocious acts of which Sitting Bull and the Sioux Indians would be ashamed; but it ill becomes gentlemen who have here endeavored to prevent the country from knowing these facts to stand between the perpetrators of such atrocities and the indignation that public opinion will visit upon such acts.

Mr. MCCREERY. Mr. President, we have had a very heated partisan discussion. With a view of furnishing a little time to cool off, which is probably proper, I propose that the Senate shall do an act of justice to a very old man, just pass by unanimous consent his bill and then I am done——

Mr. EDMUNDS. Then you are done.

Mr. MCCREERY. Do you object?

Mr. EDMUNDS. I certainly do.

The PRESIDING OFFICER, (Mr. BOOTH in the chair.) Is there objection to the request of the Senator from Kentucky?

Mr. EDMUNDS. Yes, sir. Mr. President, I wish to do an act of justice to a great many old men and to the memories of some who have gone to their graves through the action of the political associates of the honorable Senator from Kentucky.

Mr. McCREERY. I deny that, sir.

Mr. EDMUNDS. Well, Mr. President, the plea of "not guilty" is a proper one, I admit. Everybody puts it in.

Mr. CONKLING. And a majority can decide it. [Laughter.]

Mr. EDMUNDS. Of course a majority can decide it, and the majority will decide it, Mr. President, as they will decide all things in the end; but in order to let them decide it honestly, it is worth while to know a little something of the grounds upon which they proceed.

The Senator from Ohio, the Senator from Delaware, and the Senator from Texas have assailed this side of the Chamber and, through it, the republican party as keeping up a war of hate which these Senators very much deprecate and wish we would not do. They have carefully omitted to state where the hate comes in. It is very easy to say "hate." If you bring a murderer to justice and confront him with a jury of his countrymen he can say to the judge and the jury, "This is a prosecution of hate." If you denounce wickedness and crime, it is very easy for those who would be glad to escape from the responsibility to say, "This is hate: why do you not let us alone to work out our own salvation in our own way?" and then everything would be peaceable; there would be fraternity and concord from Maine to the Rio Grande and from the gates of New York to the Golden Horn. If you would only stop passing constitutional amendments which secure liberty to man; if you would only stop passing constitutional amendments which secure equal rights to citizens; if you would only stop passing constitutional amendments which secure impartial suffrage, supposed to be the corner-stone of well-regulated republics, then there would be peace, because there would be no occasion then for our misguided friends, as I will call them, to resort to the means they do to counteract that species of laws.

Mr. President, what is the use in this intelligent country and in this intelligent Senate of Senators rising here and dodging the question continually about the state of affairs in many of these southern States? They say the rebellion has spewed out wicked men, violators of laws, criminals, persons who owe no allegiance to any of the sentiments which govern well-regulated communities, and therefore there is disorder, violence, bloodshed. Now if you will look at the instances you will find in nine hundred and ninety-nine cases in a thousand that wherever any man in the Southern States has committed a crime against municipal law, has stolen a chicken or robbed a bank merely from his *animo furandi*, from his personal wickedness, the law goes calmly on; white-liners, ku-kluxers, white-leaguers, republicans, colored men, all go to the court-house, and the simple and solemn ceremonies of justice in a regular and constitutional way lay their hands upon the accused, give him a fair trial, and punish him if he be found guilty. But when you step outside of that and come to the innumerable slaughters that in so many of these States, as Senators themselves say, have disgraced humanity, what do you find then? Prosecutions, indictments, trials, verdicts, judgments, sentences? Not by a long deal. I venture to say on the other hand that there is not one instance in a thousand, reversing my first proposition, where injury has been done to a citizen of the United States, be it small or great, from a political motive—and by that I do not mean merely a party one although it comes to that, from a motive entering into the conduct of that person in respect of what he is to do in participating in the Government—there is not one case in a thousand where the committor of such a crime has been brought to justice at all.

The Senator from Ohio asks, speaking of South Carolina, "Why not; where is the republican governor; and the republican judges, where are they, the republican sheriffs, coroners, and so on; where are the instrumentalities of justice in South Carolina? Why are they not brought to bear?" That is a very pertinent inquiry. The Senator had intelligence enough to answer it but he did not. The answer would not have been convenient at this particular crisis of public affairs. We have seen within our very short memories that when a republican administration, not of the State but of the United States, under the Constitution and the laws, brought the power of the Union to bear upon such criminals as fall within the national laws, all of what are called the respectable orders of society in South Carolina, those who drew their blood from the Pinckneys and the Butlers and the Chestnuts and the McDuffies, and all those men of high estate, were called upon and cheerfully responded to raise a large sum by assessment to interpose all obstacles that ingenuity could to these people being brought to trial at all; and not having in that high-blooded State sufficient legal capacity and strength to carry out this defense, they sent into the North for recruits, and there were rallied to their legal banners the great, justly great, men Reverdy Johnson and Henry Stanbery, and they appeared, paid by the subscriptions of the first families of South Carolina, to defend the persons accused of these crimes. When they went there, I have as good reason to suppose from the public reports they believed, as Senators here appeared to believe, that this was a political and unjust prosecution carried on by the republican party for party ends, and that no such horrible state of atrocity and crime existed as was represented, and that they were really going there to defend patriots who, if they had trodden over the line of strict law, had done it in justifiable self-defense or under great provocation; and yet when those eminent democrats, thus retained and thus paid, appeared and heard the undisputed testimony, they threw up their briefs and retired in sorrow and disgust, and left these descendants of the first families and their associates to take the penalties of the law.

Now in respect of these recent affairs the Senator inquires why does not the State jurisdiction take hold of them. Yes, sir, why does it not? Under the United States jurisdiction there is a section of the law to which he misreferred, but it is still in the law. He referred to it as being in the enforcement acts, but it is not; but there is a law of 1862 which makes a juror liable to challenge in the courts of the United States, and of course not in those of the States, if he had borne arms in rebellion against his country and was unwilling to take an oath that he had been true to the Union he had sworn to support when he first became entitled to vote at all; and on that test the friends and fellows of the Ku-Klux could not conveniently get into a jury to acquit their associates. But when you come to the State laws there is no such exclusion, and under the State laws unless you pack a jury, which republican administrations are not inclined to do, you will get some one in the twelve in most cases who will have shared by sympathy or otherwise in the motives, the fundamental motives, of the parties accused, and you can get no verdicts. You cannot get verdicts in a local trial in the county where occurrences of this kind occur if one-half or one-twelfth even of your jurors are people who sympathize with the objects that their misguided fellow-citizens had in view.

Then there is another thing that has occurred in more than one State, as we have the evidence, I believe; and that is, if a grand jury is impaneled to inquire into such offenses, its members immediately receive letters from the first people of the State giving them notice that if they bring in indictments their heads will fall into the basket and their bodies will rest in unhonored graves if they are buried at all. That is rather disagreeable to the administration of justice, as I look at it, and therefore in a place like this you cannot always get an indictment even from a body of men every one of whom finds that the case is entirely proved, from the mere bodily fear that they themselves will be assassinated if they dare to execute the law.

Mr. President, the administration of justice in every State does not depend alone or chiefly, except in the merest technical sense of form, upon the judge, upon the sheriff, upon the governor, or the Legislature; it depends upon the sentiment of the intelligent body of the community and the land-holders in the county where the offense is to be tried. Every thinking man knows that. Take the prohibitory laws against the sale of liquor in New England, where we fondly imagine—perhaps we are wrong—that the people are as law-abiding as they are anywhere in the world; it is hard even in a question of that kind which does not much enter into politics but produces local feeling, it is very hard indeed in some places to find a jury that will convict for violation of laws of that character if the general sentiment of that particular community is against the law.

So putting it on a broader sphere and on a higher plane of cases, if you find a man indicted for a crime against a fellow-man of violence, not of mere robbery for private gain—I am not speaking of that at all; I am speaking of the class of crimes that have been spoken of in this debate and admitted to exist to a very large extent—when you come to a community where a jury is impaneled, that jury or some portion of it will almost invariably be affected by the prejudice—which is the word used by the honorable Senator from Ohio later on in his remarks—of the controlling classes in that community, and in such communities the controlling classes are necessarily the men who hold the landed estates and have the largest experience and intelligence about public affairs; and when you see such men relying by self-imposed taxation or assessments to defend such criminals, the effective purposes of justice, except under national administration, are almost hopeless. That is the state of it, Mr. President.

But what was this South Carolina affair which the Senator from Ohio has so much deplored, and has regretted, as I suppose the Senator from Texas and the Senator from Delaware have done, as an evidence of the hate of the republican party to the South? I suppose they so regard it, for that is all the reason they have given. They say they wish this period of hate and misconduct on the part of the republican party would only stop, then there would be peace; and the only fact they have given us is this horrible state of things followed by this great regret. What was it, sir? It simply was that a colored company of militia assembled to parade, as I believe is the right of everybody in every State, if the company is lawfully organized; and a couple of young gentlemen, as they were called, some of the first families, wanted to ride through their ranks in a buggy, just as fifteen years ago it would have been perfectly lawful to do. The poor, misguided, uneducated colored militia company supposed that they had some rights as a military company to occupy the street as well, and they did not let them drive through, whereupon the next day——

Mr. PATTERSON. They did drive through. The company opened ranks and let them go through for the sake of peace.

Mr. EDMUNDS. But having been delayed until their cigars went out, or until they got dry again, or whatever it might have been, they then complained of the captain or some officer of this military company before a justice of the peace for some kind of an assault or some

nuisance that interrupted the public highway when their lordships wished to drive along; and a warrant was got out for the arrest of this colored captain, or whatever officer he was. The colored people in that region may have had some suspicion from what they had noticed before about arrests of their race that if their captain was arrested on a warrant from this justice, the moment he was taken into custody the next moment he would die. That was the way justice was frequently administered; and they naturally had a little reluctance to seeing their captain disposed of with such summary justice as that, to be shot the moment he laid down his gun and handed him over to the sheriff so that it would be safe to shoot him when he could not shoot back. They were a little reluctant that he should surrender himself on the warrant of the magistrate. What did they do? Did they threaten to kill anybody? No; but they did assemble the company again under arms in the street and near their armory; and in that company this man took shelter. Is there any evidence at all that the sheriff was resisted? No! He did not go into the ranks to try to get the man. Not a bayonet was poised or a musket loaded, so far as we know. Then appeared the other Butler on the scene; and hastening over into the convenient and friendly State of Georgia, which was the nearest at hand, he told some of the young men that there was trouble brewing, for a considerable number of whites also had begun to assemble over in Hamburgh, and that the young men had better go over and see what was going on. That is the mildest way of putting it. So they did go over; and a large organized mob, under the command of somebody, assembled there.

Mr. PATTERSON. Taking a cannon with them, too.

Mr. EDMUNDS. And taking a cannon with them. Then this negro company retreated, without firing a shot, without injuring the property or liberty of any human being, into their armory which for the purposes of that case and at that time was their castle as much as your house or mine is ours; and this mob trained their guns upon them and threatened to destroy the whole lot if they did not surrender. Then there was turbulence, a little violence, and some shooting, I believe. Finally the colored company on a parley engaged to lay down their arms, which they had only raised in self-defense, and surrender them if they could be protected. They did lay down their arms and surrendered—laid down their arms to a body of men who had no more right to demand it than it has that you shall leave that chair at this moment and threaten to shoot you if you do not. And as they emerged one by one from that place of refuge of their own to which they had resorted, they were shot down by this organized body of the white respectable and responsible citizens of the States of South Carolina and Georgia.

Does anybody suppose that that sort of thing would happen in a normal condition of affairs; that it had no other origin or motive or cause than the simple circumstance that these two young white men had attempted to break the ranks of a colored company and had got up a difficulty? By no means. The point was to convince the colored population of the State of South Carolina that they held their military organization and their arms at the sufferance of the whites, and that at their demand at any time they must lay them down, and that it was very desirable in this particular year that that lesson should be taught and taught effectively in order that reform and good government might come in as my democratic friends say. That was the object of it as of every one of these troubles that have arisen; not one of them has sprung from any of the private crimes or difficulties that sometimes follow a state of war, from thieves, and robbers, and bad men being let loose on society, but merely from the circumstance that it was the fixed determination of the whites that the colored republicans should not be allowed the right even of self-defense, much less the right to vote as white people vote. That was the difficulty.

Why should we not believe that? Is there any one of these States that the Senator from Texas thanks God that the democratic party have got in the control and have sent him to the Senate and so on, where it is different? Is it not the fixed policy of the whites of the State of Texas—and by "the whites" at large I mean the white democratic party—to overthrow everything that reconstruction has accomplished? Did we not in respect of the State of Texas provide by a compact irrevocable that one clause in the constitution of that State as to one of the chief corner-stones of the Republic, free public schools, should never be changed? We certainly did; and yet how long was it after the democratic party got control of that State before they did, in spite of that very constitution itself in every respect, call a convention that it did not authorize and in a way it did not authorize, and changed its constitution in order in substance and effect to abolish that free system of public schools which the Legislature were bound to keep up by taxation?

Mr. MAXEY. Will the Senator allow me a word?

Mr. EDMUNDS. Yes, sir.

Mr. MAXEY. I will state in regard to the constitution of Texas adopted by the democratic party, to which the Senator from Vermont refers, that ample provision is made for schools and a large school fund. In a speech I made on a bill presented by the Senator's colleague I incorporated that much of the constitution as pertains to the subject, as well as the governor's message on the subject, and no distinction is made in regard to the distribution of the school fund among the children between school ages on account of color, race, or previous condition.

Mr. EDMUNDS. But will the Senator tell me that this new constitution does not in effect and in substance violate the compact that the State of Texas entered into when it was re-admitted in 1869?

Mr. MAXEY. I think it clearly does not.

Mr. EDMUNDS. Then the Senator's judgment of the law and that of my own and that of his own colored constituents differs very essentially. I will ask to have read here a memorial of the colored citizens of the State of Texas that I have no doubt except for color are just as respectable and just as intelligent as any other citizens of the State of Texas, and see what they say upon the subject.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States:

We, your petitioners, would respectfully represent that the present constitution of the State of Texas provides that free schools shall be maintained in this State for at least four months in each year, and that by the terms of the act of Congress permitting Texas to resume the exercise of the rights and privileges of a State in the Union she is forbidden to abrogate that article in her constitution.

And we, your petitioners, would further represent that, notwithstanding the solemn and binding nature of the compact thus entered into between the Government of the United States on the one hand and the State of Texas on the other, the present State government has by nonfeasance practically destroyed our system of free schools.

And your petitioners would further represent that the proposed new constitution now pending for adoption silently ignores the existence of a compact between the General Government and the State of Texas in relation to the subject of education and fails to make provision for an efficient system of free schools.

And your petitioners would further represent that, in addition to other funds, the new constitution proposes to appropriate that portion of the public domain granted to the State of Texas for the purpose of establishing an agricultural college to an institution to be used for the education of white youths exclusively:

Wherefore, to the end that a sacred and beneficent compact made in the interest of civilization and good government may not be wantonly and presumptuously violated, and that we may be protected in our rights as citizens of the United States, we pray your honorable body to take such action in the premises as will cause the State of Texas to keep in good faith her part of the aforesaid compact; and we, your petitioners, as in duty bound, will ever pray.

Done in convention of the colored people of the State of Texas and in the city of Houston this the 14th day of January, A. D. 1876.

Attest:

V. W. CUNY, *President*
JAMES P. BALL, *Secretary.*

Mr. EDMUNDS. Mr. President——

Mr. MAXEY. I will state to the Senator from Vermont——

Mr. EDMUNDS. I will yield although as the Senator knows I very much dislike interruptions as they interfere with the thread of my remarks; but I think it is fair that the Senator should be heard.

Mr. MAXEY. I will send for the constitution. I made a speech upon a bill presented by the Senator's colleague for the disposition of the public lands for the use and benefit of common schools throughout the country, and in that speech I copied so much of the constitution of the State of Texas as embraces the provisions in regard to the common schools. That I have sent for; I have no other copy about me. It is in the CONGRESSIONAL RECORD, and when I get it I will ask permission to read it.

Mr. EDMUNDS. But I will suggest to my honorable friend that what his colored constituents here complain of is not his speech, but the constitutional revolution, as it was, that has taken place in the State of Texas. The moment the democratic party got possession of the government, in order not to wait for the termination of the republican officials fixed by the constitution, they made a new constitution which should turn them all out at once and changed the constitution that Congress agreed to with these irrevocable conditions about public schools, &c., to something different, that this new ruling power that the Senator thanks God for thought would suit them better.

Mr. MAXEY. It is precisely to show what the democratic constitution says on that subject that I have sent for the record.

Mr. EDMUNDS. Now I put against the opinion of my friend the opinion of his constituents. I suppose they are both equally entitled to respect. There is some difference evidently between them. And while I am on this subject I should like to ask my friend from Texas what information he has upon this clause of this memorial which I have borrowed out of the files of the Judiciary Committee for a moment in order to illustrate this debate, and which is now under consideration there:

And your petitioners would further represent that, in addition to other funds, the new constitution proposes to appropriate that portion of the public domain granted to the State of Texas for the purpose of establishing an agricultural college to an institution to be used for the education of white youths exclusively.

I pause for a reply.

Mr. MAXEY. I have already stated to the Senator that so soon as I can get the constitution I will read it, and that will speak for itself better than I can.

Mr. EDMUNDS. The Senator then has at present no information, knowledge, or belief on the subject.

Mr. MAXEY. I have stated to the Senator that I have sent for the RECORD in which all that is copied.

Mr. EDMUNDS. Until the RECORD comes——

Mr. HAMILTON. If the Senator from Vermont will allow me I will state that among the proceedings of the Legislature of Texas, which is now about adjourning, I noticed only a day or two ago a proposition to establish an agricultural college for colored people. The agricultural college now in operation there is exclusively for white people. As I understand from what is going on in the Texas Legislature they propose in order to save matters to establish a col-

lege for colored children. It has not been done yet, however. It is under consideration in the Legislature.

Mr. EDMUNDS. I am much obliged to my honorable friend from Texas, [Mr. HAMILTON.] I did not suppose that as to any of the southern States almost where the democratic party has got into power anybody would dispute the fact that a steady reaction against the provisions of the constitutions adopted under the reconstruction acts was going on, not only steady but studied and persistent, either according to the forms of their existing constitutions or against them, they do not care which. Now here is another memorial from the State of Texas on the subject of the nature of that convention that undertook in this way to change the irrevocable provisions in the old constitution of 1869 about public schools and many other things, to the better interest of democratic good government—that is the government of the white man for the white man, and of the democrat for the democrat—here is a communication sent to the Judiciary Committee by the Attorney-General of the United States officially covering an official communication transmitted to him from the then governor or ousted governor of the State of Texas—I do not know which he was at the moment—asking the Government of the United States to interfere for the protection of the republican form of government of the State of Texas and to assist the authorities of the State then in office or then lately in office to resist a change in her government which was contrary to the constitution of 1869 and in spite of it and which overthrew the offices and the people who under that constitution had been elected. It is too long although it is very interesting reading to those philosophical students of history to whom my friend from Texas has referred, as showing the state of public sentiment in that State and the great causes that move people to feel bound to overthrow constitutions that a republican government has imposed on people lately in rebellion, the moment the ex-rebels can get into power and in defiance of the act of Congress and of the compact which they accepted by vote, the irrevocable condition which they accepted by vote—the moment they get into power they turn their backs on the constitution and the law as mere figments of the imagination and set up for themselves according to their own notions.

Mr. MAXEY. Now if the Senator will permit I will read what the democratic constitution is.

Mr. EDMUNDS. Let us hear it. I could not get it at the library and I am glad to get it even at second-hand.

Mr. MAXEY. It is as follows:

ARTICLE VII.

EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public-school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll-tax of $1 on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The lands herein set apart to the public free-school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

Which are now above par.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

I will state here that the Senator from Mississippi who sits in front of me [Mr. BRUCE] states that they have the same system in Mississippi and that it works well there.

SEC. 8. The governor, comptroller, and secretary of state shall constitute a board of education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.

That is the constitution; and the fund therein referred to, as shown by the report of the superintendent of public instruction, is:

Permanent school fund	$2,500,000
School lands located, acres	30,000,000
School lands unlocated, acres	31,000,000

All of which is the permanent, perpetual school fund of the State. Upon that, Governor Coke, a democratic governor, says in his last annual message:

With universal suffrage we must have universal intelligence if we would perpetuate free government, and a system of public education will alone accomplish it. The public sentiment of the enlightened and civilized world has crystallized in favor of public education, and the people who fail to recognize the fact and act accordingly will find themselves laggards in the general march of improvement. Every State in the Union is striving to perfect a system of public education, and Texas must not do less.

Mr. EDMUNDS. Has the Senator finished with the constitution?

Mr. MAXEY. That was the constitution I was reading.

Mr. EDMUNDS. Now will the Senator be good enough to send me that RECORD?

Mr. MAXEY. I will state to the Senator that the book I hold in my hand is the official copy from which I cut out the portion which I inserted.

Mr. EDMUNDS. I do not doubt the accuracy of my friend's quotation; but I did not notice anything about the agricultural college in it. There is a homely adage up North that talk is one thing and cider is another. Now we will look at these two constitutions and see which is the talk and which is the cider. I will not weary the Senate by going through all this mass of change, which if the State had held its plighted faith to the United States it would not have attempted to make at all, but I will take one single item and the only item that was good for anything in the first constitution for the next twenty-five years in that great empire State in order to keep up a system of free public schools, and that was this:

The Legislature shall set apart for the benefit of public schools one-fourth of the annual revenue derivable from general taxation.

There was a positive requirement that an absolute quarter of the general revenue of that State should be appropriated to public schools. Now what does the Senator's democratic constitution say? I beg of him to listen to it.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll-tax of $1 on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

That the Senator regards as democratic improvement for free and universal education that his good governor says, where talk is so cheap, is one of the things necessary to the prosperity of a republican State, as it is. The constitution that the rebel State of Texas accepted upon its honor and good faith as the price of liberty and justice, and under which the honorable Senator took his seat from that reconstructed State, declares that one-quarter of her general revenues should forever be appropriated to improve the intelligence and diffuse education in that State; and now comes the democratic revolutionary convention and in forms and ways denounced by the very constitution itself proposes that the Legislature shall not appropriate more than a quarter of her revenues for public schools. Do you not see the difference?

Mr. MAXEY. Mr. President——

Mr. EDMUNDS. O, no; my friend can wait now until I am through, I think. I have not quite got done with him.

That, Mr. President, is the difference. A republican Congress for liberty and justice and republican prosperity in a State said to that people: "You shall devote a quarter of your public revenues for your great need of rescuing from the ignorance and the vice applying both to black and white among the poor that necessarily results from your old slave laws, to the general and free diffusion of education and intelligence among the children of that State;" and the reconstructed rebel State of Texas said "Yes, we return to fraternity on those terms," but they no sooner return than they turn their backs on their plighted faith and tell their Legislature that they need not appropriate a fourth of the general revenues for the purposes of schools. They say that not more than a quarter shall ever be appropriated, instead of saying as the old constitution did, that every year whenever a poor man, white or black, was taxed on the little property he had, a quarter of that tax should go to the education of his and his neighbor's children; and this reformed, enlightened, progressive empire-republic of Texas comes to us now and says through the mouth of my distinguished friend that this change in her constitution, accomplished by revolution as it was—but that is nothing to this point—is substantially an advance in favor of the free diffusion of intelligence in that State! Why, Mr. President, I am amazed that anybody should undertake to defend a change in a constitution of that character.

What is this permanent school fund, making the best of it, or her governor's report? Two million and a half of dollars or whatever it may be. Suppose it was in good bonds and well invested, what do you get a year from it at 6 per cent.? One hundred and twenty or one hundred and fifty thousand dollars or whatever it may be for a State larger than the whole of New England and the great State of New York to apply to schools, and for all the rest you have got to depend upon asking the good-will of a democratic legislature who,

seem to have been so dissatisfied with the constitution that made it a duty that they were ready to violate the constitution itself to get rid of it. If that is democracy, I beg to be excused from subscribing to it.

Mr. MAXEY. Mr. President, will the Senator yield to me now?

Mr. EDMUNDS. With great pleasure.

Mr. MAXEY. He has stated but a very small and a very trifling portion of the school fund which is perpetually set apart, two millions and a half of dollars in bonds of the United States. There are 30,000,000 acres of located lands and 31,000,000 acres unappropriated, besides the poll-tax on all persons between the ages of twenty-one and sixty years.

Mr. EDMUNDS. Yes, I know. Now let us see. There is land, 30,000,000 acres of unappropriated land.

Mr. MAXEY. Thirty millions located land and 31,000,000 unlocated.

Mr. EDMUNDS. Sixty-one millions then of unappropriated lands.

Mr. MAXEY. No, sir. Thirty millions have already been appropriated and belong to the school fund.

Mr. EDMUNDS. The Senator is caviling about a term. I repeat if he will be good enough to believe that I understand myself——

Mr. MAXEY. I will state to the Senator that I never cavil about anything. I say 30,000,000 acres of land are already segregated from the public domain and belong to the school fund. It is appropriated land. Thirty-one million acres have not been located.

Mr. EDMUNDS. I am quite certain I understand the Senator, and understanding him, I repeat that you have got 61,000,000 acres of unappropriated lands, that is, lands that are not appropriated to the raising of any money or that do not raise any money. I am not upon the question of whether they are segregated or non-segregated, if the Senator will pardon me.

Mr. MAXEY. They are authorized to be sold and the proceeds put into the fund.

Mr. EDMUNDS. So they are undoubtedly, and so are all the lands of the State authorized to be sold, and so are all the lands of the United States. As I said before—for I do not speak in ignorance of the constitution of Texas, the Senator will give me leave to say, as I said before he spoke of it at all, this provision for the schools in respect of public lands, for the next twenty years, the next five years, the next three years, the next two years, is absolutely inefficient and almost valueless because the greatest necessity for education is now, and where now the greatest necessity is you have land.

Mr. HAMILTON. Will the Senator from Vermont allow me to say a word?

Mr. EDMUNDS. Yes, sir.

Mr. HAMILTON. Referring to the school fund of Texas, I beg to remind my colleague that the constitution of 1869 required all the school lands belonging to the counties to be put under State control. Each organized county of the State had four leagues of land located and patented. Those lands were required by the constitution of 1869 to be turned over to the State to be used for the school fund, because the framers of the constitution had no confidence in the management of that land by the counties. There would be no uniformity; it would be impossible for one hundred and fifty counties, having each a school system of its own, to have any uniformity at all. Now, under the constitution recently adopted in Texas those lands, I understand, are required to be turned back to the counties with authority to sell and dispose of the proceeds in any manner they see proper, and at any time, and without any system at all. Further, the lands set apart for the University of the State are authorized by the constitution to be sold. I undertake to say that the school fund will not have one acre of land in ten years, nor any of the proceeds of those lands. They will be squandered absolutely, and they intend to squander them. That is my conviction. I will state to my colleague that during the rebellion, and at the very beginning of the rebellion, a large portion of the most valuable lands in the State were sold on credit and the payment received in confederate money after the surrender, when it was not worth two cents a bushel.

Mr. MAXEY. In reply to my colleague on that subject I will state——

Mr. EDMUNDS. This is a little hard on a poor fellow like me.

Mr. MAXEY. The constitution which the Senator has before him shows that the proceeds of the sales of the county land are to be used for school purposes. It is a trust fund and cannot be used otherwise.

Mr. EDMUNDS. Now, if I can have a little word in this debate, I should like to say one or two things. I was coming to what my friend from Texas [Mr. HAMILTON] has now drawn attention to; but I had not quite finished on the other branch of the subject, which I will now finish.

The appropriation of land instead of money by this new constitution for these schools is for the time being an absolute denial of any funds at all to carry on schools; because you cannot sell your lands in a minute, and you cannot get your pay in a minute when you do. We have seen here to-day that even in the rich and prosperous State of Kansas among her best lands and her best settlers it is necessary on the sale even of small quantities to give time, one, two, three, or four years. I repeat what I said before, that the time when Texas needs education most is just now. The only evidence she has given of reconstruction since the democrats have come into power has been the election of my honorable friend, [Mr. MAXEY,] and that I admit to be a good evidence; but every other act that she has done that affects public affairs in the general sense of the subject we are now speaking of has been going backward with steady persistence. I submit to the candor of my honorable friend from Texas, [Mr. MAXEY,] whose knowledge of the law and whose statesmanship and whose acuteness I admire, that he cannot take the old constitution and the new one and say that the new one is promotive of the objects of education as compared with the old, but the reverse.

Mr. MAXEY. I will state to the Senator from Vermont that whenever that memorial comes up or a report upon it from the Judiciary Committee comes up, I propose to be prepared to reply to it. In this debate it does not properly come in.

Mr. EDMUNDS. I suppose not. Nothing properly comes in except the denunciation of our friends on the other side of what they call republican hate. That is all that seems to be proper in this debate. When we cry out against the invasion of the rights of American citizens; when we the responsible agents of the Constitution undertake to inquire into how the liberties of American citizens are protected, we are only replied to by the words "republican hate" and "bloody shirt;" and when, in answer to Senators on the other side, we go into the nature of their institutions and the tendency of their politics, they say, "O, no, we are not ready now, we will take that up some other time." Well, Mr. President, I propose to take it up now, inasmuch as it is a fit and proper element necessary to the discussion of the general question into which the Senators have gone as to the condition of these States to which we have referred. When the physician is called to a disease, as you all agree that this Hamburgh affair is, which is only one of a hundred, the first thing that the good physician does is to inquire into the habits and the life of the patient, how came he to break out with this violent disorder, what sort of a constitution had he, who were his associates, what was his manner of life, what led to this sudden and violent disease that has appalled all his neighbors and killed so many of his friends and associates. Is that not fair?

I allude to this Texan matter now because the Senator took up the State of Texas in order to show that there prevailed peace, good order, prosperity, equal rights, and public instruction since the democratic party got into power. In answer to that, as well as a fit and proper element in this discussion, I propose to show as the truth really is, and the Senator upon his intellectual knowledge of the English language cannot read these two constitutions and deny it, that this democratic revolutionary constitution goes steadily backward in respect to public instruction; goes backward, I suppose, from a policy and a purpose, and that policy and that purpose is one that has been stated by democrats in public debates in some others of the southern States to be in order to restore the ancient order of things in substance although not in form, and that every triumph that the rebellion expected to achieve, except independence, could still be accomplished in another way, and that in respect of labor and education and all the old relations of an aristocracy to a serfdom, the old baronial system, as Governor Smith, of Georgia, called it, could be restored without getting themselves within the reach of the claws of the American eagle. That is the thing to which I wish to call public attention in order that the intelligent freemen of this country may ask themselves whether they wish to commit the Government of this country to such hands for such purposes.

Now, Mr. President, I come to this public-land business. The old constitution of Texas provided:

> The public lands heretofore given to counties shall be under the control of the Legislature and may be sold under such regulations as the Legislature may prescribe, and in such case the proceeds of the sale shall be added to the school fund.

What does the revolutionary democratic constitution provide? It provides:

> SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education or schools are of right the property of said counties, respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part in manner to be provided by the commissioners' court of the county.

Then it goes on—

Mr. MAXEY. Mr. President——

Mr. EDMUNDS. I know the Senator will be good enough to excuse me. I am very tired.

Mr. MAXEY. The Senator has fallen into a legal error.

The PRESIDENT *pro tempore*. The Senator from Vermont declines to yield.

Mr. MAXEY. I only wanted to explain.

Mr. EDMUNDS. The new constitution, as the Senator from Texas behind me [Mr. HAMILTON] has stated, takes these lands away from the control of the Legislature where the general intelligence and the general responsibility of the whole State could apply them impartially to all the counties according to the necessities of education among the rich and poor alike. The revolutionary constitution says: "We reverse that and we give to every county, be it a county of all planters who will control everything, all the lands in that county to be disposed of when and in the manner they please." They may keep them one hundred years, and a school-house will never open its doors in that county at all unless the Legislature chooses under this new constitution to appropriate a little money——

Mr. MAXEY. I wish to correct a legal error.

The PRESIDENT *pro tempore*. The Senator from Vermont declines to be interrupted and the Chair must protect him.

Mr. HITCHCOCK. If the Senator from Vermont will give way, I move that the Senate adjourn.

Mr. EDMUNDS. I will give way if the Senate wishes to adjourn.

Mr. BOUTWELL. I ask the Senator to withdraw that a moment. We ought to have an executive session.

Mr. HITCHCOCK. I will withdraw my motion for that purpose.

EXECUTIVE SESSION.

Mr. BOUTWELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MANAGEMENT OF SOLDIERS' HOMES.

Mr. TERRY. I ask unanimous consent to report from the Committee on Military Affairs a resolution on the subject of the management of soldiers' homes, which was some days ago ordered to be printed and recommitted.

The resolution was read, as follows:

Resolved, That the Committee on Military Affairs be, and they are hereby, authorized to continue their investigations into the management and control of the National Home for Disabled Volunteer Soldiers during the vacation of Congress, and to ascertain what reforms in the same are necessary, and that said committee be authorized to make such investigations through subcommittees, who may visit said homes; and that such subcommittees be authorized to send for persons and papers, administer oaths, and do all such other acts as may be necessary for a full and complete inquiry into the management and control of said homes, and make due report of the same.

Mr. HALE. I object. I have given notice heretofore that I would object to all propositions for the sitting of committees during the recess.

Mr. TERRY. Then I want it distinctly understood that the objection to this investigation comes from the other side of the House.

Mr. HALE. And I want it just as distinctly understood that it comes from this side of the House and from me; and that I shall continue to object to all propositions to allow committees to sit during the recess.

INVESTIGATION OF ELECTION IN MISSISSIPPI.

Mr. VANCE, of Ohio. I ask unanimous consent that the resolution of the Senate for printing the report of the special committee to investigate the late election in Mississippi be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, the following resolution of the Senate was read and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 4,000 copies of the report of the special committee to investigate the late election in Mississippi, with the views of the minority, be printed for the use of the Senate.

BILLS FOR PRIVATE CALENDAR.

Mr. MILLIKEN, by unanimous consent, reported from the Committee on War Claims bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4061) for the relief of Mary E. Purnell; and

A bill (H. R. No. 4062) for the relief of the estate of Mrs. Mary Scott.

PUBLIC SCHOOLS.

Mr. O'NEILL. Mr. Speaker, on account of indisposition, having been temporarily detained from the House during the latter part of yesterday's session, I now ask unanimous consent to be permitted to record my vote on the joint resolution proposing an amendment to the Constitution on the subject of non-sectarian public schools.

Mr. HOLMAN. There is certainly no objection to the gentleman's voting.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. O'NEILL. I then record my vote in the affirmative.

Mr. MILLER. I make the same request, as I was absent from the House on committee-work. I vote in the affirmative.

Mr. RANDALL. I suggest that all gentlemen who were not present yesterday and desire to vote on this question may be permitted to do so. This is stripped of all political consideration. Of course they are to record their votes to-day.

Mr. WILSON, of Iowa. I agree, provided it shall not change the result.

The SPEAKER *pro tempore*. Of course. The Chair hears no objection, and it is so ordered.

Mr. GARFIELD. Mr. Speaker, I record my vote on the proposed amendment to the Constitution known as the Blaine amendment. I left the House soon after the close of my remarks yesterday, not supposing at so late an hour this question would come up. If I had been here I should have sought to strike out the last clause, which may possibly be construed as denying the necessary power to enforce the amendment. But hoping it may be so modified in the Senate I vote "ay."

Mr. O'NEILL. I wish to state that my colleague [Mr. KELLEY] was absent yesterday by leave of the House, and if present he would have voted in the affirmative.

Mr. MONROE and Mr. DANFORD also recorded their votes in the affirmative.

DISTRICT INDUSTRIAL SCHOOL FOR GIRLS.

Mr. HOLMAN. The gentleman from Michigan, (Mr. W. B. WILLIAMS,) who is absent from the House on account of sickness in his family, had in his hand yesterday a bill which he desired to report back from the Committee on Public Buildings and Grounds for reference to the Committee of the Whole on the state of the Union. I ask by unanimous consent that that bill be now received.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. HOLMAN. I move that the bill (H. R. No. 3765) providing for the erection of the industrial school for girls in the District of Columbia, reported back from the Committee on Public Buildings and Grounds by the gentleman from Michigan, be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The motion was agreed to.

M. P. JONES.

Mr. LANE, by unanimous consent, introduced a bill (H. R. No. 4063) to re-imburse M. P. Jones for money deposited in the United States depository, Portland, Oregon, for public-land surveys; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN J. ANDERSON.

Mr. STONE. I ask, by unanimous consent, to take up Senate bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White, and put it on its passage; and I ask the indulgence of the House for one moment to give an explanation of it.

Mr. RANDALL. After that I give notice I shall demand the regular order of business.

Mr. PAGE. I demand the regular order of business now.

Mr. RUSK. So do I. I wish to ask for a committee of conference.

COINAGE OF GOLD AND SILVER.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour begins at twenty minutes after twelve o'clock. The pending business in the morning hour is the consideration of a bill reported from the Committee on Mines and Mining, being the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, on which the previous question has been demanded by the gentleman from Missouri. [Mr. BLAND.]

Mr. HALE. The gentleman from Missouri must see by this time, as this is confined to the morning hour, that it is a very easy thing for its passage to be prevented. I believe it to be a bad bill. Many believe it is a bad bill and will not consent to its passage. Now, what does the gentleman gain by forcing it every morning hour where the gentleman is limited to sixty minutes and evidently cannot make any progress with it? It only takes up the time of the House to the exclusion of other business in the morning hour.

Mr. BLAND. In answer to the gentleman from Maine, I wish to say that when this injustice of demonetizing silver was perpetrated upon the people of this country filibustering was not resorted to. The bill, sir, was not read at that desk. Gentlemen who represent the money-sharks of this country surreptitiously carried the bill through without its reading at the Clerk's desk, and I would be pusillanimous indeed to give up because I am threatened with filibustering performances. Do gentleman suppose the people of this country will submit to such filibustering as this on a bill in their interest, and not in the interest of the money-sharks of this country? Let them filibuster and take the consequence. Let them continue this fraud if they can by filibustering in this House. I for one am willing to go before the country demanding the previous question at every opportunity. I insist on it now.

Many MEMBERS. Regular order!

Mr. BLAND. I am threatened with filibustering. I shall demand the previous question from now until the end of Congress.

Mr. PIERCE. The statement made that the bill was surreptitiously carried through Congress is not true. It was nearly three years before Congress and was printed thirteen times.

Mr. BLAND. It was a fraud perpetrated upon the people of this country. It was never read at that desk. [Cries of "Regular order."]

The SPEAKER *pro tempore*. The Chair hopes order will be preserved.

Mr. O'BRIEN. Pending the demand for the previous question, I move the House adjourn, and on that motion demand the yeas and nays.

Mr. PIERCE, Mr. FORT, and Mr. BLAND took the floor and made remarks which were inaudible, the Speaker *pro tempore* beating his gravel all the while.

The SPEAKER *pro tempore*. The Chair is strongly impressed with the idea that he can make more noise than either of the gentlemen who occupy the floor out of order. [Laughter and applause.] It is only a waste of breath, as not a word of what they are saying can be heard by the reporters.

Mr. TOWNSEND, of Pennsylvania. Pending the motion to adjourn, I move that when the House adjourns to-day it adjourn to meet on Tuesday next, and on that motion demand tellers.

Mr. BLAND. I hope gentlemen passing through the tellers will be watched——

The SPEAKER *pro tempore*. Debate is out of order.

Tellers were ordered; and Mr. TOWNSEND, of Pennsylvania, and Mr. BLAND were appointed.

The House divided; and the tellers reported—ayes 20, noes 116; no quorum voting.

Mr. BLAND. Mr. Speaker, does it require a quorum to decide a motion to adjourn?

The SPEAKER *pro tempore*. To adjourn over, a quorum is certainly required.

Mr. TOWNSEND, of Pennsylvania. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 34, noes 62.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 4, nays 186, not voting 95; as follows:

YEAS—Messrs. O'Brien, Pierce, Washington Townsend, and Young—4.

NAYS—Messrs. Abbott, Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Bell, Blair, Bland, Boone, Bradford, Bright, John Young Brown, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Crounse, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Durand, Durham, Eames, Eden, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Frye, Garfield, Goode, Gunter, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Haymond, Henderson, Henkle, Abram S. Hewitt, Hoar, Hoge, Holman, Hooker, Hopkins, House, Hubbell, Hunton, Hurd, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lewis, Luttrell, Lynch, Lynde, Mackey, Maish, MacDougall, McCrary, McFarland, McMahon, Meade, Metcalfe, Miller, Milliken, Mills, Morgan, Morrison, Mutchler, Nash, Neal, New, Odell, O'Neill, Packer, Page, Phelps, Platt, Poppleton, Potter, Powell, Pratt, Purman, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Woodburn, and Yeates—186.

NOT VOTING—Messrs. Bass, Beebe, Blackburn, Bliss, Blount, Bradley, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, Candler, Chapin, Conger, Cox, Crapo, Culberson, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Fuller, Gause, Gibson, Glover, Goodin, Andrew H. Hamilton, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendree, Hereford, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moyne, Lord, Magoon, McDill, Money, Monroe, Norton, Oliver, Payne, John F. Philips, William A. Phillips, Piper, Plaisted, Rainey, Reagan, James B. Reilly, Sobieski Ross, Sayler, Schumaker, Seelye, Smalls, Sparks, Spencer, Springer, Stowell, Swann, Tarbox, Martin I. Townsend, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, G. Wiley Wells, Wheeler, White, Whitehouse, Wike, Andrew Williams, Charles G. Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, and Woodworth—95.

So the House refused to adjourn over.

During the roll-call,

Mr. SAMPSON said: My colleague from Iowa, Mr. MCDILL, is necessarily absent from the House. I desire also to state that the gentleman from Michigan, Mr. CONGER, is absent from the House on a conference committee.

Mr. MACDOUGALL. I move that the reading of the names be dispensed with.

Mr. PIERCE. I object.

The names of members voting were read, and the result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Maryland [Mr. O'BRIEN] that the House do now adjourn.

Mr. MCCRARY. I wish to appeal to the gentleman from Maryland to withdraw his motion to adjourn, and let an effort be made to come to an understanding for reasonable debate and a final vote upon this bill. It appears to me this is no time in the session and this is no question on which we ought to waste the time of the House in filibustering.

Many members called for the regular order.

Mr. O'BRIEN. I call for tellers on the motion to adjourn.

On the question of ordering tellers there were ayes 31; more than one-fifth of a quorum.

So tellers were ordered; and Mr. O'BRIEN and Mr. BLAND were appointed.

The House divided; and the tellers reported—ayes 4, noes 148.

Mr. O'BRIEN. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 30, noes 88.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 186, not voting 97; as follows:

YEAS—Messrs. O'Brien and Washington Townsend—2.

NAYS—Messrs. Abbott, Adams, Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr, John H. Baker, William H. Baker, Ballou, Banks, Banning, Bell, Blair, Bland, Boone, Bradford, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Cabell, John H. Caldwell, Cannon, Cason, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Durand, Durham, Eames, Eden, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Frye, Garfield, Goode, Goodin, Gunter, Hale, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Haymond, Henderson, Henkle, Abram S. Hewitt, Hoar, Hoge, Holman, Hooker, Hopkins, House, Hubbell, Hunton, Hurd, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lewis, Luttrell, Lynch, Lynde, Mackey, Maish, MacDougall, McCrary, McFarland, McMahon, Meade, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, Neal, New, Odell, O'Neill, Packer, Page, Payne, Phelps, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Springer, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Tufts, Turney, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Woodburn, Yeates, and Young—186.

NOT VOTING—Messrs. Ashe, Bass, Beebe, Blackburn, Bliss, Blount, Bradley, Buckner, Samuel D. Burchard, Burleigh, William P. Caldwell, Campbell, Candler, Chapin, Chittenden, Conger, Cowan, Crapo, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Fuller, Gause, Gibson, Glover, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Hereford, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lord, Magoon, McDill, Money, Norton, Oliver, John F. Philips, Plaisted, Platt, Pratt, Purman, Rainey, Reagan, James B. Reilly, Roberts, Sobieski Ross, Sayler, Schumaker, Seelye, Smalls, Sparks, Spencer, Stowell, Swann, Tarbox, Martin I. Townsend, Tucker, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Wilshire, Alan Wood, jr., Fernando Wood, and Woodworth—97.

So the House refused to adjourn.

Mr. O'BRIEN. Has the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired.

ORDER OF BUSINESS.

Mr. COX. I am authorized by the Committee on Banking and Currency, which is authorized to report at any time, to report a bill for the partial repeal of the resumption act.

SURVEYS IN SCIENTIFIC EXPEDITIONS.

Mr. GARFIELD. Will the gentleman yield to me to allow me to ask unanimous consent for the passage of a joint resolution which I introduced a short time ago, being a joint resolution (H. R. No. 145) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century?

The object of the joint resolution is to authorize the Secretary of State to have prepared and laid before Congress a volume not to exceed eight hundred pages octavo giving an account of the several surveys and scientific expeditions that have been ordered by the United States during the present century.

Mr. RANDALL. What is the limitation as to the appropriation?

Mr. GARFIELD. It is limited to $7,500; and I hope the gentleman will allow me to say that in addition to the great interest which such a history of the expeditions authorized by the United States it may enable us to save a good deal of money by preventing the overlapping of surveys of territory which has already been surveyed, and I ask the gentleman to hear the joint resolution read.

The Clerk read the joint resolution, as follows:

That the Secretary of State be authorized and directed to cause to be prepared and published a brief history of the several surveys and scientific expeditions ordered and prosecuted by the United States during the century just closed, including in said history the various foreign and oceanic expeditions, the surveys of the coast and of the lakes, and the several topographical, scientific, and military surveys of the interior; and that the same be reported to Congress as soon as practicable. And to enable the Secretary to carry into effect this resolution, the sum of $7,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. RANDALL. I have no objection to the reference of the joint resolution.

Mr. GARFIELD. I hope the gentleman from Pennsylvania will see that it is too late in the session to refer such a resolution if it is designed to pass it.

Mr. RANDALL. It may be the entering-wedge to a large expenditure of money, and I ask the gentleman to have it referred.

Mr. GARFIELD. It has already been referred to the gentleman's own committee.

Mr. HOAR. Allow me to say to the gentleman that Lewis and Clarke's exploration of the whole Northwest is entirely inaccessible now and no copies can now be obtained for libraries or for any other purpose.

Mr. RANDALL. My experience shows that the dangerous step in reference to these matters is the first step. If the gentleman from

Ohio is willing that the joint resolution shall be referred to a committee, I am ready to consent that the committee shall report it back at any time.

Mr. GARFIELD. It was referred to the gentleman's committee, as I have already stated.

Mr. BANKS. Will the gentleman from Ohio allow me to move that the House adjourn?

Mr. GARFIELD. Not at this time. Will the gentleman from Pennsylvania agree that his committee shall have leave to report it back at any time?

Mr. RANDALL. I do not want it referred to my committee. I think the Committee on Public Lands is the proper committee.

Mr. GARFIELD. I have no objection to that reference if the gentleman will allow it to be reported back at any time.

Mr. RANDALL. I have no objection to that if it be referred to the Committee on Public Lands.

Mr. GARFIELD. I move, then, that the joint resolution be referred to the Committee on Public Lands, with leave to report it back at any time.

There was no objection, and it was so ordered.

EXPENDITURES IN THE WAR DEPARTMENT.

Mr. COX. I yield for a moment to the gentleman from Pennsylvania [Mr. CLYMER] who desires to make a report in order that he may leave the House.

Mr. CLYMER, from the Committee on Expenditures in the War Department, submitted a report in writing; which, with the views of the minority, was laid on the table, and ordered to be printed.

EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. COX. I yield for a moment to the gentleman from Illinois [Mr. CAULFIELD] to submit a report.

Mr. CAULFIELD, by unanimous consent, submitted a report in writing from the Committee on Expenditures in the Department of Justice; which, with the views of the minority, was ordered to be printed and recommitted to the committee.

Mr. HALE. I ask that the reports shall be presented at the same time and printed.

Mr. RANDALL. They will of course be printed together, but the majority report is already made.

Mr. WILSON, of Iowa. Let the understanding be that the report is not to be brought back by a motion to reconsider.

There was no objection, and it was so ordered.

Mr. JOYCE submitted the views of the minority.

SURVEYS OF THE POWELL, CLINCH, AND EMERY'S RIVERS.

Mr. TERRY. I ask unanimous consent that all the reports of the surveys of the Powell, Clinch, and Emery's Rivers, which were submitted by the Secretary of War, and which the House failed to order to be printed, shall now be ordered to be printed.

The SPEAKER *pro tempore*. And recommitted to any committee?

Mr TERRY. No, sir; simply printed as a public document.

There was no objection, and it was so ordered.

Mr. HALE moved to reconsider the vote by which the reports were ordered to be printed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA PAY OF CONGRESSMEN.

Mr. COX. I yield for a moment to the gentleman from Illinois [Mr. FORT] to submit a report from the Committee of Accounts.

Mr. FORT, by unanimous consent, submitted a report, which was read by the Clerk, as follows:

The Committee of Accounts, to whom was referred the following resolution:—

"Whereas there are no statutes nor uniform precedents fixing the compensation of members of special committees for attending the same sitting outside of the District of Columbia: Therefore,

"*Resolved*, That a committee of five members of this House be appointed by the Speaker to consider and report how or upon what basis said compensation shall be estimated and determined"—

would respectfully report that in the opinion of this committee the Speaker should not be required to appoint the special committee mentioned in said resolution, for the reason that no compensation should ever be allowed to any member of Congress above his annual salary, and this committee knows of no instance where extra compensation has been made when members of Congress have served on committees outside of the District of Columbia; their actual and necessary expenses have always been paid, and this committee deem that such should continue to be the rule.

Mr. FORT. I ask the adoption of the report of the committee.

The report of the committee was adopted.

Mr. FORT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNATIONAL CENTENNIAL REGATTA.

Mr. WHITTHORNE, by unanimous consent, introduced a joint resolution (H. R. No. 162) to authorize the Secretary of the Navy to detail officers for a grand international centennial regatta on the Schuylkill River; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REPEAL OF RESUMPTION ACT.

Mr. COX. I am instructed by the Committee on Banking and Currency, to whom was referred House bill No. 3074, to repeal in part the resumption act of 1875, to report the same back with a substitute, (H. R. No. 4064,) which I ask the Clerk to read.

The Clerk read as follows:

A bill to repeal the resumption-day clause in the resumption act of 1875:

Be it enacted, &c., That the resumption-day clause in section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, which clause is in the words following, to wit:

"On and after the 1st day of January, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50"—

be and the same is hereby repealed.

Mr. COX. I would state for the information of the House that the Committee on Banking and Currency, consisting of members from both sides of the House, have come to an accommodation as to this debate, to allow one hour and a half, if the House please, for debate on this substitute, and one hour and a half for debate on another measure which I propose to follow this bill.

Mr. GARFIELD. What is that other measure?

Mr. COX. It is a concurrent resolution for the appointment of a joint commission to consider the monetary system, which was introduced by the gentleman from Louisiana, [Mr. GIBSON.] If agreeable to both sides of the House, at the end of an hour and a half I propose to call up that concurrent resolution and to have an hour and a half of debate on that also.

Mr. O'BRIEN. Before the vote is taken on the other?

Mr. COX. To have the vote taken on the first bill at the end of an hour and a half. If the House please, I propose to call the previous question on the first bill at the end of an hour and a half, and to call the previous question on the concurrent resolution at the end of another hour and a half.

The SPEAKER *pro tempore*. What distribution of time does the gentleman from New York propose?

Mr. COX. I propose to divide up the time on both sides of the House, an hour and a half on the first bill and an hour and a half on the concurrent resolution. I do not myself propose to occupy more than five minutes, and the gentleman from Iowa [Mr. KASSON] and myself will divide up the time equally between his side of the House and this side of the House.

Mr. RANDALL. Three-fourths of an hour on each side?

Mr. COX. Three-fourths of an hour on each side on each proposition.

Mr. O'BRIEN. I suggest to the gentleman from New York [Mr. COX] to allow two hours' debate on the first bill. I must object to anything less than two hours, and that I think is little enough.

Mr. COX. I have no objection to allowing two hours on the first bill, and an hour on the other.

Mr. STEVENSON. I ask that the resolution of the gentleman from Louisiana [Mr. GIBSON] may be read.

Mr. PAGE. Before that is read, I would like to ask if the Speaker should not divide the time, not according to the side of the House, but among the friends and the opponents of this bill? There may be some gentlemen on the opposite side of the House who are opposed to this repeal, and I think the time should be equally divided by the Speaker between the friends and the enemies of this measure.

Mr. COX. The arrangement will be satisfactory to gentlemen on that side, for the gentleman from Iowa [Mr. KASSON] will have charge of the time.

Mr. FORT. I reserve any point of order or objection to the concurrent resolution until it is read.

Mr. COX. I will send the concurrent resolution to the Clerk's desk to be read.

The Clerk read as follows:

A concurrent resolution for the appointment of a joint commission to consider the monetary system.

Resolved by the House of Representatives, (the Senate concurring,) That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence, and whose duty it shall be to inquire—

First, into the change which has taken place in the relative value of gold and silver; the causes thereof; whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and productive interests of the country, and upon the standard of value in this and foreign countries;

Second, into the policy of the restoration of the double standard in this country, and, if restored, what the legal relation between the two coins, silver and gold, should be;

Third, into the policy of continuing legal-tender notes concurrently with the metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and,

Fourth, into the best means of providing for facilitating the resumption of specie payments.

And said commission is authorized to employ a stenographer, and shall report on or before the 15th day of January, 1877, with the evidence taken by them and such recommendations for legislation as they may deem proper.

Mr. FORT. I desire to reserve whatever point of order may lie against that concurrent resolution requiring its first consideration in the Committee of the Whole.

The SPEAKER *pro tempore*. The concurrent resolution is not now before the House for action; it has been read simply for information.

Mr. LAWRENCE. Is it the purpose of the gentleman from New York [Mr. COX] reporting this bill to allow amendments to be offered to it?

Mr. COX. The committee have instructed me to deny all requests for the offering of amendments in the House.

Mr. LAWRENCE. And you do not propose to fix any time for resumption?

Mr. COX. The committee propose simply the measure introduced, without amendment. It is for the House to decide, in voting upon the previous question, whether it will allow amendments or not. That is not for the committee or myself to decide.

Mr. LAWRENCE. And it is not proposed to adopt any means looking to resumption?

The SPEAKER *pro tempore*. The House in voting upon seconding the demand for the previous question will decide whether it desires to amend the bill or not.

Mr. MORRISON. I wish to offer as an additional section an amendment to this bill, making preparations for resumption of specie payment. I desire to know from the gentleman from New York [Mr. COX] whether he will allow such an amendment?

Mr. COX. I am not authorized by the committee to make any such arrangement, and with all respect for my friend from Illinois, I cannot agree to it without the consent of that committee.

Mr. HEWITT, of New York. I desire to offer a substitute. I would like to know from my colleague whether he will allow me to offer a substitute?

Mr. COX. I must give my colleague [Mr. HEWITT] the same answer that I have given to the gentleman from Illinois. I have no objection to having the gentleman's amendment read for the information of the House, but I do not propose to yield for any amendment.

Mr. Speaker, the House will understand that, in presenting these two measures, it is not intended that the one should be an amendment or substitute for the other. The bill now pending provides simply for the repeal of the resumption-day clause in the act of January 14, 1875. The other measure is a concurrent resolution. It is not in any sense a substitute for this bill. It has no relation to the substance of the bill. It is no more germane to it than is an inquiry germane to a conclusion. One raises a commission; the other is a consummated measure.

Mr. Speaker, in bringing this measure before the House I am fully aware that it is presented at the end of a long and tedious discussion in the committee reporting it, as well as in the House, press, and country. This discussion has aroused not only partisan feeling during this presidential year, but a great deal of ratiocination and sophistry among fiscal minds. For many months it seemed impossible to solve any of these troublesome problems, at least during this session of Congress.

The concurrent resolution for the appointment of a commission to consider questions connected with the currency is in the line of precedents, in France, in Germany, and in England, as well as in this country, that men who are experts should be associated with legislators in order to give this coin and resumption question a careful, thorough, and exhaustive study before further legislation is demanded.

Upon one thing I think all should agree, that the act fixing January 1, 1879, as the day for specie resumption is hopeless of execution and a standing threat to our prosperity. What possible good to the business interests of the country has it effected? What practical purposes has it subserved in arousing dormant or dead energy? Our best business men have answered and have said to our committee that resumption on that day is a chimera. We had before us many practical men and bankers. I recall one whom we questioned. He was a Mr. Hall, of Boston. He was the head of the bankers' convention of the United States which met a year or more ago at Saratoga. The question was asked him, "Can we resume at the day fixed?" He answered, as almost every intelligent, thoughtful man has answered, "No, sir; there has not been proper preparation therefor, and it is impossible to reach resumption at that time." Go outside of the politicians and ask the question, and you will find the same honest response. Let us deal fairly with our people. The attempt or pretense to do a hopeless thing arouses needless apprehension, helps speculation at the expense of industry, and cannot impress the people with either our sense of wisdom or our regard for their interests.

Mr. Speaker, this financial problem is a hard one to solve. We may have to make sacrifices many and great before we reach the real solution of specie resumption. Although all parties may seem to look toward that grand goal of prosperity when there shall be no irredeemable paper, yet one thing is as sure as anything of record in the American archives, that since the act of January 14, 1875, not one single rescript, order, effort, or paper can be found connected officially with the Government which helps resumption to a real conclusion. All our public conduct negatives the idea that we can reach specie resumption on the 1st of January, 1879. The last report of the Secretary of the Treasury, which I have before me, gives no uncertain sound. It is a confession of impotency in that direction. The President of the United States himself—why, did he not himself when he signed this act providing for the resumption of specie resumption look upon the act as a make-shift and an illusion? He said:

I venture upon this unusual method of conveying the notice of approval to the "House in which the measure originated," because of its great importance to the country at large, and in order to suggest further legislation which seems to me essential to make this law effective.

It is a subject of congratulation that a measure has become law which fixes a date when specie resumption shall commence, and implies an obligation on the part of Congress—if in its power—to give such legislation as may prove necessary to redeem this promise.

Where is the proposed legislation, the "further legislation," to make the law essentially effective? How has Congress redeemed the promise and performed the obligation? Was it "in its power?" If so, why has not the legislation been suggested here or in the Senate by the friends of the Chief Executive? O, but it may be said that the late Secretary of the Treasury has shown us the path to resumption! Has he? If so, it will be found in his last report; and if in that report, it ought to have been supplemented with essential legislation. That report is before me. On its twentieth page the Secretary tells us that he must have the accumulation of a large amount of gold to avert the possibility of failure! Of course such an amount, he tells us, can only be procured with difficulty. This we know, for do we not export it in large quantities as well for our bond interest as otherwise? Does he not remind us that it would embarrass our own trade and commerce and that of other countries? Do we not know what he means? But let me quote with emphatic italics:

The act in question not only makes express provision for resumption at a fixed date, but commits the Government to the use of all such means as may be needful to that end. *If experience shall show that the means provided by Congress need to be supplemented by further legislation for the easier and more certain accomplishment of the end, it must be assumed that Congress will not suffer the great purpose to be impeded for want of such additional legislation.* The act confers large powers on the Secretary of the Treasury, touching the issue of United States bonds for the purpose of procuring the supply of gold necessary to execute such of its provisions as go into immediate operation, and to provide for the redemption in gold of United States notes outstanding on and after the 1st of January, 1879. In this respect the power conferred on the Secretary is ample; but if, for any cause, it should be found impracticable to accumulate in the Treasury a sufficient amount of gold to carry out the provisions of the act, the Secretary is left without the choice of other means to accomplish the end. It may, perhaps, be doubted whether the process of accumulating a large amount of gold by a given time could go on *without meeting opposition from the financial powers of the world.* It is safe to say that so large an amount of gold as would be required to carry out the purpose and direction of the act cannot be suddenly acquired. It can be done only by gradual processes, and by taking advantage of favorable conditions of the money market from time to time.

The loss of interest on large sums hoarded in the Treasury for a considerable period in advance of January, 1879, is a consideration not to be disregarded, although it should not be permitted to outweigh the benefits to result from full and complete execution of the act.

But the House is already familiar with these recommendations. We know their inner significance. They show how impossible it is in the nature of the business interests of this western hemisphere and the other to collect the amount of coin sufficient to reach resumption on the 1st day of January, 1879. No provision has been made for it and no provision can be made for it. The act a part of which we would repeal, is an act for resumption with resumption left out. Not one step has been taken to make good the often-repeated promise. The promise has been broken so often that it is a hinderance, not a help; as such it should be repealed. The act a portion of which we now propose to repeal was passed, as we all know, hastily. It was passed, as it was confessed at the time, as a party necessity, under the whip and spur of the previous question. Yet the vote upon it was not altogether a partisan vote. The record I have here before me. It is on page 318 of January 7, 1875. It shows that some of the best business men on the other side of the House, men like the gentleman from Pennsylvania, [Mr. TOWNSEND,] the gentlemen from Massachusetts, [Mr. PIERCE and Mr. HOAR,] and others whom I could name on that side, are among the 106 noes against the 125 ayes. Such sagacious men disfavored this measure at the time. But it was driven through to meet a party emergency; but no such emergency either at Cincinnati or elsewhere has been able to re-enforce it either by the Senate or by the House, and not even by the urgent entreaty of Ex-Secretary Bristow or President Grant.

My friend from Maine [Mr. HALE] proposed at the beginning of this session a joint resolution which is before me. I ask to insert it:

DECEMBER 15, 1875.

Mr HALE submitted the following; which was referred to the Committee on Banking and Currency:

"Whereas the country is suffering under the evils of an irredeemable currency, which causes uncertainty in business and stimulates speculation, to the prejudice of legitimate business and labor; and whereas both political parties in the United States stand committed against repudiation and in favor of a speedy return to specie payments; and whereas Congress established a like policy in the act of March 16, 1869, which was followed by the act of January 14, 1875, providing for the resumption of specie payments on the 1st day of January, 1879: Therefore,

"*Resolved*, That in the judgment of this House prompt legislative measures should be taken to render said act of January 14, 1875, effective by placing in the hands of the Secretary of the Treasury whatever power may be necessary to that end."

Attest:

GEO. M. ADAMS, *Clerk*.

I could not report this back because there was a motion to reconsider; and pending that the committee could not consider the resolution. Whether it was intended in earnest or simply for rhetorical purposes, perhaps to enable his distinguished colleague [Mr. Blaine] to make a speech on the specie question in the early part of the session, I do not know. Nevertheless it was referred to our committee, and we waited for the judgment of this House or the gentleman to take "prompt legislative measures to render the act of January 14, 1875, effective by placing in the hands of the Secretary of the Treasury whatever power may be necessary to that end." We waited in vain.

No, sir, nothing has ever been proposed to that end. Nothing acceptable has been brought forward or sent to us by the Senate.

I do not speak out of order when I say that the Committee on Banking and Currency, which has been perhaps one of the best-abused committees of this Congress, have considered every possible condition,

every proviso, all sorts of substitutes and amendments, if possible to re-enforce this act which would give us specie ostensibly on the 1st of January, 1879. But all in vain.

At the last meeting of our committee we endeavored in part to solve finally the difficult problem of the session. For months fruitlessly we endeavored to report an affirmative substitute for the repeal of the inconsequential act of January 14, 1875, which only seemingly prepared for resumption. When we failed in that, and when from no party there came any project for the re-enforcement of that act, we had leave to report at any time for the action of this House. I have favored any report which would bring the House to a vote on the repeal. The chairman of this committee is not therefore responsible for any delay or failure. He asks leave to say as much to this House, which has graciously honored the committee by an unusual privilege, giving as his reason for this action that the law proposed to be repealed is a futile menace and a delusive hope, impossible of execution, and no help, but a "hinderance" to specie resumption.

What then remains? To strike out of this bill the day fixed; to strike out of the bill the hopeless menace to our business, so if possible to give an impulse to prosperity. Let us at least, if we can do nothing more, brush away the rubbish, so as to build on sure foundations for a prosperous future in which coin shall play its indispensable and capital part in the exchanges and business of our country.

Now, Mr. Speaker, I intended only in opening this debate to take five minutes of the time of the House. I yield now to the gentleman from Virginia, [Mr. GOODE,] who will follow in favor of the proposition. After that I will yield to the gentleman from Iowa, [Mr. KASSON,] who will parcel out the same time to the opponents of the measure.

Mr. GOODE. It will be impossible, Mr. Speaker, in the space allotted to me by my friend from New York to discuss this question. Nor do I deem it necessary to do so. The bill is a very plain and simple one in its provisions. It provides simply for the repeal of that portion of the third section of the so-called resumption law which fixes the 1st day of January, 1879, as the day for the commencement of the resumption of specie payments; that is all. It is conceded now, sir, I believe on nearly all hands that this so-called resumption law cannot be carried into effect at the time indicated.

The Secretary of the Treasury, in his last annual report, informs the House that additional legislation is necessary before it can be carried into operation; and the President, in his last annual message, confesses his inability to suggest what that legislation shall be. Notwithstanding this so-called resumption law originated in a caucus of the republican party and was forced through Congress as a measure under the operation of the previous question ——

Mr. FORT. Will the gentleman allow me?

Mr. GOODE. Yes, sir.

Mr. FORT. As a republican I must here distinctly state that no caucus ever was held on that measure, and that it was not originated in a republican caucus.

Mr. GOODE. Then, Mr. Speaker, I have been entirely misinformed I have always understood, and never heard it disputed until now, this measure was agreed upon in a senatorial caucus of the republican party.

Mr. FORT. It may have been in the Senate, but not so far as the House is concerned.

Mr. GOODE. I repeat, it was agreed upon in a senatorial caucus of the republican party. So much for that. But now, Mr. Speaker, I say, notwithstanding it had its origin (I accept the amendment) in a senatorial caucus of the republican party, we find in a recent convention of that party, held in Cincinnati, it has been utterly repudiated. So far from the committee on resolutions indorsing this proposition, we find them making no allusion to it whatever, and content themselves with a few vague, indefinite propositions as to the duty of resumption at the earliest practicable moment. It will be found by reference to the proceedings of that convention that this resolution offered as a substitute for the fourth resolution of the committee was voted down by a large majority:

Resolved, That it is the duty of the Congress to provide measures for carrying out the provisions of what is termed the resumption act of Congress, to the end that resumption of specie payments at the time fixed by said act cannot be further delayed.

I say that proposition, sir, offered as a substitute for the fourth resolution of the committee, was voted down by a large majority, and General Hawley, of Connecticut, chairman of the committee, declared in a speech made by him to that convention that he would be unwilling to go before the people in the pending campaign as the advocate of this bill known as the resumption law.

Now I desire to know, if it has been publicly repudiated by the party which brought it into existence, if it has been contemptuously ignored in the house of its friends, if in addition to this it has been denounced by the democratic party in Saint Louis as an obstruction and hinderance to resumption, I want to know why, if there is none so poor to do it reverence, it is there should be any hesitation on the part of this House as to its repeal?

Mr. Speaker, as was said by my colleague on the committee, what is it as long as it remains on the statute-book but a standing menace to all the business interests of the country? Ever since it has been in operation we find the process of contraction has been going on. It was in proof before our committee, the Committee on Banking and Currency, that since this law went into operation more than $50,000,000 had been withdrawn from circulation; that two hundred national banks had gone into liquidation, and that twice two hundred were preparing to follow suit. What has been the result? Why, Mr. Speaker, wherever you look, in whatever direction you turn your eye, you find business is stagnant, industry paralyzed, enterprise inactive, production suspended, and labor unemployed; agriculture is suffering everywhere over this country and languishing for the want of necessary capital; the workshop and the factory are closed, and thousands of mechanics dependent on their daily labor for their daily bread are found begging in the streets, not for bread, but for that work on which their bread depends. Now, Mr. Speaker, I yield to no man on this floor or elsewhere in an earnest desire for a resumption of specie payments at the earliest practicable moment. I want a sound, honest, stable currency, not dependent on the whims of parties or the caprices of politicians. One of the greatest curses that could possibly be inflicted on any people is an irredeemable paper currency. The national faith and the national honor are pledged, irrevocably pledged, to the redemption in coin of the legal-tender notes of the United States. But, sir, in my humble judgment there can be no return of specie payments until there is a return of prosperity to the country. This consummation so devoutly to be wished must come, if it come at all, as it will come inevitably, from the development of our material resources, from the revival of our industries, from the restoration of hope and of confidence to our people.

Sir, if there is anything to be learned from the lessons of experience and of history, they teach us that the shortest road to resumption lies in the correction of governmental abuses, in the reduction of governmental expenses, in the practice of honesty, simplicity, and economy in public as well as in private life. I desire to quote here the expressive language of Mr. Tilden, which I had the pleasure of reading a little while ago:

There is no royal road for a government more than for an individual or a corporation. What you want to do now is to cut down your expenses and live within your income. I would give all the legerdemain of finance and financiering—I would give the whole of it for the old homely maxim, "Live within your income."

And I say, Mr. Speaker, if we will continue this good work, if we will go forward in the line which has been marked out by this democratic House of Representatives, if we will continue the good work of strict economy and official retrenchment; in a word, sir, if we will practice the old-fashioned virtues of our sires and live within our means, the day of resumption cannot be far hence. Here is the royal road—honesty, simplicity, economy, retrenchment. Here lies the royal road not only to resumption of specie payments, but to the prosperity, the welfare, and the happiness of our people.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania, rose.

The SPEAKER *pro tempore*. The Chair understands that in accordance with the arrangement which has been made the gentleman from Iowa [Mr. KASSON] now holds the floor.

Mr. KASSON. I yield ten minutes to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. COX. I expect to get the floor at the end of the hour to call the previous question.

The SPEAKER *pro tempore*. The Chair understands that that was agreed to by the common consent of the House.

Mr. TOWNSEND, of Pennsylvania. It seems to me that the legislation proposed by the Committee on Banking and Currency is submitted to the House wrong end foremost. The proper action of this House would be, first to appoint the commission which has been provided for in the resolution that comes from the Committee on Banking and Currency to ascertain the financial difficulties under which the country lies, and after that to apply the remedy. But the Committee on Banking and Currency in its wisdom has thought proper to provide, first, that there shall be a repeal of the resumption law, and that, after that, there shall be a commission to inquire whether or not it ought to be repealed. Thus they have reversed the proper order of things, for it would have been the part of wisdom to have endeavored to ascertain the causes of the financial difficulties and then to have applied the remedy.

But the action of that committee, composed as it is of a majority of the democratic party, shows to the world the utter incapacity of that party to manage the financial affairs of the country or even to suggest the means whereby the difficulties under which we suffer might be alleviated or might be cured. That party has been in power here for eight months past. It has had some twenty or thirty caucuses—I do not know how many—on this financial question. It has had all kinds of propositions offered to it by the democracy, and to-day it stands before the world acknowledging the fact that it is unable to propound a single proposition that will aid toward the resumption of specie payments. That party complains that nothing has been done to carry out the law of 1875. If it has not been done, upon whom does the fault lie? It has to-day its majority here in the House and its majority in the committee. And yet it comes before the world and confesses that it is totally unable to grapple with and manage the financial question. And after all its nominee for President of the United States, in his letter, which is laid upon our desks to-day, acknowledges the wisdom of the suggestions of the President of the United States and his Secretary of the Treasury, who, in the message of the President and in the report of the Secretary of the

Treasury, propose a measure which, if it could be enacted into a law, would lead surely and in a short period to the resumption of specie payments.

In that message and report it was suggested that the surplus legal-tenders of the United States might readily be funded in United States bonds at a low rate of interest and long date, and that these bonds would absorb all the excess of the legal-tenders that might be floating around and unneeded in the business of the country, and that it would appreciate the legal-tender so far that in a very short time it would be nearly at par and require but a small amount of gold in order to effect a redemption. Mr. Tilden in his letter acknowledged the wisdom of these suggestions, and after uttering some "glittering generalities" he recommended to his party that after they have procured the repeal of the resumption law they should adopt the policy which has been shadowed out by the President and the Secretary of the Treasury. And this shows that there is no originality in the democratic party, either in the assembled wisdom of that party here or in their chosen candidate for the Presidency of the United States. They accept republican ideas, and then put them forth as their own.

Now, with regard to the question of resumption of specie payments, we never know where to find the democratic party. At one time it is in favor of resumption and at another time it is opposed to it. In its platform in 1872, at the Baltimore convention, under the leadership of its great standard-bearer who said "the way to resumption is to resume," it declared that it was in favor of an early and speedy return to specie payments. In the democratic platforms of 1874 in the State of Pennsylvania, and I think in some of the Western States, it was also in favor of returning early to specie payments; but in 1875 the democratic politicians in the States of Ohio, Pennsylvania, and perhaps in Indiana, had changed their minds, had receded from the high position that they had taken, and acknowledged their inability to propose anything that would aid resumption and declared against it; and in the platform which was gotten up by the democratic party at Saint Louis it was inconsistent and antagonistic in its utterances. It was opposed to the changing standard of value such as is found in the legal-tender currency, and yet at the same time it was opposed to the act of Congress of 1875 that proposed to bring about a resumption of specie payments and do away with that changing standard which all the country knows is continually unsettling prices and making it impossible for any individual to tell what he will have to pay or to receive at the termination of his contracts. Under the imperious demands of that irresponsible body demanding the repeal of the resumption clause the democratic party is acting to-day and urging the passage of this bill.

Now, Mr. Speaker, with this uncertain frame of mind of the democratic party, with a hard-money candidate at the head of its ticket and a soft-money candidate at the tail of it, what can we expect of that party if it is allowed to come into power and to endeavor to manage the financial interests of the country? It says to the country that it is unable to solve this great problem and it does not know what can be done, and yet asks the people to intrust it with power to administer the financial affairs of the nation. All the party can do or has done is to stand as an obstruction to the resumption of specie payments. It is an obstruction party. It has had no financial policy here, and admits its incapacity to originate any. The republican party has pointed out the road to the resumption of specie payments in a funding of the surplus greenbacks in an easy and natural way, and if the democratic party thinks that the means we have provided are not sufficient whereby it shall be carried out, it becomes its duty, being here in power, to suggest some means whereby the desideratum can be reached. Hitherto it has failed to make any propositions in that direction. But now the democracy acknowledge their incapacity, they say in their platform which they adopted at Saint Louis, the greenback is a changing standard of values in the hands of the people and the non-payment of which is a disregard of the plighted faith of the nation and that we have failed for eleven years to do anything toward the resumption so devoutly to be wished for; and yet they willfully forget that at the end of the war gold was at 150 and that to-day under republican management it is at 112, and that the republican party has drawn the legal-tenders that much nearer to a redemption in specie.

[Here the hammer fell.]

Mr. WILLIS. Does the resumption act of January, 1875, in your judgment, contain adequate provisions to make good the promise of resumption in 1879?

Mr. TOWNSEND, of Pennsylvania. Yes, it does, if properly carried out; but could be improved by additional legislation, such as I have indicated.

Mr. KASSON. I ask the gentleman from New York to indicate to whom he next yields the floor?

Mr. COX. I yield to the gentleman from Indiana [Mr. HAYMOND] for ten minutes.

Mr. HAYMOND. Mr. Speaker, I cannot in the few minutes allotted to me in this discusion attempt an elaborate argument in favor of the repeal of the resumption law. I gave my views to the House on this question in the early part of the session at considerable length, and I can but reiterate the opinions then expressed, believing they are just as applicable to the question to-day as they were then. I represent a constituency heartily opposed to the policy of the present resumption act, and I would place myself in direct antagonism to their wish if I should not cast my vote for this bill. There seems to be a wide difference of opinion between the people of different sections of the country on this subject; one section believing it is destructive to their interests, while another clings to it as the forlorn hope of resumption and a step in the direction of permanent prosperity. It is a remarkable fact that while these antagonistic views prevail and much undue sensitiveness exists, there is not to be found in either section of the country any well-informed financier who regards the resumption of specie payments possible under the provisions of this act at the time specified. The act is regarded everywhere as mere *brutem fulmen;* yet the opposition to its repeal is as strong and determined as if the act were practicable of execution and the embodiment of all that was essential to the solution of our financial difficulties.

In the West the act is regarded with serious apprehensions as the cause, or one of the chief causes, of the present financial distress prevailing through the country; and whether this opinion is correct or not, the repeal of the resumption clause will be hailed with joy by millions of people who are now looking to Congress for some measure of relief. Those demanding the repeal of the resumption law are sometimes derisively called inflationists, sometimes repudiators of our national obligations. This is not only unjust, but a base slander. Not one in ten of the industrious, intelligent, and honest men of the West who ask this small favor of Congress is in any sense of the word an inflationist. On the contrary, I believe that a large majority of the people of all the Western States would oppose no obstacle to the resumption of specie payments if assured that it can be brought about by some rational and practicable method that will act equally and justly to all classes and all sections and will not spread ruin and consternation over the vital interests of the country. I believe such legislation would be acceptable to the great mass of the people, would be a Godsend in this hour of confusion and trouble; but if we cannot at this session agree upon any sensible legislation, let us not hesitate to undo what is now an acknowledged impracticability, a failure, and a terror to the public mind. To strike out this resumption-date clause from the act of January 14, 1875, if it will do no other good, will at least secure tranquillity, inspire hope, and give the people courage to bear their burdens patiently through this gloomy period of financial distress.

The present resumption law stands as an impediment to resumption, and the sooner it is removed out of the way the better. It has remained upon the statute-books for a year and a half, and yet not a single step has been taken to execute its provisions or provide for the general resumption of specie payments. Indeed it is not believed by any one that any attempt will be made, even if the act remains unrepealed, to execute its impracticable provisions. If this conceded opinion is correct, why should the law be so tenaciously adhered to or so strenuously defended? I am utterly unable to understand how gentlemen who profess to be in favor of resumption cling to this abortive scheme as if it were the palladium of their hopes, and at the same time declare that it is a sham and a delusion. It is folly to dispute over this plan of resumption that contains no practical provisions for resumption.

The bill before the House repealing the resumption-date clause, though it strikes out but a single sentence, effectually despoils and destroys all dangerous provisions of the resumption act. If this is stricken out there will be but little left in the act of an objectionable nature. The provisions of the first section of the law substituting subsidiary silver coin for the fractional paper currency having been carried into effect, the removal of the resumption-date clause from the third section will leave no powers to be executed in the act except to redeem the legal-tender notes to the amount of 80 per cent. of the national-bank currency that may be hereafter issued. This amount can in no contingency be greater than the outstanding legal-tender notes in excess of $300,000,000, or altogether $69,679,228. The rapidity of this redemption will depend entirely upon the issue of circulating notes to national banks. If the banking capital of the country is rapidly increased, if there is an increased demand for more banking currency, then the legal-tender notes will be reduced and redeemed *pari passu*, according to the 80-per-cent. clause. If, on the other hand, the demand for more banking currency be small, the redemption of the legal-tender notes will necessarily proceed slowly. The probabilities are strong that it will require several years under this process to redeem the legal-tender notes in excess of $300,000,000. This may be accomplished without the sale of any bonds by using surplus Treasury notes or selling gold to purchase the requisite amount of said legal-tender notes to be redeemed as occasion would require. The Secretary of the Treasury is only authorized to sell or dispose of bonds for the redemption authorized by this act. He cannot sell or dispose of them for any other purpose; and when the resumption clause as contained in the bill before the House is stricken out of the resumption act, there will be no redemption authorized except that specified in the third section, namely, the redemption of the legal-tender notes to the amount of 80 per cent. of the sum of national-bank notes so issued to banking associations. It is plain, then, if there should be no more national-bank notes issued that there would be no further redemption of the legal-tender notes. If this construction of the law is correct, the striking out of the resump-

tion clause will amount practically to the same thing as an unconditional repeal of the entire act, except the provisions relating to banking and free coinage.

The repeal of the resumption act will leave the field clear and open for the devisement of some rational and practicable method for the adjustment of our financial difficulties. It is much easier and better to institute a measure *de novo* than to attempt to patch up and remodel an abortive and mischievous plan. The importance of an early settlement of the financial question upon some safe and satisfactory basis is now apparent. The present resumption law is the most objectionable as well as the most difficult method of execution that could be possibly devised, and should be abandoned at once as worse than useless.

Mr. EAMES. Mr. Speaker, it is not my purpose at this late day of the session to attempt to discuss the question of finance to any considerable extent. It has been my duty as a member of the Committee on Banking and Currency to give some thought during the course of the session to this difficult and delicate question, and I have formed in my own mind a definite and certain conclusion as to what would be the best policy to be pursued in order to put the Government of the United States in a position to redeem its pledge for the redemption of the legal-tender notes in coin.

We are, sir, in the ninth month of the first session of the Forty-fourth Congress, and during the entire session the Committee on Banking and Currency have had many propositions submitted for their consideration, to all of which the committee gave very careful, calm, and considerate deliberation; but so many different views were entertained on the question that it was impossible, until within the last twenty-four hours, for a majority of the committee to come to a conclusion in relation to it, or make any definite and distinct recommendation to the House.

The bill reported to-day by the chairman of the committee as the result of the deliberation of the Committee on Banking and Currency during the past nine months to my mind is a bill that is ill-advised, unwise, and one which ought not to receive the approval of this House. The policy of the republican party in the past years has been to take steps in the direction of the resumption of specie payments. It was so in the act of 1869 when the pledge was given to redeem in coin the legal-tender notes as soon as it was practicable. The policy was in the same direction under the acts of June 20, 1874, and the act of January 14, 1875, which provided for the retirement of the fractional currency by the issue of subsidiary silver coin, and fixed the 1st of January, 1879, as the day upon which the Government would pay its outstanding legal-tender notes in coin, and the policy of the republican party has since been steadily in the direction of resuming specie payments.

It has been said in this debate that nothing has been done or can be done to carry out the expressed purpose of resumption under the provisions of the act of 1875. I beg leave to differ entirely from any statement of that kind, whether made by a member of the Committee on Banking and Currency or any other member of this House. I believe if the act of January, 1875, remains as it now is, there is more than one mode by means of which every legal-tender note outstanding on the 1st day of January, 1879, may be appreciated to par in coin and made equal to coin in its purchasing power.

One mode has been suggested upon this floor to-day by the gentleman from Pennsylvania, [Mr. TOWNSEND,] and I think a careful consideration of his proposition will lead any reflecting and intelligent mind to the conclusion to which he has come, that the policy should be as directed in the act of January 14, 1875, to purchase all the outstanding legal-tender notes not needed for the purposes of business or trade. If that course should be taken by the purchase of these notes with bonds running for a long period of years and at a low rate of interest, the result would be that before we reach the time fixed for resumption every outstanding legal-tender note would be appreciated to par in coin.

We know that there is now outstanding about $370,000,000 of legal-tender notes and something like $350,000,000 of national-bank notes; the two together making the currency, which is used as a medium of exchange, something like $700,000,000. Now if whatever of this currency is not needed for the legitimate purposes of trade shall on or before the 1st day of January, 1879, be funded in bonds at a low rate of interest, the outstanding legal notes required for any legitimate purpose of business, as a medium of exchange in connection with the national-bank notes, on the 1st day of January, 1879, would be appreciated to par in coin and would continue equal in purchasing power to coin so long as required for the purposes of trade. I venture to say that $70,000,000 of the outstanding legal-tenders would not be presented to the Treasury of the United States for redemption between this and that time, for every dollar would be kept in circulation if needed for purposes of business and trade.

I will state one other proposition, which has been presented and upon which action has been pressed, one to which I have given my own attention more particularly than to either of the others, and the one which in the present sensitive condition of the finances of the country, it seems to me, without creating any disturbance in our business relations, without contracting or inflating the present volume of the currency, will bring not only the legal-tender notes but at the same time the national-bank notes to par in coin. It is a proposition for and a preliminary step in the direction of resuming specie payments. It does not propose to take any step backward. We all must agree that if we are ever to resume specie payments some time must be fixed for that purpose.

The time has already been named by the act of January 14, 1875. That act was a notice of four years to the trade and commerce of the country of the intention of the Government to resume specie payment. It has been acted upon from that time to this, and every contract that has been made since that time has been made in view of the provisions of that act. If the time named for resumption should now be repealed, its repeal will not only be injurious to our credit at home but would impair our credit abroad, and prevent us from being able hereafter to fund our debt at a low rate of interest.

The proposition which I make in my judgment is feasible, and I do not hesitate to hold myself solely responsible for it, so far as the Committee on Banking and Currency is concerned, for I believe I stand alone in that committee in favor of the proposition. It is that from this time to the 1st day of January, 1879, the Government shall reserve of the gold received from imports 6 per cent. annually of the amount of its outstanding legal-tenders for the purpose of being able to resume specie payments on the 1st day of January, 1879. With this reservation of coin I think at that time the Treasury of the United States would be in a condition to redeem every dollar of legal-tender notes that would be presented for payment or redemption. That is a proposition which I think is entirely feasible and one that can be carried out without disturbing the financial relations of the country and without appreciating the value of gold; and it may be done, as I said before, without changing the medium of exchange which now exists and which consists of legal-tender notes and national-bank notes.

Six per cent. upon the outstanding legal-tender notes annually reserved in gold would give each year the amount of $22,200,000; and at the time named, the 1st day of January, 1879, there would be a reserve in coin in the Treasury of the United States of about $55,500,000. That amount, with the surplus which has constantly been held there over and above the gold obligations of the Government, the interest on the public debt and the sinking fund, would swell the entire amount to something like $70,000,000.

Now I venture to say, from the experience of past years in banking in this country and in other countries, if there was $70,000,000 in gold in the Treasury of the United States, with $370,000,000 of legal-tender notes outstanding, $300,000,000 of which, with the national-bank notes, are required for the legitimate purposes of business, that the $70,000,000 in gold would be sufficient to pay every legal-tender note that would be presented for redemption. It is to be remembered, in considering the question of the amount of specie required, that the legal-tenders and national-bank notes are scattered all over the country, that they are a more convenient medium of exchange in the transaction of business than coin, either silver or gold, and as I said before only that which is not required for the purposes of business and trade would be presented for redemption; and I believe if this amount of money were reserved, then at the time now named for resumption every legal-tender would be appreciated in purchasing value to par in coin.

There is another fact which I desire to state in this connection; for it is said very plainly and boldly on this floor that no feasible proposition has been made for carrying resumption into effect at the date fixed; it has been asserted that everybody agrees in the absolute necessity of the repeal now proposed, because it is impossible by any plan that may be suggested to put the Government in such a position as to be able to pay in the money of the Constitution such of its notes as may be presented. Now, sir, when the State banks were in existence, as all of us know who were acquainted with their operations, the amount of their circulation and deposits as compared with the coin in their vaults was very small indeed. We all know another fact, that notwithstanding the small quantity of their coin as compared with the amount of their circulation and deposits, yet during nearly the whole of the period from 1851 to 1863, although they occasionally suspended specie payments, their notes were equal to coin in purchasing value. It appears from the reports that have been made from the Finance Department of this Government that in the year 1863 there were about fourteen hundred or fifteen hundred of these State banks; that their aggregate resources were something like $1,100,000,000 and their liabilities about the same amount; that the circulation and deposits of the State banks in 1863 were about $600,000,000, and the amount of coin in the vaults of all of them at that time about $100,000,000. In other words, their coin was but as one dollar to six, or one dollar to seven, when compared with their circulation, deposits, and all other liabilities except capital stock.

If one dollar in coin to six in State-bank notes is sufficient to keep the circulation of State banks at par in coin it is reasonable to suppose that the same amount of coin in proportion to the outstanding legal-tenders would also keep them at par with coin.

And certainly there can be no difficulty in reserving in coin from the duties on imports the amount required by this proposition, for the amount paid of the public debt during the last fiscal year was nearly $30,000,000.

Another proposition which has been made and urged, and which will accomplish the same end, is the purchase at stated times in limited amounts of such part of the legal-tenders as are not required for the purposes of business.

No, Mr. Speaker, the difficulty in resuming specie payments on the 1st of January, 1879, is not because there are no feasible plans for that purpose. The real difficulty is the want of a disposition to take some preparatory step which is required so as to be ready for resumption at the time named in the act of January 14, 1875. If there was a will in this direction it would be easy to find a plan by which to accomplish the purpose.

But if, for political effect in the coming contest for political power, no such plan shall be adopted at this session of Congress, I hope no bill will be approved which repeals the time now named for resumption. I repeat that such a step would be a step in the wrong direction. It would render uncertain all business transactions, and make the time indefinite, when, if ever, the Government would redeem the legal-tenders in lawful money.

Mr. COX. I now yield five minutes to my colleague, [Mr. HEWITT, of New York.]

Mr. HEWITT, of New York. Mr. Speaker, I am under very great obligations to my colleague, the chairman of the Committee on Banking and Currency, for his courtesy in yielding me this time, because I find myself, as he knows, unable to agree with the report of the committee. I am one of those who believe that the resumption act of January 14, 1875, was one of the weakest, crudest, and most unscientific pieces of legislation intended to effect a financial reform that ever passed this House, and I think I may say that the act has received the condemnation of every political economist in this country and abroad who has undertaken to consider whether it could be carried into practical effect or not. But if there were any doubt upon that subject the confession of the President of the United States and the report of the Secretary of the Treasury at the beginning of this session make the matter entirely plain to us and to the country.

When the act was passed there was in the Treasury a considerable accumulation of gold. There was nearly or quite $70,000,000 available for resumption; and if that act had been intended to be an effective piece of legislation the Administration would never have allowed that stock of coin to melt away so that it would be impossible at any subsequent day to resume without replacing it.

The party represented on the other side of this House have from the very outset—in 1869, in 1874, and in 1875—made pledges and declarations not one of which have they ever attempted to fulfill; and I charge upon them and upon the administration (with the single exception of the late Secretary of the Treasury) that no substantial and honest effort has been made to resume specie payments. But they did one thing: they made the declaration to the world that we would resume specie payments on the 1st of January, 1879, and they committed the honor of this country to that declaration. That honor they have had in keeping; and they have not kept it well. It is reserved in my judgment for the democratic party to fulfill that pledge; and they will fulfill it, if time and opportunity be given to them, and if it be possible to comply with this ill-advised declaration which they have made to the world, a declaration which should never have been made until by suitable measures of preparation it was evident the promise could be kept.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired.

Mr. HEWITT, of New York. I am very sorry, for I had not arrived at the point I desired to make.

Mr. COX. I hope there will be no objection to my colleague having five minutes of my time.

Mr. HEWITT, of New York. I really do not want to trespass on the time of my colleague because he has already been very generous in giving to me the time I have occupied.

Mr. COX. I give my colleague five minutes out of my time.

Mr. HEWITT, of New York. I will occupy but one moment. I say that the party in power made a pledge, and that pledge we ought to try to redeem. If I am asked whether I think it practicable to redeem it on the 1st of January, 1879, in the present condition of the country, I answer frankly, "no." But I want to deal with this matter with wisdom and statesmanship; and there is but one way to do this. This question should be dealt with as it was treated in England during the long suspension there when they fixed three or four dates successively, trying each time to accomplish the object, and then confessing their inability, putting themselves upon the indulgence of the world for their good motives and their honest intentions. We have no right to repeal the pledge thus given to the world until it becomes apparent by the careful investigation of a competent authority that it is not in our power to fulfill this solemn engagement. And then we should as solemnly renew the promise and make proper preparations for its fulfillment.

I say, then, there is but one way to deal with this question. It is to appoint a commission to take the whole subject into consideration—a commission upon which we can have men embodying the soundest financial wisdom of the country. Let them study this question in the light of the largest experience; let them make a report based upon the fullest consideration of every interest involved in it and the possibilities of the future; and upon such a report this House can take intelligent action.

And it is for that purpose, Mr. Speaker, that I have trespassed upon the indulgence of my colleague, in order that I might offer a substitute for this bill, to which he does not agree, and in order that I might arrive at what I believe to be a substantial and practicable solution of this question. With the indulgence of the House, I ask that my substitute may now be read.

Mr. COX. I have no objection to having it read, nor would I object to the proposition itself, but I am not authorized by the committee to accept it as an amendment. I am not unwilling that it shall be adopted after this bill shall pass, but I think we will get substantially the effect of that measure in the bill that follows.

Mr. HEWITT, of New York. I ask my proposition be read.

The Clerk read as follows:

A bill to provide for a commission to consider the resumption of specie payments.

Be it enacted, &c., That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate, three members of the House of Representatives, to be appointed by the Speaker, and three experts, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence; whose duty it shall be to consider what measures are necessary and practicable in order to bring about the resumption of specie payments at the earliest possible time consistent with a due regard to the interests of the country, and to report a bill embodying the results of their investigations on or before the 15th day of December, A. D. 1876.

The SPEAKER *pro tempore*. The Chair understands that paper has been read for information.

Mr. COX. I yield now for five minutes to the gentleman from Michigan, [Mr. HUBBELL.]

Mr. HUBBELL. Mr. Speaker, it is perhaps one of the greatest drawbacks to the final settlement of the financial problem that it must of necessity be in some measure a political question, and that being so financial quacks can continually find full scope for their energies, which have their effect on the body of the people who in turn each have a remedy for both real and fancied financial ills.

I am quite certain it is the wish of all classes that the value of our legal-tender, whose issue was made necessary by the great struggle for the preservation of the Union, should never be less than it is today, but, on the contrary, that it should gradually be appreciated to par with coin. But how to do this without unnecessary shock to the business interests of the country has been and is now the great problem. On the one hand it has been thought that the proper way was to fix a day certain when this should take place, while on the other it has been contended that it can only be safely and permanently brought about when the conditions, many of which are unknown quantities, are reached.

For one, sir, I have always contended that it was idle to arbitrarily fix a day in advance when we should commence to resume. And I regard that part of the act of 1875 which fixes the time for resumption as a menace to the business of the country, and as rendering to some extent nugatory the free-banking clauses of that act. And I regard its retention on the statute-book as mere sentiment and of no practical benefit whatever. The fact that the repeal is now brought forward as a party measure after "*Samuel has been heard from*, and everything forgiven," does not influence my vote. I shall most cheerfully vote for this measure, because I believe it to be a wise one, correcting a grave mistake, and in some measure relieving the labor and industries of the country.

Now, Mr. Speaker, I was right glad this morning to hear the gentleman from Virginia [Mr. GOODE] inform this House that his party had discovered the royal road to prosperity and to resumption. His road is honesty, retrenchment, economy, reform. I say again that I am glad his party have discovered it. I want to tell him and his party that the republican party have been traveling that road for the past sixteen years, traveling slowly, but surely; and the fact that the democratic party has so lately discovered it may account for the zeal which has been manifested in that direction this winter. It is a fact that new converts are always zealous, and zealous people are ever apt to make mistakes; but I congratulate the democracy upon the fact that they have finally discovered the road. This is a sudden conversion, and the danger of backsliding is so great that I advise my democratic friends to gather together each morning and each evening and adopt as their centennial song the penitential hymn of Dr. Watts, of which I give for their benefit the following stanza:

> This is the way I long have sought,
> And mourned because I found it not;
> My grief and burden long has been,
> Because I was not free from sin.

[Laughter and applause.]

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired.

Mr. KASSON. I yield for five minutes to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. Mr. Speaker, why repeal the resumption act of January 14, 1875? Can Congress do it? Can this House do it without disgrace? Is it not repudiation, pure and simple, without excuse or palliation? Is it in anywise determined that the resumption of specie payments is not practicable on the 1st day of January, 1879?

I have prepared carefully in answer to these inquiries a few remarks which I hoped to have had an opportunity to deliver here. They will require twelve minutes. I have not occupied one minute upon this floor in six weeks, and I now can get only four or five minutes. I therefore must ask consent to print the remarks I have prepared; and then I ask gentlemen of both parties to read them.

My colleague and friend, [Mr. HEWITT,] who just addressed you, in an open letter published about three weeks ago in New York, gave

me a text. He said, Mr. Speaker, the legal-tender was an overdue debt; that it was a disgrace to the people; that, if the law authorizing its funding had not been repealed, it would have been all funded long ago.

The gentleman said, moreover, that a law enacted "to-day"—I use his precise words—a law enacted to-day permitting the funding of that debt in a 4½ per cent. currency bond would result in the total cancellation of it within twelve months. Now I say, sir, that my friend and colleague from New York knows and his candidate for the Presidency knows that a law passed here to-day to fund that debt, which is the demand the world makes upon us, in a 4 per cent. gold bond would result in sending an amount of gold to this country whereby in less than twelve months we should be as near specie payments as France is to-day. And there is not an intelligent man who does not know that France is near enough to specie payments for all practical purposes. I am amazed that my merchant friend should come here and talk politics on this subject, when he knows that there is piled up in London the largest stock of gold that has ever been accumulated there, owned by people that want to invest in the best bonds in the world. The gentleman knows that when Congress has passed a bill to fund the legal-tender debt, the United States 4 per cent. gold bond will be the best bond in the world, the bond that will attract that gold as surely as water descends to the sea. I tell the gentleman from Virginia, I tell the gentleman from Indiana, I tell the gentleman from Michigan, and I put it in the RECORD, that the practical resumption of specie payments prior to 1879 is perfectly feasible, and for the rest I ask gentlemen to read the RECORD.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. CHITTENDEN] asks unanimous consent to print some additional remarks in this connection in the RECORD.

There was no objection, and leave was granted.

Mr. CHITTENDEN. Mr. Speaker, the bold and startling proposition to make silver coin legal tender without reserve or limitation has taken the country by surprise and excited much feeling in all financial circles, and it would, in my judgment, be extremely difficult to exaggerate the importance of the proposed legislation. It manifestly involves vast personal and corporate interests and the national honor. It is in a very broad sense a new question. It is well known that the recent rapid depreciation in the value of silver has become a subject of profound study and solicitude at London, Paris, Berlin, and throughout India; and a very late report to the British Parliament on the subject is noteworthy for this, that nobody in Europe has discovered the causes which have produced the unlooked-for depreciation. Men of science and men of affairs are alike agreed that the question is complicated and obscure. Enough is known, however, to show that this is not the time to legislate upon the subject. No man who is wise will venture to say now what the final action of Congress should be. One need but pretend to understand the complex problem to expose his ignorance of it. More than any other question before Congress at this session this imperntively demands time, careful consideration, and thorough examination.

Foreign experts think they know, but are by no means sure of it, that the greatly increased product of silver in our own country has unsettled its commercial value throughout the civilized world. The gentleman from Colorado says the law of 1873 did it. It is quite too soon to say that. Moreover it is an error to denounce that act as a trick. It was before Congress at least two years, and the bill in substance as finally passed was printed for the study and use of both Houses of Congress thirteen times.

Neither the experts commissioned by the British Parliament nor the gentleman from Colorado have solved the problem. We may safely say that if our great bonanzas do not "peter out," but hold out, it is clear that we possess a power in this metal the development and utilization of which may well claim our most faithful attention. For the rest, it is apparent, the moment we think seriously, that the question is vital and far-reaching, one not to be treated hastily or in any way trifled with, without frightful consequences.

In my judgment, Mr. Speaker, if we would by one act create a financial sensation unmatched in its dire and far-reaching results in the history of the world, we have but to pass the so-called silver bill.

If we would cripple and in the end destroy a majority at least of all the national and savings banks in the country, we have but to pass this bill.

If we would remorselessly inflict upon our suffering people a calamity which no man can measure, and the end and consequences of which no human foresight can predict, let Congress make this bill a law.

If we seek to make the credit of the United States a by-word and reproach wherever our flag floats to the ends of the earth, we have only to pass this bill.

If we would make the Forty-fourth Congress famous in history and send its records down the ages fragrant with the venal odors of our time, by all means pass this bill before adjournment. But be sure, come what may as the result of faithful investigation of the subject, it were a crime against the people we represent to press a measure of such prodigious import through the forms of legislation blindly and ignorantly.

No, Mr. Speaker, we cannot restore prosperity to our country nor make the people content and happy by destroying or aiming a foul blow at the national credit. What will you do, for example, with the owners of more than three hundred millions of deposits in the savings-banks of New York, when you have justified and created a panic among all the holders of Government bonds at home and abroad? Ah! Mr. Speaker, what do we see here? It is a spectacle which might, if anything could, shake our faith in the stability of our institutions. At the very point of time when by honest and intelligent legislation, giving full force to natural laws, our way is clear for thorough reform of the currency; for the restoration of confidence to capital, the re-organization of new and prosperous industries, and the founding of the nation's credit on a much higher plane than it has yet reached, here comes a proposition, nay several of them, which would in a day sink our credit to a level with the Turks', and cover the nation with everlasting disgrace; and yet a majority of this House, which is supposed to represent and should represent the voice of the American people, has been only restrained from enacting such laws from week to week by persistent filibustering on the part of the minority.

And this leads me to inquire, Why repeal the resumption act of January 14, 1875? Can Congress do that; can this House do it without disgrace? Is it not repudiation, pure and simple, without excuse or palliation? A few days ago my friend and colleague, the distinguished chairman of the national democratic committee, in an open letter to the public, bravely and truthfully said—I quote his precise language:

> The legal-tender notes are an overdue debt; it is a disgrace to the people of this country that the payment of this debt should not have been made long since. If the original privilege of funding these notes in 6 per cent. bonds had not been repealed, the debt would have been paid within twelve months after the close of the war.

And again:

> To-day, if they were made fundable in a 4½ per cent. currency bond, they would all be paid and might all be canceled within twelve months.

Here is the truth; truth which touches the honor and well-being of every American citizen; truth at the foundation of all our hopes of returned national prosperity. I ask my friend in the name of reason and common sense why he does not in the interest of a disgraced people bring forward a bill "to-day" in harmony with his conviction to fund the legal-tender debt? Does not my colleague know and cannot any student of finance see that events have ripened with great rapidity since this Congress assembled last December, and that the time has fully come when the privilege to fund in 4 per cent. gold-interest-bearing bonds would stop all further shipments of gold and turn the yellow currents hither for investment in such bonds, making substantial resumption of specie payments sure long before 1879? Does not my merchant friend know that on the very instant the Congress of the United States wipes out the "disgrace" which he concedes, that from that moment our national credit will be foremost of all the nations of the earth, and that idle capital everywhere in Europe will seek our 4 per cent. long bonds as the best security in the world? Does not my friend know from his experience as a master merchant and economist that the funding of the legal-tender debt under existing laws will nowise necessarily or in fact limit the circulation of paper money except as it may and should be limited by the demands of trade, and that such funding of the legal tender is the natural and sure primary step pointing to the conversion of all our 5 and 6 per cent. bonds into 4 per cent. consols at an early day? Does not my friend see just here the promised and traditional reward of honest dealings, inasmuch as the saving upon the outstanding 6 per cent. bonds alone will be far more than sufficient to pay the total interest on all the legal tender?

Why not restore the privilege of funding "to-day?" The gentleman seems willing to censure the party in power for failing to do it. It was never so feasible as now; never. It seems to me a fair inference, from his words which I have quoted, that he is himself in favor of funding. Will he say that he is so in his place in this House? Is funding the true meaning of the Saint Louis platform as he reads it? Does the distinguished chairman of the national democratic committee feel warranted in pledging his party to such legislation? Will he himself frankly and squarely declare his support of such legislation? Why, then, does he justify in his letter to the public the repeal of the resumption act or any part of it?

And now I propose, with all courtesy and yet with all the force of truth, to show the gentleman's inconsistency in striking at that act. He justifies its partial repeal in his letter because it would restore "the legal-tender notes to their rightful position of a debt due upon demand and not on the 1st of January, 1879." He does this without offering any substitute and right in the face of facts showing that it will be easy substantially to resume long before 1879, and still claims that repeal is not repudiation! Let us test that claim. My colleague in his commercial affairs has often received with great satisfaction and renewed confidence from an unfortunate or improvident debtor a new promise to pay an old pastdue debt in full at a fixed date. Did he ever in a single instance receive with patience or without great indignation and reprobation from such a debtor long before such new promise had matured formal notice of its withdrawal? Is not that precisely the shameful position in which he and his party propose to place the Government of the United States in respect to the legal-tender debt, the existence of which he himself characterizes as "a disgrace to the people," by repealing the promise to pay it in 1879? It cannot be denied.

How, then, can we reasonably hope for thorough reform in any

department of the public service in the face of such blindness of public judgment and hardness of the public conscience as tolerates such bold propositions of repudiation? As between man and man we know and recognize the absolute need of exact uprightness as the condition of personal honor. As legislators it is proposed that we shall ignore uprightness and dally with it for selfish and partisan ends.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

The message also informed the House that the Senate had passed the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia, with an amendment; in which the concurrence of the House was requested.

RESUMPTION OF SPECIE PAYMENTS.

The House resumed consideration of the bill reported from the Committee on Banking and Currency repealing the resumption-day clause in the resumption act of 1875.

Mr. COX. I yield five minutes to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. The gentleman from New York asks the question: Why repeal the resumption act? My answer would be that the carrying of that act into effect is absolutely impossible, because while vastly promoting the advantages and interests of the centralized wealth of this country and its vested capital it is oppressing labor and bringing the wolf to the door of every laborer's household in this country; because it has prostrated every productive enterprise, and is a menace against every industry which employs the labor of the people of the United States, it is simply impossible. Resumption of specie payments is impossible unless you can reduce the volume of your paper money to a sum *substantially* equal to the amount of your coin. That proposition cannot be called in question in the light of the learning which the generations before us have furnished upon this question of finance.

The passage of the act of 1869, which partially demonetized a large portion of the money in which payment of a portion of the public debt might have been made, and the passage of the act of 1873, by still further diminishing the money available for meeting the public debt of the country and the engagements of its people—these acts have enormously enlarged your public debt and have induced the holding of the bonds of this Government by foreign nations, render early resumption absolutely impossible. I am not surprised that a portion of this Union should demand the prompt and inexorable enforcement of this law, no matter what may be the perils to this country. But on the present basis of taxation, Federal and local, it is impossible without the general prostration of the industries of the country that specie payments shall be resumed. With our taxation, Federal and local, reaching seven hundred and thirty millions a year, it is practically impossible to reduce the volume of the currency and to maintain the honor of the nation and the obligations of the State and local governments.

The highway, as has been very justly stated, to specie resumption is to reduce the burdens which rest upon the people of this country; especially the burden of Federal taxation. And this Congress will have done more toward resumption in reducing the burden of taxation to the extent of $30,000,000, if it shall reach no further during the present session of Congress, than all the laws you can enact. Economy in the Government, local as well as Federal, is the first and most important step toward the resumption of specie payments.

But that fatal policy, the holding out of motives by our financial policy for holding our debt abroad, has rendered this resumption impossible. France is no parallel. Her debt is due to her own citizens. The money that passes from her treasury to pay the interest on her bonds is not withdrawn from the country since she paid the enormous fine to the German people. Its payment is no reduction of the agencies by which the industries of the people are promoted The same is true of all other nations. Ours alone is indebted to the great powers of Europe—England, Switzerland, France, Germany. We are the debtor nation, the West is greatly indebted to the East, and this measure of resumption would add not less than $150,000,000, to the indebtedness of the debtor class of this country.

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Speaker, at the time the act of 1875 became a law I was absent from the House on an investigation, ordered by the House, in Mississippi. Had I been here at the time I would have denounced that law, not only as a party necessity, so advocated by the republican party, but as a sham, a delusion, and a fraud. I can only characterize it as one with all the other contemporary acts of that party which has misruled the nation during the past eight years.

In view of the waste, extravagance, and corruption of the present Administration in all its departments, that act can only be regarded as deceptive of the true interests of the people; in fact, it was really intended to be a political make-shift instead of a statute passed in the true interests of the country.

But, Mr. Speaker, I believe in the propriety of viewing the acts of our political opponents, not as may have been intended by them, but in that light which may be productive of the most advantage. We have a notable example in the action of yesterday. The gentleman from Maine [Mr. Blaine] lately a member of this House has offered a joint resolution with an object to influence party animosities and introduce agitation on questions pertaining to religion as affected by politics, and the Judiciary Committee adopted his resolve with an amendment and introduced it as a democratic panacea for apprehended evils—they extracted good from evil—no matter what opinion we may have in regard to the policy or principle of that action on the example quoted.

In regard to this resumption law let us do likewise. Let us in the time that will be allowed to the democratic administration that is incoming in March next, as all our acts on this question are predicated on that belief and that desire—let us in the two years that will be given to us between March, 1877, and January, 1879, show to the people of this country that we can renew to them and make good the plighted but broken faith of the republican party. They gave us a sham and a delusion. They gave us a promise without one single act or word of preparation in order to carry out that promise and make it good. They, instead of offering the people of the country what they desired, a well-defined system of finance which would bring about resumption of specie payments, gave them but a miserable promise of renewal at a certain date.

We ought to compel them as far as we can to keep faith with the people. We have inaugurated economy and retrenchment; let us also inaugurate that great principle which is allied to and which is but another name for the leader whom we have placed at the head of our presidential ticket. Let us, in the language of Governor Tilden and in the language of the Saint Louis platform, substitute some well-defined plan for a return to specie payments instead of a barren figment of a date. Sir, my power shall be used as far as it goes in sustaining such a report from the Committee on Banking and Currency. But what do they give us now?

Mr. FORT Will the gentleman give us the democratic plan for a return to specie payments?

Mr. O'BRIEN. I will answer the gentleman's question. The platform of the democratic party and the letter of acceptance of the democratic candidate for the Presidency set forth this fact, that there can be no resumption without date or with date unless the democratic administration which is to come into power reverses the action of the past administration, unless it inaugurates reform and retrenchment and economy; unless, instead of corruptly spending the people's money and dissipating the revenues of the Government, you make purity, integrity, and economy the principles of official action. That you have failed to do, and we promise to do it. I adhere to and sustain at the same time the principles of my party. I take from my enemies that which is good. I adhere to the resumption act of 1875, and if I should have a voice in the next Congress, as it is almost now too late to do anything upon this question this session, I would advocate those measures which would bring the country to that condition of prosperity which would enable the Government without injury to the business interests of the country to stand by the law of 1875, and to pay coin for every dollar of legal-tender now in circulation.

[Here the hammer fell.]

Mr. KASSON. I now yield two minutes to the gentleman from Illinois, (Mr. CANNON.)

Mr. CANNON, of Illinois. Mr. Speaker, I wish I had an hour, but I thank the gentleman for even a little time. At last this bill is reported. Eight months have elapsed, and the committee in the last days of the session report. I am for the bill, but it does not go far enough.

Mr. Speaker, under the organization of the House and its rules the Committee on Mines and Mining have reported a bill to provide for the coinage of the silver dollar and make it a legal tender for all debts public and private. Now, then, under the rules that committee has an hour each day and no more; just two dilatory motions, one to adjourn and the other to adjourn to a day certain, take the hour, and the bill makes no progress. This has been followed day by day. The gentleman from New York, [Mr. HEWITT,] an influential member of this House, chairman of the national democratic central committee, and Tilden's right-bower, leads off in this filibustering, with the help of the gentleman from Maryland and the gentleman from Iowa. Now the present bill under the rules is not in the morning hour and may be considered and amended from day to day by a majority and passed with or without amendment, and no point of order lies against the bill nor is its consideration limited by time; and I want to say to the gentleman from Missouri, [Mr. BLAND,] who has charge of the silver bill, and to the House, that without a change of the rules this is the only parliamentary key by which the silver bill can be passed this session. The gentleman from New York, [Mr. COX,] having charge of the bill, refused to receive any amendment and moves the previous question. Now, if the previous question is voted down, the bill is open to amendment, and I will offer what is known as the Kelley silver bill as an additional section to the bill. It is as follows:

There shall be from time to time struck and coined, at the several mints of the United States, silver dollars of the weight of 412½ grains, as provided for in the act of January 18, 1837, upon which shall be the devices and legends provided by said act; and that the said dollar shall be a legal tender in payment of all debts, public and private.

Now I want you gentlemen on the other side of the House to "fish or cut bait." This is the chance and the only chance you will have under the rules this session by which a bill can be passed by a majority vote, making the silver dollar a legal tender for all debts, public and private. Gentlemen of the other side, do something positive for once during this session. The bill is all right so far as it goes, and I will vote for it as it is, for I am in favor of it, but would prefer to get my amendment in and I want to say that the remonetization of silver is of infinitely more importance, and unless you use the present parliamentary key to put it on as an amendment to this bill I can see no hope of its being passed this session. Some gentleman says the silver bill can pass as a separate proposition. The gentleman knows there is but one way to pass it this session as a separate proposition and that is for the majority of the House to restore the rules preventing filibustering, which you repealed at the first of this session.

Mr. Speaker, if the majority of the House honestly want to pass any bill or measure, it can always find a way to pass it. If the rules prevent, a majority of the House made the rules and a majority can change them. If the committees will not report, a majority of the House elected the Speaker who appoints committees, and the majority can elect another Speaker who will re-organize the committees so they will report. But I do not believe you, the majority of the House, have the honesty of purpose or the courage to do this; and for that reason I want you to allow me to offer the amendment which I have before read. We have had lip-service enough from you; let your action prove that you are for the silver bill by passing it when you have the chance, and allow us to help you.

Mr. COX. I now yield for five minutes to the gentleman from Ohio, [Mr. MCMAHON.]

Mr. MCMAHON. I have had but short notice, Mr. Speaker, that I should have an opportunity to speak upon this question, and if I had had more, modesty would have compelled me to be brief in any argument I might make. I cannot in five minutes do more than give to this House the sentiments of the people whom I represent. My own are well known. And I may say that in speaking for my people I know no well-defined party line which compels me to speak for democrats in preference to republicans. If I understand their sentiments I speak the opinion of numerous republicans as well as democrats when I say that the resumption law, as it stands, is a menace, as it was a fraud in the beginning, and that its repeal is no repudiation, no violation of a pledge, but will be a great relief to the country.

The gentleman from New York [Mr. CHITTENDEN] says this repeal will be repudiation. Repudiation of what? To whom have we promised to pay this money? We hold it in our own pockets. It is not in the pocket of our foreign creditors. It is our debt; it answers our purposes as money; it circulates as money. And are the few, who hold the great bulk of it, to be encouraged in a scheme by which it may be suddenly made equivalent to gold to the great distress of the people? No. There are but few men in this country who will not stand by a democratic Congress which undertakes to relieve the people of some of the embarrassments that surround them; and let us have the courage to give the relief that is demanded.

If we must stand by this fraud, this snare, this delusion, this hinderance to resumption—I do not now remember the other names it has received in this debate by men who support it in order to preserve our good name and prevent ourselves from being called repudiationists—then I must say that our previous character must have been very bad indeed. I for one want no such certificate in regard to our position. This bill does not do all that the western people desire; it does not reach the entire evil. But "half a loaf is better than no bread;" and we must be content with that which we have an opportunity of getting when we cannot do better. I hope to live to see the day, not as my friend from New York [Mr. CHITTENDEN] probably would say, when the greenbacks will be redeemed and *retired*—for we will never agree to that in the West—but when the greenback, by economy and judicious legislation, will be made worth its face in gold. But we do not want the greenback currency withdrawn. It is convenient money, and if equalized with gold would be the best circulating medium the country has ever had.

It is time, I think, that the great democratic party, which has always claimed to be the ally and the friend of the people, which has always looked to the interest of the many in preference to that of the few, should now heed the suffering and the distress that is abroad in the country; should look to the destruction of our manufacturing interests and the lack of employment; should look to the reduction in value of our property and the ruin of our business.

Let us show that our hearts beat for the people; that we are in favor of relieving them from their distresses and burdens; and let us not seek hastily to redeem a fraudulent so-called pledge fastened upon the country.

Only desiring to put on record, in the short time allowed me, the feeling of my people upon this matter and earnestly hoping that this bill will pass, I now give way to those who are to follow me.

Mr. KASSON. I now yield to my colleague [Mr. WILSON] for two or three minutes.

Mr. WILSON, of Iowa. Mr. Speaker, currency has less to do with the depression of some of our industries than overproduction in manufactures and overspeculation in stocks and real estate. The prosperity of the country depends upon the creators of wealth and the surplus we can sell. An examination of our exports will show that we sell the products of the farm and the mine principally, the products we sell abroad of the manufactory being inconsiderable.

We sell between five and six hundred million dollars' worth of exports in a year and buy as much of imports. The merchants who handle these commodities require insurance against the fluctuations of gold that the consumer of foreign commodities must pay. If we had a specie basis this insurance would be saved. The farming interests of the West lose heavily by paying the transportation of their products to the seaboard. This can be overcome in part by building up manufactures in the West; but until we can have a stable currency capitalists hesitate to invest. It is now provided by law that these evils shall cease January 1, 1879. The cost would be the interest on sufficient gold and silver to redeem the Treasury note with and the loss to the creditor and debtor class a change of values to the extent of the difference between paper and specie, and this difference would also be added to the obligation of the debtor.

But the end of uncertainty in values, the inauguration of confidence and prosperity, would amply repay for the loss. To adopt this bill repealing the time fixed is to put the subject in greater uncertainty when it is our duty to take steps to resume. The annual loss of the unemployed labor and capital to the nation will be greater in the next two years than the cost of resumption. What would be thought of a debtor who owed a note payable in two years who, fearing he could not meet his obligation, proposed to strike the date of payment from the note? This is meeting a national debt, a war debt. Our people have never hesitated to meet their obligations when justice to their creditors was concerned; they surely will not hesitate when the result will be for their own benefit. I am confirmed in my suspicions that this bill is for party purposes when I see men who have opposed it heretofore racking their brains for reasons to excuse their votes. We must resume some time, and uncertainty will be fearfully expensive till we do.

Mr. KASSON. I now yield for three minutes to the gentleman from Maine, [Mr. HALE.]

Mr. HALE. It is a pleasant thing to see this programme carried out. One year ago the New York democracy, the puppet of Governor Tilden, resolved that it would take no step backward upon the question of the resumption of specie payments. Six months after that there were signs of coquetting with the inflation democracy of the West, and the eastern democracy began to talk of never yielding to a repeal of the date of resumption unless something was put in its place that would bring about redemption.

Then the Saint Louis convention met; and although to that convention the New York democracy went up like the tribe of Judah from the plain, it there met the inflation democracy, which had power enough to dictate the platform of the party and to select its candidate for Vice-President. Therefore, when the convention adjourned, the only questions left to be considered in the programme were the letters of acceptance of the candidates for President and Vice-President, and the further question of what this democratic House should do in the last days of this session.

We now have, within the last forty-two hours the letters of acceptance of the democratic candidates for President and Vice-President and the proposed action of this democratic House of Representatives. What is that proposed action? It is the repeal of the date of resumption, pure and simple. There is connected with it no measure to put in the hands of the Secretary of the Treasury any power to prepare for resumption.

The flag is lowered. No wonder that during the conferences between Governor Tilden and Governor Hendricks at Saratoga and at other places the Cincinnati Enquirer said:

> Mr. Hendricks was talking to the eastern democrats when at Saratoga. He was endeavoring to catch the eastern coon. He wasn't there to harrow up the feelings of his eastern friends. He is a soothing and complacent man. But just get hold of Governor Hendricks on the plains of the West, and he will satisfy his greenback friends. Mr. Hendricks is a sagacious, wise man. He has learned the methods of Paul.

Truly Governor Hendricks not only tried to get but did get the "eastern coon." We are confronted here with the proposition to lower the flag and repeal the date of resumption. I contrast it, as a part of the programme made public in the last twenty-four hours, with the declaration of Governor Hayes two months before his nomination, when, being asked whether he would under any circumstances favor a repeal of the date fixed for resumption, he declared boldly and explicitly that under no circumstances would he consent to it unless it was accompanied with some measure that should make resumption speedy and effectual. My friends on the other side have had an opportunity to put such a provision in this measure, but have declined to do so. They have lowered the flag and have the power to keep it lowered.

[Here the hammer fell.]

Mr. KASSON. I yield for a few moments to the gentleman from Ohio, [Mr. RICE.]

Mr. RICE. Mr. Speaker, in this connection I wish to state that on the 24th day of July I had the honor to introduce a resolution, which was adopted by this House, requesting the Secretary of the Treasury to report within one week the exact amount of gold coin and bullion in the Treasury, with the amount of obligations outstanding payable in gold on that date.

In his reply to that resolution the honorable Secretary took occasion to add to the gold the amount of silver coin and bullion also in

the Treasury, and to deduct from the entire sum the amount of gold obligations payable on demand; thereby showing a much larger coin balance in the Treasury than actually existed for the payment of such debts.

Now, Mr. Speaker, I hold that that report is calculated to mislead the public mind in regard to the true condition of the Government; in regard to its ability to meet its rapidly maturing obligations made payable by legislation in gold; and I desire at this time to correct such an error, and submit the following figures for that purpose:

According to said report there was actually in the Treasury in gold on the 24th ultimo	$52,657,546 43
Outstanding obligations payable in gold on demand	43,780,021 30
Leaving a gold balance in the Treasury amounting to	8,877,525 13
From which should be deducted for August interest, now past due	6,460,743 75
Thus making the total amount of gold in the Treasury at this time and available for the resumption of specie payments	2,416,781 38

A sum much less than is frequently shipped out of the port of New York in one week, and less than ¼ of 1 per cent. on the amount of legal-tender notes and national-bank currency which it is proposed to redeem in gold on the 1st day of January, 1879.

I submit these figures and remarks, Mr. Speaker, in order that the country may be informed on the questions referred to in my resolution, and also to let this House and the country know the exact amount of coin on hand with which to resume specie payment and how much preparation had been made in that direction, and what the prospect or the probable ability of the Secretary of the Treasury to comply with the provision of the resumption law of January 14, 1875, which declares for resumption on the 1st of January, 1879.

The gentleman from New York [Mr. HEWITT] states that at the time of the passage of the resumption act the amount of coin available for that purpose was about $70,000,000. Now, by the above showing it will be seen that after liquidating the outstanding obligations payable in gold on demand the Secretary of the Treasury has at this time in the Treasury available for the resumption of specie payment, according to the provisions of that law, but $2,416,781.38. In the face the facts are not these figures appalling? Well may the gentleman say that the legislation which gave this resumption act to the country was immature, vicious, and unwise, and, in the language of the Saint Louis platform, is not the resumptionary clause "a hinderance and an obstruction to the return of specie payments?"

Mr. KASSON. I yield five minutes to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD, of Illinois. Mr. Speaker, the proposition before the House is more than a proposition to repeal the date fixed for resumption. A vote for this measure will be a vote against resumption itself. There never has been a resumption of specie payments after suspension without previously fixing the date, either by agreement among the banks or by law. It was so in England, although the time was postponed. It has been so in the history of our Government. In 1814, when the United States Bank was chartered for the purpose of bringing the country back to resumption and when gold was at 20 per cent. premium, it was made a provision of the charter, that the bank when it commenced business should pay specie for its bills and to its depositors. Within a year the nation returned to specie payments, and gold and paper were of equal value.

So, although in 1837, after the suspension of May 10, gold was at a premium of 10 per cent. within a year, in May, 1838, the banks agreed that they would resume. Gradually the premium declined, and resumption was reached in accordance with that agreement.

Hence I believe it is wise to fix some date for resumption. Prolong the time if necessary, or if, in the language of the Saint Louis platform, the resumption act is a hinderance to resumption, fix an earlier date; but the repeal of the provision fixing a date without naming any time means no time for resumption.

It is said the country is in no condition to take measures for resumption. Is that so? The great country is prosperous. There may be idle men in the cities and clamorous beggars be found in the streets, and the impression may have arisen because of this and that in some towns and villages mills and factories have stopped, and laborers are out of employment, that the country is impoverished and suffering. But the great industries of the country are being carried on as formerly. There were 20,000,000 more acres under the plow and nearly one million more men required to do the work upon farms in 1875 than in 1870. The value of farm products was hundreds of millions of dollars greater. There was more coal mined last year than in any previous year in our history. Statistics which I have just received from the secretary of the American Iron and Steel Association show that more rolled iron was produced last year, more steel in every form, and more of every product of iron and steel and other metals, except pig-iron. The great industries of the country are not prostrated. The great mass of the quiet workers of the country are not and have not been idle or these material and incontrovertible evidences of their labor would not exist.

It is true that prices are depressed and that manufacturing and business enterprises consequently do not return the large gains formerly received, but all the wealth of previous years is here; the production is not essentially diminished. Why, then, is it not a good time to make preparation for resumption? Instead of undoing the legislation aiming to secure specie payment and turning back on the road this Congress should supply the defects and omissions of existing law and devise measures that will accomplish the object with greater certainty.

How shall we commence? The matter is discussed in Mr. Tilden's letter; but it seems to me that it is not sufficient to depend upon the Government to accumulate gold. We have the machinery here through which and with which the necessary coin can be gradually, safely, and certainly accumulated. In my judgment, it is not necessary to contract the currency as a preliminary step; it is not necessary to reduce the amount of outstanding circulation in order to secure resumption. Let the volume of currency take care of itself. The maintenance of specie payments only requires that the national banks (which are able, perfectly able, to do it) should lay aside from year to year the coin interest that they receive from the Government and put it into their vaults as part of their reserve, allowing the currency now held there as reserve to be thrown into the channels of circulation. In two years and a half by this means $50,000,000 will thus have been added to the present stock. A late act has already provided for coining $50,000,000 of subsidiary silver. Add these amounts to the $150,000,000 of gold in the country and we have $250,000,000. Let the Treasury lay aside coin as a part of the sinking fund or on some other plan—I do not care what—and by 1879 the Treasury will have strengthened itself with $80,000,000 additional coin, and then there will be $330,000,000 at least of coin in the country, and nearly half as much coin as the paper circulation. That is as great a proportion of coin as we had at any time before the mines of California were opened. It seems to me that this is a necessary step toward resumption, and it is a mockery and pretense to declare in favor of specie payment and then repeal the date fixed for resumption without providing any better substitute or wiser plan for attaining it.

[Here the hammer fell.]

Mr. KASSON. Mr. Speaker, if there is any one greater cause of discouragement than any other to a gentleman in public life, it is the frequent instances which present themselves of legislative impatience and haste where there is great need of legislative deliberation. No gentleman upon either side of the House, I apprehend, has been here many years without feeling again and again how slight are the rewards offered in our parliamentary system to those gentlemen who desire to devote themselves directly to the solid interests of the people whom they represent. We go on from day to day, from week to week with our legislation without any patient and thorough investigation into the real, substantial interests of the country. But when a so-called political question is presented on this floor parties rally, numbers are aggregated, pressure is brought to bear, debate is cut off, and the party lash applied irrespective of what the great radical interests of the people require.

Sir, the question before the House is one of a class that demands the most serious thought and deliberation and inquiry into the great business interests of the country before we can with any just right say that the repeal of the day of resumption is demanded.

Sir, not one word of proof is presented to you by the Banking and Currency Committee; not one particle of evidence is supplied by the gentlemen who have taken the floor which can be relied upon by a deliberative body, to show that you cannot give this great boon of sound money to the people by the 1st day of January, 1879.

Finding myself met here by political platforms, political candidates, political considerations, I feel how vain it is to address myself with probable good results to that judgment of the representatives of the people which seeks alone the public good.

Gentlemen say no preparation has been made for the resumption of specie payments. Sir, since the financial panic of 1873 enormous preparation has been made. Not by legislative efforts so much as by the voluntary efforts of the people themselves. Economies have come into public, social, and business life throughout the country. Expenses are reduced everywhere. Hundreds of millions of debts have been discharged directly by payments, and other hundreds of millions have been discharged by the processes of the bankrupt courts.

More than that, sir: in the last fiscal year, commencing on the 30th of June, the balance of trade—without estimating the balance of specie shipments—the balance of trade shows $77,000,000 of gold value in favor of the United States. And the good work is going on still, reducing imports of luxuries and increasing exports.

And in presence of the fact that this law of 1875 was passed nearly two years after the disaster came upon the country that brought the hard times, (the failure of the Northern Pacific Railroad,) to this law, passed in 1875, the politicians and the demagogues from one end of the country to the other are attributing the hard times of 1873 as the effect of proposed resumption! The hard times came immediately from extravagant railroad enterprises, and ultimately from the extravagance induced by irredeemable and cheap paper money. Mr. Speaker, the question has been abused by the politicians. It is presented here to-day by the politicians. As one gentleman has said, in the ninth month of the session a political platform brings it here—no, not even a political platform, but a political candidate for the Presidency pronounces in his letter, just published, for its repeal, and the bugle-call of party summons you to follow it and repeal a statute

whose whole action has been beneficial to permanent American interests.

It is bringing us to the economies demanded and has brought us largely to them. It has brought national, State, and municipal governments to economical practices. It is bringing the balance of trade largely in our favor, amounting, including the specie shipments, to a balance of $130,000,000 in the last year, as shown by the official letter which I send to the reporters to be published as part of my remarks, verifying what I have said.

The letter is as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
July 8, 1876.

DEAR SIR: I transmit herewith, at your request, a statement showing the imports into and exports from the United States during the eleven months of the fiscal year ended May 31, with an estimate (from some of the ports) for June, and giving the following results:

Imports for the fiscal year ended June 30, 1876, $460,087,277; for the same period in 1875, $533,005,436, showing a falling off of $72,918,159.

Exports of domestic products, (mixed values)	$591, 677, 554
Exports of foreign products	14, 393, 342
	606, 070, 896

For the fiscal year 1875, $559,237,638 domestic and $14,158,611 foreign, showing an increase in the total exports of $32,674,647.

It will be observed that the domestic exports above given are expressed in *mixed currency*; reduced to gold, the amount is a little over $522,000,000 for domestic products, and the whole exports in gold value is $537,000,000, showing an increase in the total exports, gold value, of about $24,000,000 over those of the previous fiscal year, and about $77,000,000 over the imports of the present year.

The imports of *specie* in the last fiscal year amounted to $15,530,648 and the exports to $69,139,066, showing an excess of exports of $53,608,418. By adding this amount to the excess of merchandise exported, namely, $77,000,000, the total excess of exports of merchandise and specie over imports during the year is about $130,000,000.

These figures are approximately accurate, and will probably be found to vary not more than $2,000,000 from the correct ones when the accounts for June shall have been received and compiled.

Very respectfully yours,

EDWARD YOUNG,
Chief of Bureau.

Hon. J. A. KASSON, M. C.,
Washington.

Thus the work of preparation goes on. One of the bankers before our committee, in answer to the suggestion of my honorable friend from New York, testified that the banks had made already large preparations, particularly his own, and said other banks in New York had done the same. Your bank-vaults are crowded with a surplus of paper money, and you have not allowed this Government to provide for its redemption by funding and cancellation, even on the sole condition that the people themselves wish to surrender and cancel their paper money. You have refused the right to the people, which the original act gave them, of funding the greenbacks, a right which gave them so much value under the funding act. And you still refuse to return that right to them. Not this side of the House, but the other has refused to do that.

Mr. WILLIS rose.

Mr. KASSON. Excuse me now. And we have proposed to reduce the expenses of the public debt further. In the Ways and Means Committee has been pending for months a bill passed by the Senate enabling the Secretary of the Treasury to reduce our rate of interest from 6 to 4½ per cent., and that bill is not reported. Another proposition has been to reduce it to 4 per cent.——

Mr. MORRISON. Will the gentleman allow me a moment?

Mr. KASSON, (continuing.) —by the extension of the time of maturity as an equivalent for the diminution of interest, and that is not reported to the House.

Mr. MORRISON. Does not the gentleman from Iowa know that the Treasury has at its disposal now three hundred millions of 4½ per cent. fifteen-year bonds, and seven hundred millions 4 per cent. thirty-year bonds undisposed of?

Mr. KASSON. Precisely; and the Secretary's letter told the committee they could not be negotiated, as they needed some ten years added to the time when they matured as an equivalent for the reduction of the interest, and no report has been made to the House on the subject. Ah, does it lie in the mouths of the opponents of specie resumption to say the fault rests with the republicans, and we cannot resume in 1879 with the measures they can yet submit for our action prior to that time?

Sir, I care nothing for that identical day. The 2d of January is as good as the 1st to me; and the 25th of December prior to the 1st as good as the 1st of January. There is no cabalistic effect in the 1st day of January. But the significance, the dangerous significance—and no man knows it better than Governor Tilden—of this proposition is that it leaves no port to sail to and no time at which your arrival shall be expected.

Mr. GARFIELD. And no promise.

Mr. KASSON. As that distinguished politician stated in his letter laid upon our desks this morning, "with a good pilot at the helm—S. J. T., to wit—if you start on a voyage for Liverpool you are sure to arrive there." But he is taking Liverpool out of the resumption act, and proposes to make a voyage only "for Cowes and a market." [Laughter.]

Mr. Speaker, his letter and the claims set up by his friends of being honestly devoted to the resumption of specie payments have yet to be canvassed by the people of the United States. The platform is an evasion. A large party in this country demands the entire repeal of the resumption act and want no resumption at all. They are honest. They believe in poor money, and they take the proper steps to arrive at it. But when a gentleman believes in good money, which can be made good in only one way, then he is not justified in striking a blow at one of the most essential features of the resumption act without substituting an equivalent measure.

I have not time of course to cover the whole ground of this debate. The bill which the committee have attacked in part contains several provisions for the resumption of specie payments besides that of which they propose the repeal. And the other words of that act will remain, of course, standing unsupported by this other clause and emasculated of all vigor by this repeal, leaving us all afloat as far as the public confidence in future resumption is concerned. The gentleman from New York, who I think has an honorable purpose in respect to the resumption of specie payments—I refer to Mr. HEWITT—announces the fact that in the passage of that act the honor of the country was committed to its execution, but condemns what he calls the haste with which it was adopted. Is it possible that that gentleman, admitting that the honor of the country has been constitutionally pledged, is himself willing to aid in striking this blow at that honor in the presence of the world? Can any man who believes that the country is bound to exhaust all honorable efforts to arrive at that result, can such a gentleman vote to abolish this clause in the act until all possible measures to give it effect have been tried and found wanting?

Mr. HEWITT, of New York. I beg to remind the gentleman that that was the exact statement I made.

Mr. KASSON. Am I to understand that the gentleman is opposed to this repeal?

Mr. HEWITT, of New York. Certainly. I announced my position to-day, and moved a substitute.

Mr. KASSON. Then I beg to apply my remarks to the other gentlemen who accept his premises but do not honorably accept his conclusions.

We stand, then, in the presence of a desirable object, for which a certain provision has been made by existing laws. And in that condition of things, without avowing their hostility to the object of the law, gentlemen are here proposing to take away that part of the law which is vital to the rest and without which the remainder cannot be executed, and are doing it, to quote the platform on which they stand, because it is a "hinderance to resumption." Now, sir, look for a moment at the political deceit of that proposition. They say that a law which declares that resumption shall take effect by a certain time and does not say that it shall not come prior to that time is a hinderance to the result to be arrived at. Is that consistent with your two arguments that no preparation has been made and that it is not possible to resume by the time named? If there is any significance in terms, this must be a hinderance, because without it you would arrive at resumption quicker. Will you make this argument in Indiana? Will you say that you are going to resume specie payments before the 1st of Janury, 1879? How will you use it on the stump in Indiana and in New York? Will you not, on the contrary, say in the West simply that Tilden is for the repeal of the resumption act and Hendricks is for the repeal of the resumption act? Will you not say in New York and the East that it means to arrive at resumption sooner than 1879? And will not you tell the greenbackers of Indiana that they must come and help elect these candidates in order to defeat the resumption of specie payments? Sir, that clause of the platform struck me with more than opposition; it struck me with a feeling, I hope I may be permitted to say, of disgust. That the law should be said to be positively a hinderance to resumption when they do not suggest anything except its repeal to help resumption, that seems to me a positive and direct evasion of the responsibility under which that party stands to the country. It is a two-faced declaration, worthy of the politician trained in the school of Martin Van Buren.

Mr. Tilden says in his "message," as some gentleman has called it, based as I suppose upon its length, that—

To amass the requisite quantities—

Alluding to an accumulation of coin for the purpose of resumption—

To amass the requisite quantities, by intercepting from the current flowing out of the country, and by acquiring from the stocks which exist abroad, without disturbing the equilibrium of foreign money markets, is a result to be easily worked out by practical knowledge and judgment.

Now, if this is a result to be easily worked out in this way, why have not his friends proposed a better plan than the republican administration has proposed.

Mr. WILLIS. We will when the responsibility devolves upon us.

Mr. KASSON. Why have you not, when the responsibility is upon you in this House of Representatives, proposed a proper measure? Why has not a single measure for that purpose come from a committee of this House while under the control of the democratic party? Why have they not moved an amendment to this act in the Committee on Banking and Currency, providing for the accumulation of the requisite amounts?

Mr. WILLIS. Because there is a better means than that which is provided by the original act.

Mr. KASSON. And why does not the honorable gentleman for whom they propose to vote suggest those easy and practical ways for arriving at that result? Why is it that the man who sees no ob

stacle, who wants no obstacle, and whose friends in this House have not the necessary knowledge—why is it that he does not supply the knowledge that will enable them before this session closes to introduce their measure? Certainly this side of the House will vote for it with great promptitude if it tends to the result we so much desire—to relieve the country of its uncertainty.

Mr. Speaker, I think the more you examine the position of this question the more you will see that this is not a measure honestly designed for the benefit of the people, but is merely a party bridge across a political chasm. Let this issue be distinctly and constantly drawn, that the party to whose principles I am permanently attached persists in demanding good constitutional money for the laborers, the farmers, the producers of the United States, for all the people of the country, while the so-called party jumps at every form of poor money; first at paper, because it is poorer than gold; and then at silver, because it is more fluctuating, more depreciated than paper.

[Here the hammer fell.]

Mr. COX. The gentleman from Iowa when he charges this side of the House with recklessly jumping toward unconstitutional currency, and when he makes a political rather than a fiscal speech, ought to remember the eleven years of continued imbecility upon the other side. During that period his side of the House had at times two-thirds majority. His party also had the Senate and the President. Yet how signally they have failed to bring back this country to the old constitutional standard of wages and prices. It does not become a gentleman who is in part responsible for that action to taunt this side of the House with remissness. He should read the democratic platform, which truly declares that—

Reform is necessary to establish a sound currency, restore the public credit, and maintain the national honor.

We denounce the failure for all these eleven years of peace to make good the promise of the legal-tender notes which are a changing standard of value in the hands of the people, and the non-payment of which is a disregard of the plighted faith of the nation.

We denounce the improvidence which, in eleven years of peace, has taken from the people in Federal taxes thirteen times the whole amount of the legal-tender notes, and squandered four times their sum in useless expense without accumulating any reserve for their redemption.

We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance toward resumption, no preparation for resumption, but, instead, has obstructed resumption by wasting our resources and exhausting all our surplus income, and, while annually professing to intend a speedy return to specie payments, has annually enacted fresh hinderances thereto. As such a hinderance we denounce the resumption clause of the act of 1875, and demand its repeal.

We demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance, which shall enable the nation soon to assure the whole world of its perfect ability and its perfect readiness to meet any of its promises at the call of the creditor entitled to payment.

That platform indicts your party for its improvidence, extravagance, and expenditures by which the resumption of specie payments has been a vain endeavor. It indicts your party for eleven years of financial imbecility and immorality in making no preparation for resumption.

But I do not intend now and here to discuss mere political matters. One startling fact should be heeded by this House before it votes upon this proposition. It is, that if this resumption law is enforced, in two and a half years there will be a coercive resumption of $570,000,000 of circulating paper. That includes bank and legal-tender notes. They are now below par to the amount of 12 per. cent. To this the United States adds, by failing to provide a legislative relief and remedy, $80,000,000 of the purchasing power of that paper. We would cruelly require the debtor to pay his debts in currency at 12 per cent. more than was contracted. More than that; if this resumption day is carried out we increase the burden of the debtor class to an enormous extent. It is thought that we have six thousand millions of indebtedness. This is now generally believed to be the amount existing in this country. If this be correct, sir, it adds $730,000,000 by enforced resumption to the burdens of the debtor class. For this you will be held responsible.

You try to make this a party question. You made a party question of the resumption bill. It was passed as such, except in so far as some honorable gentlemen on the other side to whom I have referred voted against the bill. Senator SHERMAN himself said that the republican party needed "a policy," and therefore they passed the finance bill of January, 1875. You drove that bill through here from party tendencies, motives, and aims. But have you done anything to restore confidence, remove impediments to the revival of business, or facilitate the growth of prosperity? You would resume specie payments, but what worthy of the name have you to resume with? You have had the President and the Senate and the House of Representatives for most of the time and you have done nothing substantial. You have not even followed the recommendation of your own Secretary of the Treasury in the points heretofore referred to. You dare not follow his advice, when he says upon page 19 of his annual report:

The existing provision of law making United States notes legal tender for all debts both public and private, with certain exceptions relating to transactions with Government, is an artificial barrier to the use of gold and silver, tending not only to prevent the flow of gold toward this country, but promoting the shipment abroad of our own production of the precious metals. For this reason Congress should abolish the legal-tender quality of the notes as to all contracts made and liabilities arising after a fixed day. The 1st day of January, 1879, being already fixed by law as the time when the redemption of United States notes then outstanding shall begin, it would be proper and safe to provide that such notes shall not be legal tender for contracts made or liabilities incurred after the 1st day of January, 1877. Such an act would not too suddenly change the value of the notes and would not affect injuriously either debtors or creditors, but would remove a present obstruction to the retention of our gold and silver production, and create a demand for the return of gold now abroad, thus promoting final resumption by preparing the country for it.

In furtherance of the purpose of the act of the last Congress to provide for the resumption of specie payments, the Secretary recommends that authority be given for funding legal-tender notes into bonds bearing a low rate of interest.

Why did you not help him abolish the legal-tender quality of the greenback? Why did you not fix the time for it which he suggests, to wit, January 1, 1878? Why did you not help him in that regard as well as in funding the legal-tenders?

You have voted down many motions and resolutions which have been made here in the last ten years. Some of these I have offered, copying them from the executive messages. Propositions made, both in the Committee on Banking and Currency and in the House to resume, or inquire into the feasibility of resuming specie payments you have killed. The record on that can be produced against you. Hence we say again, eleven years of imbecility and immorality lie against you.

Hence we say that an impossible date fixed for resumption is a hinderance for which you are responsible. We quote from Governor Tilden's message to show that a fixed date is not so important as legislation which allows business interests to succor us from paralysis. Time, economy, and honesty will aid us to resumption. When the time is ripe for it and the business interests of the country will admit of it, Congress can then fix upon the proper time, as did England under like circumstances.

Resumption is the great desideratum; and no one has so happily expressed it as Governor Tilden in the letter of acceptance which I quote from:

The proper time for resumption is the time when wise preparations shall have ripened into a perfect ability to accomplish the object with a certainty and ease that will inspire confidence and encourage the reviving of business. The earliest time in which such a result can be brought about is the best. Even when the preparations shall have been matured, the exact date would have to be chosen with reference to the then existing state of trade and credit operations in our own country, the course of foreign commerce, and the condition of the exchanges with other nations. The specific measures and the actual date are matters of detail, having reference to ever-changing conditions. They belong to the domain of practical administrative statesmanship. The captain of a steamer about starting from New York to Liverpool does not assemble a council over his ocean-chart and fix an angle by which to lash the rudder for the whole voyage. A human intelligence must be at the helm to discern the shifting forces of the waters and the winds. A human hand must be on the helm to feel the elements day by day, and guide to a mastery over them. Such preparations are everything. Without them a legislative command fixing a day, *an official promise fixing a day, are shams.* They are worse—they are a snare and a delusion to all who trust them. They destroy all confidence among thoughtful men, whose judgment will at last sway public opinion.

In conclusion, then, and in view of the futile efforts made thus far to resume, can any pretend it can be done by the date stated? As well try to reach the moon by sliding up on its beams! It was a law for which no democrat voted. It was a law for the enforcement of which no adequate provision is proposed by the party in power, Executive, Senate, or Congress. It is kept on the statute as a delusion and a snare. No substitute or condition of its repeal is now possible. It stands there a menace to business, an impediment to resumption. It has neither by its own vigor remonetized silver or gold. It is a dead letter. It is an unpleasant body, and should be removed and buried. Passed without debate, forced into a law without amendment, useless for industrial or fiscal relief, baseless for all useful foundations of specie, conceived in party scheming and brought forth in distress and disaster, it should be removed without delay and slaughtered without mercy.

The committee of which I have the honor to be the chairman, sir, have treated the House with as much fairness as the House has treated them. We had leave by your courtesy to report upon this subject at any time. We have not abused that privilege. Even if we differed and delayed as to what we should report, we felt bound in honor to allow the majority of the House to pass upon this and similar measures. And now, sir, our report is made and the time has come for your action. I hope a vote will be taken; and if this negative measure be not sufficient for the great end we have in view, let the other bill pass for a commission to inquire and report more positive legislation next session. I call for the previous question upon the substitute for the bill as reported by the committee.

Mr. HEWITT, of New York. I ask my colleague from New York to permit a vote to be taken on the substitute which I offer? I think that it will permit a settlement of this question and facilitate legislation upon the subject.

Mr. COX. I must respectfully decline. I cannot yield for that purpose without the consent of the committee and my committee is not together, and I cannot consult them; indeed two of them are already absent from the city.

Mr. FORT. I wish the gentleman would allow five minutes further for discussion.

Mr. COX. I have no further time.

The SPEAKER *pro tempore*. The question is upon seconding the call for the previous question.

The question was taken; and upon a division there were—ayes 101, noes 11; no quorum voting.

Mr. HOLMAN. I call for tellers.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry, with a view to guiding me in the vote I shall give. If the previous question is voted down, will it then be in order to move as an amendment

to this bill the silver bill of the gentleman from Missouri [Mr. BLAND] or any other amendment?

The SPEAKER *pro tempore*. The Chair does not regard that as a parliamentary inquiry. He will state what he supposes every gentleman in the House very well knows, that if the previous question is not sustained the bill will then be open to proper amendments; that is, amendments that are germane to the bill.

Tellers were ordered; and Mr. COX, and Mr. HEWITT, of New York, were appointed.

The House again divided; and the tellers reported that there were—ayes 90, noes 21; no quorum voting.

The SPEAKER *pro tempore*. If no further count is called for the previous question will be regarded as seconded.

Mr. PAGE and Mr. FOSTER called for a further count.

Mr. GARFIELD. I hope the gentleman from New York [Mr. COX] will allow a vote to be taken on the substitute proposed by his colleague, [Mr. HEWITT;] that is all we ask.

Mr. PIERCE. I move that the House now adjourn.

Mr. GARFIELD. I hope the gentleman will allow the substitute of his colleague to be voted on. [Cries of "No!" "No!"] Let it be read, and see if gentlemen do not want to vote upon it.

Mr. LAWRENCE. Let it be read by unanimous consent.

Mr. HOLMAN. I move that there be a call of the House.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 69, noes 114,

Before the result of the vote was announced,

Mr. PIERCE called for tellers.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

Mr. HOLMAN. I now move that there be a call of the House.

The motion of Mr. HOLMAN was agreed to upon a division—ayes 113, noes 66.

The Clerk then proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Ashe, Bass, Beebe, Blackburn, Bliss, Blount, Bradley, Buckner, Samuel D. Burchard, Burleigh, Candler, Chapin, Cowan, Crapo, Culberson, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Ely, Fuller, Glover, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moyne, Magoon, McDill, Money, Oliver, John F. Philips, William A. Phillips, Plaisted, Purman, Randall, James B. Reilly, Roberts, Sobieski Ross, Schumaker, Seelye, Sparks, Spencer, Swann, Tarbox, Martin I. Townsend, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Alan Wood, jr., and Fernando Wood—79.

The SPEAKER *pro tempore*. There is a quorum present and answering to their names, 206 members having answered on the call of the roll.

Mr. O'BRIEN. I move that all further proceeding under the call be dispensed with.

The motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon seconding the call for the previous question.

Mr. GARFIELD. I hope we will be allowed a vote on the substitute of the gentleman from New York, [Mr. HEWITT.]

Mr. HOLMAN. I hope the gentleman from New York [Mr. COX] will allow that substitute to be voted upon.

Mr. COX. I have no objection to allowing it to be offered, with the understanding that the previous question shall then be ordered and a vote taken in good faith upon the bill and pending amendments.

Mr. HEWITT, of New York. All I want is to have my substitute offered and voted upon.

Mr. COX. There is a preference here on this side of the House, and perhaps on the other side, that the proposition of my colleague [Mr. HEWITT] shall be offered as an independent section.

Mr. GARFIELD. No, as a substitute.

Mr. CANNON, of Illinois. I ask the gentleman to allow the amendment to be read for information.

Mr. COX. I cannot yield now.

Mr. HALE. The proposition is that the substitute of the gentleman from New York [Mr. HEWITT] shall be offered for the substitute reported from the Committee on Banking and Currency. Let that be done, and then let the previous question be called and we will all vote on the bill and amendments.

Mr. COX. Let it be proposed as an independent section, and let gentlemen agree to stop all further filibustering.

Mr. HALE. No; let it be offered as a substitute for the substitute reported from the committee.

Mr. COX. Very well; I have no objection to that.

The SPEAKER *pro tempore*. The Chair, then, will understand that the demand for the previous question covers the bill reported by the committee and the substitute proposed by the gentleman from New York, [Mr. HEWITT.]

Mr. CANNON, of Illinois. I desire to offer an amendment as an additional section to the bill, and I ask the gentleman from New York [Mr. COX] to allow it to be read for information.

Mr. COX. I admit the amendment of my colleague, [Mr. HEWITT,] and call the previous question.

Mr. HOLMAN. I trust the gentleman from New York [Mr. HEWITT] will offer his proposition as an amendment in the form of an additional section, and not as a substitute.

Mr. HEWITT, of New York. No, sir; I desire to offer it as a substitute.

Mr. CANNON, of Illinois. I rise to a question of order. I want to know whether it is not in order for me to ask the gentleman from New York who controls this bill to allow me to offer an amendment, upon which the previous question shall operate, proposing, as an additional section to the bill, the provision known as the Kelley silver bill?

The SPEAKER *pro tempore*. The Chair will answer that question. It is not in order pending the demand for the previous question.

Mr. CANNON, of Illinois. I ask whether it is not in order for me to appeal to the gentleman from New York to allow this amendment to be read for information?

Mr. COX. It is not germane at all to this bill.

Mr. CANNON, of Illinois. Then the gentleman refuses his consent.

Mr. SOUTHARD. I rise to make a parliamentary inquiry. I desire to know whether this proposition to substitute a provision for the appointment of a commission requires unanimous consent.

The SPEAKER *pro tempore*. Certainly not.

Mr. LAWRENCE. Let the substitute of the gentleman from New York [Mr. HEWITT] be read.

The Clerk read as follows:

Be it enacted, &c., That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate, three members of the House of Representatives, to be appointed by the Speaker, and three experts, to be selected by and associated with them, with authority to determine the time and place of meeting and to take evidence; whose duty it shall be to consider what measures are necessary and practicable in order to bring about the resumption of specie payments at the earliest possible time consistent with a due regard to the interests of the country, and to report a bill embodying the results of their investigations on or before the 15th day of December, A. D. 1876.

Mr. HOLMAN. I trust this will be offered as an additional section, and not as a substitute.

Many MEMBERS. No! No!

Mr. HOLMAN. Then I hope it will be voted down.

The previous question was seconded and the main question ordered; there being—ayes 136, noes 18.

Mr. HALE. I move to reconsider the vote by which the main question was ordered; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The first question is upon the substitute offered by the gentleman from New York [Mr. HEWITT] for the report of the committee.

Mr. COCHRANE, Mr. NEAL, and others called for the yeas and nays.

Mr. McCRARY. I wish to put an inquiry to the Chair. Is it in order at this time to have read by the Clerk the third section of the resumption act as it would stand if amended in the manner proposed by this bill? [Cries of "regular order."] I think that is in order.

The SPEAKER *pro tempore*. The Chair does not understand how it can be in order, as the matter proposed to be read is not before the House.

The yeas and nays were ordered.

Mr. FORT. Before the vote is taken, I ask that the substitute be again read.

Mr. HOLMAN. In order that there may be a perfect understanding of both propositions, I ask that the bill reported by the committee be first read, and then the substitute.

Mr. McCRARY. And also the statute as it will stand if amended.

Mr. HOLMAN. Every man here has read that statute a hundred times.

The SPEAKER *pro tempore*. Nothing can be read which is not directly before the House, except by unanimous consent.

The bill as reported by the committee and the substitute offered by Mr. HEWITT, of New York, were again read.

Mr. COCHRANE. I want to ask the gentleman from New York [Mr. HEWITT] a question: If this substitute is voted down will he offer it as an additional section to the bill as reported by the committee?

Mr. FORT. I would like to know if the gentleman from New York offers this as chairman of the national democratic committee?

[Cries of "Regular order."]

Mr. HOLMAN. I want to make a parliamentary inquiry. Would it be in order now to move to lay the substitute of the gentleman from New York on the table, and would it carry the original bill with it?

The SPEAKER *pro tempore*. It certainly would; but it is not in order to make the motion. [Laughter.]

Mr. KASSON. If there be unanimous consent, I would like to read the statute.

[Cries of "Regular order."]

The question was taken on the substitute of Mr. HEWITT, of New York; and there were—ayes 92, nays 104; not voting 89; as follows:

YEAS—Messrs. Abbott, Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bell, Blair, William R. Brown, Horatio C. Burchard, Caswell, Chittenden, Conger, Crounse, Cutler, Danford, Davy, Durand, Eames, Ely, Freeman, Frye, Glover, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Hen-

derson, Abram S. Hewitt, Hoar, Hoge, Hooker Hurd. Hurlbut, Hyman, Joyce, Kasson, Kehr, Kimball, Lamar, Lapham, Lawrence, Levy, Lord, Lynch, MacDougall, McCrary, Meade, Metcalfe, Miller, Monroe, Morrison, Nash, Norton, O'Brien, Odell, O'Neill, Packer, Page, Pierce, Piper, Platt, Potter, Powell, Pratt, Rainey, Miles Ross, Rusk, Sampson, Schleicher, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Thompson, Thornburgh, Washington Townsend, Tufts, Wait, Charles C. B. Walker, Ward, Warren, G. Wiley Wells, White, Whiting, Willard, Alpheus S. Williams, Willis, James Wilson, and Woodburn—92.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Banks, Banning, Bland, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Dibrell, Douglas, Durham, Eden, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Gause, Goode, Goodin, Gunter, Harrison, Hartzell, Haymond, Henkle, Hereford, Holman, Hopkins, House, Hubbell, Hunton, Thomas L. Jones, Franklin Landers, Lane, Lewis, Lynde, Mackey, Maish, McFarland, McMahon, Milliken, Mills, Morgan, Mutchler, Neal, New, Payne, Phelps, Poppleton, Randall, Rea, Reagan, John Reilly, Rice, Riddle, Robinson, Savage, Sheakley, Singleton, Slemons, William E. Smith, Southard, Springer, Stenger, Stevenson, Stone, Terese, Thomas, Throckmorton, Tucker, Turney, Van Vorhes, John L. Vance, Waddell, Gilbert C. Walker, Walsh, Erastus Wells, Whitthorne, Wigginton, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Yeates, and Young—104.

NOT VOTING—Messrs. Ashe, John H. Baker, Bass, Beebe, Blackburn, Bliss, Blount, Bradley, Buckner, Samuel D. Burchard, Burleigh, Candler, Chapin, Cowan, Crapo, Culberson, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Foster, Fuller, Garfield, Gibson, Andrew H. Hamilton, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moyne, Luttrell, Magoon, McDill, Money, Oliver, John F. Philips, William A. Phillips, Plaisted, Purman, James B Reilly, John Robbins, William M. Robbins, Roberts, Sobieski Ross, Sayler, Scales, Schumaker, Seelye, Sparks, Spencer, Swann, Tarbox, Terry, Martin I. Townsend, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Alan Wood, jr., Fernando Wood, and Woodworth—89.

So the substitute was rejected.

During the vote the following announcements were made:

Mr. ROBBINS, of North Carolina. I am paired with the gentleman from Massachusetts, Mr. TARBOX. If present he would vote "ay."

Mr. STENGER. My colleague, Mr. JENKS, is absent by leave of the House. If present he would vote "no."

Mr. SCALES. I am paired with the gentleman from Massachusetts, Mr. SEELYE. If he were here I take it he would vote "ay," and I would vote "no."

Mr. COCHRANE. My colleague, Mr. ROSS, is absent by leave of the House.

Mr. RICE. My colleague, Dr. COWAN, of Ohio, is detained at home on account of injuries received by a fall.

Mr. DARRALL. I am paired with my colleague, Mr. ELLIS. He would vote "no," and I would vote "ay."

Mr. DAVIS. I am paired with the gentleman from Maine, Mr. BURLEIGH. He would vote "ay," and I would vote "no."

Mr. CLARK, of Missouri. My colleague, Mr. GLOVER, is paired with Mr. DUNNELL, of Minnesota. Mr. GLOVER would vote "no," and I do not know how the gentleman from Minnesota would vote.

Mr. THROCKMORTON. My colleague, Mr. CULBERSON, is absent on account of sickness. If present he would vote "no."

Mr. TERRY. I am paired with Mr. JONES, of New Hampshire. If present he would vote "ay," and I would vote "no."

Mr. HARTRIDGE. I am paired with Mr. HOSKINS, of New York. If he were here I would vote "no," and I presume he would vote "ay."

Mr. JOHN REILLY. My colleague, Mr. JOHN B. REILLY is absent by leave of the House.

Mr. HARTZELL. My colleague, Mr. SPARKS, is absent by leave of the House. If present he would vote "no."

Mr. TEESE. My colleague, Mr. HAMILTON, is absent on account of sickness.

Mr. ROBBINS, of Pennsylvania. I am paired with Mr. FULLER, of Indiana. He would vote "no," and I would vote "ay."

Mr. PIERCE. Mr. CRAPO is paired with Mr. COWAN. Mr. CRAPO would vote "ay."

Mr. BAKER, of Indiana. I am paired with the gentleman from Michigan, Mr. WILLIAM B. WILLIAMS. If present he would vote "ay," and I would vote "no."

Mr. GARFIELD. I am paired with Mr. KNOTT, of Kentucky. If present he would vote "no," and I would most certainly vote "ay."

Mr. HALE. My colleague, Mr. PLAISTED, is confined to his house by indisposition.

Mr. CASWELL. My colleagues, Mr. WILLIAMS and Mr. MAGOON, are absent by leave of the House.

Mr. FOSTER. I am paired with my colleague, Mr. WALLING, who is absent. If present he would vote "no," and I would vote "ay."

Mr. PRATT. My colleague, Mr. DUNNELL, is paired on this question with Mr. GLOVER. Mr. DUNNELL would vote "ay," and Mr. GLOVER would vote "no."

Mr. LUTTRELL. I am paired with Mr. BLACKBURN, of Kentucky. If present he would vote "no," and I would vote "ay."

Mr. WILSON, of Iowa. My colleague, Mr. MCDILL, who is necessarily absent, if present would vote "ay."

The vote was then announced as above recorded.

Mr. COX moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I now ask we have a vote on the original proposition.

The SPEAKER *pro tempore*. The pending question is on the substitute reported by the gentleman from New York.

Mr. COX. I wish to say to the House that I do not desire to take two votes on this proposition. It is a substitute for the bill of the gentleman from Virginia, [Mr. GOODE.] Let the substitute be divided, and then the question will come up on agreeing to the original propositio n.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HEWITT, of New York. I now ask my colleague [Mr. COX] to allow me to fulfill the pledge which I gave on the floor to the gentleman from Pennsylvania, that in the event of the substitute being voted down I would offer it as an amendment to the bill reported by the Committee on Banking and Currency.

The SPEAKER *pro tempore*. The gentleman cannot do that.

Mr. COX. The previous question is now prevailing.

Mr. RANDALL. It is not in the power of the gentleman to do it because of the operation of the previous question.

Mr. HOLMAN. I ask that the vote may be taken over again as to ordering the yeas and nays. It seems to me there was a misapprehension as to what the yeas and nays were being called on. I ask a reconsideration of the vote ordering the yeas and nays, because there is no substantial difference between the two propositions, the bill of the gentleman from Virginia [Mr. GOODE] and the substitute reported by the gentleman from New York, [Mr. COX.]

The SPEAKER *pro tempore*. Is there unanimous consent that the call for the yeas and nays on the bill reported by the gentleman from New York as a substitute for the original bill be withdrawn?

Mr. COX. My report is a report from the committee in the nature of a substitute. All I want is a vote on my substitute, not on anybody else's.

Mr. RANDALL. This is a report from a committee which had leave to report at any time; and it comes before the House as a report of a committee; it does not come as a substitute.

The SPEAKER *pro tempore*. The Chair must be permitted to state that there can be no doubt about this question as regards the form in which the report came to the Chair. The chairman of the Committee on Banking and Currency reported a substitute for the original bill, and to that substitute the gentleman from New York [Mr. HEWITT] offered another substitute. That substitute has been disagreed to. The question now comes before the House, Will the House agree to the substitute reported by the chairman of the Committee on Banking and Currency for the original bill?

Mr. HOLMAN. As the yeas and nays have been ordered on that, I move to reconsider the vote ordering them.

Mr. LAWRENCE. Let the original bill be read that we may know what it is.

Mr. HALE. Will the Chair hear me a moment on the question of order?

The SPEAKER *pro tempore*. The Chair will hear the gentleman when order is restored. There is too much confusion in the Hall.

Mr. COX. I call for the reading of the report which I made as chairman of the committee.

Mr. HALE. I rise to a point of order. I ask the Chair, have we anything to do in this House with the original "Goode" bill? The chairman of the committee has reported from that committee originally the bill which is now before the House, and on which we are to vote.

The SPEAKER *pro tempore*. The Chair begs leave to correct the gentleman from Maine, [Mr. HALE.] The position of this question can be readily stated. The chairman of the committee did not so report. He reported the original bill introduced by the gentleman from Virginia [Mr. GOODE] and a substitute for that bill.

Mr. LAWRENCE. Now we want to see what the original bill is for which the report of the committee is a substitute.

The SPEAKER *pro tempore*. The Chair will order the original bill to be read and also the substitute.

Mr. HALE. Did the gentleman from New York [Mr. COX] report them both?

The SPEAKER *pro tempore*. He did.

The Clerk read the original bill introduced by Mr. GOODE and referred to the Committee on Banking and Currency, as follows:

A bill (H. R. No. 3074) to repeal in part the resumption act of 1875.

Be it enacted, &c., That so much of section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provides that "on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption," and so much of said section 3 of said act as authorizes the use of any surplus revenue, or the issue, sale, or disposal of any bonds to provide for such redemption, are hereby repealed.

The SPEAKER *pro tempore*. The Clerk will now read the substitute reported by the chairman of the Committee on Banking and Currency.

The Clerk read as follows:

A bill to repeal the resumption-day clause in the resumption act of 1875.

Be it enacted, &c., That the resumption-day clause in section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, which clause is in the words following, to wit, "and on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than $50 dollars," be, and the same is hereby, repealed.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. SPRINGER. The bill reported by this committee was reported as a bill independent of itself and as a substitute for the bill introduced by the gentleman from Virginia, [Mr. GOODE.] This bill being a complete bill, with a title different from that of the other, the record ought to show, if it does not, that it was read a first and second time; because it never could have been subject to amendment till it had been. An amendment was offered by the gentleman from New York [Mr. HEWITT] and voted on. Therefore the question is, Shall this bill be engrossed and read a third time? That is the question before this House.

The SPEAKER *pro tempore*. The Chair overrules the gentleman's point of order.

Mr. HOLMAN. I now move to reconsider the vote by which the yeas and nays were ordered on the substitute, so that the yeas and nays may be taken on the final passage of the bill.

The SPEAKER *pro tempore*. The main question was ordered on the bill and pending amendments, and when the previous question has been only partially executed the motion to reconsider cannot be made.

Mr. KASSON. If the House gives unanimous consent to treat this bill reported by the committee as the original bill, then would not one vote end it? Cannot the House give that unanimous consent?

The SPEAKER *pro tempore*. Certainly.

Mr. RANDALL. I submit that the committee could not report a substitute for a bill not before the House.

Mr. KASSON. If the House by unanimous consent consents to treat this as an original bill, that ends the trouble.

The SPEAKER *pro tempore*. By unanimous consent that may be done, but in no other way. Is there objection to regarding the bill reported as a substitute as the original bill and taken up and put upon its final passage now? The Chair hears no objection.

Mr. HOLMAN. To make it correspond with the record it should be stated that it is a substitute for the original bill.

The SPEAKER *pro tempore*. Certainly as a substitute; and the question is now upon the final passage of the bill, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair understands that all questions are waived upon this bill except as to its passage. Is that the understanding of the House? [Cries of "Yes, yes."] Then the only question is, Shall the bill pass?

Mr. SPRINGER. As I desire to take the next train to leave the city, I ask unanimous consent to record my vote now and before my name is reached upon the regular call of the roll.

There was no objection.

The question was taken; and there were—yeas 106, nays 86, not voting 93; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Banning, Bland, Boone, Bradford, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Dibrell, Douglas, Durham, Eden, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Gause, Goode, Goodin, Gunter, Harrison, Hartzell, Haymond, Henkle, Hereford, Holman, Hooker, Hopkins, House, Hubbell, Hunton, Hurd, Thomas L. Jones, Franklin Landers, Lane, Lawrence, Lewis, Lynde, Mackey, Maish, McFarland, McMahon, Milliken, Mills, Morgan, Mutchler, Neal, New, Payne, Phelps, Poppleton, Randall, Rea, Reagan, John Reilly, Rice, Riddle, Robinson, Savage, Shakley, Singleton, Siemons, William E. Smith, Southard, Springer, Stenger, Stevenson, Stone, Teese, Thomas, Throckmorton, Tucker, Turney, Van Vorhes, John L. Vance, Waddell, Gilbert C. Walker, Walsh, Erastus Wells, Whitthorne, James D. Williams, Jeremiah N. Wilhams, Wilshire, Benjamin Wilson, Yeates, and Young—106.

NAYS—Messrs. Abbott, Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bell, Blair, Horatio C. Burchard, Caswell, Chittenden, Conger, Crounse, Cutler, Danford, Davy, Durand, Eames, Ely, Freeman, Frye, Gibson, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Henderson, Abram S. Hewitt, Hoar, Hoge, Hyman, Joyce, Kasson, Kehr, Kimball, Lamar, Lapham, Levy, Lynch, MacDougall, McCrary, Meade, Metcalfe, Miller, Monroe, Morrison, Nash, Norton, O'Brien, Odell, O'Neill, Packer, Page, Pierce, Piper, Platt, Potter, Powell, Pratt, Rainey, Miles Ross, Rusk, Sampson, Schleicher, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Thompson, Thornburgh, Washington Townsend, Tufts, Wait, Charles C. B. Walker, Ward, Warren, G. Wiley Wells, White, Whiting, Alpheus S. Williams, Willis, James Wilson, and Woodburn—86.

NOT VOTING—Messrs. Ashe, John B. Baker, Bass, Beebe, Blackburn, Bliss, Blount, Bradley, Buckner, Samuel D. Burchard, Burleigh, Candler, Chapin, Cowan, Crapo, Culberson, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Foster, Fuller, Garfield, Glover, Andrew H. Hamilton, Robert Hamilton, Harlson, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Goldsmith W. Hewitt, Hill, Hoskins, Hunter, Hurlbut, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moyne, Lord, Luttrell, Magoon, McDill, Money, Oliver, John F. Philips, William A. Phillips, Plaisted, Purman, James B. Reilly, John Robbins, William M. Robbins, Roberts, Sobieski Ross, Sayler, Scales, Schumaker, Seelye, Sparks, Spencer, Swann, Tarbox, Terry, Martin I. Townsend, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Wigginton, Wike, Willard, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Alan Wood, jr., Fernando Wood, and Woodworth—93.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. SCALES. I desire to state that upon this question I am paired with the gentleman from Massachusetts, Mr. SEELYE; if he were present he would vote "no," and I should vote "ay."

Mr. ROBBINS, of North Carolina. I desire to state that upon this question I am paired with Mr. TARBOX; if he were present he would vote "no," and I should vote "ay."

Mr. COCHRANE. My colleague, Mr. JENKS, is absent by leave of the House. If present he would vote in the affirmative. I also desire to state that my colleague, Mr. ROSS, is absent by leave of the House.

Mr. HUNTON. I am requested to announce that Mr. KNOTT and Mr. GARFIELD are paired upon this question; if they were present Mr. KNOTT would vote "ay" and Mr. GARFIELD would vote "no."

Mr. DAVIS. I desire to state that I am paired upon this question with the gentleman from Maine, Mr. BURLEIGH; if he were present he would vote "no," and I should vote "ay."

Mr. TERRY. I desire to say that I am paired with Mr. JONES, of New Hampshire; if he were present he would vote "no," and I should vote "ay."

Mr. LUTTRELL. Upon this question I am paired with the gentleman from Kentucky, Mr. BLACKBURN; if he were present he would vote "ay," and I should vote "no."

Mr. HARTRIDGE. I am paired upon this question with the gentleman from New York, Mr. HOSKINS; if he were present he would vote "no," and I should vote "ay."

Mr. HARTZELL. I desire to announce that my colleague, Mr. SPARKS, is absent by leave of the House; if present he would vote "ay."

Mr. THROCKMORTON. My colleague, Mr. CULBERSON, is absent on account of sickness; if he were present he would vote "ay."

Mr. JOHN REILLY. I desire to state that my colleague, Mr. JAMES B. REILLY, is absent by leave of the House; if present he would vote "ay."

Mr. TEESE. I desire to state that my colleague, Mr. HAMILTON, is absent on account of sickness.

Mr. ROBBINS, of Pennsylvania. I am paired with the gentleman from Indiana, Mr. FULLER; if present he would vote "ay," and I should vote "no."

Mr. KEHR. I am requested to announce that Mr. CRAPO is absent by leave of the House, and is paired upon this question with Mr. COWAN; if they were present, Mr. CRAPO would vote "no," and Mr. COWAN would vote "ay."

Mr. FOSTER. Upon this question I am paired with my colleague, Mr. WALLING; if he were present he would vote "ay," and I should vote "no."

Mr. LORD. I am paired upon this question with Mr. HUNTER; if he were present he would vote "ay," and I should vote "no."

Mr. WILLIS. My colleague, Mr. BLISS, is absent by leave of the House; if present he would vote "no."

Mr. BAKER, of Indiana. On this question I am paired with Mr. WILLIAM B. WILLIAMS, of Michigan; if present he would vote "no," and I would vote "ay."

Mr. WILLARD. On this question I am paired with Mr. HILL, of Georgia; if present he would vote "ay," and I would vote "no."

Mr. DARRALL. On this question I am paired with my colleague, Mr. ELLIS; if here he would vote "ay," and I would vote "no."

Mr. LYNDE. My colleague from Wisconsin, Mr. BURCHARD, is absent on leave on account of sickness in his family. If present he would vote "ay."

Mr. WHITE. When the gentleman from New York [Mr. HEWITT] made his speech on this subject he said that every democrat on this floor held his seat under that clause of the democratic platform which declared for steady steps toward specie payments [cries of "Order!" "Order!"] and no steps backward.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] is clearly out of order.

Mr. WHITE. The gentleman's colleague [Mr. COX] is an exception to that rule.

The SPEAKER *pro tempore*. The gentleman is entirely out of order.

Mr. WHITE. I desire to vote "no."

The SPEAKER *pro tempore*. It is very improper for the gentleman to take advantage of his announcement of his vote to make any remarks upon this subject.

Mr. WIGGINTON. On this question I am paired with Mr. WALLACE, of South Carolina. If here he would vote "no," and I would vote "ay."

Mr. SAMPSON. My colleague, Mr. MCDILL, is necessarily absent from the House. If present he would vote "no."

Mr. PRATT. On this question Mr. DUNNELL, of Minnesota, is paired with Mr. GLOVER, of Missouri. If present Mr. DUNNELL would vote "no," and Mr. GLOVER "ay."

Mr. CONGER. My colleague, Mr. WALDRON, is absent by leave of the House. If present he would vote "no." And I desire to make the same announcement in regard to my colleague, Mr. BRADLEY.

The result of the vote was announced as above recorded.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Leave to print in the RECORD remarks upon the bills just passed was granted by unanimous consent to Mr. FORT and Mr. CATE.

JOINT COMMISSION ON THE MONETARY SYSTEM.

Mr. COX. By instruction of the Committee on Banking and Currency I now report the concurrent resolution of which I gave notice this morning. I wish both of these meaures to go to the country together. I call the previous question on the passage of this concurrent resolution.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That a commission is hereby authorized and constituted to consist of three Senators, to be appointed by the Senate, three members of the House of Representatives, to be appointed by the Speaker, and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence; and whose duty it shall be to inquire—

First, into the change which has taken place in the relative value of gold and silver; the causes thereof; whether permanent or otherwise; the effects thereof upon trade, commerce, and the productive interests of the country, finance, and upon the standard of value in this and foreign countries;

Second, into the policy of the restoration of the double standard in this country, and, if restored, what the legal relation between the two coins, silver and gold, should be;

Third, into the policy of continuing legal-tender notes concurrently with the metallic standards, and the effects thereof upon the labor, industry, and wealth of the country; and

Fourth, into the policy and best means of providing for facilitating the resumption of specie payments.

And said commission is authorized to employ a stenographer, and shall report on or before the 15th day of January, 1877, with the evidence taken by them and such recommendations for legislation as they may deem proper.

Mr. PAGE. I move that the House now adjourn.

Mr. BLAND. I hope there will be some discussion on this concurrent resolution.

Mr. FORT. Is not this resolution subject to a point of order?

Mr. GOODIN. I rise to make a privileged report from a committee of conference.

The SPEAKER *pro tempore*. The report of a committee of conference will of course take precedence even of the motion to adjourn.

Mr. COX. If there is no objection on the part of the House, I will submit this proposition: let the previous question be ordered on this concurrent resolution——

Mr. FORT. I reserve all points of order on this resolution.

Mr. COX. If the House will order the previous question to-night, then I will have no objection to letting it go over till Monday, when there will be an hour for debate, and then the vote can be taken.

Mr. O'BRIEN. I rise to a point of order.

Mr. PAGE. I must insist upon my motion to adjourn.

The SPEAKER *pro tempore*. The gentleman from New York, [Mr. COX,] from the Committee on Banking and Currency, reports a concurrent resolution upon which he calls the previous question. Pending the demand for the previous question the gentleman from California [Mr. PAGE] moves that the House now adjourn. Pending the motion to adjourn the gentleman from Kansas [Mr. GOODIN] rises to make a report from a committee of conference. The Chair will rule that the report from a conference committee is in order, even pending a motion to adjourn.

Mr. GOODIN. I have no disposition to retard the vote upon this concurrent resolution. I only insisted upon presenting the report at this time because of the motion of the gentleman from California [Mr. PAGE] that the House now adjourn. If the motion to adjourn is not insisted upon and the vote can be taken at once on the adoption of the concurrent resolution, I will not press my report now.

Mr. BLAND. I shall insist upon debating this resolution.

Mr. PAGE. I insist upon my motion to adjourn.

Mr. GOODIN. I do not withdraw my conference report if the motion of the gentleman from California is insisted upon. I understood the gentleman to withdraw his motion.

Mr. PAGE. Not at all.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. GOODIN] cannot withdraw his report conditionally. If he withdraws it, it is withdrawn altogether.

Pending the motion to adjourn,

ENROLLED BILLS SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal; and

A bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland.

N. H. COVERDALE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of N. H. Coverdale; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. LEAVENWORTH for ten days;

To Mr. WARREN for ten days from August 7;

To Mr. BURLEIGH for three days; and

To Mr. BURCHARD, of Wisconsin, indefinitely.

ORDER OF BUSINESS.

Mr. COX. I now insist on the regular order. The gentleman from Kansas [Mr. GOODIN] consents to withdraw his conference report.

Mr. GOODIN. I will withdraw it to allow the question to be taken on the motion to adjourn. I trust, however, that the motion will be voted down, so that I may have an opportunity to submit my report this evening.

The SPEAKER *pro tempore*. The gentleman need not await the voting down of the motion to adjourn. His report is in order pending the motion to adjourn; and the Chair has so informed him.

Mr. COX. I could have disposed of this matter by this time.

Mr. GOODIN. This conference report will take but a few moments.

Mr. MACDOUGALL. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the report of the gentleman from Kansas.

OSAGE CEDED LANDS IN KANSAS.

Mr. GOODIN submitted the following report:

The committee of conference upon the disagreeing votes of the two Houses upon the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from their disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; and agree to the same.

That the Senate recede from its amendment to the bill numbered 12.

JOHN R. GOODIN,
LAFAYETTE LANE,
JAMES W. McDILL,
Managers on the part of the House of Representatives.

JOHN J. INGALLS,
FRANCIS KERNAN,
Managers on the part of the Senate.

The report was adopted.

Mr. GOODIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOINT COMMISSION ON MONETARY SYSTEM.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from California that the House adjourn.

Mr. FORT. I want to understand whether my point of order upon the proposition of the gentleman from New York [Mr. COX] is regarded as pending.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. FORT. I made the point that the proposition of the gentleman from New York to appoint this joint commission must have its first consideration in the Committee of the Whole, for the reason that it involves an expenditure of money. I wish to have that point of order passed upon.

The SPEAKER *pro tempore*. The gentleman desires to have that point regarded as pending.

Mr. FORT. Yes, sir.

The SPEAKER *pro tempore*. The Chair will so regard it. He recognizes the fact that the gentleman made the point in ample time.

Mr. HOAR. I desire to call the attention of the Chair to the fact that unanimous consent was given for the consideration of another bill upon the condition that this bill should be considered at a certain time after that bill was presented, and that there should be an hour's debate on it. That unanimous consent necessarily supersedes the point of order.

Mr. LAWRENCE. Let the Chair take that agreement into consideration in deciding the point of order.

The SPEAKER *pro tempore*. The understanding of the Chair was that unanimous consent was given only in regard to the time to be occupied in discussion. The Chair does not consider that by unanimous consent any rights were waived.

Mr. HOAR. One word further. I desire to suggest, without detaining the House now, that the Chair reserve his decision on this question until the bill comes directly before the House.

The SPEAKER *pro tempore*. All questions of order will be reserved. The question now is on the motion of the gentleman from California that the House adjourn.

Mr. COX. Is it not in order for me, with the consent of the committee reporting the resolution, to withdraw the provision for a stenographer, and thus avoid the point of order, although I think the point is taken too late, unanimous consent having been given for the presentation of the measure. I wish to say that I do not propose to cut off debate on this measure. There will be an hour for debate after the previous question is ordered.

Mr. FORT. I made the point of order immediately upon the coming in of this report, as the RECORD will show.

Mr. COX. I believe the gentleman is right about that.

Mr. KASSON. I wish to be heard a moment on the point of order before it is decided.

The SPEAKER *pro tempore*. As there seems to be a disposition to entertain the motion of the gentleman from California, [Mr. PAGE,] the Chair will reserve all points of order and all other rights in connection with the resolution of the gentleman from New York until the measure comes directly before the House.

The House divided; and there were—ayes 79, noes 81.

Mr. BLAND. I demand tellers.

Tellers were not ordered.

So the House refused to adjourn.

Mr. COX. Is the point of order still pending.

The SPEAKER *pro tempore*. It is.

Mr. HOAR. I ask to be heard on the point of order.

The SPEAKER *pro tempore* The Chair will hear the gentleman when the gentleman from New York yields the floor.

Mr. COX. I yield the floor for the purpose of hearing the gentleman on the point of order.

Mr. HOAR. As I understand this proposition, it is to appoint a committee of the Senate and the House to sit during the recess. It is a

commission of both branches of Congress to be composed of their own number to sit during the recess, and it is further provided that they shall have power to employ a stenographer and take evidence, and to associate with them certain experts whose aid they shall resort to in coming to their conclusions. It is nothing but an ordinary case of appointing a joint committee with authority to employ a stenographer or accountants or clerk or whatever assistants may be needed for the purpose of pursuing their investigations. I submit it was never the intention of the rule of this House applying to certain expenditures to limit the appointment of such committees to sit during the recess. If the point of order lies against this proposition, it must lie against every proposition to raise committees of investigation with authority to send for persons and papers.

Mr. KASSON. With the permission of the gentleman from Massachusetts, I desire to add to that that this is not a measure upon which money can be appropriated. A concurrent resolution is not a bill nor a joint resolution, but simply relates to the proceedings of the two Houses, and in no such instance is it possible to give it the effect of law so as to appropriate money. The Mississippi investigation, the Louisiana investigation, the joint and separate investigations of the two Houses have been provided for by virtue of separate resolutions of either House or concurrent resolutions of both Houses, and therefore are not subject to the provisions of the rule referred to. I need only call to the attention of the Chair that on a bill the other day which required the printing of notes and which had the force of law, the Chair ruled, there being no appropriating clause in it and no definite sum specified, it was not subject to the point of order. Certainly on a concurrent resolution no such point of order can be made.

The SPEAKER *pro tempore*. The Chair will decide this at once. A concurrent resolution is not subject to the point of order taken by the gentleman from Illinois.

Mr. COX. I move the previous question on the adoption of the resolution.

Mr. BLAND. I demand a division of the House.

The House divided; and there were ayes 131, noes not counted.

Mr. BLAND. I do not desire a further count, but I wish to know from the gentleman from New York whether he intends to allow debate.

The SPEAKER *pro tempore*. No further count being demanded, the previous question is seconded, and the question now is on ordering the main question to be put.

Mr. SAVAGE. I make the point of order that there is no quorum and insist on it.

The SPEAKER *pro tempore*. Did the gentleman make the point of order before the second motion was put?

Mr. SAVAGE. I did.

Mr. WHITE. I wish to ask the gentleman whether he made it rising in his place?

The SPEAKER *pro tempore*. The Chair cannot dispute the word of any gentleman on the floor. He states he made it in time.

Mr. LUTTRELL. Was he in his seat when he made the demand?

The SPEAKER *pro tempore*. The Chair will appoint Mr. SAVAGE and Mr. COX tellers.

The House again divided; and the tellers reported—ayes 133, noes 23.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. BLAND. Is it open to debate now?

The SPEAKER *pro tempore*. The main question having been ordered, unless the gentleman from New York who reported the resolution takes the hour to which he is entitled and yields to the gentleman from Missouri, debate is not in order.

Mr. COX. I believe the House is now ready for a vote.

[Cries of "Vote!" "Vote!"]

Mr. WILLIS. I demand the regular order.

Mr. BLAND. I move the House adjourn.

The SPEAKER *pro tempore*. The Chair understood that by unanimous consent two hours were to be given to discussion on one bill, and one hour on this concurrent resolution. The Chair knows nothing of these private arrangements. The gentleman from New York who holds the floor insists on a vote. The Chair, therefore, holds that is the only question in order.

Mr. RANDALL. It is due to the gentleman from New York to say that by unanimous consent debate on this resolution was waived.

Mr. COX. And the Chair has no right to put the gentleman from New York in the predicament of disputing his word.

The SPEAKER *pro tempore*. The Chair did not do so, but is seeking only to execute the unanimous understanding of the House.

Mr. COX. I am willing to give the gentleman from Missouri an opportunity for debate. I was ready to give it to him some time ago, but he agreed with me it should go over. As the House has refused to adjourn, the gentleman can debate it now.

Mr. BLAND. Mr. Speaker, I desire to say this, that I am willing to accept the proposition of the gentleman from New York made now. This is the same proposition that I made to him, that the previous question should be seconded, and that a vote should be taken on Monday after an hour's debate. But if the object is to pass this without debate, I move that the House adjourn.

Mr. COX. I yield to the gentleman now if he chooses.

The SPEAKER *pro tempore*. The Chair desires to state distinctly that he only wished to state to the House what he understood to be the arrangement; and in making that statement to the House he had no disposition whatever to charge the gentleman from New York with any bad faith in any possible respect. The Chair distinctly understood that two hours were to be given to the one question and one to the other. If that arrangement has been waived, it has been waived by consent of the House.

Mr. O'BRIEN. It has never been waived.

Mr. RANDALL. It was waived by the unanimous demand of the House for a vote.

Mr. BANKS. It has never been waived at all by anybody.

The SPEAKER *pro tempore*. The Chair so understands. The question is on the motion of the gentleman from Missouri [Mr. BLAND] that the House do now adjourn.

The question being taken, the Speaker *pro tempore* stated that in the judgment of the Chair the noes had it.

Mr. BANKS. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 20, noes 107.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered, and the House refused to adjourn.

Mr. COX. One-half the hour after ordering the main question is due to the gentlemen on the other side of the House by the arrangement that was made. I suppose I would have the disposition of one-half of the hour; and I yield that half hour to my friend from Missouri, [Mr. BLAND.]

Mr. BLAND Mr. Speaker, it was not my desire to postpone action on this resolution. What I have done here to-day seems to have been done under a misapprehension. I had supposed there was an intention to press this resolution to a vote without debate.

Mr. Speaker, I desire to make some remarks on this question. We have a resolution here reported by the Committee on Banking and Currency looking to the postponement of the bill that I had the honor to report to this House from the Committee on Mines and Mining. It does not necessarily work that postponement. But when the act was passed demonetizing silver there was no such provision as this; no commission, no jury was asked upon the question whether silver should be demonetized or not. But it was done stealthily. Now ofter that act has been passed in a stealthy manner we are asked to pass a resolution of inquiry whether that act was proper or improper. This is in the character of mob law. You hang a man and then try him to ascertain whether or not he was guilty. You have demonetized silver, and now you appoint a jury to see whether that act was proper or improper. That is the position that this resolution occupies with reference to that question.

I say it is the duty of this House first to restore the currency where it existed and then appoint your commission to ascertain whether it is proper or not to repeal that law. The gentleman from Ohio [Mr. GARFIELD] characterized this legislation, proposing to remonetize silver, as being the most corrupt that had occurred in this Congress during his official career. I suppose that the gentleman from Ohio had forgotten some of the legislation here during his official career in this House. I suppose he had forgotten the act of 1869, an act that he voted for, changing the contract in the interest of the money-sharks of this country and against the people, by which they were swindled out of millions and millions of money. I suppose the gentleman had not in his recollection at that time the Credit Mobilier swindles and frauds in this country. I apprehend the gentleman had forgotten the fraud and corruption of the Boss Shepherd ring in the District of Columbia. If the gentleman does not recollect all these frauds, the country recollects them.

Mr. FOSTER. I call the gentleman from Missouri to order.

Mr. BURCHARD, of Illinois. I desire to remind the gentleman from Missouri [Mr. BLAND] that the gentleman from Ohio [Mr. GARFIELD] is not present.

Mr. FORT. I hope, therefore, the gentleman from Missouri [Mr. BLAND] will yield to a motion to adjourn.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman from Missouri to yield, and insists that the gentleman from Missouri shall not be interrupted. The Chair desires to preserve the rights of every gentleman upon this floor.

Mr. FOSTER. Mr. Speaker, I rose to call the gentleman from Missouri to order.

The SPEAKER *pro tempore*. The gentleman from Ohio is out of order.

Mr. FOSTER. Have I not the right to call the gentleman from Missouri to order?

The SPEAKER *pro tempore*. The gentleman from Missouri is not out of order. The gentleman from Ohio is out of order.

Mr. BLAND. I would like to know why gentlemen call me to order for referring to these things. They say the gentleman from Ohio [Mr. GARFIELD] is not in his seat. I cannot help that. I thought he was. It is his duty to be here during the proceedings of this House.

Mr. CONGER. I rise to a point of order.

Mr. BLAND. I stated that the gentleman from Ohio had forgotten the fraud, the corruption, and the rottenness of his party, and the legislation that occurred while he was a member of this House.

The SPEAKER *pro tempore*. The gentleman from Missouri will suspend; the gentleman from Michigan [Mr. CONGER] rises to a point of order.

Mr. CONGER. Mr. Speaker, the Speaker *pro tempore* just decided that a member had not a right to call another member to order for using improper language toward another member of the House.

The SPEAKER *pro tempore*. The Chair decided no such thing.

Mr. CONGER. The gentleman from Ohio [Mr. FOSTER] rose and called the gentleman from Missouri [Mr. BLAND] to order, and the Chair decided that he had no right to do so.

The SPEAKER *pro tempore*. The Chair decided that the gentleman from Missouri was not out of order, and the Chair still so decides and overrules the point of order made by the gentleman from Michigan; and the Chair recognizes the gentleman from Missouri, [Mr. BLAND.]

Mr. BLAND. When I have made no personal allusion reflecting on the gentleman from Ohio, [Mr. GARFIELD,] I want to know why his friends are so tender on the subject. Do they know anything against him which comes within the category which leads them to squirm here? I have not charged anything against the gentleman from Ohio excepting that he had forgotten that corrupt legislation had occurred here during the time when his party was in power. Is there anything else you remember, gentlemen, that will make my language out of order? If so, state it; I want to know why this commotion and whence it comes. When a gentleman rises on this floor and reports from a committee a bill that involves a principle that is stigmatized by the gentleman from Ohio as being steeped in rascalities, and as being more so than any measure which had been introduced here during his official career; when that is done have not I the right to call the attention of the country to what occurred while he was in office, to show that corruption after corruption occurred here while he was a member? And, Mr. Speaker, I think I am in order and that is the trouble with the gentleman.

The bill I reported is a measure in the interest of the honest yeomanry of this country; here is a measure that proposes to do justice, to whom?

To the toiling millions who are to-day earning their bread in the sweat of their face; it is a measure in the interest of the poor and common people of the country, and hence it excites the opposition of the agents of the money sharks in these lobbies, and those who seem to be in their interest upon this floor. Because a measure is for once reported to this Congress that has within it a provision for the welfare of the people of the country against the corrupt legislation that has gone on here for the last sixteen years in the interest of the moneyed lords it is here denounced as full of rascalities, and all this by the party that had perpetrated these injustices and brought corruption, fraud, infamy, and dishonor upon the country.

Mr. Speaker, if I did not know that a majority of this House was in favor of this bill I would not hesitate in saying that we were misrepresentatives of the American people; but because the majority here favor this bill and because they will pass it if it can ever come to a vote, those that are in the interest of the lobbyists have been filibustering and endeavoring to defeat it from day to day.

Mr. Speaker, the common people of the country cannot come to this Capitol. They are not here in your lobby. They are at home following the plow, cultivating the soil, or working in their workshops. It is the silvern and golden slippers of the money kings, the bankers and financiers, whose step is heard in these lobbies and who rule the finances of the country. They are the men who get access to your committees, and have ruled and controlled the legislation of this country for their own interests. If the constituents of those who are opposing this measure could look down from the galleries upon them they would sink in their seats with shame for the course they are pursuing, because it is adverse to the interests of their people.

Mr. Speaker, as chairman of the Committee on Mines and Mining, I have reported back to this House the following bill, and shall at the earliest opportunity allowed me put it upon its passage:

A bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes.

[Part inserted in italics, part stricken out in brackets.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That coin-notes of the denomination of $50, and multiples thereof up to $10,000, may, in the mode hereinafter provided, be paid by the several mints and assay offices at San Francisco, Carson City, Philadelphia, and New York, for the net value of gold and silver bullion deposited thereat; and of the bullion thus received not less than 75 per cent. in coin or fine bars shall at all times be kept on hand for redemption of the coin-notes, gold for gold and silver for silver. The gold deposited shall be computed at its coining value, and silver at the rate of 412.8 grains standard silver to the dollar, less the lawful mint charges, and such charge for transportation from the several assay offices to the mints for coinage, and from the latter to the assistant treasuries respectively at which the coin-notes shall be payable; *and there shall be coined at the mints of the United States the silver dollar hereinbefore mentioned.*

SEC. 2. That for bullion deposited at the mints of San Francisco and Carson, the coin-notes issued shall be redeemable on demand at the assistant treasury at San Francisco; and for bullion deposited at the Philadelphia mint and assay office at New York, the notes shall be redeemed at the assistant treasury at New York.

SEC. 3. That the Secretary of the Treasury shall, from time to time, cause coin and fine mint-bars (stamped) to be transferred from the mint to the assistant treasuries at San Francisco and New York in such amounts as may be necessary for the redemption of the coin-notes.

SEC. 4. That the coin-notes issued under the provisions of this act shall be receivable without limit for all dues to the United States; and the coin mentioned in this act shall be a legal tender for all debts, [of the United States,] public and private, not specified to be paid in gold coin.

SEC. 5. That the gold-coin notes issued under this act shall be redeemed, on presentation, in gold coin or fine bars, and silver in silver dollars or fine bars.

SEC. 6. That the coin-notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury, and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund, and from which fund deposits shall be paid for in coin or coin-notes, at the option of the depositor.

SEC. 7. That the fine gold and silver bars by this act authorized to be issued shall bear the mint stamp of fineness, weight, and value, and the value of the gold bars shall be computed according to their coining rate, and the silver bars at their coining value in dollars.

SEC. 8. That the Secretary of the Treasury shall prescribe the necessary regulations for carrying into effect the provisions of this act.

This bill is of vast importance to the tax-payers of this country, for they are the debtor class to the Government.

The first section of the bill, as will be observed, provides for the payment by the Government certificates for bullion of gold and silver. Twenty-five per cent. of this bullion or coin arising therefrom is required to be at all times in the Treasury for the redemption of the coin certificates, gold for gold, and silver for silver. It also authorizes the coining of the silver dollar of the value of 412.8 grains silver to a dollar.

The second section of the bill names the places where these deposits shall be made and certificates issued. San Francisco, Carson City, Philadelphia, and the assay office at New York are the only places, as stated by Dr. Linderman, the Director of the Mint, where the parting of metals is provided for.

The third section refers to the details of providing for the redemption of these certificates. They are in this section made redeemable either in bars or in coin. This would be at the option of the Government.

The fourth section contains the pith of the whole bill; that is, restoring the money character of silver and making the silver dollar authorized in the first section to be coined a legal tender for all debts, public and private, not specified to be paid in gold. The remainder of the act refers merely to the details of carrying out the law.

The effect of the bill will be to restore the double standard of gold and silver, and also to obviate the objections so often urged against gold as well as silver, that as money, from the weight and bulk of the metal, they are inconvenient, for the coin certificates will take the place of and be used for business transactions instead of the coin itself.

Mr. Speaker, this is a short outline of the bill, a hasty explanation of the purposes intended in framing it. By the terms of the bill we at once establish a convenient paper issue that will be used instead or coin, worth its face in coin, for the coin is always behind it for its redemption. But the opponents of the bill say that to make all Government debts payable in silver as well as gold is dishonesty, repudiation, and ought not to be tolerated. These are grave charges, and if true the bill should not receive the sanction of this House; but if I can show that those who make the charge are the guilty parties, and the friends of the bill only desire to act in good faith toward the debtor class, the tax-payers, and the creditor class or tax-consumer, then the bill should pass at once and become a law. In the first place the enemies of the bill have been the loudest in their demand for specie resumption. What is resumption of specie payments if it is not to resume the currency of the Government existing at the time of the suspension of specie payment? What was that currency? The answer is, gold and silver. That is a fact that none deny. The silver dollar at that time was as full and complete a legal tender for all demands, public and private, as was the gold dollar.

The silver dollar was, and continued to be, equal to gold as the money of the country, and is so by law up to the present time except for the act of February, 1873, which prohibited the coining of the legal-tender silver dollar. This act was passed no doubt for the same reason and at the instance of the same parties that procured the passage of the act of 1869 pledging the faith of the nation to pay all its obligations in coin. Both acts were in the interest of stock-jobbers and speculators in Government bonds.

Mr. Speaker, I send to the Clerk's desk to have read the act of 1869 referred to.

The Clerk read as follows:

The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and *silver*. (Revised Statutes, section 3693, page 735.)

Mr. BLAND. This act does not make clear what was uncertain. It defines no law. The act professes to define and make clear some obscure statute. Instead of making clear the intent or meaning of any law, it attempts to make that law which was not law before. It clearly perpetrated the fraud of changing the contract between the tax-payer and the tax-consumer in the interest of the latter. I incorporate in my remaks a statement and the figures taken from the Saint Louis Republican, a journal known throughout the country as a hard-money advocate; a journal that I think would deal equitably as between the bondholder and the people:

WHAT THE BONDS SOLD FOR.

During the war and just after its close the Government issued a great amount of bonds of various kinds, which, as we learn from the Treasury record of the transactions, were sold at "par." But this record is very delusive, and in the sale of the

bonds referred to hides enormous losses. The bonds were sold not for gold at par, but for greenbacks at par, which is a widely different thing. For example, a one-thousand-dollar Government bond sold at par in 1865, when gold was 145, brought only $700 in gold value; and as the interest on that bond has been faithfully paid in gold ever since, and the principal itself will be paid in gold it is to be considered that for this debt of $1,000 the Government received only $700. The higher the price of gold at the time an issue of bonds was disposed of, the less value the Government received for the bonds, although they were sold at "par" in greenbacks, as the deceptive Treasury reports inform us. An approximately accurate calculation of the net result of these sales of bonds gives us another illustration of what republican financiering has cost us, and it deserves to be presented and placed to the account of that party.

The various issues of bonds and other forms of indebtedness issued in 1863 amounted in the aggregate to $552,595,000; they were sold at par for greenbacks when gold was worth 155, and greenbacks only 61. They therefore brought to the Government in gold value only $337,082,910. In 1864 the 10.40 bonds, $196,000,000 in amount, were issued and sold at 7 per cent. premium, the only bonds issued during the war that brought a premium. As gold at that time was worth 230, the 7 per cent. premium reduces this to 227; the gold value of the price brought by the ten-forties, therefore, was forty-four cents on the dollar, or $86,240,000 for the whole issue. In the same year there were issued of bonds and other forms of indebtedness $130,000,000, which sold for a gold value of forty-three cents on the dollar, making $55,900,000. In 1865 there were issued bonds to the amount of $554,300,000, which were sold for seventy cents in gold, making $385,910,000. In 1867 there were issued $380,000,000 of bonds, which sold for eighty-three cents, making $315,400,000. In 1868 there were issued $42,500,000 of bonds, which brought seventy-three cents, making $31,025,000. To sum up:

1863,	$552,595,000	bonds at 61	$337,082,910
1864,	196,000,000	bonds at 44	86,240,000
1864,	130,000,000	bonds at 43	55,900,000
1865,	554,300,000	bonds at 70	385,910,000
1867,	380,000,000	bonds at 83	315,400,000
1868,	42,500,000	bonds at 73	31,025,000
	1,852,395,000		1,211,557,910

The debt of $1,852,395,000 therefore represents only $1,211,557,910 received by the Government, or an average price of about 66⅓ cents on the dollar. This is what the Treasury reports call negotiating loans "at par;" it is a par sale of bonds that has cost the people a loss of $640,837,000, or one-third the whole amount of bonds issued.

The tax-consumers seem not satisfied with this enormous tax, but desire now to repudiate so much of the act of 1869 as provides for paying this debt in silver as well as gold. Nothing but gold will satiate their financial maw. The people of this country are now fully aroused on the question of finance. They are looking for the cause of the wide-spread bankruptcies and business failures in the country. They cannot fail to see that the demonetization of this precious metal, thus cutting off more than one-half the medium of coin payments and exchange, is the greatest calamity that could be conceived.

Mr. Speaker, now that this question is open for fair discussion and settlement we should make no mistake, no compromise that would further favor the tax-consumer and oppress the tax-payer. Many schemes are suggested, among others that silver should be a legal tender only for small amounts of $20 or $50; but this would be conceding all. Should we now do this it would be claimed hereafter that Congress had after full discussion and mature deliberation abandoned the idea of making silver a full payment of public dues, that for the future contracts and sales of all Government securities would be based upon this legislation, and to alter it would be a violation of public faith and honor. Let it be settled once at least in the interest of those who have the burdens to bear.

Let this bill become a law and our financial troubles are ended. Specie payments will have been resumed. The resumption of specie payments must mean that we resume the coin that prevailed when we suspended. This coin was gold and silver, both a full and equal legal tender for all debts, public and private. Our legal-tender notes could be redeemed and their places supplied by a note based on specie. We would have a monetary system that would regulate itself; a system that would not depend for its volume or value upon the uncertain and partisan legislation of Congress. The power that Congress assumes now to expand, contract, and thus from session to session unsettle all monetary affairs is an evil that, sooner or later, will bring the people of this country to the helpless condition of mere slaves of the money lords and plutocrats that rule the legislation here all the time in their own interest. They have had their paid agents, lobbyists, and hired attorneys here in these halls and corridors scheming session after session for the last fifteen years, and by all manner of appliances have succeeded, as I have shown, in robbing the people of millions of dollars. Yes, Mr. Speaker, by the one act of 1869 it is shown that the Government was robbed of over a half billion of dollars. Let us settle this question once and forever and give the people an opportunity to attend to other matters than watching to see how much will be plundered from them by each succeeding Congress.

Silver is the money of the Constitution. Section 10, first article, says:

> No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts.

Thus silver is mentioned as a part of the coin money of the Constitution. Article 1, section 6, of the Constitution reserves to the Federal Government the sole right to coin money. No State can do it. So the power to coin money is given to the General Government. States are prohibited from making anything but gold and silver coin a legal tender. Now, can a State make gold and silver coin a legal tender when the State is prohibited from coining money at all? The answer is in the sixth section named. The Federal Government has the power to coin it. The State can make this coin a legal tender. It therefore becomes the duty of the Federal Government to coin this money so that the States may make and use it as a legal tender. The States have the right to make silver a legal tender, but cannot coin it. Now, can their constitutional right be exercised unless the Federal Government exercises its exclusive power of coining the money? This bill fulfills the obligation the Federal Government owes to the States, the obligation of coining the money they may desire to use as a legal tender.

I have shown that silver is the money of the Constitution, that it is the duty of the Government to coin it. There is no mistake that the silver dollar has been a full legal-tender from the formation of the Government till the fraudulent act of 1873. Then it is the duty of Congress to coin it and pay Government debts with it.

Title 37, page 70, section 3513, is as follows:

> The silver coins of the United States shall be a trade-dollar, a half dollar or fifty-cent piece, a quarter dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half dollar shall be twelve grains and one-half of a grain; the quarter dollar and the dime shall be respectively one-half and one-fifth of the weight of said half-dollar.

Section 3516 is as follows:

> No coins, whether of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights set forth in this title.

Section 3511, *ibid.*, is as follows:

> The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value, &c.

Page 712, Revised Statutes, section 3586, is as follows:

> The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

These provisions are all taken from the coinage act of 12th February, 1873. The effect of these sections is: first, by section 3511 the gold dollar is made the unit of value; the gold standard is here declared. Section 3513 provides for the coining of the trade-dollar and subsidiary currency and section 3516 prohibits the coining any other than the coin mentioned in the title. So that the silver dollar of 412.5 grains that had been a full legal tender up to the date of this act was left out.

Section 3586 permits the legal tender of silver coin to sums of $5. This act of February 12, 1873, was a fraud, because its title gave no clew to the real intent of the act. The record shows that the act was stealthily passed, without consideration and without debate. The public generally had no notice of the pendency of such a bill, and it was not till during this session of Congress the law was unearthed and exposed.

Mr. Speaker, when will the time come that mistakes and blunders will creep into our statutes favorable to the tax-paying people? All such oversights heretofore have uniformly been in the interest of the tax-consumer. Let this law be repealed as openly, as honestly, and boldly as it was stealthily, fraudulently, and sneakingly enacted. With the double standard, which will utilize our product of silver as well as gold, we can resume specie payments without detriment to any class. Indeed the question of resumption hinges upon this policy. With this bill enacted into law resumption is at once accomplished; but if we are to undertake resumption with the gold standard alone, the money sharks will foreclose the mortgages they have upon the people, sell them out of houses and homes, and turn millions of hard-working and industrious people into beggars. The road to resumption with the double standard will be one of prosperity and happiness; the other leads to a dark and dismal financial swamp, through the impenetrable gloom of which the eye of no statesman can discern the least glimmer of light.

Mr. Speaker, I have heard objections to that feature of the bill authorizing the issue of coin certificates, that the mints could not coin the silver fast enough to redeem these certificates and that to receive them for Government dues would result in having a large amount of silver bullion and certificates on hand, neither of which would be a legal tender for dues of the Government. The answer is, no one would demand the coin or bullion; no one would desire the payment of a thousand or a hundred thousand dollars in silver or gold, but would willingly take the certificate from the Government instead of the coin. Practically no coin except for small change under fifty dollars would be called for or used, so that feature is in favor of the bill and not a valid objection to it. Another objection urged is that it is not clear that the Government would get the benefit of the seigniorage or expense of coining; but the bill provides all the expense of coining and transportation shall be paid by the depositor.

I here submit a letter from Dr. Linderman, Director of the Mint. I sent him a copy of the bill and requested his answer on the subject. The letter explains this matter satisfactorily. The bill in other particulars has been amended so as to conform to all the recommendations contained in this letter. The letter is as follows:

> TREASURY DEPARTMENT,
> OFFICE OF THE DIRECTOR OF THE MINT,
> *May* 26, 1876.
>
> SIR: I have your note of current date inclosing bill H. R. No. 3363, and reply to your inquiries, as follows:
>
> By the coining value of gold is meant the rate at which it is coined under the law, namely, 25.8 grains troy, nine-tenths fine to the dollar. The alloy is paid for by the depositor, but is not valued in the coin.

The nominal value of the gold coins corresponds with their intrinsic or bullion value; there is, therefore, no gain in value in the coinage. The foregoing is an answer to your inquiries.

As the parting of bullion (separation of gold from silver, both metals being returned in fine bars) is carried on only at the mints in Philadelphia, San Francisco, and Carson, and at the assay office in New York, it will be necessary to confine the provisions of your bill to those institutions. Otherwise fine gold could not be kept for the redemption of the notes at the place of deposit.

I have noted in pencil on the bill the required modifications.

I observe that the value of the silver is to be computed at the trade-dollar rate, 420 grains to the dollar.

I suggest for your consideration whether the computation should not be made on the basis of 412·8 grains of standard silver to the dollar, a bill for the coinage of a dollar of that weight being now under consideration in the Senate.

I make this suggestion without in any way committing myself to the making of either of these dollars an unlimited tender. Your bill is herewith returned.

Very respectfully,

H. R. LINDERMAN, *Director.*

Hon. R. P. BLAND.

With the vast mining resources of this country turning out annually silver and gold to the amount of many millions of dollars, increased by developments made daily in the Pacific States and Territories, there is no difficulty in resuming specie payments by utilizing the silver, but if the money sharks of the country prevent this we may expect difficulties not now dreamed of. If we have the right to demonitize silver, we have the right to demonitize gold. This will be the logical result. For when we refuse the one it will lead to the refusal of the other, and the substitution of paper in which Government bonds will be paid, and thus lead to unlimited inflation.

The question is here presented of honest resumption or on the other hand a forced unlimited inflation of paper money. Let the bondholder ponder this well before refusing silver as a legal coin in this country. It is true that silver is now worth even less than the legal-tenders, but this is because of its demonetization in a great measure; but the fact that silver is cheaper than gold does not alter the law of the case. By law we have the right to pay at our option in silver or gold, so that we but exercise a moral, legitimate right when we pay in silver, the cheaper money. That is the contract; that is the law, so expressed in the act of 1869. If the peple have found a legal way of averting to some extent the injustice of this act, it is a providential interposition that they will hail with rejoicing. We have promised to pay the debt in coin. Silver is coin, legal coin, the coin named in the law, "nominated in the bond." Because silver is now cheaper than gold should we again change the contract and say the tax-payer must pay in gold alone would be robbery, nothing more, nothing less. We have had too much of legalized robbery and plunder of this sort. Let us call a halt, pass this bill, and for once do justice to a poverty-stricken, over-taxed people. If A promised ten years ago to pay B a thousand dollars in wheat, at the end of ten years could B refuse the wheat because it had fallen in price and was worth fifteen cents a bushel less now than when the contract was made? No, sir; the law would compel him to stand to his contract. So should the bondholder. The bonds were made payable in coin, gold and silver coin, not gold alone, but gold and silver, leaving the Government the right to elect whether to pay in the one or the other or both.

The bill I have reported is, I think, well guarded and carefully drawn, and I shall use every effort to pass it or some other that will answer the same purpose. To this end I shall use every honorable exertion. I know the bondholding interest represented on this floor has been filibustering it for two weeks and may delay it till next winter; but I have the satisfaction of knowing that a majority of this House favor it and will hail the day when they can be brought to a vote upon it.

Mr. KASSON. As the gentleman from New York does not wish to proceed further in the discussion of this question I shall content myself with some brief observations. In the assault which has been made upon the coinage act of 1873 many gross misstatements have been uttered. It is due to the gentlemen who were connected with that act, which is charged to have been surreptitiously passed, that the facts in relation to it should be distinctly stated.

The records of the Treasury Department show that the coinage act of 1873 was first transmitted to the Forty-first Congress by the Department accompanied by a report. On the 25th of April, 1870, it was introduced into the Senate by Senator SHERMAN and printed on April 28. It was reported from the Committee on Finance to the Senate, after seven months, on the 19th of December, 1870, and again printed, with amendments. It passed the Senate on the 10th of January, 1871, and went to the House, and was printed by order of the House on the 13th of January, 1871. On the 25th of February, 1871, it was again brought before this House by the honorable gentleman from Pennsylvania [Mr. KELLEY] not now in his seat, who reported it back from the Committee on Coinage, Weights, and Measures (of which he was chairman) with an amendment in the nature of a substitute. It was again printed and recommitted. That same gentleman again introduced the bill in the Forty-second Congress, and after considerable discussion it was again recommitted, and was not again considered in the House, as it appears, until the next session. On the 9th of February, 1872, it was reported from the Committee on Coinage, Weights, and Measures by Mr. Hooper, and printed and recommitted. On the 13th of February, 1872, the bill was reported back by Mr. Hooper with amendments and made a special order for the 12th of March and until disposed of. And the bill finally passed the House May 27, 1872, upon a division, ayes 110, noes 13.

The bill then went to the Senate, and was ordered to be printed, and on May 29, 1872, was referred to the Committee on Finance. It was again reported back to the Senate in December, 1872, ordered to be printed and recommitted, reported back, with amendment, January 7, 1873, and passed that body on January 17, 1873. It was sent to the House again for concurrence in the Senate amendments on January 21, 1873. On motion of Mr. Hooper the bill was again ordered to be printed with the Senate amendments, and a committee of conference was ordered upon the disagreeing votes of the two Houses. That committee reported; and the bill finally became a law as the result of the report of the committee of conference February 12, 1873.

This is the "surreptitious" bill of which we have heard so much. Hardly ever has a bill been so thoroughly considered by the two Houses.

Now in the face of facts like these, when the chairman of a committee of this House has made such charges as we have just listened to, I inquire if this House will indorse the report of that committee with any confidence in their investigation without further inquiry into the facts connected with this subject.

Mr. HOLMAN. The original bill was simply a bill to organize a bureau of mines and coinage. The bill which finally passed the House and which ultimately became a law was certainly not read in this House.

Mr. KASSON. I differ entirely with the gentleman, having given the history from the record.

Mr. BLAND. Will the gentleman allow me to read the record, to show that the bill passed the House without reading when Mr. KERR called for its reading.

Mr. KASSON. The gentleman speaks of the final passage of the bill on the conference report?

Mr. BLAND. I have the Congressional Globe here to show that it was not read.

Mr. KASSON. Does the gentleman deny the facts as I have now stated them?

Mr. HOLMAN. It was not read on the day of its passage.

Mr. KASSON. It came into the House here and was discussed and was committed and recommitted and ordered to be printed and reprinted about eleven times in both Houses, and was considered in both branches of Congress and in conference committee.

Mr. HOLMAN. It was never considered before the House as it was passed. Up to the time the bill came before this House for final passage, the measure had simply been one to establish a Bureau of Mines; I believe I use the term correctly now. It came from the Committee on Coinage, Weights, and Measures. The substitute which finally became a law was never read, and is subject to the charge made against it by the gentleman from Missouri, [Mr. BLAND,] that it was passed by the House without a knowledge of its provisions, especially upon that of coinage.

I myself asked the question of Mr. Hooper, who stood near where I am now standing, whether it changed the law in regard to coinage. And the answer of Mr. Hooper certainly left the impression upon the whole House that the subject of the coinage was not affected by that bill.

Mr. KASSON. Did the gentleman from Indiana [Mr. HOLMAN] himself call for the reading of the bill?

Mr. HOLMAN. Certainly.

Mr. KASSON. Why was it not read? It was your right to have it read.

Mr. HOLMAN. The record will show that it was not read.

Mr. BLAND. The reading was called for by Mr. KERR. I have the record here to show that I am competent to make a report here in accordance with the facts.

Mr. KASSON. What does the gentleman desire to show now?

Mr. HOLMAN. Just this——

Mr. KASSON. That the bill was not read?

Mr. HOLMAN. I will read from the Congressional Globe:

MR. HOLMAN. I suppose it is intended to have the bill read before it is put on its passage.

The SPEAKER. The substitute will be read.

MR. HOOPER, of Massachusetts. I hope not. It is a long bill, and those who are interested in it are perfectly familiar with its provisions.

MR. KERR. The rules cannot be suspended so as to dispense with the reading of the bill.

The SPEAKER. They can be.

MR KERR. I want the House to understand that it is attempted to put through this bill without being read.

The SPEAKER. Does the gentleman from Massachusetts [Mr. Hooper] move that the reading of the bill be dispensed with?

MR. HOOPER, of Massachusetts. I will so frame my motion to suspend the rules that it will dispense with the reading of the bill.

The SPEAKER. The gentleman from Massachusetts moves that the rules be suspended and that the bill pass, the reading thereof being dispensed with.

MR. RANDALL. Cannot we have a division of that motion?

The SPEAKER. A motion to suspend the rules cannot be divided.

MR. RANDALL. I should like to have the bill read, although I am willing that the rules shall be suspended as to the passage of the bill.

The question was put on suspending the rules and passing the bill without reading; and (two-thirds not voting therefor) the rules were not suspended.

Mr. KASSON. And that proposition failed?

Mr. HOLMAN. Certainly. But I will read farther:

MR. HOOPER, of Massachusetts. I now move that the rules be suspended, and the substitute for the bill in relation to mints and coinage passed; and I ask that the substitute be read.

The Clerk began to read the substitute.

Mr. BROOKS. Is that the original bill?

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. Hooper] applies to the substitute, and that on which the House is called to act is being read.

Mr. BROOKS. As there is to be no debate, the only chance we have to know what we are doing is to have both the bill and the substitute read.

The SPEAKER. The motion of the gentleman from Massachusetts being to suspend the rules and pass the substitute, it gives no choice between the two bills. The House must either pass the substitute or none.

Mr. BROOKS. How can we choose between the original bill and the substitute unless we hear them both read?

The SPEAKER. The gentleman can vote "ay" or "no" on the question whether this substitute shall be passed.

Mr. BROOKS. I am very much in the habit of voting "no" when I do not know what is going on.

Mr. HOLMAN. Before the question is taken upon suspending the rules and passing the bill, I hope the gentleman from Massachusetts will explain the leading changes made by this bill in the existing law, especially in reference to the coinage. It would seem that all the small coinage of the country is intended to be recoined.

Mr. KASSON. Come to the point about the question of reading.

Mr. HOLMAN. I want to show that there was no reading of the substitute:

Mr. HOOPER, of Massachusetts. This bill makes no changes in the existing law in that regard. It does not require the recoinage of the small coins.

Then Mr. SARGENT, Mr. Farnsworth, Mr. McCormick, and Mr. McNeely made inquiries in regard to matters of salaries and other changes contemplated by the bill, but none in relation to the question of coinage, because that was understood to have been answered already by Mr. Hooper.

Mr. KASSON. Was the substitute read?

Mr. HOLMAN. No, sir. After the putting and answering of the inquiries I have referred to the record closes in this way:

The question being taken on the motion of Mr. Hooper, of Massachusetts, to suspend the rules and pass the bill, it was agreed to; there being ayes 110, noes 13.

Mr. KASSON. I must resume the floor. The proceedings which the gentleman has read show conclusively——

Mr. HOLMAN. Just a single word further. I wish to say that the subject of coinage was not supposed to be involved in the bill, and the measure as passed was not read in the House.

Mr. KASSON. Now I come to this point: not a word which the gentleman has read denies or modifies a syllable of the record which I have stated. On the contrary, it is shown clearly that the proposition which was not read was the bill which was not passed—the original bill. As to the substitute, its reading was begun, as gentlemen had a right to call for it and any single member could exact it; and then an opponent of the bill on the other side of the House interrupted the reading, preferring an explanation; and then gentleman after gentleman rose making inquiries about the contents of the bill and had them answered, after which nobody seems to have called for the conclusion of the reading of the bill. That is what the record shows.

Mr. LAWRENCE. Will the gentleman state whether it is or is not the fact that that bill changed the legal-tender quality of the silver dollar?

Mr. KASSON. I have not found anything in that coinage law that indicates the slightest surreptitious act or unusual proceeding. On the contrary, the silver dollar was omitted from the original bill sent here by the Treasury Department, and the consideration of that question ran through all the various bills.

Mr. BLAND. Will the gentleman allow me to read that part of the act which modified the previous law so as to limit the use of silver as a legal tender to the amount of $5 only?

Mr. KASSON. The gentleman must excuse me. He and the gentleman from Indiana [Mr. HOLMAN] have already occupied more of my time than I have myself.

Mr. BLAND. Will not the gentleman allow me——

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. KASSON] must not be interrupted by the gentleman from Missouri, [Mr. BLAND.] The Chair protected the gentleman from Missouri in his rights a few moments ago; and he must now protect the gentleman from Iowa.

Mr. BLAND. I was simply asking——

The SPEAKER *pro tempore*. The gentleman from Iowa declines to be interrupted. That is sufficient for the Chair.

Mr. KASSON. I hope it will be remembered that I only decline to be further interrupted after very large concessions in that respect.

I know very well that by that act the legal-tender quality of silver was limited to $5, the coinage of the old silver dollar having practically ceased long before. Nothing has been read which controverts any part of the statement I have already made of the history of this legislation through two Congresses and both Houses. I wish to add further that there were letters on the subject from nearly all the officers of the Mint—from Raymond, from Patterson, from the venerable Dr. Torry of New York, from Mr. Snowden, from Mr. Pollock, from Dr. Linderman. The letters of these and other gentlemen who had elaborately investigated the subject I think accompanied the report that was presented on this question to Congress.

I did not intend to occupy the attention of the House thus long; but I did think it important that this House should observe that the omission of the silver dollar from the coinage act was a proposition running through all its consideration. One of the amendments proposed was to make the dollar that should be coined equivalent to two half dollars that were being coined. That finally failed; and the result of the proposition on that subject was that the dollar of 412½ grains was left out; the proposed dollar equivalent to two of the existing half dollars was left out; and the "trade-dollar" finally came in in lieu of all those other propositions touching the silver dollar.

In conclusion, I will simply say that I regret exceedingly that the language of popular prejudice should be heard in the discussion of a question of this sort on this floor. The relation between gold and silver and their relative value prospectively as well as at present are among the most serious questions that can be presented to this body. We cannot determine without further knowledge what that relation should be, whether we should coin exactly the old coin or whether we should establish a new fixed or variable relation to the gold dollar, in view of this unprecedented depreciation of silver or any other of these serious questions on which the greatest economists of the world are consulted by the legislative bodies of other countries before they come to a decision.

If at a time when European countries, especially the Latin nations, are limiting the amount of their silver coin, and Germany is repudiating it, and England will not have it as one of her standards, if at this time the United States adopts it, what will be its effect on us who open our hands for their refuse unless it be to depreciate it further here?

As to the effects of this bill, of which the gentleman from Missouri spoke, I have no time to go into it further than to say that I am not one of the men who propose to take care of the labor of this country by paying it eighty cents for a dollar's worth of wages. I am not one of those who propose that Englishmen buying the grain of our western farmers shall send here in payment of the balance of trade in our favor the depreciated and abandoned silver of Europe, worth 10 per cent. less than our own paper money, and 20 per cent. less than the gold that England now remits in payment for the surplus products of our farms. I am not disposed to do all this until all the facts and relations of this question are submitted to us in a formal and carefully prepared report, with the evidence upon which its conclusions rest, that we may form therefrom a more intelligent and deliberate judgment.

I learn that in France, a double-standard country, about three weeks ago, the government suspended the coinage of five-franc pieces because of this uncertainty of information as to the result of the great agitation arising from the alarming depreciation of silver.

I have here a summary of the report of a committee of the English Parliament on one branch of this subject, which at the request of other gentlemen I append to my remarks without asking that it may be read.

Another question is how much surplus, if we adopt the double standard, will come from Germany, how much will come from India, and how much will come from China and all Asia, from all quarters of the world. I know of these questions, but I do not know sufficiently of the facts, authentically, to ask this House to vote, or even to justify myself in casting a vote at this stage of our session on the other bill now pending in the morning hour, and therefore I urge the adoption of these resolutions. [Cries of "vote!" "Vote!"]

I yield to the gentleman from Pennsylvania of the Committee on Banking and Currency.

The following is the summary referred to:

To sum up the more striking facts which have been brought before your committee, the situation at the present moment appears to be this:

1. The total annual production of silver has risen to upward of £14,000,000, from an average of about £8,000,000 to £9,000,000 in 1890.

2. Of this amount of £14,000,000 the mines of the United States are estimated to have produced about £7,000,000, with the prospect of an increase for some years to come. On the other hand, if the price of silver should remain as low as at present, there may be some diminution in the production elsewhere.

3. Germany has still to dispose of an amount which is certainly not less than £8,000,000, with the possibility that it may exceed £20,000,000; but with the possibility, on the other hand, that a considerably larger sum than the estimated amount may be ultimately required for subsidiary coinage.

4. The Scandinavian kingdoms have discontinued the use of silver, but the amounts of demonetized silver coin which they have thrown or can throw on the market are not important.

5. Austria has apparently been exchanging silver for gold, the amount of silver held in the imperial bank having diminished from £10,000,000 to £6,000,000 since 1871.

6. Italy has been gradually denuded of her silver currency. Since 1865 large amounts have been exported; her forced paper currency has apparently expelled the whole of the metallic currency, of which the silver coins amounted at the beginning of 1866 to about £17,000,000 sterling.

7. France, on the other hand, has for some years past been replenishing her stock of silver, of which during the last four years her imports have exceeded her exports by £31,500,000.

8. England, Russia, and Spain have each been buyers to the extent of some millions.

9. Japan and China and other countries in the east have absorbed a certain amount.

10. India still takes silver, but in greatly decreased amounts.

11. The home government has bills to sell to the extent of £15,000,000 per annum, which debtors to India can buy in the place of remitting bullion. This total has been gradually reached, and represents an excess of more than £10,000,000 compared with twenty years ago.

12. The gross remittances of silver to India during the last four years have been £15,000,000 compared with £28,900,000 in the four previous years.

Legislatively, the position is as follows:

Germany is gradually demonetizing silver, and looks forward to its use only for subsidiary coinage.

The United States is carrying out a policy of introducing silver subsidiary coinage in the place of all fractional paper currency now afloat, and of coining full-weighted silver coins, but only on a contracted scale, and only available for legal tender for a limited amount.

The members of the Latin Union and Holland have adopted an expectant attitude, but meanwhile limit as far as possible the coinage of silver.

No indications are given of any intention on the part of Russia and Austria to pass any laws with regard to their currency.

The actual facts which have been enumerated speak for themselves; and it will be seen at once which of them are in favor of a rise in the price of silver and which of them tend in a contrary direction. It is important, too, that the temporary character of some of these facts and the normal character of others should be fully taken into account. The surplus stock of Germany will in all probability weigh heavily on the market for some time to come; still it is a temporary circumstance. On the other hand, the United States will afford temporary relief to the market by retaining for her own coinage considerable amounts of the silver there produced. It is indeed possible, according to the evidence adduced, that the United States will retain as much silver for her new coinage operations as Germany may have to sell as the result of hers.

The case of France deserves especial attention. The replenishment of her stock of silver can scarcely be regarded as other than a temporary circumstance. During the last four years, out of a total of £76,000,000 of disposable silver, France absorbed £35,500,000. The relief thereby given to the market must have been immense. It is impossible to assume that it can be continued on the same scale. The natural inference to be drawn would be in the opposite direction.

With regard to India and the East, hitherto the largest consumers of silver, so much must depend upon the prosperity of the populations, on the abundance of the crops—in fact, on their powers of production—that it is impossible to make any forecast; and, as regards actual facts, no more can be stated than that on the one hand they have always possessed a very large power of absorbing bullion, while on the other that power has been diminished by the growth of the sums annually payable by India to the home government.

The only facts in any calculations as to the future which are certain, and appear to be permanent, are the increased total production of silver and the effect caused by the necessity of the Indian government to draw annually for a heavy amount. Both are adverse to the future value of silver so far as they go, but they may be partially counterbalanced by changes in the trade with the East.

As regards Europe, much must depend upon the action taken by the governments of the various countries where the question of the currency to be adopted is still unsettled. Your committee have not considered it to be within the scope of the questions referred to them to make inquiry as to the intentions of these governments, though many references to their views will be found in the various official documents procured for the committee by the foreign office. Your committee on this point would simply remark that it is obvious that, if effect should be given to the policy of substituting gold for silver wherever it is feasible, and giving gold, for the sake of its advantages in international commerce, the preference even among populations whose habits and customs are in favor of silver, and thus displacing silver from the position (which it has always occupied) of doing the work of the currency over at least as large an area as gold, no possible limits could be assigned to the further fall in its value, which would inevitably take place; but your committee are bound to refrain from giving any opinion on the expediency of such a policy or the necessity for its adoption.

In conclusion, your committee have to observe that, while they have endeavored to be as precise as possible in their statement of the facts which have been brought to their notice and to give an explicit answer to the questions referred to them, as to the causes of the present depreciation of silver, they consider that, in view of the many uncertain elements to which they have pointed, and which necessarily enter into every calculation as to the future, they are not authorized to offer any further opinion as to the probable course of the silver market beyond indicating, as they have endeavored to do, the various circumstances which have to be taken into account.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I do not want to detain the House at this late hour of the afternoon, but as the complaint appears to be that by legislation of Congress the silver dollar was demonetized, and as the charge has been made by the gentleman from Missouri [Mr. BLAND] that it was done surreptitiously and perpetrated an injustice and a fraud upon the people, I wish to say to the House that I have here in my hand the whole proceedings from the conception of the idea of the demonetization of the silver dollar down to the final consummation in the law of 1873.

In the report which was made by Mr. J. J. KNOX, now the Comptroller of the Currency, in 1870, with regard to the re-organization of the Mint and the draught of a bill which accompanied it, the silver dollar of 412½ grains was left entirely out. In the correspondence which took place between the Treasury Department and the officers of the Mint and scientific men all over the country it was the almost unanimous conclusion of those learned men, who had bestowed attention on the subject, that the dollar of 412½ grains should be omitted. In the session of 1871, as has already been stated, my colleague from Pennsylvania [Mr. KELLEY] offered a bill in which that dollar was not mentioned at all. It is No. 5 of the first session of the Forty-second Congress.

It was reported again by Mr. KELLEY on January 9, 1872, with his recommendation that it do pass, and was debated by him and Potter, GARFIELD, HOLMAN, and others. On the next day the consideration of it was resumed and my colleague explained the bill and it was recommitted. It was reported back by Mr. Hooper as bill No. 1427 on the 9th of February, having in it a subsidiary dollar of 384 grains and divisions thereof but omitting the old dollar of 412½ grains and providing that no coins of gold, silver, or minor coinage other than those of the denominations, standards, and weights therein set forth should be coined. Mr. Hooper explained it in ten columns of the Globe, and stated specifically that the reason the dollar was reduced to 384 grains was that the silver dollar was worth one hundred and three cents in gold and was exported and we could not keep it here. My colleague, [Mr. KELLEY,] then chairman of the Committee on Coinage, Weights, and Measures, gave most substantial reasons for the omission of the old dollar, the sound policy of which I most heartily indorse, especially his observations on the double standard. He said:

I wish to ask the gentleman who has just spoken [Mr. Potter] if he knows of any government in the world which makes its subsidiary coinage of full value? The silver coin of England is 10 per cent. below the value of gold coin. And acting under the advice of the experts of this country, and of England and France, Japan has made her silver coinage within the last year 12 per cent. below the value of gold coin, and for this reason: *it is impossible to retain the double standard. The values of gold and silver continually fluctuate.* You cannot determine this year what will be the relative values of gold and silver next year. They were 15 to 1 a short time ago; they are 16 to 1 now.

Hence, all experience has shown that you must have *one standard coin* which shall be a legal tender for all others, and then you may promote your domestic convenience by having a subsidiary coinage of silver which shall circulate in all parts of your country as legal tender for a limited amount, and be redeemable at its face value by the Government.

But, sir, I again call the attention of the House to the fact that the gentlemen who oppose this bill insist upon maintaining a silver dollar worth three and a half cents more than the gold dollar, and worth seven and a half cents more than two half dollars, and that so long as those proportions remain you cannot keep silver coin in the country.

The debate occupied nearly forty columns of the Globe, so that there was no smuggling about it, but the attention was called to the change in the silver dollar and its reduction to a subsidiary coin. (See Globe, volume 89, pages 2304 to 2317.)

Later in the session (May 27) Mr. Hooper reported a substitute (No. 2934) which, so far as the silver dollar was concerned, was precisely similar to the preceding ones, all of them ignoring the old dollar and restricting the legal tender of the subsidiary coins to $5. That bill was debated by Messrs. Hooper, Brooks, HOLMAN, Farnsworth, SARGENT, KERR, and McNeely.

Mr. McNeely was a member of the Committee on Coinage, and said:

As a member of the Committee on Coinage, Weights, and Measures, having carefully examined every section and line of this bill and generally well understanding the subject before us, I am satisfied that the bill ought to pass.

It was thoroughly investigated by everybody who felt an interest in it, and passed, as has been stated, by a vote of 110 to 13.

It was twenty-two times before the House and Senate, and occupied over thirty-nine columns of the Globe in its discussions.

In the preparation of the bill presented by the report of the Comptroller of the Currency, and it was a very able report; by the bill of Mr. KELLEY; by the bill of Mr. Hooper; by the substitute of Mr. Hooper—on every occasion that matter came up before the House of Representatives and before the Senate, that dollar of 412½ grains was omitted and its omission explained when the reason was demanded. In the bills presented by Mr. Hooper it was proposed to coin a dollar of 384 grains, as I said before, but that was eventually dropped out and the trade-dollar inserted in its stead.

I therefore say, Mr. Speaker, it is due in justice to the memory of the dead and in justice to the living—it is due to my friend from Pennsylvania, [Mr. KELLEY,] not here to-day, that it should be stated on this floor that this bill, in the last session of Congress in which it was investigated, came before the Congress of the United States more than twenty times, and that the very question under discussion now was then explained by Mr. KELLEY and Mr. Hooper as fully as possible. It must be remembered that they stated very clearly the reason why it was that the dollar of 412½ grains was omitted. It was explained in the Senate by Mr. SHERMAN and others, and the whole country had this matter under consideration for more than two years, and at the end of that time came to the conclusion the silver dollar should be demonetized. I say, therefore, it is due to the memory of the dead—Mr. Hooper—and in justice to my living colleague who never does things surreptitiously, that this explanation should be made, that it was not done fraudulently, as the gentleman from Missouri [Mr. BLAND] has said. And his remarks are an unjust aspersion upon the frankness and fairness of gentlemen formerly and now upon this floor. I trust he will recall when he comes to look over the whole of the record in the Congressional Globe the charge he has made against upright and honorable men as fully and amply as he has made it.

Now, in regard to the bill of the gentleman from Missouri, [Mr. BLAND,] of which he has been speaking, I can imagine no legislation which this House can undertake that would be more disastrous to the interests of the country than the passage of that very bill. It would change the existing relations of debtor and creditor all over the country. It would change every contract, public and private, in the land, whether written or verbal. And, more than that, it would be the most fatal blow which ever was struck at the credit of the nation. It is a proposition, in the first place, which would defraud the laborer of his wages, and it would give the bonanza silver miners four or five million dollars a year of additional profit on the product of their mines. It would take from the laboring-man 15 to 20 per cent. of his hard-earned daily wages and transfer it to the pockets of another.

It would, besides that, as I said awhile ago, strike down the credit of the nation. And we have to remember that if this bill passes we say to the national creditor: "We propose to pay you, principal and interest, at the rate of eighty-five cents on the dollar." And I may remark that there are yet remaining nearly $1,000,000,000 of 6 per cents that we want to change into 5 per cents. But with this threat hanging over them, that we intend to repudiate the obligations of the Government to the extent of 15 per cent., we will never be able to induce a bondholder to change another bond from a 6 per cent. to a 5 per cent. loan.

There is another point to which I wish to call the attention of the House. The great plea that has been made about this matter is that we are entitled to pay in silver because at the time the contract was made we had a silver currency. If that argument be good, I ask the House to remember this fact: that since 1873 we have had but one standard of currency, and that was the gold standard; and since that

time we have changed $300,000,000 nearly—I think $286,043,000 of 6 per cents and $13,957,000 of the 5 per cents of 1858 into the 5 per cent. loan. We have changed that amount of 6 per cents down to 5 per cents; and under the argument which they want to invoke, the principal and interest of those $300,000,000 of bonds must therefore be paid in gold; and yet by this bill it is provided that all the debts of the country, public and private, whatever they may have been, whenever they may have been contracted, shall be paid in whatever currency the debtor may choose to impose upon the creditor.

And more than all it is intended to impose upon the people of the country in their ordinary avocations of life a currency which is sixteen times as heavy and inconvenient as the one we have to-day. When a man has an obligation of a thousand dollars or more to pay he can now put the amount in gold in his pocket, if the debt be payable in gold, and carry it to his creditor. But if he has to pay it in silver he will have to carry the amount with him on a wheelbarrow or a wagon. It is a long step backward in financial economy. It therefore seems to me that this is to substitute for a convenient currency a very inconvenient and cumbrous one. And it is at the same time saying to the nations of the world that, "Inasmuch as you have trusted us to reduce your loans from 6 per cent. to 5 per cent., we intend to shave another 1 per cent. off and pay you in depreciated silver." The nation cannot afford to adopt such a policy; it would be ruinous in the end.

[Here the hammer fell.]

Many members called for the regular order.

Mr. COX. Mr. Speaker, how much of the hour is remaining?

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. KASSON] has five minutes of his time remaining, and the gentleman from New York [Mr. COX] fifteen minutes.

Mr. KASSON. I am not disposed to occupy any more time unless the gentleman from New York desires further debate.

Mr. COX. I yield to my colleague, [Mr. HEWITT,] who desires to make a request of the House.

Mr. HEWITT, of New York. I ask leave to print in the RECORD some remarks upon this question.

Mr. MEADE. I ask the same privilege for myself. [See Appendix.]

There was no objection, and leave was granted. [See Appendix.]

Mr. COX. I do not propose myself to occupy any further time, but yield two minutes to the gentleman from Illinois, [Mr. FORT,] after which I will call for a vote.

Mr. FORT. Mr. Speaker, but little can be said in two minutes. I would like more. Two hours would not be time enough in which to discuss the momentous question of restoring the legal-tender quality of the silver dollar.

Mr. Speaker, my esteemed friend from Iowa, [Mr. KASSON,] at great length and detail, has just given the House what he claims is the legislative history of the repeal of that satisfactory law first enacted in the days of Alexander Hamilton and continued without complaint from the people till 1873, and under which silver in dollars had been honored in payment of all debts both public and private.

Sir, I wish to remind my friend that with all his research he has not found, or at least if he has found he has not reported to the House, a single sentence, word, or syllable disclosing a purpose to repeal, change, or modify the laws relating to the legal tender of any coin; no word of debate, no printed bill, no report of any committee, nor no journal of the proceedings of either House.

Sir, all that he states about this matter may be, and no doubt is, correct; and yet it may likewise be true that no repealing clause was ever in any of the bills he mentions. Those were all bills relating to mines and mining, and to the coinage laws, and the mints of the United States. He has not shown that any of them contained the repealing clause as to the legal tender of the silver dollar.

The bill that was passed was a long one, containing many sections about coinage and mints, and was reported by the chairman of the committee as a substitute, and was most likely not printed.

Mr. ATKINS. Was the substitute read?

Mr. FORT. And the substitute was not read. I charge it here until I am otherwise convinced that it is probable that at no time was the question ever discussed before the Senate or House; and was passed in this House in less than twenty minutes after it was brought in, without time or opportunity to learn its provisions. And I wish further to remind my friend that, no matter what he may claim as having happened here, the people were not consulted about the matter. I would remind him that so far as I can learn not a single newspaper in the United States ever advocated any such measure. And if he knows of a single paper that ever hinted at such a thing I now pause for him to arise and name it. And I would further remind my friend that no public assemblage of the people ever so resolved, and that no public speaker from the stump or elsewhere in this entire country ever advanced any such proposition; and if he knows of any such I now pause for him to mention the occasion.

Ay, sir, the people never dreamed that such things were happening, that such a stupendous wrong was being done to them.

Sir, no question involving so many millions of dollars to the country has been transformed into law since peace made the great war loans unnecessary. And yet, as I claim and believe, it was not openly and fully considered; and not over one in a thousand ever knew of the mischievous act until startled by its discovery when the Revised Statutes were published. And for one I demand in the name of the people I represent that the law shall first be re-instated as it was, and then it will be time to consider whether we should appoint a learned commission to consider the relative value of gold and silver.

My respected friend from Iowa [Mr. KASSON] has sent to the Clerk's desk to have spread upon the record a document prepared in London, as I understood him. I do not care to take lessons in finance from such teachers just now. Their interests are not our interests.

Mr. Speaker, I said the other day when I occupied the floor a few minutes upon this question that the history of the repeal of that venerable law handed down to us from the fathers might never be written, and some may wish that it never would be.

I do not believe my friend from Iowa [Mr. KASSON] ever did know anything about it except what he has stated here; but, sir, if the history of this repeal shall ever be fully written, I fear it will be found that a certain English gentleman, resident of London, was the author of the scheme. I know nothing about the matter of my own knowledge, and do not state it as a fact or in any way vouch for it, but am informed that this representative of our creditors in London came to Washington, spent the winter here, and was in close counsel with the author of this repeal, and in all probability he drew the section of the bill himself. The money lords of London commanded and we in humility and in silence bowed low and obeyed. [Cries of "That is so!" "Good!"]

Mr. KASSON. Who was it? Who was the man?

Mr. FORT. You will find out when the history is written.

The SPEAKER *pro tempore*. The time of the gentleman from Illinois has expired.

Mr. COX. The debate has taken a course not intended. Nobody intended to discuss the bill of the gentleman from Missouri in connection with this resolution. It does not necessarily follow that the resolution which I reported should antagonize his proposition.

This is a proposition looking to inquiry and information and report, and I trust that the vote will now be taken upon the adoption of the report of the Committee on Banking and Currency. [Loud cries of "Vote!" "Vote!"]

Mr. LANDERS, of Indiana. I call for the yeas and nays on agreeing to the concurrent resolution.

The question was taken on ordering the yeas and nays; and on a division there were—ayes 15, noes 135.

So the yeas and nays were not ordered.

The question was taken on agreeing to the concurrent resolution; and on a division there were—ayes 132, noes 31.

So the concurrent resolution was agreed to.

Mr. COX moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. EDEN, (at seven o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. LUTTRELL: Remonstrance of J. D. Stephenson and others, owners and ship-masters interested in coasters and the coasting trade of the Pacific coast, against the adoption of the amendments proposed to the United States shipping act of 1872 by House bill No. 654, to the Committee on Commerce.

Also, a paper relating to the claim of Thomas J. Sherwood for amount paid by him for clerk hire while acting as postmaster at Marysville, California, to the Committee of Claims.

Also, the petition of Rénauld, François & Co. and others, against any increase of the duty on champagne wines, to the Committee of Ways and Means.

Also, resolutions of the Legislature of California, asking that Congress take such steps as will secure the release of Edward O'Meagher Condon, confined in a British prison, to the Committee on Foreign Affairs.

Also, the petition of O. Streshley and several hundred other citizens of California, for the establishment of a post-route between Susanville and Dorris Bridge, Modoc County, California, to the Committee on the Post-Office and Post-Roads.

Also, memorial of W. S. Powell and others, that the homestead laws be so amended as to secure persons in their titles who have purchased lands from soldiers who entered said lands under the provisions of the homestead laws, to the Committee on Public Lands.

Also, the petition of W. R. Wheaton, against the passage of the bill (H. R. No. 1760) relative to homestead entries, to the same committee.

Also, remonstrance of F. W. Watson and 100 others, against the passage of the bill confirming title to the Albion Grant, Mendocino County, California, to the same committee.

By Mr. THOMAS: The petition of John W. Dougherty, James M. Roberts, and James T. Taylor, for compensation for the schooner Chesapeake Trader, lost while in the United States service, to the Committee on War Claims.

IN SENATE.

MONDAY, *August* 7, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. MAXEY. I present a joint resolution of the Legislature of Texas, in relation to the death of General Custer, which I ask may be read and placed upon the journal of the Senate, as requested in the resolution.

The Chief Clerk read the resolution, as follows:

Joint resolution H. R. No. 395.

Whereas General G. A. Custer has endeared himself to the people of the frontier of Texas and elsewhere by his bold and dashing operations against the Indians; and whereas the news of his late sudden death while in discharge of his dangerous duties is received: Therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That we tender our sincere condolence to the family of the deceased and to the people of our suffering frontier, and that the governor be requested to forward a copy of this joint resolution to our Senators and Members of Congress, with the request that the same be spread upon the Journals of Congress, and a copy of the same be forwarded to the family of the deceased.

Approved July 28, 1876.

THE STATE OF TEXAS,
Department of State.

I, A. W. De Berry, secretary of state for the State of Texas, do hereby certify that the foregoing is a true copy of the original enrolled H. J. R. No. 395 passed by the fifteenth Legislature of the State of Texas, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of State, at the city of Austin, this the 1st day of August, A. D. 1876.

[SEAL.] A. W. DE BERRY,
Secretary of State.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed, if there be no objection.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 934) to amend section 2931 of the Revised Statutes of the United States so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been exacted in contravention of treaty provisions, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the memorial of Louis Rose, asking compensation for the value of certain wharf property in San Diego, California, alleged to have been taken possession of by the Pacific Mail Steamship Company, submitted a report thereon, accompanied by a bill (S. No. 1034) for the relief of Louis Rose.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 154) for the relief of Louis Rose and other persons claiming title to lands within the lines of the military reservation at San Diego, California, recommended its indefinite postponement; which was agreed to.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the bill (S. No. 400) amendatory of the fifth section of the act of the 18th of May, 1872, making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

REDEMPTION OF TAX LANDS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the amendment of the House of Representatives to the bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes, to report it back to the Senate; and, as the amendment is a mere *pro forma* amendment and the bill has now passed both Houses and will take only the time of reading, I ask that it may be acted upon.

By unanimous consent, the Senate proceeded to consider the amendment of the House of Representatives, which was, in lines 3 and 4 of the bill, to strike out the words "within which lands held by the United States under the several acts levying direct taxes may be redeemed" and in lieu thereof insert "limited for the redemption of direct-tax lands by the act entitled 'An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes,' approved June 8, 1872;" so as to read:

That the time limited for the redemption of direct-tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and is hereby, extended to the 1st day of February, 1877; and all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. EDMUNDS. How often has the time been already extended?

Mr. SHERMAN. I do not know; either once or twice before; but there can be no objection to extending it further. The only doubt we had was as to the amendment proposed by the House. We have examined it carefully and find that it is a mere formal, unimportant matter.

Mr. EDMUNDS. I should like to have the Senator state the ground of any further extension after so long a period of time.

Mr. SHERMAN. I suppose that in the condition of affairs in the Southern States cases have arisen where parties have not been able, from actual poverty, to redeem lands held by the Government, which were sold for taxes. The Government does not want the lands and does not want to deprive the people of their lands.

Mr. EDMUNDS. The Government wants the money, the tax.

Mr. SHERMAN. The Government wants the money. This bill authorizes these people when they can pay the tax and arrest the penalty, &c., to redeem the land.

Mr. EDMUNDS. This is for how long a period of time?

Mr. SHERMAN. To the 1st of February next is all the extension, under this bill.

Mr. EDMUNDS. I hope this will be the last time.

The amendment was concurred in.

WAR CLAIMS OF WEST VIRGINIA.

Mr. DAVIS. On Friday morning last the chairman of the Committee on Claims [Mr. WRIGHT] made an adverse report upon the bill (S. No. 403) to re-imburse the State of West Virginia for losses incurred by reason of the destruction of its bridges, court-houses, school-houses, churches, turnpike-roads, and other public property by Federal troops during the late war. After consultation with the Senator from Iowa, I move that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill be placed upon the Calendar.

Mr. WRIGHT. I have no objection to that being done.

The motion was agreed to.

DAVID W. STOCKSTILL.

Mr. THURMAN. The House of Representatives passed a bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio. It came to the Senate and was referred to the Committee on Military Affairs, and on the 21st of last month was reported adversely. I ask unanimous consent of the Senate that that vote may be reconsidered, and that the bill, with the additional testimony that has just been furnished and that I hold in my hand, may be again referred to that committee. It can only be done by unanimous consent, two days having expired, and I hope it will be done.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Ohio? The Chair hears none. The bill will be recommitted, with the additional testimony.

PAPERS WITHDRAWN.

Mr. MAXEY. I offer the following order:

Ordered, That the Houston, Trinity and Tyler Railroad Company of Texas have leave to withdraw the petition and papers connected with their claim now on file before the Committee on Claims.

The PRESIDENT *pro tempore*. Is there an adverse report in the case?

Mr. MAXEY. No, sir. The case has not been acted upon, as I understand. The purpose is to get the papers out and systematize them. It is too late to do anything at this stage of the session.

There being no objection, the order was agreed to.

ORDER OF BUSINESS.

Mr. WRIGHT. If there be no resolutions——

Mr. EDMUNDS. I have a resolution.

Mr. WRIGHT. I wish to say one thing while I have the floor. I shall regard it as a very great personal favor, for reasons which I need not state at this time, if I can have the attention of the Senate this morning, after resolutions are through, to House bill No. 3359, known as the southern claims bill. It is a matter that is particularly pressing upon me. I think we can dispose of it in twenty minutes. After the morning business is through, I shall ask the Senate to proceed to the consideration of the bill, if I can get the floor.

Mr. EDMUNDS. I thought of introducing a resolution, but I will not do it if my friend from Iowa wants to get the floor, for it might lead to some debate. But I think my friend from Iowa ought not to take the floor every morning from us on special reports from his committee. On the last occasion when I endeavored to get up the joint resolution about the monitor Tecumseh and the remains of the sailors there, the vessel being liable to be blown up at anytime by the claimants, I was rather squeezed out by my friend from Iowa, who interposed a bill a very good bill; and now he wants another passed. I want to ask the unanimous consent of the Senate, as soon as a quorum is present, which I do not believe exists at this moment, and I do not wish to do any business without a quorum, to take up that resolution. I give notice that I shall ask unanimous consent, and if I cannot get it I think it will be my duty to try to secure the consent of a majority under the circumstances, because the loss of the day might result in suffering.

Mr. WRIGHT. I desire to state at this time, if my friend from Vermont will pardon me, that if he will allow me to take up the bill to which I have referred I will give way and let him have the joint resolution considered.

Mr. EDMUNDS. I will be just as courteous as my friend. If he will allow me to get up the joint resolution and pass it, I will give way with the greatest satisfaction.

Mr. PADDOCK. It does not seem to me that there is anything like a quorum present.

Mr. EDMUNDS. I shall ask a division when the Senator from Iowa makes his motion, and then we shall find out how that fact is.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes.

The question being put, there were on a division ayes 20.

Mr. WRIGHT. I ask for the yeas and nays.

Mr. EDMUNDS. I only wish to appeal once more to the Senate, it is all that I can do, not to take up this bill, to which I have no opposition so far as I know, until they can give us an opportunity to dispose of the matter of the wrecked monitor.

Mr. COCKRELL. We will dispose of that as soon as we get through with the claims bill.

Mr. EDMUNDS. As soon as we get through with the claims bill then there will be something else. I only want to ask the Senate not to vote to take this bill up until after we take up the joint resolution.

Mr. WEST. What is the joint resolution?

Mr. EDMUNDS. The joint resolution I am seeking to get up and wish to have the Senate act upon is about the monitor Tecumseh that is in momentary danger of being blown to pieces and the remains of a hundred and fifty officers and sailors scattered over the bottom of Mobile Bay. The resolution is to prevent that, and the Senate ought to act upon it; but if the Senate chooses to go on with the other bill instead of doing this, my duty will be done.

Mr. WRIGHT. I do not want to antagonize the business of the Senator from Vermont, and I will yield with the understanding that I can have my bill taken up when the Senate gets through with the joint resolution. I know it will take but a few moments, and rather than have any delay here I will waive for the present my motion with the understanding that my bill can be acted upon immediately after.

THE WRECK OF THE TECUMSEH.

Mr. EDMUNDS. I will submit the motion, and then the Chair can count the Senate, to take up the Tecumseh resolution. I do not wish to do it unless the Chair sees there is a quorum. I do not think we ought to act without a quorum.

The PRESIDENT *pro tempore*, (after a pause.) Thirty-six Senators are present, which is a quorum. The Senator from Vermont moves that the Senate proceed to the consideration of the joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on the Judiciary, with an amendment to strike out the preamble and all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he hereby is, directed to return and tender to the party claiming to have purchased the United States monitor Tecumseh the sum of fifty dollars, with interest at 6 per cent. added from August 7, 1873, to the day of the tender; said sum of fifty dollars being the sum paid by James E. Slaughter on what purported to be the sale of said monitor, then lying in Mobile Bay.

SEC. 2. That the Secretary of the Navy be, and he hereby is, directed to assume the control and protection of said monitor, and he is authorized to dispose of the same to the party who paid said money or his assigns on just terms, providing in such disposition for the removal from said monitor and the proper burial of the remains of the persons carried down when she sank, such removal from the said monitor and burial to be under the protection and supervision of the Secretary of the Navy.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended.

Mr. EDMUNDS. I wish to state that the Senator from Alabama [Mr. SPENCER] is not present on whose objection the joint resolution went over four or five days or a week ago when I reported it; but we have all the facts, and in the state of public business I do not feel justified in letting it wait any further for him. He has made no further communication to me on the subject, but it is due to him to say, and I say publicly, here that I felt obliged to call it up now, whether he is present or not.

The amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MISSISSIPPI ELECTION.

Mr. WRIGHT. I move that the Senate proceed to the consideration of House bill No. 3359.

Mr. BOUTWELL. I rise to make a report from the special committee on the late election in Mississippi.

Mr. EDMUNDS. Let us hear it read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, and having proceeded for some time was interrupted by

Mr. WRIGHT. I wish to inquire whether it is the special wish of any Senator here to have the report read and the time of the Senate taken up?

Mr. MORTON. I hope that the report will be read.

Mr. WRIGHT. I trust that my friend will waive the reading and allow me to get up the claims bill, a bill that I have been pressing and for which I had the floor. There are several reasons why I am exceedingly anxious to have the bill out of the way.

The PRESIDENT *pro tempore*. Is there objection to further suspending the reading of the report?

Mr. MORTON. I object.

The PRESIDENT *pro tempore*. The reading will proceed.

Mr. BAYARD. This report comes from the majority of the committee. As a member of the committee I was made acquainted with the fact of the existence of this report at about a quarter of eleven o'clock to-day, half an hour ago, when for the first time this paper was placed in my hand by the chairman in the committee-room. I was notified at my residence this morning at ten o'clock that the committee would make their report at half past ten to-day. I do not know whether it has been the custom of the Senate when a report is submitted unaccompanied by any bill or measure or based upon any matter before the Senate that it should be read at length. My reason for making this statement is that the views of the minority, which by intimation we were told it would be necessary for us to present, are in my hand and ready to be presented, but are necessarily imperfect in this, that the testimony taken in the case some six weeks ago in Mississippi has not yet been printed; and as it was the design of the two members who form the minority that we should not make a personal assertion of any fact, but sustain them by the sworn testimony of the witnesses, detailed in our presence, I had supposed that the evidence would be presented in order that it could be incorporated as the basis of the report made. The withholding of the testimony has, however, rendered this impossible; and although the facts are firmly fixed in my memory, yet I do not wish to base any allegation upon my mere recollection, but produce the sworn language of the witnesses, I submit whether it would not be well to forego the reading of but one side of so grave a question as this until the other can also be presented in the same way, when for the presentation of that other side there has not been yet the possibility of an opportunity.

Therefore it is that I trust the reading of this report, which the minority have never yet had an opportunity to examine—I do not put it, however, on that ground—should be suspended until the views of the majority and the minority can be presented together. I may say, moreover, that there has been no laches on the part of the minority, but we have proceeded just as fast and even in advance of the furnishing to them of the printed testimony in the case.

Mr. BOUTWELL. What the honorable Senator from Delaware states is correct in regard to the testimony, and I may say that the majority of the committee anticipated a little the time when it was their purpose to present the report, under the expectation that Congress would soon adjourn. I desire, what I think will be agreeable to the Senate, that the minority of the committee should have an opportunity to present their report and have it read, if they desire to have it read, or if any of their friends desire to have it read.

Mr. BAYARD. Does the Senator desire to have his report read.

Mr. BOUTWELL. I have no desire about that.

Mr. BAYARD. I only think that the whole story should go together and that a fair opportunity should be given to me for the purpose of letting the minority views appear with his report and in reasonable time. I will state here to the Senate that I hold the proof-sheets with amendments made as far as the testimony printed would permit me to do it of what as I have already stated is ready to be presented to the Senate; but it is not yet in a condition to be read as the prepared report of the committee, which, as I say, none of the minority had any knowledge of the contents of until it was handed to me at quarter to eleven o'clock this morning. I submit therefore that the further reading of this report be for the time being suspended until the views of the minority can also be prepared so as to be read, which I assure the Senate will not be long delayed.

Mr. EDMUNDS. I suggest to the Senator from Delaware that his views may be read to-morrow.

Mr. BAYARD. If I can have proofs of our views returned by to-morrow, I shall have no objection.

Mr. BOUTWELL. There will be no objection to that.

Mr. MORTON. I have no objection to its being postponed until to-morrow, but I want the report read.

Mr. BOUTWELL. One remark I desire to make. I do not suppose the Senator from Delaware intended to have the Senate understand that there was anything unfair in the majority of the committee in regard to the submission of the report.

Mr. BAYARD. It was because I wished to acquit the Senate of that, that I do not want an unfair thing done now.

Mr. BOUTWELL. Certainly. I hope it will be agreed that the Senator from Delaware may complete his report and present it and have it read when it is finished.

Mr. BAYARD. Then I ask that the reading of this report be suspended until that can be done. Both should go before the country together.

Mr. WRIGHT. Allow me to suggest the propriety of having this whole matter go over until to-morrow.

Mr. BAYARD. I submit to the Senate whether it is usual on the occasion of a long report of this kind to have it read in full in the Senate, or whether it is not in almost all cases furnished to us in print that we may read it for ourselves. It is simply a question of time, and I think also a question of justice, to ask that both sides of the case shall be heard.

Mr. BOUTWELL. Suppose we let the reading of this go over until to-morrow? We can have it taken up to-morrow morning.

The PRESIDENT *pro tempore*. That being the general understanding, it will go over until to-morrow.

Mr. BAYARD. Now, Mr. President, I desire to present on behalf of myself and my colleague on the committee, the Senator from Indiana, [Mr. MCDONALD,] our views as the minority of the committee.

The PRESIDENT *pro tempore*. Both will go over until to-morrow.

PAYMENT OF SOUTHERN CLAIMS.

Mr. WRIGHT. I move now that the Senate proceed to the consideration of House bill No. 3359.

The motion was agreed to; and the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes, was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Claims was after line 36 of section 1 to insert:

Provided, That no payment be made to or on account of the said John M. Brown until settlement be made of any indebtedness due or owing from him to the United States.

Mr. WRIGHT. I have an amendment at the close of the bill which will cover that, and therefore I ask that those words be stricken out.

The amendment was rejected.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Claims was in line 215 of section 1, to strike out "Joy" and insert "Ivy;" so as to make the clause read:

To William R. Ivy, $100.

The amendment was agreed to.

The next amendment was in line 247 of section 1, to strike out "McGahee" and insert "McGehee;" so as to make the clause read:

To Valentine M. McGehee, administrator, &c.

The amendment was agreed to.

The next amendment was to strike out lines 456 and 457 of section 1, as follows:

To David R. Godwin, $35,320.

The amendment was agreed to.

The next amendment was after line 457 of section 1 to insert:

To Maria L. Haurut, $7,010.

The amendment was agreed to.

The next amendment was to strike out line 471 of section 1, as follows:

To Maria L. Haurut, $7,010.

The amendment was agreed to.

The next amendment was to strike out lines 495 and 496 of section 1, as follows:

To Janetta Carter, widow of Armsted Carter, deceased, $1,275.

The amendment was agreed to.

The next amendment was in line 501 of section 1, to strike out "nine" and insert "three;" so as to make the clause read:

To Martha Crane, guardian of Anna R., Catharine M., and Clara Crane, heirs of Robert F. Crane, deceased, $1,300.

The amendment was agreed to.

The next amendment was in line 540 of section 1, to strike out "Lina" and insert "Sina;" so as to make the clause read:

To Sina D. Nabors, $200.

The amendment was agreed to.

The next amendment was in line 621 of section 1, to strike out "Broxton" and insert "Braxton;" so as to make the clause read:

To Braxton Lankford, $150.

The amendment was agreed to.

The next amendment was in line 657 of section 1, to strike out "Woodward" and insert "Woodard;" so as to make the clause read:

To James A. Woodard, $120.

The amendment was agreed to.

The next amendment was in line 677 of section 1, to strike out "Betsey" and insert "Betty;" so as to make the clause read:

To Betty Deese, $38.

The amendment was agreed to.

The next amendment was in line 690 of section 1, to strike out "Strumpert" and insert "Shumpert;" so as to make the clause read:

To Joseph Shumpert, $327.

The amendment was agreed to.

The next amendment was in line 987 of section 1, after the word "Cooper" to insert "of P.;" so as to make the clause read:

To John Cooper of P., $473.60.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WRIGHT. I trust there will be no objection to proceeding with and finishing this bill.

Mr. EDMUNDS. How near done is it?

The PRESIDENT *pro tempore*. The reading is on page 48. There are three pages yet to be read.

Mr. EDMUNDS. Let it go on subject to a call for the regular order at any moment.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill.

The next amendment reported by the Committee on Claims was to strike out lines 1167 and 1168 of section 1, as follows:

To Augustus and Frederick Schneider, $1,645.

Mr. WRIGHT. That is a mistake. The amendment ought not to be concurred in.

The amendment was rejected.

The next amendment was in line 1172, after "George A.," to insert "James P.;" so as to read:

To Anne, George A., James P., and Jane F. Slight, heirs of Robert Slight, deceased, $980.

The amendment was agreed to.

The next amendment was in line 1207, to insert the words "and three" after "hundred;" so as to read:

To John Utz, $303.

The amendment was agreed to.

The next amendment was in line 1228, to strike out "Wise" and insert "Wire;" so as to read:

To Peter Wire, $387.

The amendment was agreed to.

The next amendment was in section 2, line 2, to strike out "Nathaniel P. Harben" and insert "David R. Godwin, Augustus and Frederick Schneider."

Mr. WRIGHT. That ought to be modified by leaving the amendment as it is, except that the words "Augustus and Frederick Schneider" ought not to be included.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be so modified.

Mr. WRIGHT. "David R. Godwin" will remain as it is. It is to be recommitted.

The PRESIDENT *pro tempore*. The amendment will be regarded as agreed to in the modified form.

Mr. WRIGHT. The second section ought to read:

That the cases of Robert S. Lacey, Hampton N. Webb, William H. Brisby, David R. Godwin, and Robert Hoodenpyle be recommitted, &c.

The amendment was agreed to.

The next amendment was in section 2, beginning in line 11, to strike out the following words:

And the following proviso be inserted in line 35, page 2, after the word "cents:" *Provided*, That no payment be made to or on account of the said John M. Brown until settlement be made of any indebtedness lawfully and equitably due from him to the United States and evidenced by judgment duly recovered against him by the United States in any court of competent jurisdiction.

The amendment was agreed to.

Mr. WRIGHT. I have three amendments to offer. I move to amend by inserting between lines 1207 and 1208 of section 1 the following:

To Gilbert Vanderwerken, $16,414.35.

The amendment was agreed to.

Mr. WRIGHT. I offer the following amendment: Insert between lines 308 and 309 of section 1:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, $9,225.

The amendment was agreed to.

Mr. WRIGHT. I offer the following as a third section to the bill:

SEC. 3. That before paying any person in this act named the sum herein appropriated to him, it shall be the duty of the proper accounting officers of the Treasury to ascertain whether such person is indebted or in arrears in any manner to the United States, and there shall be paid to such person only such part of the sum in this act appropriated to him as is in excess of such liability or indebtedness.

The amendment was agreed to.

Mr. SPENCER. I move to amend the bill on page 2, after line 37, by inserting:

Provided, That the Secretary of the Treasury shall deduct from the amount directed to be paid to John M. Brown the sum of $6,339.80, being the balance of principal due the United States on a certain judgment obtained in the United States circuit court of Alabama on the 17th day of April, 1867, against said Brown for $8,253.80, as surety for C. M. Godbold, late United States marshal, and upon which there has been paid the sum of $1,914, the net proceeds of sale of land under execution issued on said judgement; and there shall be deducted further all costs due on said judgment, and no further deduction than said balance of principal and costs shall be made from said amount by the Secretary of the Treasury on account of indebtedness of said Brown to the United States.

Mr. WRIGHT. I suggest whether that amendment would be in order. There has been no reference of it to the committee; and this is in the nature of an appropriation bill.

The PRESIDENT *pro tempore*. This does not increase the appropriation.

Mr. WRIGHT. I have no wish to take up time. I will only say that that whole subject was considered by the committee, and we have a general provision instructing the accounting officers what to do when they come to pay this money.

Mr. EDMUNDS. Does it cover the deduction of what is due to the United States.

Mr. WRIGHT. Yes, sir; that whole subject is covered by an amendment I offered. I trust this matter will not be taken up now.

Mr. WEST. I ask for the reading of the general provision as offered by the committee as an amendment to the bill requiring the accounting officers to withhold the payment when an individual is indebted to the United States.

The Chief Clerk read the amendment offered as section 3.

Mr. SPENCER. I do not think that covers the case. The object of my amendment is to deduct a judgment.

Mr. KERNAN. I desire to ask the Senator from Alabama why, when there is a general provision for deducting all sums due to the United States, there should be a special one to deduct so much and no more from one?

Mr. SPENCER. I will explain to the Senator from New York the reason why I offered the amendment. It is the understanding and belief that the United States charges interest but will not allow interest. The object of stating this specifically is that the United States shall have interest and that the claimant also shall have interest on this claim.

Mr. WRIGHT. Let us have the vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. SAULSBURY. I wish to say that, so far as I am concerned, and it may be so far as other members are concerned, we have no evidence before us of any such judgment as is referred to.

Mr. WRIGHT. This very name was considered by the committee, and rejected.

Mr. SAULSBURY. I think the general provision is ample.

Mr. WRIGHT. I think so. Let us have the vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. EDMUNDS. I wish to ask the Senator from Iowa whether the bill as it now stands amended covers only those claims which were recommended by the commission?

Mr. WRIGHT. Only those claims, nothing beyond those; and some of them are recommitted for reconsideration.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRINTING INVESTIGATION.

The PRESIDENT *pro tempore*. The unfinished business is the resolution to print extra copies of the President's message and accompanying documents in regard to the massacre at Hamburgh, South Carolina.

Mr. ANTHONY. I desire to offer a resolution.

The PRESIDENT *pro tempore*. The Chair will receive it, if there be no objection.

Mr. ANTHONY submitted the following resolution; which was read:

Be it resolved by the Senate and House of Representatives in Congress assembled, That to enable the Joint Committee on Public Printing to carry out the provisions of the act making appropriations for sundry civil expenses of the Government approved July 31, 1876, directing an inquiry into the question of the public printing, it is authorized to send for persons and papers, to employ and examine experts, and to administer oaths; and the expenses of such examination shall be paid from the contingent fund of the two Houses, one half from each House, to be paid upon the certificates of the chairmen of the two Houses respectively.

Mr. SAULSBURY. I desire to ask the chairman of the committee whether he had not better give authority to employ a stenographer if it becomes necessary.

Mr. ANTHONY. Yes; put in that amendment—

And to employ a stenographer.

Mr. DAWES. I suggest to the Senator that he had better make that resolution a bill.

Mr. ANTHONY. Very well; let it be put in the form of a bill.

The PRESIDENT *pro tempore*. It will be so changed.

Mr. SHERMAN. A concurrent resolution would do.

Mr. ANTHONY. But it makes an appropriation out of the contingent fund.

Mr. SHERMAN. You can make an appropriation out of the contingent fund without a law.

Mr. DAWES. A concurrent resolution would not answer. It would require a law to take the contingent fund of the two Houses. I reported a bill from the Committee on Contingent Expenses the other day to meet precisely such a case in regard to the Chinese Immigration Committee.

Mr. SHERMAN. I make no objection at all.

Mr. DAWES. The contingent fund of the Senate seems to be guarded a little differently from that of the House, and it has been found by experience that in several instances investigations of this kind have been balked.

Mr. ANTHONY. I can see the point the Senator makes.

The bill (S. No. 1035) to provide for paying the expenses of the Joint Committee on Printing in making an inquiry in relation to the public printing was read twice and considered as in Committe of the Whole.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. EDMUNDS. Let the bill on its third reading be read in full as it will stand.

The bill was read the third time at length, as follows:

That to enable the Joint Committee on Public Printing to carry out the provisions of the act making appropriations for sundry civil expenses of the Government approved July 31, 1876, directing an inquiry into the questions of the public printing, the said joint committee is authorized to send for persons and papers, to employ and examine experts, to administer oaths, and to employ a stenographer; and the expenses of such examination shall be paid from the contingent fund of the two Houses, one-half from each House, to be paid upon the certificates of the chairmen of the two Houses respectively.

Mr. DAWES. It occurs to me to make an inquiry in this connection. The Senate will recollect that two or three of these commissions in reference to salaries are in existing bills which have passed, one in reference to the Army and one in regard to one other subject. How are they going to be paid unless a bill is passed in reference to each one or all put in one?

Mr. LOGAN. In the Army bill we appropriated for that commission.

Mr. DAWES. Very well; I was not aware of that.

The bill was passed.

OFFICE OF PUBLIC PRINTER.

Mr. ANTHONY. Mr. President, I called attention the other day to what seemed to me a defect in the sundry civil bill, with regard to the office of Congressional Printer, and I thought that it abolished an office which did not exist and left the Congressional Printer still in office; but the Committee on Appropriations, to which the matter was referred, reported that the law of this year was in conformity and in consistency with the law of 1874, which reads in the eighteenth volume of the statutes:

Provided, That so much of the act entitled "An act providing for the election of Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall hereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

This proviso provides that "hereafter"— that is, from the date of the approval of this act—"the title of said officer shall be Public Printer." The title of the office has been Congressional Printer; he has been recognized as such by all the Departments of the Government; and upon examining the roll in the State Department it appears that the word "hereafter" should be "thereafter," and it is in the roll "thereafter." The print of volume 18 of the Revised Statutes is not a copy of the roll. I call the attention of the Committee on Appropriations to that fact, but I do not suppose it is necessary to make a formal reference of the matter. It seems to me that the office of Public Printer or Congressional Printer is in a very singular quandary.

Mr. DAWES. How about that vacancy?

Mr. ANTHONY. A vacancy was created by the act which has just passed.

Mr. DAWES. The act just passed put an end to the office.

Mr. SHERMAN. It is all right now. A vacancy has occurred and the officer is now called Public Printer.

Mr. WINDOM. I do not know that I understand the Senator from Rhode Island distinctly. Did he say the roll had the word "thereafter" instead of "hereafter?"

Mr. ANTHONY. Yes, sir.

Mr. WINDOM. The report of the Committee on Appropriations was based on the language of the statute, and did not go back to an examination of the roll.

Mr. ANTHONY. The language of the statute is inconsistent with itself, and that prompted an examination of the roll, because, if the word "hereafter" was the proper word in the statute, then the office of Congressional Printer ceased two years ago.

Mr. LOGAN. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4064) to repeal the resumption-day clause in the resumption act of 1875; in which the concurrence of the Senate was requested.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3625) providing for the sale of Osage ceded lands in Kansas to actual settlers.

The message further announced that the House had passed a concurrent resolution for the appointment of a commission consisting of three Senators, three members of the House of Representatives, and experts not exceeding three in number, to inquire into the change which has taken place in the relative value of gold and silver, the policy of the restoration of the double standard in this country, the policy of continuing legal-tender notes concurrently with the metallic standards, &c., and the best means of providing for facilitating the resumption of specie payments.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal; and

A bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland.

HOUSE BILL REFERRED.

Mr. SHERMAN. I should like to have the bill that has just come from the House referred and printed.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 4064) to repeal the resumption-day clause in the resumption act of 1875; and it was read twice by its title.

Mr. CONKLING. I ask that that bill be read at length.

The bill was read and referred to the Committee on Finance.

Mr. BOGY. I move that the concurrent resolution of the House also be referred and printed.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That a commission is hereby authorized and constituted to consist of three Senators, to be appointed by the Senate, three members of the House of Representatives, to be appointed by the Speaker, and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence; and whose duty it shall be to inquire—

First, into the change which has taken place in the relative value of gold and silver; the causes thereof; whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and productive interests of the country, and upon the standard value in this and foreign countries;

Second, into the policy of the restoration of the double standard in this country, and, if restored, what the legal relation between the two coins, silver and gold, should be;

Third, into the policy of continuing legal-tender notes concurrently with the metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and

Fourth, into the policy and best means of providing for facilitating the resumption of specie payments.

And said commission is authorized to employ a stenographer, and shall report on or before the 15th day of January, 1877, with the evidence taken by them and such recommendations for legislation as they may deem proper.

The resolution was referred to the Committee on Finance, and ordered to be printed.

THE SCHOOL AMENDMENT.

Mr. FRELINGHUYSEN. I wish to have the concurrent resolution of the House in reference to the sixteenth amendment referred to the Committee on the Judiciary, and in making that motion I want to say one word.

Mr. EDMUNDS. Subject to a call for the regular order.

Mr. FRELINGHUYSEN. The people of this country are sincerely and profoundly in earnest.

Mr. EDMUNDS. Let it be read.

Mr. FRELINGHUYSEN. I will allow it to be read at the suggestion of the Senator from Vermont.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States; and it was read twice, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the several States of the Union as an amendment to the Constitution, namely:

ARTICLE XVI.

No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, or any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any moneys so raised or lands so devoted be divided between religious sects or denominations. This article shall not vest, enlarge, or diminish legislative power in the Congress.

Mr. FRELINGHUYSEN. Mr. President, the people of our country are seriously and profoundly in earnest on this subject. This amendment, as the Senate will see, prohibits the appropriation of any school funds to any school that is under control of any sect or denomination, and prohibits the division of such fund among different denominations. So far it is very well as a *pronunciamiento;* but suppose that a State for the purpose of propitiating some religious denomination does make an appropriation in violation of this amendment, what are we to do about it? The amendment is a mere *brutum fulmen;* it has no sanction and there is no one to enforce it. If the power was given to Congress by legislation to enforce the amendment, we could make it a high crime for any officer to pay or for any one to receive the money, or we could by legislation appoint some official, possibly the Attorney-General of the United States, whose duty it should be to bring the violation to the attention of the courts. The only remedy now under the amendment, and I do not know whether that could be without further legislation, would be for a tax-payer to seek the courts and after the money had been paid and spent, and after tedious years perhaps the tax-payer might recover his contribution to that fund. Therefore it seems to me that another section should be added giving Congress the power to enforce this amendment.

But there is a more serious objection to the amendment than that I have noticed. The amendment only applies to a school fund and prohibits its being appropriated to schools under denominational control. There is not a word in the amendment that prohibits public money from being appropriated to theological seminaries, to reformatories, to monasteries, to nunneries, to houses of the Good Shepherd, and many kindred purposes. We know that in one State within a decade $1,200,000 was voted Protestant institutions for which the Catholics of the country were taxed, and we know that in the same period several millions of dollars were voted to Catholic institutions for which Protestants were taxed.

Besides, sir, even in reference to schools this amendment only prohibits appropriating the school fund to denominational schools. It does not by any means forbid appropriations from the Treasury generally even to denominational schools.

I call the attention of the Senate thus briefly to this subject.

The amendment should cover the whole subject. I propose a substitute to be referred to the committee with the pending resolution.

The PRESIDENT *pro tempore.* The Senator's substitute will be read.

Mr. CONKLING. I beg the Senator before the substitute is read to allow the Secretary to read again the latter part of the amendment. I refer to the words as to "moneys so raised." Let the Secretary read that clause again.

The Chief Clerk read as follows:

Nor shall any moneys so raised or lands so devoted be divided between religious sects or denominations.

Mr. CONKLING. The words "so raised," as I understand, refer to money raised for school purposes by taxation and to lands devoted in the same way, and to nothing else.

Mr. FRELINGHUYSEN. That is so.

The PRESIDENT *pro tempore.* The Senator from New Jersey proposes a substitute.

Mr. CHRISTIANCY. Mr. President, I agree with the Senator from New Jersey——

Mr. SARGENT. Will the Senator from Michigan allow me a moment? I wish to go to a conference committee and I want to submit a substitute for this. I will make no remarks, but have a substitute that I desire to offer.

Mr. CONKLING. The substitute of the Senator from New Jersey has not been read.

Mr. SARGENT. I offer a substitute.

The PRESIDENT *pro tempore.* The substitute proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] will first be read.

The Chief Clerk read as follows:

ARTICLE XVI.

SECTION 1. No State shall make any law respecting the establishment of religion or prohibiting the free exercise thereof; and no public property and no money raised by taxation in any State, Territory, or District, or derived from public lands, or other public source, shall be appropriated to any school, educational, or other institution that is under the control of any religious sect or denomination; and no such appropriation shall be made to any religious sect or denomination or to promote its interests; nor shall any public money, land, or property be divided between religious sects or denominations.

SEC. 2 The Congress shall have power to enforce by appropriate legislation the provisions of this article.

The PRESIDENT *pro tempore.* The substitute proposed by the Senator from California will now be read.

The Chief Clerk read as follows:

ARTICLE XVI.

SECTION 1. There shall be maintained in each State and Territory a system of free common schools; but neither the United States nor any State, or Territory, county, or municipal corporation shall aid in the support of any school wherein the peculiar tenets of any religious denomination shall be taught.

SEC. 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

Mr. CHRISTIANCY. Mr. President, I agree with the Senator from New Jersey that the people are in earnest on this question; but whoever may be the father of the provision contained in this joint resolution and proposed to be made a part of the Constitution, if he really meant to meet the evil, I do not think he ought to be at all proud of his offspring. The defects in the resolution have not been fully pointed out, and I will proceed to read the resolution as it passed the House and is sent here, and it will be seen that there is a defect in it to which the attention of the Senate has not yet been called:

No State shall make any law respecting the establishment of religion or prohibiting the free exercise thereof—

Thus far it is simply imposing on the States what the Constitution already imposes on the United States, and that is all correct—

and no money raised by taxation in any State—

For what purpose, now? I call attention to the limitation—

no money raised by taxation in any State for the support of *public* schools, or derived from any public fund *therefor*—

That is, a public fund for public schools—

nor any public lands devoted *thereto*—

That is devoted to *public* schools—

shall ever be under the control of any religious sect; nor shall any moneys so raised or lands so devoted—

Limited all the way to the public schools—

be divided among religious sects or denominations.

It simply prohibits, after a fund has been raised for public schools or after lands have been devoted to public-school purposes, the diversion of that fund or those lands to sectarian schools or for the benefit of churches. That is all it does. Theological schools, schools where any particular system of religion is taught, are not the public schools; and there is no prohibition there upon the States raising any amount of money or devoting any amount of public lands to the support of private schools for instruction in the religion of any sect.

This resolution, then, prohibits the States from committing the wrong when it is attempted *indirectly*, but leaves the States full power to commit the same wrong whenever they choose to do it *directly*. There is the defect of this resolution and that is the main defect. But there is another defect. It simply prohibits the States from doing these things; it does not prohibit the United States; and under the Constitution of the United States, as it now stands, it is entirely competent to devote lands or impose taxes and appropriate money for sectarian purposes. The amendment, therefore, which should be submitted to meet this entire evil ought to cover the whole ground: it ought to prohibit the Federal Government, as well as the State governments, from doing anything of this kind. I prepared on Saturday last a substitute which I propose to offer and have sent to the committee, which covers the entire ground. It is true I have said nothing in it prohibiting a division, because the language used prohibiting an appropriation or donation for any such purpose covers this ground and would prevent a division if it were raised for public-school purposes; it would prevent a diversion, and as I may wish to make a remark or two on this as I proceed I will read the substitute. The first clause is the same as that which passed the House.

No State shall make any law respecting the establishment of religion or prohibiting the free exercise thereof—

Now follows the distinctive changes—

nor shall Congress nor any State raise by taxation, donate, or appropriate any money or property for the support of any church or religious society, nor for the support or in aid of any theological school or seminary, or of any school or seminary teaching the peculiar religious doctrines or subject in any respect to the control or direction of any church, religious society, sect, or denomination. And no special or denominational system of religion or religious belief shall in any State or Territory or in the District of Columbia constitute any part of the course of study or instruction in any school or institution of learning supported wholly or in part by taxation or by the donation of any money or property by any State or by the United States.

This substitute, as I have said, covers the entire ground. It takes up the poisonous tree by the root, while the resolution sent us by the House cuts off but a minor and unimportant branch. I will send the substitute to the Chair and ask to have it referred to the Committee on the Judiciary with the resolution of the House.

Mr. MORTON. I wish to express my surprise at the reading of this resolution as it has come to us. It is very clear that you can drive an omnibus through it. All it provides is that a fund raised for the benefit of the public schools, already dedicated and set apart for that purpose, cannot be diverted to a sectarian school; but it does not prohibit a State from appropriating money out of its general treasury that was not raised for school purposes for the support of sectarian schools; and it does not prevent a State from levying an original tax for the support of sectarian schools. It simply protects a school fund raised as a general school fund dedicated for that purpose from being afterward diverted to sectarian schools, and leaves every State free to make an appropriation out of the general treasury, out of moneys raised for all purposes, to the support of sectarian schools or even to create a special tax for that purpose. It is competent, therefore, for any State to appropriate money out of the general treasury of that State for the support of Catholic schools or Protestant schools, or to levy a tax directly upon the people for that purpose. This amendment would not interfere with any legislation of that kind. I hope it will be properly amended and sent back to the other House in time to be passed, so that it may go before the States next winter.

Mr. LOGAN. I call for the regular order.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the Judiciary, with the proposed amendments.

Mr. SAULSBURY. I do not wish to discuss this matter——

Mr. LOGAN. I withdraw the call for a moment.

Mr. SAULSBURY. I do not wish to discuss the resolution at all. I do not think this is the proper time to discuss it. I have no question that the object was to remove the fear which had been raised as a bugaboo throughout the country for political purposes. The objections here raised I regard as captious and not of substance. Let the resolution go to the committee, and if it needs amendment let it be amended; but I do not believe that the criticisms which have been made here have any very good effect. The object of the resolution was to meet what was considered a defect and which has engendered a good deal of political discussion, and it has met that question fairly as the House has sent it here. If the Senate choose to adopt it, well and good. If they do not choose to adopt it, let them say so.

The joint resolution was referred to the Committee on the Judiciary, with the various amendments proposed.

THE HAMBURGH RIOTS.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the unfinished business of Saturday last, which is the resolution to print 10,000 copies of the President's message and accompanying document in relation to the massacre at Hamburgh.

Mr. BOUTWELL. I desire to give notice that, if there is no other business more important or pressing, I purpose after the usual morning business to-morrow morning to call up for consideration the House bill to perfect the revision of laws.

Mr. HAMLIN. I suppose the Senator will not interfere with the disposition of the post-route bill?

Mr. BOUTWELL. Is that pending?

Mr. HAMLIN. No, not pending; but it was laid on the table with the understanding that it should come up after we got through with this.

Mr. EDMUNDS. Mr. President, before I begin on what I was speaking about on Saturday, I wish to say, although I did not have the opportunity readily when the matter last before the Senate was disposed of, that it seems perfectly obvious from what has been stated by the Senator from Michigan [Mr. CHRISTIANCY] and the Senator from New Jersey [Mr. FRELINGHUYSEN] that the proposition that has come over to us is perfectly illusory as it stands, clearly and absolutely so. Whether that arose from a want of due consideration or from a want of disposition to go further than the House has gone, of course is left to conjecture. The presumption must be that the House has carefully considered the proposition, and this is all that it desires to do on the subject. However, that is merely in reference to what has taken place, and I do not care to enlarge upon it now.

When we left off on Saturday evening, Mr. President, we had been drawn, legitimately I admit, into a consideration of the state of affairs in the States not long since in rebellion. We had been drawn into it by a persistent and filibustering (if I may use such a phrase) opposition to taking up and acting upon a simple resolution, such as passes twenty times in every session with universal approbation, to print an extra number of copies of a public document affecting the public concern, the expense of which I am told by my friend at my right [Mr. ANTHONY] would be less than $300. It was said in opposition to it that it was an electioneering document, designed for political purposes. Mr. President, in this Republic every document that affects the welfare and interest of the people is and ought to be a political and electioneering document, because the essential idea of a Republic is that the people, every one of them, are entitled to know what the Government proposes to do, and is doing, and how public affairs are carried on, and what is "the state of the Union," as in another branch the phrase is, where they have a Committee of the Whole on that subject all the time. But, as I have said, this simple proposition to print an extra number for dissemination among the people, for their information, of a message of the President of the United States on a subject of public concern respecting an occurrence that Senators who have resorted to expedients to prevent its being acted upon say there are no words sufficient to characterize the shocking atrocity and wickedness of, is yet attempted to be "whistled down the wind" as a political and electioneering document. Are the gentlemen who oppose this proposition afraid that the intelligent people of the United States will find out the truth? Or, if these official documents do not contain the truth, are they afraid that the truth cannot be made known to them? I think that is a very extraordinary proposition to advance in this body. But out of it we have been drawn naturally and necessarily into a consideration of the condition of public affairs in the States lately in rebellion.

When I stopped on Saturday I was proceeding to show, not by any assertion of mine, but by the solemn official action of that revolutionary proceeding that inaugurated what they call a new constitution in the State of Texas, carried on by those who had been in the rebellion and in opposition to those who had resisted it, that one of the chief safeguards of republican liberty in that State, a public system of free education, had been substantially overthrown; and that, although on the solemn faith of keeping the provision of the old constitution that rebellious State was restored to the Union; not by that general faith that in admitting new States is considered to be understood and implied that they will hold on to the essential principles of the constitution we agree they may come in on; but on a special and particular provision in the act of Congress which authorized this reconstruction that the State of Texas should never alter these provisions for this free security and maintenance of public schools. I am not giving the very words, but the substance, and I am sure I do not overstate it. The reconstructed State of Texas by an ordinance of its convention agreed to that and pledged the honor—for little else could be pledged, for there is nothing between honor and force on such a question—pledged the honor of the reconstructed State of Texas that they would stand to this provision they had adopted about public schools as one of the most beneficent, wholesome, productive of all the force that could be put into operation in that State for its regeneration and improvement. And yet we find them on the first occasion when the democracy, as it is called, which of course in that country is merely another name for re-organized rebellion—the moment the democracy in that State by right or wrong gain possession of power, they resort to revolutionary and unconstitutional methods to repudiate this very provision to which their plighted faith was pledged.

But my honorable friend from Texas, [Mr. MAXEY,] who I am sure would not wish himself to do a thing of that kind, says that after all the new constitution is sufficiently effective, although the old one required a quarter of the general revenues of the State to be appropriated to public schools and the new constitution absolves the Legislature from any duty to appropriate a dollar; they need give nothing at all now, whereas before they were to give a quarter; and he says that this is still an efficient and good system. Upon that point I wish to read from the report of the superintendent of public instruction of the State of Texas for the scholastic year ending the 31st of August, 1875. All of his report is very suggestive and very instructive, but

I can only in the condensed way in which I wish to treat this subject refer to a few paragraphs. He says on page 25:

The honorable fourteenth Legislature failed to make an appropriation for the payment of county superintendents and school directors for the scholastic year ending August 31, 1876.

The law of Texas, as I understand, required that these public officers, who had the whole management of the public-school system in general under the State and in particular in the various localities, were entitled to certain salaries, modest and small, as will be seen by the context; and yet the democratic Legislature of the State of Texas the moment it got into power failed to make any appropriation at all to pay them the small stipend or to enable them to carry on the performance of their duties, much as in another quarter at this present time, it is said—I cannot allude to it otherwise—that a democratic body, full of reform and good works, proposes not to carry on this Government unless a good many laws shall be changed to suit their notions. He continues to say:

It becomes my duty to call attention to the justice of making an appropriation at an early day to satisfy this class of claims.

Under the law, school directors are allowed compensation at the rate of $4 per day for the time actually employed as directors, provided such employment does not exceed ten days in any one year.

That is $40 apiece salary for the whole year.

The county superintendent, in addition to his service as president of the board of school directors, is entitled to $4 per day for the time employed as county superintendent, provided the time employed in the duties of his office shall not exceed thirty days in one scholastic year.

That would be $120 a year for him.

An estimate based upon the presumption that the five directors and the county superintendent for each of the one hundred and thirty-nine counties known to have maintained public school organizations served the full time authorized by law, would give the amount of deficiency appropriation required to meet their claims as follows:

Deficiency appropriation necessary to pay directors	$27,800 00
Deficiency appropriation necessary to pay superintendents	16,680 00
Total	44,480 00

This small sum to pay the stipends of $40 at the utmost in one case and $120 in the other of the very men under whose charge and control this work must go on, the first glorious democratic Legislature of Texas declined to appropriate. They felt it to be their authority under the constitution not to carry out their existing laws, in the face of the plighted faith of that State that its constitution and the laws made under it in respect to public schools should be faithfully carried out and executed. Now he goes on to say:

Prior to March 15, 1875, the trustees of the several school districts were authorized to open schools and contract with teachers to conduct the schools for four months in the year.

Not a very heavy proportion of time, everybody will agree; there was nothing extravagant about that.

The amount of salary was not limited by law, but left to the discretion of the school trustees.

Boards of school directors, under the law in force prior to the date above mentioned, were empowered to levy such deficiency tax as might be necessary to meet the liabilities thus created by the trustees.

Prior to the time, however, when the boards of school directors had levied the tax to meet the liabilities, the public schools had, in general, been taught for the time required by law, and warrants had been issued, payable out of the school tax when the same might be levied and collected.

That is to say, they had got the school-teachers to go it on tick in order to give them the public schools, and would have the tax assessed afterward.

On the 15th of March, 1875, the Legislature passed a law limiting the power of the boards of school directors, to the extent that under no circumstances after said date could they levy a tax greater than ¼ of 1 per cent. in any school district, for the payment of teachers, in any scholastic year.

By which little democratic performance the school-teachers were left without their pay.

The passage of this law, therefore—

He says—

deprived the directors of the power to provide for the payment of liabilities created under the law.

It will be seen that in the counties reporting there appears to be owing to the teachers for the scholastic year ending August 31, 1875, the sum of $50,598. These debts are local debts due from the school districts to the teachers; and, unless the Legislature make some provision for the payment of these liabilities in the districts by a special tax, the teachers who earned their salaries under one law are deprived of their only resource for pay by an amendment to the law made after the service was performed in good faith.

In view of the fact that a large number of the counties of the State are interested in the settlement of these just claims, it is respectfully suggested that a general law be passed authorizing such officers as may be designated by law to levy a special tax to meet these deficiencies.

Whether that was done after this act of repudiation, I do not know. I hope that a returning sense of justice induced that Legislature to do it. Now he speaks on the subject to which we more particularly referred on Saturday.

FUTURE PUBLIC-SCHOOL POLICY.

Taking it for granted that the proposed constitution for the State—

The one now adopted and in fact in force, whether by law or not—

framed by the constitutional convention that assembled at the capital September 6, 1875, and submitted to the people for adoption or rejection on the 15th of February, 1876, will be ratified, I deem it unnecessary to make any recommendations as to future legislation upon this subject, since—

Now mark what he says, Mr. President—

since, by the terms of the proposed constitution, it is for the present impracticable to establish and maintain any general system of public free schools.

I was almost prophetic when I stated on Saturday that it appeared to me from that constitution, or the little that I could understand of it, that it had been so changed with certain lands as a fund that any present maintenance of public schools for anything that that constitution required to be done was totally out of the question, and I find that fortified and proved by the report of this gentleman officially made that under the new constitution—

it is for the present impracticable to establish and maintain any general system of public free schools.

The best that can be done under the circumstances is for the State to aid private educational enterprise to the extent of the means authorized to be expended for gratuitous instruction by the terms of the proposed constitution, by providing that a certain proportion of the scholastic population may be instructed in private schools at the expense of the State.

Then he goes on to recommend that the only way to dispose of these public lands will be by selling them in very large bodies to individual capitalists and speculators as the only way of getting rid of them at all in order to get any money to do anything with. He says in conclusion, which is perhaps something of an indication of the state of public opinion in the State of Texas on this subject of free schools—

To such of the people, officers, teachers, and press as have faithfully come forward in the face of the bitter prejudices, obstinate antagonism, and given me their much-needed sympathy and co-operation in the difficult and embarrassing duties connected with this department, my warmest thanks are due and herewith respectfully tendered.

* * * * * * *

O. N. HOLLINGSWORTH,
State Superintendent Public Instruction.

This is not quite all upon this topic. On looking further into this new constitution I find these provisions, which, as I understand them—and if I am wrong my friend from Texas, (Mr. MAXEY,) in the correctness of whose personal statements I have implicit faith, will correct me—I suppose refer to the university to be set up under the grant by the United States of lands for an agricultural college. My friend shakes his head, and I take it it does not.

Mr. MAXEY. I will state to the Senator that during the days of the republic, nearly forty years ago, provision was made, and most ample provision, for the establishment of one or more universities. A very large amount of land was appropriated for that purpose during the days of the republic, and is patented land. It has nothing to do with the agricultural college.

Mr. EDMUNDS. That I think appears in the tenth, eleventh, and twelfth sections of this new constitution, beginning at the tenth.

The Legislature shall, as soon as practicable, establish * * * the University of Texas, &c.

But now when we come down to the thirteenth section, which is the one to which I referred and which I understand by reading it refers to the agricultural college to which the United States has granted lands——

Mr. MAXEY. I have not the constitution before me. The university is an entirely different thing from the agricultural college.

Mr. EDMUNDS. I will read section thirteen and see if this is it:

The Agricultural and Mechanical College of Texas—

That is it, I believe. Now we come to that college for which the Congress has granted a munificent donation of public lands to support for the equal advantage, I suppose, of all the citizens of the United States who are competent, without regard to color, to get in—

The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed $40,000, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

That is the agricultural college; and if it stopped there it would look very fair that while the constitution absolved the Legislature from appropriating a dollar of money to support public schools, it did require them to appropriate $40,000 for a university. Next—

SEC. 14. The Legislature shall also, when deemed practicable—

Not now by $40,000 or any other sum, but also "when deemed practicable," that is by it—

establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people: *Provided*, That no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

They give to that thing for which the United States had granted hundreds of thousands of acres of public land for the general benefit of all its citizens and required the buildings to be put up by the State, $40,000 for the whites.

Mr. McMILLAN. Not to exceed $40,000.

Mr. EDMUNDS. Not to exceed $40,000; but I will call it $40,000. I wish to state it fully up to the mark on that side. Then when it comes to the other section here is another agricultural college for them under the gift of the United States, except that at some future time, when the Legislature of that State shall deem it practicable, they may establish and provide for the maintenance and instruction of the colored youths of that State a college to be located by a vote of the people, but no money to aid in the establishment of the college

or the erection of its buildings shall be taxed upon the people of the State.

Mr. President, if that is the "equality before the law" that we have heard so much of very lately in certain platforms and in certain letters of acceptance, produced by the very people who enacted this constitution, then I think it high time that Congress, so far as it has the power over the agricultural-college fund, should take note of it, and high time that the people of the United States who do not believe in humbug and in illusions and in lies, whether they appear in platforms or in letters, should take note. This saying of one thing to the ear of the people for their votes and doing another thing in the acts in respect of which those votes are desired ought to be carefully taken into consideration. I do not speak of this because it is the State of Texas; my honorable friend knows that. It is only the key-note that pitches the tune in every southern State that went into the rebellion, or nearly every one. There are, perhaps, one or two honorable, notable exceptions, but generally it is the key-note of that aristocratic reaction which does not intend that the colored man shall make himself capable of defending his rights either in the forum or in the field, for intelligence is necessary to do it; that he shall be in fact, as he was in law before, the mere serf of the master upon whose estate he is allowed to labor. That is the eminently painful aspect of this case that is attempted in platforms and letters to be sugared over by sweet and general words about universal equality before the law; that is, if the law be made by the particular State wherein the equality is attempted to be asserted. This is the type; it is not the exception. It represents a sentiment; for what can be more solemn and responsible than the representatives of the people of a great State assembling in a convention, although it be revolutionary in point of law, yet with all the dignity and solemnity of changing its organic fundamental law in aspects like these? Is not that going backward instead of forward, repealing the fundamental and irrevocable former constitution, to which the plighted faith of the State had been pledged, in accepting this act of Congress which required a pledge upon that very point, and requiring a quarter of the general revenues of that State to be appropriated to universal free public education of all, and requiring no more that a dollar should be spent for such purposes? Then when you come to the gift of the United States you make it effective to the white man; you deny it and make it ineffectual in every respect as to the man of color.

Mr. President, it is not agreeable to say things of this kind; but when we are obliged to consider the condition of these affairs we must, if we do our duty, look plainly at the historic facts as these great States have presented them to us by their public action. But my honorable friend from Texas said, if I understood him, that in the general respects of peace and good order everybody in Texas was desirous of maintaining the law; that he himself had dared to prosecute an offender when somebody had tossed a bullet against the breast of the foreman of the jury as a suggestion that he had better find for the defendant. What state of society is that which even the statement of my friend indicates? He did not state to us that this was a political offender, one whose crime had grown out of political commotions; and it is immaterial to my point whether it did or not. If it did, then it shows the very state of things to exist to which I have alluded, in respect of those massacres and murders everywhere in several of these States, always falling upon some man of color or some white man of republican sentiments or holding a republican office. It only shows, I say, that my honorable friend from Texas, as I know he would do individually, would not submit to that sort of public sentiment, and at whatever cost would himself stand up to vindicate the law.

Mr. MAXEY. I know the Senator would not by his statement do me an act of injustice. If he will look at the RECORD he will see that what I stated had reference to a matter that occurred seven or eight years ago, during the republican administration of the State.

Mr. EDMUNDS. What was the matter, what was the thing, if I may ask the Senator?

Mr. MAXEY. It was a murder, as I stated, committed by desperadoes upon a citizen of the State of Illinois.

Mr. EDMUNDS. What was the cause of the murder?

Mr. MAXEY. It was gain. They murdered him to get some $500 or $600 in money, which was recovered and returned to the heirs of the owner. The property was a wagon and horse, several hundred dollars in gold, and several hundred dollars in greenbacks, all of which was placed in the hands of a very honest, upright merchant; and when the owners came and identified themselves every dollar of it was returned. That was seven or eight years ago, when the democracy had no control there.

Mr. EDMUNDS. Then, Mr. President, we find that only seven or eight years ago, even in respect of what may be called private murder, murder for the mere object of gain or mere personal hatred, it required the brave uprightness of my honorable friend and the courage of a jury threatened with bullets to attend to that. What can we expect, then, in the case of murders like those in Limestone County, which nobody has contradicted and nobody questions that I know of? What are we to consider is the state of public sentiment if so much is required in respect of a mere murder for gain, when it is a murder which carries out the objects of a political organization? By that I do not mean an object to enslave, but an object to win and put down all opposition. I have no doubt that my friend from Texas would stand up equally to prosecute a thing of that kind, but I am not sure that he would be so successful as he was in this instance of a murder for private gain.

In reference to the Limestone affair, which perhaps we never should have heard of but for the riot at Hamburgh, it appears that a newspaper printed close by the spot in an adjoining county gives as a public item of news the statement of an occurrence similar to that at Hamburgh, where from mere disagreement of race, or of politics, or from an attempt to coerce and oppress and control people, thirty or forty human beings, citizens of the State of Texas, have been sent to their graves; no verdicts of guilty that we know of yet, from any jury; no prosecutions; but the thing goes as a matter of course.

Mr. MAXEY. I stated on Saturday that I had never heard of the transaction to which the Senator now refers. Since that time I have taken much pains to ascertain from the Representatives from Texas in the lower House if they know anything about it. None of them have any knowledge of such a transaction as is mentioned in the Waco Register. The information which they have in regard to this affair, which occurred not eight or nine months ago, but about two years ago, was that the same man to whom I referred on Saturday, a colored man, Trammell, was connected with the murder of Applewhite, in the town of Groesbeck, in Limestone County, in cold blood, in 1871, and was indicted for the murder during the days of Governor Davis, under a republican administration. The records were subsequently burned by an armed mob, and this same man Trammell was tried to be arrested by the sheriff for his crime, and was indicted for this arson. This, as I understand, was also under the republican administration. Since the democrats acceded to power writs of *capias* were issued and placed in the hands of the sheriff for the arrest of Trammell. The sheriff and his posse attempted to arrest him on those writs of *capias*, and were fired on by Trammell and his party, and Clendennin, one of the sheriff's posse, was killed; and then this killing of Trammell took place.

That is as I understand the case, and two or three perhaps were killed of those aiding Trammell while the sheriff was endeavoring to make the arrest. That is the information which I received from members of the House this morning.

Mr. EDMUNDS. Did my honorable friend receive any information that there had been a judicial investigation in that county and anybody had been arrested and tried for that affair?

Mr. MAXEY. That I know nothing about. I only know, as I was informed by a member of the House, that the sheriff was endeavoring to make the arrest of this man Trammell under writs of *capias* on indictments for murder and arson, and the sheriff's party was fired on and it ended as stated.

Mr. EDMUNDS. Then I must say that the member of the House stopped very short in his information, and possibly exactly at the right place. He had information that there was some provocation, something that stirred up this thing, but whether the hand of justice ever afterward interfered to rectify whichever way was wrong the informant of my honorable friend is silent. That is not a very good attitude to leave it in, for it leaves it in the very attitude that appears everywhere in a general sense in all of these reconstructed States, that wherever violence and crime (not arising from a desire for private gain, which occurs everywhere as we know, and where the hand of justice is swift to follow the offender in all these States as well as in the North) occur from some motive that is below that, prejudice, political animosity, caste, race, whatever it may be, somehow or other the hand of justice is paralyzed and cannot go forward even to investigate. That must show a state of public opinion which tolerates offenses of this character, because the end in view that the offenders have is the same end that those people who should rectify these things also have. If a mob gets together on the eve of an election and disperses all the democratic voters who wish to attend that election, and kills a dozen of them, and the republican community in which that takes place sits still from its highest to its lowest member, and there are no indictments, no inquiries, no punishments, is it not just to say that that republican community is responsible for such a state of things? If it is just to say that of a republican community, is it not also just to say that of a democratic community? If you find every time it happens in the course of turbulence in these States that some one holding an office, or in the Legislature, is slain, that that one is always a man of one particular political faith; if you find that when any man who has been a soldier is slain it always happens to be the soldier who fought under the flag of the Union; if you find that whenever in a neighborhood disturbance the people who are slain are always the black men and those who stood by them, is it not a circumstance that leads us to ponder gravely as to such a state of society, and does it not justify us in the belief that the responsible agents of society, those who, as I said on Saturday, own the land and have in a large measure the intelligence which with property gives them control are dumb and silent, can they escape the responsibility, and is it not just to conclude that if they do not wink at these things they at least are willing to do nothing to prevent them and to reap the benefit in a political sense that they suppose is sure to follow? Is there anything unjust in that? Is there any "bloody shirt," as the favorite phrase of our friends over the way is, about that? If I am wrong in this philosophy of jurisprudence, I should be glad to have somebody correct me, but of course nobody can, because I am only stating, as it is put together, a self-evident truth in the economics

of politics and of jurisprudence. To borrow a phrase from the distinguished Senator from Ohio, [Mr. THURMAN,] "it will not do," therefore, when the attention of the country is drawn to these occurrences, to say that it is drawn to them on account of hatred to the people. As well might any one of the hundred thousand clergymen in the United States be accused of hatred to the murderer, to the perjurer, and to the thief because on every Sabbath morning he reads the Ten Commandments and exhorts his people to keep them.

But let us leave the State of Texas, which is sad enough, and go over again to South Carolina, to which this particular message refers. I stated on Saturday from the public prints, nakedly and without any comment, the simple story of this event, not nearly as strongly as the truth would have warranted, in order to show the utter baseness, cowardice, and meanness of the performance. I wish to give now from democratic authority in that State the reasons why such events take place. Here is an editorial of the News and Courier, printed at Charleston, in South Carolina, published on the 10th of July, 1876, referring to this transaction at Hamburgh:

Assuming that the accounts of the Hamburgh fight given by the Augusta newspapers are in the main correct, we find little, if any, excuse for the conflict itself, and absolutely none for the cowardly killing of the seven negro prisoners who were shot down like rabbits long after they had surrendered.

The insolence of the negro militiamen, out of which the trouble came, could easily have been punished without a resort to arms. General Butler, who appears to have been in command of the whites, admitted that an apology by the militiamen would satisfy his clients. The affront to Mr. Butler, therefore, was not the immediate cause of the fight that followed.

Now mark.

This—

That is, the fight—

was brought on by the demand that the militiamen—

Not the man who was supposed to have committed the offense, but the whole company of the militia—

that the militiamen surrender their arms into the keeping of the whites.

Now mark the next paragraph, which I verily believe speaks the public sentiment of that class, the ancient ruling class of the whole South, which this paper represents; not of every man in it, I beg to say, but of the body:

The presence of armed bodies of negroes is a menace to any community.

That is the proposition. The right of the colored man, under the law and in conformity with it, to have a militia company, is a menace to any community, and of course it follows, as this editor goes on to say, that whatever is a menace to any community ought to be disposed of and put out of the way. It is not a menace to the community that there should be white-league rifle-clubs and white-line organizations all of one political party, ku-klux organizations all of one political party, but the presence of an armed body of negro militiamen "is a menace to any community." That is the democratic doctrine. He might have added that the presence of the negro anywhere, except as a slave or a serf, is a menace to any community unless he votes as his old master tells him how to vote.

The presence of armed bodies of negroes is a menace to any community.

I should add before I go on that I think that is a libel on the colored race. When in the heat of the rebellion the great mass of the white able-bodied men of the South were in the field, and their plantations, and villages, and homes were left with their wives and children and the colored race, was there any menace to the community? When the golden opportunity for wickedness, and vice, and riot, and crime of every description existed, when that longing for freedom that burns in every human bosom was at its culminating point, the homes and families and hamlets of the southern rebel, depending upon the good-will of the colored man alone, were as safe as we are in this Chamber at this moment. Yet the moment the man of color becomes free, this distinguished democratic authority tells us that to have him a militiaman his presence "is a menace to any community." That is the doctrine upon which the people of the United States are to be asked this fall to revolutionize in a peaceful way in the North, and in some way in the South, its Government. But he goes on to say, although it "is a menace to the community:"

But we do not understand that the danger was such as to justify the whites in demanding the surrender of the arms, or in laying siege to the house in which the negroes took refuge, and killing the negroes who attempted to escape. The killing of seven of the prisoners was barbarous in the extreme.

That is, the killing of the other thirty, whatever the number was, was moderately wrong, but the killing of seven there is particular objection to.

We have no words strong enough to express our condemnation of such a crime.

That is, about the seven.

They who do such a deed sow the wind.

So they do. They sow the wind and light the fire that shines in the eyes of an intelligent and law-abiding people all over this country; and without large respect to party the intelligent and law-abiding people of this country will not, I believe, do anything that they can avoid to turn the Government over into the hands of people who would carry it on in the way these people would, on this statement, if they could get the power.

We pray—

He says—

that they and those who are innocent of the wrong may not reap the whirlwind.

So do I. I do not want any vengeance for such crimes; but I do wish that the calm majesty of the law, impartial, just, although severe, may be visited upon such crimes. But how much of impartial administration of the law you would get were there at this moment a democratic governor of the State of South Carolina and democratic judges and democratic prosecuting attorneys is a question; for, I repeat, there is no instance yet stated (there may be some but not enough to change the general tenor of my statement) in which in a State where the glorious democracy have had the control any of these political riots, assassinations, murders, or rebellions have met with the slightest prosecution or punishment. In one or two instances I have had occasion to exercise pretty careful observation, for there have been some citizens of my own State who after the war was over took their little all and settled in the Southern States. Two or three of them came back to the graves of their fathers, as those who have left this life go back to the graves of their fathers, slain for opinion's sake. One of them contributed only two things to the disturbance of southern society. He had a saw-mill and an opinion. They did not kill him for the saw-mill because they wanted the lumber, but he had an opinion and he was sent home dead for that.

Mr. CONKLING. They had no use for the opinion.

Mr. EDMUNDS. They had no use for the opinion.

Mr. President, when you look a little further at these questions, (for I do not wish to occupy too much time upon them; I only refer to two or three instances where a hundred might be named,) what do you find? Do you not find the obvious fact that in order to carry this next election every one or nearly every one of these Southern States must go in a particular way, and that, as in Mississippi only less than a year ago, it is necessary that means should be resorted to in advance in order that there shall be a peaceable election, as they call it, and that to have a peaceable election is to cause everybody who does not wish to vote the right ticket to stay away, and in order to cause them to stay away it is necessary that they should be made to feel that he who carries the wrong ballot carries his life in his hand? I do not think I am overstating that at all. The universal testimony from all sources comes up to us everywhere that this system of reaction and coercion is inaugurated for the purpose of having what they call a peaceful election, that there shall be no question when votes come to be counted as to how the ballot really was, and, in order that there shall be no question, one party must be kept away from the ballot-box; and a few lessons like that of Hamburgh and like those that have taken place that have been so often referred to—and they could not be too often—are only necessary in order that the men who have been recently enfranchised shall not dare to vote for that administration and that system of laws that have given them their liberty and protected, so far as possible, their rights.

Let us see now if I am unjust in these conclusions that I draw. I want to call your attention, sir, to the significant history of this party upon these subjects, for there would be stronger reason to believe that these acts of violence, systematic and persistent, as I have described them, are flowing from this motive, if you find that the motive is based upon an unconquerable repugnance in these people and in their allies to the amendments to the Constitution and the laws made to carry them out. If I find a whole body of men, be it a party or a State, who opposed with all their might and main the abolition of slavery, then I should expect to find that if any body sympathized with the violence and wrong inflicted upon the enfranchised slave, it would be that party, and not the one that believed enfranchisement ought to take place.

The thirteenth amendment to the Constitution, abolishing slavery, passed the Senate on the 11th of April, 1864. You will observe it was in the heat and stress of the rebellion, a year before it fell through, when all hope of the restoration of the Union in its original condition was long since gone. It was independence to the Southern States or nothing. It was everything to the North that the Union should be restored, and restored on principles of liberty. The proclamation of President Lincoln had gone forth. Whether he had the constitutional authority to make it or not, it was a great public act of the Government enfranchising every slave. But in order to make that promise good and secure it was thought desirable that an amendment of the Constitution should be adopted. It was proposed, and on the 11th of April, 1864, it passed the Senate by the vote of 38 to 6. Several of the war democrats, as they were called, voted for it, and the immortal six who voted against it are as follows:

Messrs. Davis, Hendricks—

Now the democratic candidate for Vice-President—

McDougall, Powell, Riddle, and Saulsbury.

They represented the extreme unction and sentiment of the democratic party. I say "unction and sentiment" not exactly in the theological sense, although I might say so, because they represented the death as well as the sentiment and faith of that party; so that I am not perhaps grammatically at all out of order in saying that. Here was the democratic vice-presidential candidate from a free State, after the proclamation of President Lincoln in that great stress of war, solemnly recording himself as the true exponent of democratic faith in favor of retaining the institution of slavery when it was proposed to get rid of it in a perfectly constitutional way. That was followed, as you might naturally expect it would be, about three

months afterward by the democratic national convention at Chicago, of which the presidential candidate of the democracy now before the people was a distinguished member and a member of the committee on resolutions, expressing to all the people of the United States and to the whole world, after this amendment had been passed—not yet agreed to by the States, it is true, but after Congress had passed it through both branches—the statement that this war for the Union, this proclamation of the President for liberty, this amendment of the Constitution for liberty and equal rights (for all were involved in the declaration) were a failure, and that the manifest and immediate business of this Government was to make peace on the best terms it could get. Is it then strange that with such ideas there should be this constant backward effort for reaction in respect of the liberty of schools, education, protection of private rights wherever those private rights come in collision with the dominant disposition of the ancient aristocracy? It does not appear to me that it is strange at all. I think, as the Senator from Texas stated about ruffians, that it was spewed out by the rebellion from the very nature of things and that it will never be cured until time and the steady hand of republican government in the hands of those who love liberty and believe in these amendments shall have cured it.

But that is not all, Mr. President. When the next amendment was proposed time had gone on; the rebellion was crushed; slavery was gone as a fact, and the thirteenth amendment had been adopted as a law. Then there came its natural consequence that must flow from it, and that was the civil equality and the political equality of the people who had thus been made free citizens of the United States; and how do you find them then? I ought to have stated as to the thirteenth amendment that every or nearly every democratic State Legislature then having the power voted against the ratification of the thirteenth amendment. There were only three, to be sure; they were Delaware, New Jersey, and Kentucky.

Mr. MORTON. I desire to call the attention of my friend before he passes from that. As to Governor Hendricks, the democratic candidate for Vice-President, the Senator showed that he voted against the thirteenth amendment abolishing slavery.

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. I wish to call his attention to the fact that in the course of the debate on that amendment the Senator from Indiana then, Governor Hendricks, denied the power of Congress or the people of the United States to abolish slavery by a constitutional amendment, he insisting that it was beyond the reach of a constitutional amendment.

Mr. BOGY. That was the reason he voted against it, believing we had not the power.

Mr. EDMUNDS. This gentleman personally I respect very much; he has a right to his opinion just as I have to mine, or as I think I have as long as I do not get any farther South; and I do not doubt that he thought we had not the power. He would not have voted against it if he had been for it, and he had a good reason for being against it undoubtedly; and if we had not any power to pass the amendment we certainly have not any power to maintain it. If the honorable candidate for the Vice-Presidency of this party was sincere, as he clearly was, in the idea that this was an absolute nullity, beyond our power, it is a nullity still; no lapse of time, except by a regular revolution which overthrows a government—and this has not yet been overthrown, and I take it it will not be for some little time to come—can make a constitutional amendment good. It does not run by prescription; and if our excellent friend should happen by accident to get into the presidential chair, then being sworn to maintain the Constitution of the United States and sworn in effect not to maintain anything that is not in the Constitution of the United States, away would go your thirteenth amendment, and Governor Smith of Georgia would certainly have his prophecy come true in a most remarkable way, that the old order of things could be restored without any trouble at all if the democrats could only get in. That would be perfectly apparent.

Now we come to the fourteenth amendment, which passed the Senate on the 8th of June, 1866, and I have the Journals here, so that no man can say hereafter that I have misstated the record, and I read from them. On the 8th of June, 1866, the fourteenth amendment passed the Senate. Those who voted against it still represented the essential ideas of the democratic party; and they were:

Mr. Cowan, Mr. Davis, Mr. Doolittle, Mr. Guthrie, Mr. Hendricks, Mr. Johnson, Mr. McDougall, Mr. Norton, Mr. Riddle, Mr. Saulsbury, Mr. Van Winkle.

And the States that voted against it were Delaware, Maryland, Kentucky, and Texas, when it was originally proposed—every or nearly every democratic State. After the war, bear in mind, after the thirteenth amendment had been adopted, and this was only the natural sequence of private protection of personal rights and personal equality before the law, and the whole representative body of the democratic party in this Chamber, which perhaps more truly than anything except a national convention, and when you take acts altogether more truly than that, represent the ideas of that party, solemnly recorded their verdict against it, and every State that they could control—and when I say every I do not know that I am literally correct, but substantially every State that they could control—recorded its judgment against it; and some States, one that I believe has now furnished a democratic candidate, as it often has before, for President of the United States, having under a republican legislature adopted the amendment, when a democratic legislature came into power reversed it and withdrew or undertook to withdraw its assent to that amendment. I find in this valuable little Manual that we have that the fourteenth article was submitted to the Legislatures of the several States, there being then thirty-seven, by resolution of Congress passed on the 16th June, 1866; that it was ratified by the following States, giving a great number which I will not take the trouble now to read, except New Jersey, which ratified it on the 11th of September, 1866, it having then a republican legislature. In April, 1868, the Legislature of New Jersey came to be democratic, and New Jersey then passed an annulling resolution, annulling her ratification, and forwarded a notice accordingly to the President of the United States or to Congress, whichever was the proper authority. Oregon which, on the 19th of September, 1866, was republican and ratified the fourteenth amendment, became, in its Legislature, democratic on the 15th October, 1868, and she withdrew her ratification to the fourteenth amendment, and notified the United States accordingly. Ohio, which republican on the 11th of January, 1867, ratified this amendment, became democratic in January, 1868, and attempted to withdraw her ratification, and gave formal notice of it to the Government of the United States. I see by a vote here that North Carolina, South Carolina, Georgia, and Virginia had previously rejected the amendment. When I spoke of New York, I was mistaken. She did not withdraw her ratification of the fourteenth amendment; it had become too late before the democrats got into power. But when we come to the fifteenth amendment, which I will now speak of, I will show you how the democracy behaved upon that, and compare that action with their present platform in a minute.

The fifteenth amendment passed the Senate on the 17th of February, 1869. The Senators voting against it were—

Messrs. Bayard, Buckalew, Davis, Hendricks—

How constant that patriotic man was in voting "no"—

McCreery, Norton, Patterson of Tennessee, Saulsbury, Vickers, and Whyte.

The States that voted no were again all or nearly all—I think I am safe in saying all, but I do not know positively—democratic States, California, Delaware, Kentucky, Maryland, Oregon, Tennessee. Now let us see what the State of New York did. The fifteenth article was proposed by resolution of Congress of the 27th of February, 1869. New York approved it on the 14th of April, 1869. On the 5th of January, 1870, her Legislature having become democratic, she undertook to withdraw, and so far as her act could go did withdraw her ratification of that amendment, and notified Congress or the President of the fact. Ohio, her Legislature being when the fifteenth amendment was submitted a democratic body, rejected the amendment on the 4th of May, 1869. New Jersey had previously rejected the amendment, she being democratic.

So you find on these three amendments that every democratic Senator who had the intense faith in him, every democratic Senator who was not known as what was called a war democrat in Congress voted against every one of these amendments, and I am bound to assume that he voted against them upon principle and reflection.

Mr. MORTON. Will my friend allow me to make a statement in that connection?

Mr. EDMUNDS. Certainly.

Mr. MORTON. When the fifteenth amendment was submitted by Congress to the Legislatures of the several States the Legislature of Indiana was in session and the republicans had a majority in each branch; but they had less than two-thirds of each house. The constitution of Indiana provides that two-thirds of each house shall constitute a quorum, and the construction that had commonly been given to it was that it meant two-thirds of all the members elected. Just before the adjournment of that Legislature an attempt was made to ratify the fifteenth amendment by the republicans. To prevent its ratification the democratic members of the house resigned their seats, thus reducing the house to less than two-thirds of the whole number of members elected. The appropriation bills, some of them, had not been passed. The Legislature broke up, the Governor issued writs of election to take effect some time in March, and the vacancies were supplied; new representatives were elected in place of those who resigned. The Legislature was then convened in extra session by the governor, which could not last longer than forty days, I believe.

Mr. McDONALD. Will my colleague allow me to state that the same men who resigned, with one exception, were re-elected?

Mr. MORTON. Yes, sir. All those who had resigned were from democratic counties and were re-elected. But after this election the Legislature was convened in extra session, which could not last longer than forty days. They went forward and passed the appropriation bills and did some other business; and, as the time for the expiration of the extra session approached, another attempt was made to ratify the fifteenth amendment. To prevent the ratification, the democratic members of the house again resigned. This led to an examination of the question as to the quorum of the two houses. The language of the constitution was "two-thirds of each house." After consideration and discussion, they came to the conclusion that "two-thirds of each house" did not mean two-thirds of all the members elected, but meant two-thirds of the actual membership, and that when a member had died or had resigned he was no longer to be counted. In other words, they adopted the same rule of construction that had been adopted by the Senate of the United States after resignations

had taken place here during the war. The language of the two constitutions was alike with this difference, that the Constitution of the United States says that a majority of each House shall constitute a quorum and the constitution of Indiana said two-thirds of each house should constitute a quorum. But what constitutes the house was held to be the same thing. It was held here after long discussion that the House consisted of the actual membership; that when a man resigned he was no longer to be counted. They came to that conclusion in Indiana after the second resignation, and went forward to ratify the fifteenth amendment after the resignations took place the second time, and that ratification was counted.

Mr. McDONALD. I have sent for the first volume of Indiana statutes, which contains our constitution, and I shall desire to have that section of the constitution read in this connection. I will state further that my colleague is mistaken in his statement of facts in reference to the house in which the resignations took place in the first instance. The first resignations were on the part of senators who were re-elected again, as I stated before, with but one exception. The second resignation was on the part of members of the house. The speaker of the house made the decision to which my colleague has referred, and in making it he went back upon every decision that had been made upon the question of a constitutional quorum in our State from the time of the adoption of the constitution, and it has never been ratified by any other tribunal nor followed by any subsequent Legislature.

Mr. MORTON. I presume I was mistaken as to the resignations taking place in the same house the second time. I think the resignations were in the other house the second time, but they were for the same purpose, to break the quorum and to prevent the ratification of the amendment.

Mr. EDMUNDS. Mr. President, what my two friends from Indiana have stated I am very much obliged to them for, because they have both fortified the inference that I thought was fairly to be drawn from this steadfast course of public conduct by the democratic party. Even the body of the party in Indiana, a free State, after the war was so bitterly hostile to these measures of freedom and equality before the law that its representative men resigned from their places in the Legislature rather than allow a constitutional majority of that Legislature to ratify the amendment, and they went back to their democratic constituencies and received their approval by a fresh election to do the same thing over again. That represents truly and fairly, as my friend has stated, the democratic idea.

Mr. McDONALD. I will state, if the gentleman will permit me, that several of those senators were representing what were known to be republican districts, and that they were returned as well.

Mr. EDMUNDS. It must be a very extraordinary republican district that is represented by a democrat who votes against the fourteenth amendment. I should like to have that district brought to the Centennial and put on show. [Laughter.] But my honorable friend from Indiana says that on his notion of the constitution of the State of Indiana the fifteenth amendment is not ratified, for I believe we only got exactly the number of States necessary to make it good, and he says that that ratification was in violation of the constitution of the State of Indiana, and very likely that is what his friends, Mr. Hendricks and Governor Tilden, mean when they say that whatever is lawful they do not know but they would be glad to carry out and leave it to those counties of Indiana to determine what is lawful according to their previous notion. I am very much obliged to my honorable friend for that contribution to the examination of this subject.

Now, Mr. President, let us go a little further. I had stated that every democratic Senator who represented the real democratic idea as put forth in its platform of 1864, that the whole war to suppress the rebellion was wrong and a failure and ought to be put down and stopped, voted against the fifteenth amendment; every democratic State that I remember—if there be any exception, I shall be too happy and too glad to state it—when it was submitted to its Legislature voted against it; and yet in a recent manifesto put forth at Saint Louis, and a still more recent and protracted one put forth at Saratoga or somewhere, we are told that we are happy to accept the present situation, be it what it may, in order to give everybody his constitutional rights, be they what they may. I shall refer to that subject a little further on more in detail; but it ought to be stated just here.

In spite of every previous action of the democratic party, in spite of all its previous protests and votes in every form, in conventions in 1868 and 1872, against these amendments and against the laws to carry them out, now we are told—not when you come to look at the language, which is studied and careful—but the people are intended to be told, and to be asked to believe, that there has been a sudden conversion, and that this party that is resisting here by dilatory motions the printing of a public document on a subject affecting the liberties and the lives of citizens of the United States has experienced as sudden a conversion as St. Paul did, and that there is to be no more persecution of people for their political opinions, but all is to be harmony. There are not many people who have had the benefit even of the public school system of the State of Texas, I take it, who will be prepared to believe that tale.

I am not going to take your time and weary the Senate by going through and reading from the Journals; but I have said, and I repeat, that following these amendments were of course the necessary acts of Congress to see that they were put in force, providing the necessary legislation that each one of these amendments declared Congress should have power to provide to carry them out, and from the first civil-rights bill of April, 1866, down to the last bill to amend some of the sections of an act that the Supreme Court through a want of proper phraseology held were not within the Constitution, but not without it in principle—from first to last, by every step, under every one of these amendments and in every form, every member of the democratic party in the Senate of the United States has voted against them, has fought against them with all the vigor of intellect and the persistence of will for which members of the democratic party are so justly famous; and yet it is to such hands, now here resisting even the dissemination of official intelligence, that we are asked to commit the destinies of this free people under these amendments and under these laws in order that there may be peace and equal rights. Was there ever such a mockery of legislation or of justice? Was there ever such a delusion held out to an intelligent people of any country? Why, sir, it would be worse than if a part of the sailors of a ship had mutinied and undertaken to cast the ship on shore, and at last, after a great struggle, they were captured, put below the hatches for a little while, and then let up on deck and sent to their respective places on the ship to do their particular parts of the duty, and suddenly they come forward to the owners of the vessel when they get into port, and say, "Here, turn out the captain and all the loyal crew who would enforce order on this ship, and give us command; let us try one voyage and see what we can do with it." It shocks common sense, it shocks human credulity to think such a thing is possible.

Senators may say, as probably they will, that I am making a political speech. I am. I think that every speech made in the Senate ought to be a political speech. We are elected for the business of politics and to secure the people of this country, so far as lies in our power by just laws and fair debate, the blessings that the Constitution and the laws have intended to secure to them. Having now shown you what has been the history of these amendments and of these laws, to overturn which the Hamburgh affair is one of the steps, I want to show you how this is followed by a strict connection, when you read it exactly, by the democratic platform of even this year. I do not mean to say that this platform is dishonest—that would be unparliamentary; perhaps it would be unjust; I do not know—but I will say that if those who framed it had been dishonest they would have resorted to catch the ear of the people to exactly the delusive and deceptive phraseology that they have put forth to the world. Let us see what it is upon this precise point, which is perfectly in coincidence with what I have been stating about its previous course.

For the democracy of the whole country we do here re-affirm our faith in the permanence of the Federal Union, our devotion to the Constitution of the United States with its amendments universally accepted as—

What? As a guarantee of civil liberty, of equal rights, of equal political suffrage? Not by a long deal—

as a final settlement of the controversies that engendered civil war, and do here record our steadfast confidence in the perpetuity of republican self-government.

We stand by the Constitution of the United States and its amendments "universally accepted as a final settlement of the controversy that engendered civil war."

What controversies engendered the civil war, Mr. President? Was it the right to hold slaves in a State of the Union that chose to hold them? No, sir. The republican party in 1856 and in 1860 most clearly declared that it had no power and had no purpose to invade the rights of any State in respect of its domestic institutions. Was it in respect of equal civil rights, without regard to race, color, or previous condition of servitude? No, sir; that would have been absurd at that time. There was not any such issue, there could not be, because so long as the state of slavery existed there must be this inequality of civil rights. Was it in respect of the right to vote without regard to race, or color, or caste, or condition? Of course not, for that would have been absurd. What was it? Everybody knows, and I merely occupy your time for nothing in stating it. It was the question whether slavery should be carried from the States into Territories common to the people of all the States, as a State institution, in spite of any will or wish of Congress or of the people who even might form a territorial government and erect a State there. It was the doctrine that the Constitution itself carried slavery out of the States where it existed and into every Territory that either by conquest or by purchase, and in whatever latitude, might belong to the people of the United States. And when on an issue against that a republican President was elected to maintain the Constitution and the laws as they stood, came the secession or rebellion; and now what this democratic party of 1876 proposes is that it re-affirms its "devotion to the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies that engendered civil war." Not the controversies that grew out of it and exist now, but the ancient question of the right of a southern slaveholder under the Constitution to carry his slaves into Kansas or Nebraska against the will of the people of that Territory, they regard as fully settled and they will stand by it as a settlement of a controversy that engendered the civil war.

O shame, where is the blush that might mantle faces in that con-

vention, perhaps too ruddy before, to put off a sham and delusion on the people of the United States of that character? If, in spite of all its previous history, in spite of every act of all its public men, in spite of the organized act of all its Legislatures where it had the power, this new party had really got a new faith of peace and unity under these amendments, why, in God's name, did it not say so? Why did it employ such an astute scholar and dialectician to put in this careful phrase that we regard these amendments and will stand by them as settling the controversies that produced the civil war? None of the questions that grow out it, none of the questions that agitate us to-day, none of these matters of reaction that what we have seen in the Southern States show, are referred to at all; but we are glad to know that we stand by the Constitution settling the question of the right of a person to carry slaves into free territory!

Now look a little further, sir, and see what is to become of all the laws that have been passed to carry out these amendments if the power in this country is to be intrusted into the hands that now demand it. Here is the platform on that point. We believe—

In absolute acquiescence in the will of the majority—the vital principle of republics; in the supremacy of the civil over the military authority; in the total separation of church and state, for the sake alike of civil and religious freedom; in the equality of all citizens before just laws of their own enactment.

Not in the equality of all citizens under these amendments of the Constitution; not in the equality of all citizens as protected by the acts of Congress under the amendments; but in the equality of all citizens of the respective States under "just laws of their own enactment." That is, if the State of Georgia enacts a labor law which makes every man a vagrant whom the owner of some great estate does not choose to employ, that equality the democratic party believes in; but in that great national constitutional equality which flows not from State laws, but from the fundamental law of the Republic and the laws passed to carry it out that the Supreme Court have now held to be constitutional in every respect but one of mere phraseology, they do not believe at all, or if they do they have been especially industrious not to say so.

Mr. President, I do not know but that I have taken up already too much of your time; but I think before I close I ought perhaps in justice to these eminent gentlemen to whom I have referred, not as persons but as types and representatives of a great party, see whether they accord with this platform on which they propose to run. I find in the letter of Governor Tilden these words:

The nobler motives of humanity concur with the material interests of all in requiring that every obstacle be removed to a complete and durable reconciliation between kindred populations once unnaturally estranged on the basis recognized by the Saint Louis platform of the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies which engendered civil war; but in aid of a result so beneficent, the moral influence of every good citizen as well as every governmental authority ought to be exerted not alone to maintain their just equality before the law, but likewise to establish a cordial fraternity and good-will among citizens—

This is not exactly grammatical. I have no doubt it is a misprint. I would not accuse Governor Tilden of writing bad grammar—

whatever their race or color, who are now united in the one destiny of a common self-government. If the duty shall be assigned to me, I should not fail to exercise the powers with which the laws and the Constitution of our country clothes its Chief Magistrate to protect all its citizens, whatever their former condition, in every political and personal right.

If that had been said out of connection with this platform and had been said by a man of a party that believed in the theory of these amendments and of these laws, no criticism could have been made upon it at all, because it would be a general declaration of faith; but he is careful to put this in connection with the very phrase in the platform at Saint Louis to which I have called your attention as being the kind of law and the kind of constitution only that he is to enforce and that whatever power the laws do give him, so understood, he, of course, will extend to everybody alike. But, Mr. President, what is the use of commenting upon that? The peace and the unity that he speaks of at Albany and at Indianapolis is one thing. There are order and equal rights. But when you go to Mississippi and Louisiania, to Hamburgh or Coushatta or Corinth, there peace and order are quite different things. But, as I said, what is the use of commenting upon this? Have we not seen at this very session of Congress in both its Houses the most definite action on the part of the party to which I am now alluding showing that the moment they get the power every one of these statutes will be swept out of the books? Have not our democratic friends on the other side of the Chamber at this very session voted solid against a provision amending the civil-rights bill so as to make its phraseology conform to the judgment of the highest court of the land? So they have, and with everything of criticism and everything of reluctance and opposition they had no better or other plan to suggest except just what is implied in this platform, adroitly worded as it is, to leave everything to the States. That is the doctrine. It has been announced here by the leaders of our friends, and with their universal approval, that Congress has no business to legislate in respect to any one of these amendments and that it belongs to the States to secure liberty under the thirteenth, equality under the fourteenth, and suffrage under the fifteenth amendment, and that it belongs to no other power, and it is to remit this question to the States lately emerged from the rebellion and to this state of society that holds the existence of a military colored organization a menace and the presence of a white republican a disgrace, that the democratic party is to carry the next election and to carry it only by the votes of these very States where violence and disorder of the extremest kind are resorted to in order to effectuate the purpose. And lest there should be any doubt and it be said that it is not the democratic Senators alone that make the democratic party, have we not seen here, on an appropriation bill even, a sweeping proposition from the House of Representatives to repeal every law that now upon the statute-books of the United States secures any guardianship and inspection over the election even of members of Congress where by the Constitution itself confessedly Congress has full power to regulate and see that there is an honest and fair election? Even in that respect, so intense is the hatred, if I may use such a phrase—I certainly will not use it, although I borrow it from the other side—so intense is the dislike of this party to any legislation which secures to this nation any national rights in these respects that they even ride upon an appropriation bill legislation that sweeps all that away though the subject is one the jurisdiction over which by Congress has never been disputed. But Hamburgh is not the only instance.

Mr. LOGAN. Will the Senator allow me in that connection, if it does not disturb him, to call his attention to another bill passed by the House and now before the Senate, a bill to repeal section 1218 of the Revised Statutes? I will read that section if the Senator will allow me:

No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

I only want to call the Senator's attention to the bill to repeal that section.

Mr. EDMUNDS. I will not waste your time, Mr. President, by going on further in respect of the legislative attitude of our friends on the other side in regard to this whole subject, although it is interesting and the proof could be accumulated beyond all computation almost. But I want to come back again, for a moment before I close, to the state of things in the South, and I come back to it as the natural consequence of the history I have been stating to you; for with this attitude of those who opposed these amendments and opposed these laws, what could you expect but that after such a state of overthrow as took place in the South those who believe in reaction should with such encouragements resort to just such measures as they do? Could you expect anything else? It was exactly that sort of confidence in northern democratic aid which precipitated our southern brethren into the rebellion. It is exactly that same confidence in democratic sympathy and opposition to the Constitution and to the laws in these respects that precipitates many, many of our southern brethren into these acts of turbulence and violence which my friend from Ohio has stated are too shocking to be described in human language; but they accumulate; and to show you how even experience against the warning of the democratic editor of the South Carolina paper, that they are likely to reap in the whirlwind and that it is a great mistake, is not strong enough, policy is not strong enough, patience is not strong enough to keep people of this character from continuing steadily in that very path. Almost since this debate began and since this Hamburgh affair, there has occurred this in the State of Mississippi:

On last Saturday, the 29th ultimo, a convention of republicans of Hinds County, Mississippi, was held at Raymond, a town twenty miles from Jackson and six miles from where the Clinton massacre occurred, to choose delegates to a congressional convention to be held at Brookhaven. Delegates were there from different parts of the county, and were as peaceable and well-behaved as men could be.

The democrats flocked into the town early in the morning from all directions until several hundred were assembled. As this was the first public meeting of the kind the republicans felt safe in holding at that place since the Clinton riot a year ago, and the democrats thinking that they had the county so well in hand that republicans would not dare to assemble there again, they were indignant at this bold disregard of their pleasure. It was evident, too, that if they tolerated this convention other meetings would be held and the county be organized for the campaign. This could not be permitted, and so we have to witness the scenes that followed as related below.

What I have now stated is the paragraph of the editor. It may be exaggerated. Now comes the description from the eye-witness:

When the convention was called to order democrats crowded in and filled the court-house. The yard outside, also, was filled with them, all armed and as hostile as they could be by insulting demonstration. One account says the convention was fired into and broken up in confusion. Another account is from the Jackson Times of the 31st ultimo, as follows:

"Fire-arms were exposed in a reckless and threatening manner, and the conduct of democrats who were understood to be present for the purpose of supervising a republican convention was simply outrageous.

"Cartridges were exposed in the convention, and attention of delegates was arrested by significant gestures clearly indicating that they would be used in murderous work if necessary to enforce democratic success. Buckshot, fired from 'nigger-shooters'"—

That is what they call the fowling-pieces down South—"nigger-shooters"—

"were sent flying around the hospitable town of Raymond, and many of them came in uncomfortably close proximity to the heads of republican representatives.

"The most unprovoked and inexcusable outrage, however, was an assault made upon Mayor McGill, of this city, and Messrs. Kerr, Knadler, Tapley, and others, who were peacefully and quietly returning home in their private conveyance, a spring-wagon, which accommodated in all six persons. When about four miles from Raymond they were overtaken by eight or nine armed and mounted men, who reined their horses alongside of and behind the vehicle."

And then it proceeds to state how they were abused. It is the old

story over again. It is not necessary to read it. Now the paper goes on:

Colonel McGill is mayor of Jackson, serving his second term, and was re-elected last winter by the votes of both parties. Captain Kerr is register of the United States land office at Jackson, and a native of that city. Both these gentlemen were gallant confederate soldiers—

But they had dared in the interest of a real peace and reconciliation to say that they were willing that these constitutional amendments and these laws should be taken for what they really meant, and that they would not go for reaction but for real equality and real liberty, and as a consequence of course they were served a great deal worse than anybody else was—

Both these gentlemen were gallant confederate soldiers. Mr. Knadler was a Union soldier, but until recently acted with the democratic party in Vicksburgh. Mr. Tapley is an educated young colored man, also a native of Jackson. There could have been nothing offensive in that party but their politics.

This conduct of the White-Liners may be traced to a well-matured and settled system of warfare which they have inaugurated in that county. The Raymond Gazette, of the 26th of July, says—

And that is a democratic paper, representing democratic news and democratic intelligence—

"It remains to be seen if the white tax-payers of Hinds County will again permit a handful of carpet-baggers and a half dozen home radicals to attempt to organize colored people in solid column for offensive political operations against the said white tax-payers. It remains to be seen, we say, whether this thing is again to be allowed in Hinds County."

That is the democratic talk for you, and it represents, as I have said, exactly the theory upon which Governor Hendricks and his associates resisted all these amendments, exactly the theory upon which he and his successors resisted every law in every form to carry them out, and exactly the theory upon which Governor Tilden and Governor Hendricks now say that they will take these amendments as settling only the dissensions that engendered the civil war. They will settle everything down to the 1st of April, 1861, but they will settle nothing since. That is the attitude.

Mr. President, every time these subjects have been discussed here (and they have generally been introduced by democratic opposition to some simple proposition or measure legitimate and correct in itself) in reply to mere statements of facts about these atrocities and their origin and motive and purpose, we have had one single, uniform response, that the republican party still keeps up a strife of hatred and animosity and that it flaunts "the bloody shirt," as they with the elegance that belongs to their party style it, the bloody shirt of politics; and that is the only answer. It is good for my friend from Ohio to denounce this particular Hamburgh outrage if it is as represented as he says, but if I denounce it and undertake to look into the causes that led to it, then I am exhibiting hatred to the South, I am flaunting, as the saying is, that political bloody shirt to move men's minds to animosity. Nothing is more unjust, Mr. President. If there is any one duty that the Congress of the United States owes to the whole people, it is the duty to calmly and dispassionately unmask every fraud that any party is attempting to perpetrate upon the intelligence of our people. It is our duty to uncover to the intelligent voter of this country every act of violence that stabs the Constitution that we all have sworn to support. It is our duty to maintain as far as we can, both by debate and by law, the real security of peaceful liberty, peaceful equal rights, peaceful equal suffrage in every State; and that duty no cry of hate and no cry of bloody shirt or other vulgar language of that kind I trust will deter us from performing. We have no hate for the southern people. We desire, more intensely if possible than they can, that there should be the real brotherhood that flows from the peaceful operation of equal laws everywhere. We have passed no amendment that they do not now pretend at least to say is right. We have passed no law that in every free State would not be considered wholesome and just for the protection of the liberty and the equality and the political rights of citizens; and yet out of that they say we have manifested hate and dislike. No, Mr. President, it is not so. No hearts beat warmer for the real restoration of these Southern States than do the hearts of the republican soldiers and the democratic soldiers and the republican party of the Northern States and of the West. There is nothing that we have done upon which the finger of any man can be placed to show otherwise. We have only enacted wholesome, equal laws that meet in the State of Vermont—we having similar State laws—with the universal approbation of everybody; and it is only those who desire to go backward into the era of caste and of aristocracy and of a real slavery, rather than those who desire to go forward into the new era of peace and equal rights, who raise this cry of hate, based only as I say on the fact of the laws we have passed.

Why, Mr. President, I cannot point out to my southern friends better the attitude of the North, as it is called, or the republican party toward them, than that which is stated in these lines of an almost inspired man, who has written so much for equal rights and for peace, himself a member of that only sect in our country that does not believe it to be lawful or right to take up arms for any cause. Here is what he says upon this very topic, and it is expressed in such a way that I hope my friends cannot misunderstand it, the true sentiment, as I believe, of all that great party and that great people for whose sake in some degree I have now spoken:

From you alone the guarantee
Of union, freedom, peace, we claim;
We urge no conqueror's terms of shame.

Alas! no victor's pride is ours;
We bend above our triumphs won
Like David o'er his rebel son.

Be men, not beggars. Cancel all
By one brave, generous action; trust
Your better instincts, and be just.

Make all men peers before the law,
Take hands from off the negro's throat,
Give black and white an equal vote.

Keep all your forfeit lives and lands,
But give the common law's redress
To labor's utter nakedness.

Revive the old heroic will;
Be in the right as brave and strong
As ye have proved yourselves in wrong.

Defeat shall then be victory,
Your loss the wealth of full amends,
And hate be love, and foes be friends.

Then buried be the dreadful past,
Its common slain be mourned, and let
All memories soften to regret.

Then shall the Union's mother-heart
Her lost and wandering ones recall,
Forgiving and restoring all;

And Freedom break her marble trance
Above the Capitolian dome,
Stretch hands and bid ye welcome home.

Mr. President, if that be peace, then we are for peace; if that be hatred, then it is that hatred misnamed, which is a real love, which only stretches over the South the national authority that the national Constitution gives in order that the equal rights the Constitution secures shall be protected.

Mr. LOGAN. Mr. President——

RIVER AND HARBOR BILL.

Mr. ALLISON. I ask the Senator from Illinois to yield to me to make a report from the committee of conference on the river and harbor bill.

Mr. LOGAN. Certainly.

Mr. ALLISON. I submit a report, which I send to the Chair, upon the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report.

Mr. EDMUNDS. We are quite unable to understand the report. Let it go over until to-morrow and be printed so as to show what it is.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the report, and desires it to be printed.

Mr. ANTHONY. Let the bill be printed as it will read if amended as the committee propose.

Mr. ALLISON. That would require a great deal of printing. I suggest to the Senator from Rhode Island that I have here a memorandum of the changes made in the bill by the conference report.

Mr. ANTHONY. All right.

Mr. ALLISON. I suggest that the memorandum be printed.

Mr. ANTHONY. That will accomplish the purpose.

Mr. SHERMAN. I should like to have the memorandum read.

Mr. ALLISON. I should be very glad to have it read also.

Mr. ANTHONY. Let the memorandum be read.

Mr. ALLISON. I send it to the desk. The additions are made on one side and the deductions on the other.

The PRESIDENT *pro tempore*. The memorandum will be read.

The Chief Clerk read the memorandum.

Mr. SHERMAN. What I wish to call attention to is the success of the comparatively small and unimportant places called rivers and harbors, to the injury of the great works of internal improvement which alone are contemplated by the Constitution, in order to patch up here and there some disappointment in local affairs——

Mr. EDMUNDS. I call my friend to order. I asked that the report go over and be printed; but certainly I do not intend to stop my friend. I only want to have it understood that there is not unanimous consent for the present consideration of the report.

Mr. ALLISON. I hope if the Senator from Ohio is permitted to attack the report that I shall be allowed to say a word or two in defense of it.

Mr. SHERMAN. I have no objection to letting it go over until to-morrow. We certainly cannot vote for it as it now stands.

Mr. CONKLING. I have no objection either, provided it is understood that it is not only printed but printed so that we can understand exactly what is being done. I will consent to any form of that. I suggest that the memorandum had better, if it can, show the States or localities in which these works are located. I do not know where some of them are at all, as I listened to the reading. Doubtless the chairman does, and in a moment can add the States.

Mr. ALLISON. I will add that to the memorandum and have it printed in the RECORD.

Mr. CONKLING. Then how is the bill to be printed; simply over again as it was passed?

Mr. ALLISON. The conference report I suppose will be printed.

Mr. CONKLING. I submit that it is idle to print merely the conference report, and then print the bill over again, as the bill has been printed already. If it is to be printed, I submit it ought to be printed with the proposed amendments incorporated in it. Otherwise how are we going to print it? The bill is here as we passed it. We know how that is. It was not changed in a single instance. Therefore we may as well I think have it printed as it will stand when amended by the conference report.

Mr. EDMUNDS. Let it be printed just as a bill from the House would be, as amended, showing what is stricken out and what is inserted.

Mr. CONKLING. If printed that way, there would be no use to print it as we agreed to it.

Mr. ALLISON. I suggest that the original House bill be printed with the amendments agreed to by the Senate, and then indicate upon the same items the changes made by the conference committee.

Mr. EDMUNDS. Certainly, let the print show every step in the progress of the affair.

Mr. ALLISON. Then the whole thing will appear.

The PRESIDENT *pro tempore*. The order to print will be made as suggested.

The following is the statement submitted by Mr. ALLISON:

ADDITIONS.

Dunkirk, New York	$18,000
Great Sodus, New York	5,000
Pultneyville, New York	3,000
Saugatuck, Michigan	3,000
Pentwater, Michigan	10,000
White River, Michigan	5,000
Monroe, Michigan	5,000
Passaic, New Jersey	10,000
Hiawassee, Tennessee	10,000
Ashtabula, Ohio	5,000
Wicomico, Maryland	5,000
Fairfort, Ohio	5,000
Cahokia Chute, Mississippi River	29,600
Belfast, Maine	5,000
Choctawhatchie, Florida	5,000
Pamlico River, North Carolina	15,000
Perquimans, North Carolina	2,500
Cypress Bayou, Texas	13,500

DEDUCTIONS.

Oak Orchard, New York	3,000
Hell Gate, New York	40,000
Hudson River, New York and New Jersey	16,000
Erie, Pennsylvania	10,000
Schuylkill, Pennsylvania	5,000
Norfolk, Virginia	4,600
Sault Ste. Marie, Michigan	20,000
Ohio River	25,000
Cape Fear River, North Carolina	17,500
Sabine Pass, Texas	2,000
Galveston Ship Channel, Texas	3,000
Galveston Bar, Texas	8,000

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 12, 35, 46, 78, 102, 110, and 128.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 103, 104, 106, 107, 108, 109, 111, 112, 114, 115, 117, 118, 120, 121, 124, 125, 126, 127, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 162, and 164, and agree to the same.

That the Senate recede from its amendment numbered 5, and agree to the clause proposed to be stricken out with an amendment, as follows: Insert "three" in lieu of "five;" and the House agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the words proposed to be inserted insert the words "and fifty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 13, and agree to the clause proposed to be stricken out with an amendment, as follows: Insert "five" in lieu of "ten;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the words proposed to be inserted insert "and thirty-two," and after the word "thousand," in line 1, page 6 of the bill, insert "five hundred;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 44, and agree to the clause proposed to be stricken out with an amendment, as follows: Insert "fifteen" in lieu of "twenty-five;" and the House agree thereto.

That the Senate recede from its amendment numbered 56, and agree to the clause proposed to be stricken out with an amendment as follows: Insert "thirteen" in lieu of "thirty;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: Insert "thirty-eight" in lieu of "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: Strike out "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Strike out "sixty-six" and insert "fifty," and the Senate agree to the same.

That the Senate recede from its amendment numbered 93, and agree to the clause proposed to be stricken out with an amendment, as follows: In lieu of "three thousand" insert "two thousand five hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows: In lieu of "thirty-nine thousand and six hundred" insert "thirty-five thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same, with an amendment as follows: Insert "one hundred and forty-two" in lieu of "one hundred and fifty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 113, and agree to the clause proposed to be stricken out, with the following amendment: In lieu of "fifty thousand" insert "twenty-nine thousand six hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same, with an amendment as follows: In lieu of "fifty" insert "thirty;" and the Senate agree thereto.

That the Senate recede from its amendment numbered 119, and agree to the clause proposed to be stricken out, with an amendment as follows: In lieu of "seven" insert "five;" and the House agree thereto.

That the Senate recede from its amendment numbered 122, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "ten;" and the House agree thereto.

That the Senate recede from its amendment numbered 123, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "eight;" and the House agree thereto.

That the Senate recede from its amendment numbered 134, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "eight;" and the House agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same, with the following amendment: In lieu of the words proposed to be inserted, insert as follows: "*Provided*, That $10,000 thereof shall be expended for removing the bar at Fort Smith, Arkansas; *and provided further*, That $40,000 of the above sum shall be expended on the Missouri River, including improvements opposite Saint Joseph, Missouri, and at Nebraska City;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same, with the following amendment: Strike out "two hundred" in line 22, page 15 of the bill, and insert in lieu thereof "one hundred and seventy-five;" and the Senate agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same, with an amendment as follows: Insert "seventy-two" in lieu of "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same, with the following amendments: Insert after the word "water" the words "at mean tide," and after the word "river" the words "to the port of New Orleans;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same, with an amendment as follows: Insert after the word "thereof" in line 18 of said amendment the following: "not to exceed $10,000;" and the Senate agree to the same.

W. B. ALLISON,
A. A. SARGENT,
M. W. RANSOM,
Managers on the part of the Senate.

FRANK HEREFORD,
JOHN H. REAGAN,
OMAR D. CONGER,
Managers on the part of the House.

THE HAMBURGH RIOTS.

Mr. MORTON. I call for the regular order.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 2d instant:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

Mr. LOGAN. Mr. President, the scenes we have recently witnessed and declarations heard make it proper for us to stop and scan well the political and social horizon and see in what direction our craft is drifting, for we should not forget that the political and social waters have dangerous reefs and shoals hid beneath their surface as well as the physical sea. Therefore, in our moves and counter-moves on the great political chess-board, and in our efforts to checkmate each other, we should not forget to watch carefully in what direction the gales are driving us. Although no storm may be raging, yet there can be no absolute calm; the vessel moves onward for weal or woe; there is no standing still even though the sails be furled.

But a few years ago the furious storm of rebellion drove us onward through the fierce waves and rough breakers of intestine war, hurling us rapidly onward toward the dangerous reefs of disintegration and dissolution; but the counter-current of patriotism and loyalty bore us safely through the storm.

All who have studied with any care the history of other nations know full well that governments which have to undergo this fierce ordeal are subject not only to a single but to a double crucial test of their ability to stand the shock. Not only is their ability to withstand the strain of rebellion and internal war put to the trial, but also the ability of their institutions to counteract and control the effects of the rebound in case of success; in other words, their ability to withstand the reaction which always follows the close of a fierce internal war. The strength of the action and reaction is as a matter of course in proportion to the magnitude of the movement and of the forces and material brought into operation as compared with the entire strength of the nation. Judging by this rule, which is certainly a correct one, it must be admitted by all that the trial to which this Government was subjected by the recent rebellion exceeds that of any other of a like character of which history gives us any account.

We have passed safely through the first act, the first crucial test in the great ordeal, and are now in the midst of the second act and are as a nation undergoing the second crucial test, which, as the first,

though slower in its operation, as often proves fatal. Although we are proverbially a fast people, and causes produce results more rapidly with us than elsewhere, yet no statesman will contend for a moment that a period of but little more than half a score of years is sufficient to outlive the reacting forces put in operation by the mighty convulsion through which we have passed. A war of sections seldom if ever equaled in magnitude and the enfranchisement of 3,000,000 of slaves must necessarily have produced a strain upon our institutions unequaled by that ever felt by any other nation.

It is a fact contradicted by no instance in history of which I am aware, that the reaction in such cases tends in the nation to aggrandisement and extravagance, and to trickery, deception, and falsehood in the overthrown party in their attempt to regain power.

As an example proving the first part of this proposition it is only necessary to trace the history of France since the close of the great revolution, struggling and panting for liberty and republicanism, yet alternately republican and monarchical and so swayed by the influences and passions of the day that we see her deliberately by the voice of six millions making Louis Napoleon president, next seven millions create him dictator, and lastly nearly eight millions declare him emperor.

As an example proving both parts of the proposition I may refer to the causes which led to the rapid increase of power and wealth of Athens, which culminated under Pericles and as suddenly faded away through corruption and vice until swallowed up by the rising Macedonian power.

But I will not stop to give examples with which Senators are familiar, but proceed at once to examine some of the elements at work in our national, social, and political life, and therefrom cast the horoscope of the near future if these are allowed to work out their natural results.

But first let me say that no party in any nation or country has ever heretofore carried the Government through such an ordeal thus far so successfully and with such good results as has the republican party in this case.

Thus proving, so far at least, despite the sneers cast at American statesmen and American patriotism, the ability of her leaders to make good the dream of our sages which Moore has so bitterly cast in verse:

> Even here, beside the proud Potomac's stream,
> Might sages still pursue the flatt'ring theme
> Of days to come, *when man shall conquer fate,*
> Rise o'er the level of his mortal state,
> *Belie the monuments of frailty past.*

Although errors may have been committed and mistakes made in the attempt to steer the vessel safely through the storm and thus reverse the verdict of history, yet they are fewer in number and far less grave than could have been anticipated, when we take into consideration the usually demoralizing effect of war. Nevertheless, in our attempt to solve this great problem and conduct the country safely back to its *ante bellum* status, a new factor has entered into the operation which needs the most rigid scrutiny before we as a people can safely allow it to work out its effect in the great work of reconstruction.

I allude, as a matter of course, to the re-introduction into the political arena of that element which in the late rebellion and struggle for unity stood opposed to the loyal portion of our people.

In order to understand fully the effect this element is likely to produce in the administration of the Government and thus indirectly upon social life, it will be necessary for us before considering its immediate tendencies to glance hastily at the chief results which have so far grown out of the war.

One of the inevitable consequences of a long war during which we were shut in and confined to our own resources was to develop to an unusual degree our productive powers.

This, in that portion of the country free from the devastating effects of the war, naturally brought about high prices, both of labor and productions, and with these a corresponding idea of extravagance. Speculation ran rife, overleaping all the bounds of moderation which had hitherto halted the most reckless; manufactories swelled their proportions, while others sprang into existence; railroads began to spread over the land like a vast net-work of iron, while even wilder schemes were inaugurated on the faith that the success of others inspired. The amount of money suddenly thrown into circulation, and the recklessness naturally inspired by the commotions of war, led to risks and speculations of which our people would not have dreamed in tranquil times under any financial system.

When the war ceased and the Army was dismissed to private life the money which the soldiers, officers, and others brought with them, together with the dues and pensions paid by the Government, continued for a time to supply the unusual demands thus created and keep in motion the operations started under the war impetus.

But the cause which produced this effect, the great force which put these wheels in motion having suddenly ceased, the natural effect began ere long to be felt; the thousands of hands now returned to the field of labor in the civil walks of life began to divide the profits. The regions of the South whose energies had been crippled and prostrated by the war afforded one field of expansion for the gathering and swelling energies of the North, while the newly opened mineral regions of the West afforded another outlet. Paradoxical as it may appear to the eyes of those of other nations, the productive powers of the North were greater at the close than at the commencement of the rebellion. But the gates to foreign emigration so long closed being opened again, the stream set in afresh, thus adding new hands to our productive forces; while, on the contrary, the demand had decreased, the war supply being no longer necessary, and our foreign commerce crippled and diminished. Prices necessarily began to fall as the demand grew less in proportion to the production, and as financial expansion was stopped, the difficult work of contraction was begun by the Government.

It is unnecessary for me on this occasion to trace the various steps of this process, as it is well known that at last the retrograde movement culminated in the financial crash of 1873. The necessity for retrenchment became at once apparent to all who paid any attention to the signs of the times; in fact many of the more prudent had foreseen the coming storm and had already begun to take in sail.

It is, however, difficult for a people who have once had a taste of unusual prosperity and who have once entered upon the highway of extravagance to withdraw voluntarily from its allurements and descend to that economy which the changed condition of affairs requires; and, as a natural consequence, in social life we see a fierce struggle on the part of each individual to retain that position in life and external display attained in more prosperous times. Debt, recklessness, and crime follow. Add to this the feverish state of mind produced by the commotion and excitement of war, and we see a double cause leading to this result.

Another effect of the unusual excitement and prosperity was a large increase of tradesmen, artisans, and speculators, which resulted in withdrawing large numbers from the rural districts to the cities and centers of population. Extravagance in dwellings, furniture, dress, and all that pertains to external display followed as a matter of course. The municipal authorities, catching the spirit of the times, were drawn into the maelstrom of extravagance; expensive improvements were undertaken, and these cities and municipalities became burdened with debts under which they are now groaning. Such a result was to be expected as a part of the ordeal to which we as a nation have been subjected by the great war of the rebellion, and we may be thankful to-day for the early revival of that healthy spirit of public sentiment which is rapidly throwing off this incubus.

But this disposition to congregate in the centers of population, in addition to its effect on the cities themselves, had a tendency also to bring into conflict certain important industrial interests, which to a certain extent has had its influence on the politics and legislation of our country.

In the seventeenth and eighteenth centuries the monarchs of France adopted the mistaken policy of drawing away the nobility from the rural districts to the cities, and especially to Paris. This had a direct tendency to destroy the sympathy between the nobility and rural population, which ultimately, as De Tocqueville clearly demonstrates, was one of the causes producing the revolution. And although the unfortunate Louis sought earnestly to assist and benefit by liberal public measures this rural population, yet these very efforts assisted only under this state of affairs to precipitate the gathering storm.

It is true we have no titled nobility in our Republic, and thank God for it. Yet *like* causes are calculated to produce like effects; and although I have no fear of such results in this country as followed in France, yet we can already see some of the evil effects of this tendency to centralize great wealth and moneyed power. From it grew up great monopolies, as for example the railroad combinations, whose interests ought to be one with that of our agriculturists, yet from this centralizing tendency they seem to be opposed. This has given rise to organized opposition which has been carried into the political as well as commercial arena.

And as I have mentioned this subject as an example in point, allow me to diverge for a moment in order to say that the wants and needs of the great agricultural interests of our country have not received that attention to which they are entitled. Yet this has not arisen so much from an unwillingness on the part of the various legislative bodies and Congress to do full justice to these great interests, as from a want of knowledge of what was necessary to be done. It has been too often the case that those who have undertaken to represent in a special manner these interests have been more anxious to promote their own interests and to rise to prominence on this plea than to originate useful and practical measures; and in some instances hasty legislation instead of harmonizing the great transporting and agricultural interests has only resulted in bringing them into more direct opposition. That there are errors which need correction there is no doubt, but this is to be brought about not by antagonizing the two, but by fostering and elevating the agricultural interests of the country and thus bringing the two into harmony without contracting either. Our Agricultural Department instead of being what it now is should be one of the broadest in its scope, if not the most extensive in its details, of all our Departments.

But to return to the subject; let me now trace very briefly our political history since the war and see what the indications are for the future.

The dominant party was fully apprised of the lessons which history teaches in reference to the effect of great internal wars and was conscious of the fact that the natural effect of the rebound, unless carefully controlled and restrained by a strong hand and judicious

management, would be to lead to too great a centralization and consolidation of power in the Federal Government. But the problem was attended with unusual difficulty, not only on account of the magnitude of the contest and the large numbers engaged, but also on account of the new element thrown into the solution by the sudden emancipation of three millions of slaves who had necessarily to be introduced into the body-politic.

To freely pardon the rebellious element as soon as the contest was over and re-admit it to representation in the councils of the nation would no doubt have had the appearance of great and unusual magnanimity which might perhaps have won back the hearts of many. But to do this before the great questions involved in the contest had been permanently settled and irrevocably fixed and riveted upon our institutions would have rendered the victory of Government and loyalty over rebellion and disunion a nullity and would have resulted only in confusion and renewing in the halls of Congress the contest the war was supposed to have settled.

Duty, honor, and the perpetuity and good name of our nation, as well as the blood of thousands and tens of thousands shed on a hundred battle-fields, required that we should fix firmly and irrevocably upon our institutions the questions decided by the verdict of war. To have done less than this would have shown either a want of fidelity on our part to the trust reposed in us or inability to perform the duty imposed. That one step toward a stronger national centralization was necessary; the contest itself and the principles involved proved to every thinking, loyal mind which had studied with any care the problem. The extravagant idea of State rights held by many, and which had long been a thorn in the side of the National Government, had necessarily to be modified; and the public mind, which from the commencement of the rebellion was naturally drifting in this direction, readily acquiesced in this decision, as has been proved more than once by their votes at the polls. The status of the freedmen, which was one of the bitterest elements in the contest, had also to be so fixed that naught but revolution could ever change it. Here, then, was presented a problem such as no nation or party ever before had to grapple with; paradoxical in its propositions and apparently contradictory in its results, yet to be wrought out by the same forces and at the same time; a step toward centralization on the one hand was to be taken, while a long step was to be made on the other hand in widening the scope of freedom.

The problem presented to-day to the statesmen of France in order to produce a republic is less complicated than that presented to the republican party of the United States at the close of the war. Let what may be said of the politicians of to-day, let self-constituted judges and political scribblers cry them down as they may, I assert, and the future unbiased historian will confirm it, that no party in this or any other government has worked out with more consummate skill a greater national problem than the republican party has in this case, so far as these two great points are concerned. The sovereign power of our Government has become a fixed fact in the minds of the American people, never to be effaced, and yet the legitimate rights of the States are left untouched; the universality of freedom in our bounds has reached that point where it will never be challenged, and the odious name *slave* will never again appear on any of our statute-books. What the loyal and patriotic Union Army decided on the field of battle a republican Congress and administration have forever riveted and fixed upon our institutions. Let it not be said then by any one who is true to his country, who loves the Stars and Stripes, that this party has been unfaithful to the trusts reposed in it. Our dangers therefore, and we are not without them as I will presently show, lie not in this direction; these two points are forever settled; the theory of State supremacy and involuntary slavery lies buried in the grave with those who fell in their defense, and though these brave but mistaken and misguided men may, I hope, be resurrected to a happier and wiser life, these principles will forever sleep in the tomb of oblivion.

But, sir, in bringing back the country to its normal standard, not its exact *ante bellum* status, for this can never and ought never be done, but to that true normal standard which the Great Ruler of nations intended it to occupy, there were other questions to be solved, which although not so vital as those I have mentioned, were of scarcely less importance as affecting our progress and prosperity, especially politically.

The martial spirit which had been engendered by the war could not be at once dissipated at its close, nor was it wise to attempt it with too strong a hand, because it was necessary that those who had periled their lives in behalf of their country should receive their reward and approval from the people after their return to their homes. The patriot must feel that his devotion to his country is approved, otherwise his ardor is necessarily cooled. But more than this, the leaders of the party felt it absolutely necessary, notwithstanding they well knew its tendency to centralization, to keep alive this martial spirit until the great questions decided by the war should be incorporated in our institutions.

Victors in a republic are proverbially magnanimous. But the masses of the people when the causes of the contest are removed sometimes sweep rapidly and often without sufficient caution from one extreme to the other, unless guided by great prudence. It was necessary, therefore, for the party in power, in order to make peace permanent, to keep alive for a time the martial spirit, yet guard well its tendency toward centralization; for while Scylla was on one side Charybdis was on the other. In this difficult task the nation stood nobly by them and refused to place it in other hands.

But in this process, which necessarily required time and perseverance, some became impatient, urging that the gates which were for the time barred against the return of a portion of the rebellious element should be thrown wide open and all freely admitted. The result of this impatience, as is well known, was in part the cause of the formation of the so-called liberal party, which was not produced by an abandonment of any great principle settled by the war, but merely a difference of opinion in regard to the policy which should be pursued. But the partial withdrawal of many men then called leaders did not succeed in weakening the confidence of the people in the party which had brought them safely thus far through the fiery ordeal; again they stood nobly by it in its efforts to lead the nation gradually back to an enduring peace.

At last the time arrived when it was deemed proper and safe to remove the ban and re-admit to the right of joining in the administration of the Government all who desired this boon, and thus combine in our united whole every section and interest. This, as a matter of course, brought a new element into the solution of the yet not completely finished problem, who, by at once taking advantage of the dissatisfaction produced in the minds of many by the crash of 1873, have complicated the work of final restoration and peace, and are rapidly developing a system which bodes no good for the future.

I have already said that we need have no fear of another rebellion growing out of the doctrine of the supremacy of State rights, or of the slavery question, for these questions are forever settled. Our danger now lies in another quarter; nor is it that of centralization, for, although not wholly beyond the breakers which line this coast, yet the force of the indriving current has been broken. No, sir, the danger lies in another direction; nor are the indications which point toward that danger as few or faint as many seem to imagine.

THE COMBINATIONS IN VARIOUS INTERESTS TO AFFECT AND VITIATE LEGISLATION.

Labor and capital have become arrayed against each other to such an extent that it has been necessary again and again to call in the aid of the State to quell the riots resulting. In some cases even the General Government has been compelled to proceed with a strong hand against improper combinations intended to evade or violate our revenue laws. But, sir, the republican party is no more responsible for this than it is for the seasons of drought, the fierce storms of the past season, or the grasshopper raid; it is a natural outgrowth of that inordinate desire of gain and restless spirit born during the commotions of war. But to that party is due, sir, the credit of warning the people against the threatened evil and of first grapplingwith it, as it has with other encroaching evils. Through these efforts reaction has set in against this current, and crafty politicians watching closely the signs of the times have rushed to the front urging on the swaying element toward the other extreme, with the cry of rings! rings! rings! hoping thus to foist themselves into position and power.

The change in the political complexion of Congress just at this particular juncture, when circumstances had made it necessary to examine into certain frauds perpetrated upon the revenue of the Government, and also when the contest for the approaching presidential election began to be waged, the advantages of the position were at once seized upon by the opposition to institute a series of endless investigations. And the very willingness of the republican party to lay open its inmost heart to inspection and desire to root out the least remains of evil have been used as weapons to strike at its vital energies and as far as possible cripple it in the noble work it has been so patiently and faithfully performing.

Such a scene as is being carried on in the political arena was never before witnessed in our country. Committees of Congress, instead of devoting their time to the examination of the proper business before them, are transformed into inquisitorial bodies. In fact I may say, without any great exaggeration, that Congress seems to have been transformed into one great investigating body, an immense inquisitorial court, a national star chamber to hunt down characters and blast reputations. Why, sir, it would seem as though we had suddenly leaped backward into the distant past to gather models from the secret council of Venice, the Spanish inquisition, and the star chamber of James I, after which to mold the Congress of our centennial

A newspaper article concocted in the fertile brain of some reckless reporter charges a member of Congress who has always stood fair both in private and public as to morals and honesty with some act of corruption or some unfair or improper dealing. Forthwith a committee is charged with the work of investigating the matter and day after day is spent in this now all-important work, while the legitimate business of Congress is left hanging on the Calendar uncared for and unattended to. Witnesses from far and near, and at a cost to the Government of hundreds and thousands of dollars, are dragged to the capital, who, when examined, in five cases out of six can only state they know nothing about the matter in controversy. Here and there in the vast array of officials necessarily employed an occasional unfaithful one is found; and even these few not confined to one party, but belonging alike and in equal ratio to both.

Each unexplained private business transaction or unguarded silly letter, each mistake in calculation in an old account or more than ordinary attorney-fee, is deemed the opening of a mine of corruption and is heralded over the country as the commencement of a discovery

which is to shock the country to its very center. One or two having been found unfaithful, the whole country is set ablaze with reports of astounding developments, and the cry goes forth that political heads are falling before the scythe of democratic reformers as

> Thick as autumnal leaves that strow the brooks
> In Vallombrosa.

As one after another of these fancied revelations, these supposed mines of corruption, fade away as the facts are unfolded and the rays of truth fall upon them, and the chase begins to flag, a fresh relay of spies are sent out to ransack the records of those who stand most prominent before the country. The official files are carefully examined for a couple of decades back, each account is critically refigured and each letter found, carefully read. The very slum and filth of society is diligently scraped for witnesses, who for a momentary notoriety are ready to manufacture some tale of scandal. Worn-out lobbyists who for years have clung like parasites upon the skirts of Congress are rehabilitated and brought to the front as accusers of and evidence against perhaps the very men they have been boring and importuning for years to assist in passing some iniquitous measure they have again and again rejected. Even the lunatic asylums, prisons, jails, and penitentiaries are opened and lunatics and confessed criminals are brought forth as aids in these inquisitorial investigations, in order to blacken the character and stain the reputation of some prominent individual. The very graves are asked to aid and the dead to assist in this work of defamation; and in nearly all cases the accused party is not permitted to be present.

A new trade has suddenly come into operation, and a new art has sprung into existence in our midst—the trade of accuser of public men, and the art of manufacturing plausible stories to fit the accusations. An exemplary life and a character of unflinching honesty and integrity form no safeguard against the one or defense against the other; the only point to be determined is this, Is the individual in the way; or, Does he stand too prominent before the country? This is sufficient to mark him as a proper object for these inquisitorial onslaughts and to cause him to be tracked and trailed by secret spies, and every scrap of his past record, even to his private business matters, to be raked from their files and scrutinized. Private confidential letters written with unguarded faith in personal friendship are unearthed and brought to light and exposed to the prurient curiosity begotten and fostered by this unhealthy state of public morals. Personal honor, which should keep these sacred, is thrown to the dogs, and the mails and telegraph lines are burdened with grists which are poured into this mill of scandal to be ground out as food to feed public curiosity; a certain class of newsmongers become self-constituted spies; your coachman, your servant, and even your washerwoman, if possible, is set as a watch over your actions and made an eavesdropper to catch each unguarded word.

Tell me, sir, what all this forebodes? For although the picture is painted in strong colors it is no stronger than the facts warrant. Is it a manifestation of a great desire to purify public morals; or is it an effort on the part of some to rise to prominence by slandering others? Does it indicate the dawn of unprecedented purity in political life; or of political recklessness and anarchy? Does it foreshadow the coming of a political millennium to be ushered in by democratic rule when congressional clerks shall all be saints and doorkeepers emblems of purity; when political leaders shall live without salaries and frauds be unknown? Or does it indicate a desire to put on pharisaical robes and wear broad phylacteries with mottoes culled from the records of democratic administrations?

Sir, history will not contradict itself, and if these things give us any warning, it is to beware of introducing into political rule and social life a system of espionage. It has ever been one of the precursors of a reign of anarchy and revolution. And although we may not have reason to fear in this case such extreme results as were brought upon France in 1789, yet we do have great reason to apprehend that its effect will be to unsettle and produce a state of confusion in political and social life. Faith in public honesty and private integrity will be destroyed, the management of our governmental affairs and political positions, instead of being placed in the hands of our best men, will eventually be handed over to those who can best ply the tricks of espionage and the arts of accusation and defamation. The political arena will become the hot-bed of gamesters and tricksters; and instead of purifying public morals, office-holding will be deemed an evidence of corruption and bribery, and its uncertain tenure will only cause the holder to ply more energetically his arts to gain wealth.

I am, sir, no advocate or defender of corruption or dishonesty in politics or business, and would be glad to know that every unfaithful servant and derelict officer would receive the just condemnation his error deserves. But this system of espionage and star-chamber investigation and defamation which is now being introduced into the political arena through the accidental turn of the wheel of political fortune, instead of working out this desired result, only tends to destroy faith in public men and to arouse suspicion and distrust in the minds of all, and thus sap the very foundations of our institutions. It is a double-edged weapon, and as often cuts the individual or party that wields it as the one at which it is aimed. Destroy faith and confidence in human integrity and honesty, and you necessarily produce dishonesty and corruption. Destroy faith in our public men and cause the people to believe that being in office or being in a public position is equivalent to being dishonest and corrupt, and you necessarily destroy every incentive to honesty and integrity.

I am not standing here to-day, sir, as the apologist for any corruption or dishonesty which may be found in the republican party. Far be any such intention from me. No, sir, such is not my desire or intention. If it were true that under the rule of this party corruption and unfaithfulness had grown to an extent unknown under the administration of any other party, I would say at once to the people, "Hurl it from power and intrust your affairs to more faithful servants." But, sir, not only is the charge untrue in fact and without foundation, but also the figures themselves show that in proportion to the numbers of officials engaged and amounts disbursed no party has ever before administered the Government with so little loss as the one now in power. The opposition may affect a smile at this statement, and democratic papers may pretend to scout the assertion and hold up to public gaze a republican official or two who have proved unfaithful, but they dare not place the records side by side before the public as they are. I challenge them to the comparison.

Had the republican party adopted the method of concealing and covering up from public gaze the errors and frauds of its officials as did the democratic party when in power, the cry which has gone before the country would never have been heard.

I ask Senators and the public to look at the list of public thefts alone committed under the old democratic rule that has been made public and were almost forgotten by that party now held up to us as a pattern of honesty.

Thousands, tens of thousands, yea even hundreds of thousands at a single grab; not one, two, or three only, but scores, aggregating millions of dollars. Could you add to this the money extorted by officials for sale of offices, for granting contracts—as for example those of removing the Indians and furnishing Army supplies, and a thousand and one others of which the records give us no account—I would have a list before which all charged to the republican party sinks into insignificance.

But, sir, there is another reason why the few errors of this party are heralded before the country in such exaggerated style. Under the *régime* of the slave-power ignorance was purposely fostered, and education, except to the few, withheld. The masses were kept in ignorance of the guilt of their democratic saints, and it is only since the war these things are beginning to appear in all cases to the public. Under republican rule education has been fostered to an extent never before known in any country, and the great body of the people to-day stand in reference to education the peers of their rulers. So that even were it desired to cover up errors, which, thank God, the republican party does not try to do, it would be impossible to the extent that it was done in the days of democratic rule.

I repeat it, sir, I am not trying to-day to act the part of an apologist of the party to which I belong. That party has never attempted to avoid the closest scrutiny, and wherever any evidence of probable guilt existed has subjected its officers to the severest investigations. No, sir, the republican party needs no apologist; the facts fairly and correctly presented are all it desires. Even the investigations recently instituted have struck left as well as right, and as many and I believe more, have fallen in the democratic than in the republican ranks. Such, therefore, is not my object; it is a much higher and I trust a much more important one than this: it is to place before the Senate and the country in plain, unvarnished colors the course which is now being pursued in this respect and to call attention to the dangers which are likely to result if allowed to go on unchecked.

The motto which says "Do right though the heavens fall" is certainly a correct one, and so far as it becomes the duty of Congress to investigate the manner in which public officers have discharged their duties and fulfilled the trusts reposed in them it should be done thoroughly and fearlessly, no matter what may be the result to the party or administration. But, sir, I protest against investigations or trials proceeding upon the new principle which appears to have been incorporated into the political code of the present day, that "the accused is presumed to be guilty until he prove himself innocent." If this is to become the established rule in our congressional star-chamber proceedings we may expect ere long to see *lettres de cachet* issued by those in authority, and those who stand in their way quietly incarcerated in prison-cells.

In congressional investigations as well as in courts of law the only safeguard is to cling with unyielding grasp to that old and time-honored principle which lies at the very base of criminal law, that "the accused is presumed to be innocent until proven guilty."

But, sir, the primary object of investigations appears no longer to be to protect the revenues of the Government and correct errors, but to destroy the reputation of those who stand as prominent individuals before the country as candidates for the chief positions. Presidential candidates appear to have been the favorite game to be hunted down by these investigations; as soon as one is scented a pack of hounding spies and servile tools are set upon his trail to find, if possible, some transaction, some word, or some act upon which to hang an accusation, and as soon as the first bark is heard a host of ready and irresponsible witnesses are on hand to give testimony.

In the good old days of bards and chivalry there was a court fool who often spoke severe truths in the midst of his jests; so in our Sunday Jester of some time since I see this thing curtly but sharply ex-

pressed. Speaking of a western nomination, it says: "The moment the head of a candidate appears above water every one 'goes for him,' and in a few days his character looks as if the fly-wheel of the great Corliss engine had struck it." So long as this is confined to the attacks of individuals and the press we have nothing to do with it officially, no matter how much we may deprecate it; but when Congress or one of its committees is made use of as a weapon to assist in hunting down good names and slaughtering hitherto untarnished characters, it is high time for us to look whither we are tending; and especially does it behoove us to be alarmed at the prospect before us when in pursuit of this unworthy object the bounds of propriety and constitutional restrictions are transcended with impunity, when courts of inquisition unauthorized by our Constitution are set up and made the means and excuse for seizing private papers, ferreting out individual transactions.

If such, sir, is the result of the first slight taste of power by this disturbing element, what are we to expect should it through the effect of the swaying tide of human sentiment or the accidental turn of the political wheel of fortune come into full control of the Government? Already the want of faith in the possible integrity of Government officials is beginning to be riveted on the minds of our people, and yet at a time when there is in fact not near so much corruption relatively as during the palmy days of democratic rule. This if continued must eventually extend to social life and business transactions, and sap the very basis of society. It is time for us to have the moral courage to say to accusers of our public men and to scandalmongers that our public servants are presumed to be innocent, and that charges, to receive notice must be of serious character, properly presented, with a reasonable probability that they will be sustained, and coming legitimately within the purview of Congress. In other words, it is time for us to have the courage to say to all who come with their stories that we claim to be honest men; that we stand here as the representatives and defenders of honest men, and not of thieves; and that while we shirk no responsibility and fear no investigation, we deem the character of any and all good men too sacred to be tarnished or blackened by the mere statement of a scandal-vendor or by a newspaper squib. Sir, let all deeds stand forth, but let not the damnable crimes of treason and treachery to country be covered up by vile vilification and slander of the country's defenders and preservers. Democratic tactics are understood and will be laid bare to the world before this campaign is over. When a party will allow the poor and unfortunate to be murdered by wholesale merely because they will not vote the democratic ticket, is not the fact patent to all that by force and intimidation they expect to obtain power in the South, and by slander and a villainous system inaugurated they expect to obtain power in the North? Is it not true that every man who became prominent as a soldier during the war against the rebellion, that has stood by his guns and been faithful to the republican party, has been assailed in every way possible in order to destroy his influence with the people? But, sir, it has come to be a saying in this Chamber and in some of the feeble-minded newspapers that we are "shaking the bloody shirt" if we call attention to brutal wholesale murder of colored republicans. All I have to say in answer to that is that when democrats will stop staining the shirt with blood, we will quit shaking it; until then it will be shaken in the faces of an indignant people.

Sir, in my judgment a conspiracy exists to-day as much so as it did before the war to obtain possession of this Government by the means I have mentioned. Murder of negroes, intimidation of voters, with slander, falsehood, and every means possible to be used, so that the power that failed to destroy the Government by force of arms may now with their allies obtain possession and run it for their own political aggrandizement and gain. If they can control and govern, all well; if *not*, what then, sir?

Has not past experience given us the answer? What was their action heretofore when they lost political power? *Rebellion, sir*, was the resort.

Mr. President, is it possible that *so soon* the country is asked to trust them again?

No, Mr. President, the loyal people of this nation will not, in my opinion, wrest the political power and control now from the hands of those who saved the country because they loved it; those who preserved the flag because they cherished it; maintained the Constitution because *they believed in it*, and *crushed* slavery because they *hated it:* to place *that* power in the hands of those who *trailed* our flag in the dust because it was the *emblem* of liberty; trampled our Constitution under their feet because they *respected it not;* attempted to destroy our free Government because they *hated it*, and fought to maintain slavery because they *loved it.*

Mr. EATON. Mr. President, some time ago I said that it was against my taste and judgment to enter into a political discussion on this floor; but it seems that on a mere resolution introduced by the honorable Senator from Indiana asking for the printing of a certain number of copies of a message of the President of the United States an extended political discussion has again been forced upon the Senate. I do not know that I shall speak long; but not following the lead of the Senator from Vermont, I will not travel all over God's creation on this occasion, but will try at all events to adhere somewhat to the question before the Senate, unless I should happen to go off on the discussion with regard to the figures which were shown the other day, for everything, as I learn on the floor of the Senate, is to be discussed upon a mere resolution to print a certain number of copies of a message of the President of the United States. Now, what is it? In answer to a Senate resolution of July 20, 1876, calling for information in relation to the slaughter of American citizens at Hamburgh, South Carolina, this message came, and it was "read, ordered to lie on the table, and be printed." What is it?

To the Senate of the United States:

In response to the resolution of the Senate of July 20, 1876, calling upon the President to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in regard to the slaughter of American citizens at Hamburgh, South Carolina, I have the honor to submit the following inclosures, to wit:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.
No. 2. My reply thereto.
No. 3. Report of Hon. William Stone, attorney-general of South Carolina.
No. 4. Report of General H. W. Purvis, adjutant and inspector general of South Carolina.
No. 5. Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburgh massacre.
No. 6. Printed copy of statement by M. C. Butler, of South Carolina.
No. 7. Printed letter from the same to the editors of the Journal of Commerce.

What the President of the United States had to do with that, God only knows; I do not. It was no public matter intrusted to the President of the United States.

No. 8. Copy of letter from Governor Chamberlain to Hon. T. J. ROBERTSON.

One would suppose that a member of the Senate was able to bring before the Senate his own information and his own letters.

No. 9. An address to the American people by the colored citizens of Charleston, South Carolina.

And what has that to do with this case, so far as the President of the United States is concerned?

No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, South Carolina.

And now comes—

No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States,

In response to an inquiry from the Senate of the United States in regard to a transaction at Hamburgh, South Carolina!

No. 12. Letter from same to same.
No. 13. Copy of report of a grand jury lately in session in Oxford, Mississippi.

All this in answer to an inquiry of the Senate of the United States with regard to certain transactions at Hamburgh, South Carolina. What does the President say?

These inclosures embrace all the information in my possession touching the late disgraceful and brutal slaughter of unoffending men at the town of Hamburgh, South Carolina. My letter to Governor Chamberlain contains all the comments I wish to make on the subject. As allusion is made in that letter to the condition of other States, and particularly to Louisiana and Mississippi, I have added to the inclosures letters and testimony in regard to the lawless condition of a portion of the people of the latter State.

In regard to Louisiana affairs, murders and massacres of innocent men for opinion's sake, or on account of color, have been of too recent date and of too frequent occurence to require recapitulation or testimony here. All are familiar with their horrible details, the only wonder being that so many justify them or apologize for them.

But recently a committee—

And I desire the Senate to mark this, whether they print the 10,000 copies or not—

But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public; but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

Mr. President, I will try to keep within the rules of order; I will try to remember the high position occupied by the President of the United States, for I honor the office, whether I do its occupant or not. Now, the first inquiry here is, what information did the Senate require of the President of the United States? Information in relation to the slaughter of American citizens at Hamburgh, South Carolina. What does the President of the United States in answering that resolution of inquiry, a very proper resolution of inquiry, and one with which no member on this floor, on either side, finds the slightest fault? It may have been proper. I will not go into the motives of the honorable Senator from Indiana. I will not talk about the bloody shirt, for fear that the Senator from Vermont will say that such language is not elegant language and not worthy this Chamber. The inquiry was put to the President of the United States, and the duty of the President of the United States was either to withhold the information regarding that matter because it was not proper to give it, or to give it, and then stop; and before I get through I will satisfy, if not the Senate, the country, that the President of the United States has gone out of the line that becomes the dignity of the office.

Sir, the Senate asked for information regarding an occurrence at Hamburgh, South Carolina. If public policy warranted the President in giving that information, then he was in duty bound to give it; if public policy demanded that he should withhold that information, then he should have withheld it. But he goes further, and becomes a volunteer in this matter. The President of the United States arraigns—I understand the word I use, and its full value and its full meaning—he dares to arraign the people of two States in this Union about whom no inquiry was made by the Senate of the United States Sir, what business had the President of the United States to under

take to volunteer information to this body, his equal in point of intelligence? What business had he to volunteer information to membersof this body with regard to matters in Louisiana ar l Mississippi? Sir, he goes further, and one would have supposed either that the chairman of the committee [Mr. BOUTWELL] or the representative of the minority of the committee, [Mr. BAYARD]—and either of those gentlemen will take the remark kindly, I know—had informed him exactly what their report would be, and what the facts were that they had found.

Mr. DAWES. If the Senator will indulge me a moment I will suggest to him what business he had. Section 3 of the second article of the Constitution imposes upon him this duty——

Mr. EATON. Be kind enough to tell me the page, sir.

Mr. DAWES. Page 45 of the Manual.

He shall from time to time—

Mr. EATON. Wait one moment, if you please. Now go on; I I think I have had my attention directed to that.

Mr. DAWES.

He shall from time to time give to the Congress information of the state of the Union—

Mr. EATON. That is all, sir.

Mr. DAWES. Not quite.

Mr. EATON. I submit——

Mr. DAWES.

and recommend——

Mr. EATON. I submit to no further interruption.

The PRESIDENT *pro tempore*. The Senator declines to be further interrupted.

Mr. DAWES. Will you not allow me to continue the reading?

Mr. EATON. I submit to no further interruption. I should have come to that in a moment. It is to the Congress of the United States that the President is to submit information. I shall arrive at that before I get through with this business. The honorable Senator from Massachusetts may possess his soul in patience. I will reach that, as much of it as he will like. What business, I ask again, had the President of the United States to become a volunteer to charge upon the people of Louisiana and Mississippi these outrages which he speaks of? If it was his duty, and now I call the attention of my honorable friend from Massachusetts——

Mr. DAWES. I have been giving my friend from Connecticut my undivided attention, and I solicited the opportunity of answering, but the Senator objected.

Mr. EATON. You will get the opportunity by and by, not now. I ask your attention now, not your words but your attention. Let every Senator hear what I say and answer it if he can, any way, now or at any time. Did the President of the United States under his oath of office have any authority to communicate information to the Senate under that section of the Constitution to which the Senator directed my attention and which I had upon my brief?

He shall from time to time give to the Congress—

Not the Senate—

information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Mr. President, let us look at this act of the Executive, for he is only a man. If there have been outrages in the State of Louisiana; if there have been outrages in the State of Mississippi, such as demanded the attention and action of the Executive of the United States, his oath of office, the oath which he has taken, should have compelled him to communicate that information to the Congress of the United States. Such is the organic law of the land, binding alike on Presidents, and Senators, and people. He is one of the people, and one only; yet he dares to arraign the people of two States and bring them before the Senate of the United States and before the country of which he is President and does not, according to the oath of his office, give to the Congress of the United States any information which he has at hand. I hope that the honorable Senator from Massachusetts has learned by this time that I have not forgotten that clause in the Constitution. If Louisiana had been suffering, it was the duty of the executive of Louisiana to call upon the President of the United States for the interposition of the power of the United States if the Legislature of Louisiana was not in session. I will read that clause of the Constitution:

The United States shall guarantee to every State of this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature or of the executive (when the Legislature cannot be convened) against domestic violence.

If there was any danger of domestic violence in the State of Louisiana, then it became the duty of the executive of Louisiana, if the Legislature was not in session and could not be easily convened, to inform the President of the United States that there was trouble in his State and ask for the assistance of the United States. If there was trouble in the State of Mississippi, it was the duty of the Legislature of Mississippi, if in session, or of the governor if the Legislature was not in session and could not be convened, to notify the President of the United States; and then it would have been the duty of the President of the United States to have notified Congress, now in session here, of what was transpiring in those two States and demand, if he required it, the action of Congress upon that matter. Who will deny it? I will give way to any honorable Senator to answer. Was there any other course for the President of the United States to pursue and be honest to himself and honest to his oath? Has he done either of these things? He has not, but he has ventured to enter the political arena as an informer. That is what he has ventured to do. He has dared to arraign two States of this Union. If what he says is true, why has he not informed Congress of it under his oath of office? Therefore I say here, and let it go before the country with this message, that it is not true; it is false. I know whereof I speak. I make the charge boldly that it is false. There is no truth in this message with regard to Louisiana. I will come to Carolina by and by. I will take these things up by piecemeal. There is no truth in this message with regard to Louisiana and Mississippi, because if it is true he is forsworn if he has not given that information to the Congress of the United States as the Constitution of the United States forces him to do.

Mr. McMILLAN. Will the Senator allow me to ask him a question?

Mr. EATON. Yes, sir; with great pleasure.

Mr. McMILLAN. At the time this message was delivered and the report of the grand jury of the United States which accompanies the President's message was made, I desire to ask the Senator whether there was any application for aid from the State of Mississippi, and further to ask him whether it is not a democratic governor and a democratic Legislature which govern Mississippi at this time and at the time that message was presented to the Senate?

Mr. EATON. Well, I will take these things up. There are a good many questions. But first the Senator asks me if it is not a democratic Legislature and a democratic governor that govern Mississippi. I do not know. I hope so. It would be some sign of good government if there be such. Next he asks me if the grand jury were in session at a particular time.

Mr. McMILLAN. No, sir; I asked whether at the time the report of the grand jury of a United States court which accompanies this message was sent to the President the governor of Mississippi and the Legislature of Mississippi were not democratic, and whether any application for aid was made at that time to the President of the United States?

Mr. EATON. That is very possible: but the Senator does not escape out of that hole. It is too small.

Mr. McMILLAN. I am endeavoring to make no escape.

Mr. EATON. Let me answer the first question, and then I will hear another. The Senator insinuates that there have been outrages here which a democratic governor and a democratic Legislature have not brought to the notice of the United States. That he insinuates. That I deny.

Mr. McMILLAN. I insinuated only——

Mr. EATON. One moment. I have not yet got though; when I do, I will give you the floor. He next intimates that the President of the United States received this information from a grand jury because he could not get it from a governor. Very well; now I will suppose all that true. If he got it from a grand jury, why did he not under his oath of office give his information to the Congress of the United States and not to the Senate upon an inquiry relating to a riot at Hamburgh, South Carolina? Now I will hear the Senator.

Mr. McMILLAN. I make no insinuations in any respect whatever. I proposed to the Senator from Connecticut simple questions in response to a statement of his upon the floor of the Senate as a Senator of the United States that facts stated by the President in his message to the Senate first, stated by the foreman of the grand jury of a United States court in his report to the court, are false. The Senator has stated that the statements in the message are false, and those statements are embodied in the report of the grand jury of the United States to the United States court.

Mr. EATON. Is the honorable Senator through? I stated this, and I state it again, and let it go to the country for what it is worth, that if the President of the United States is true to his oath of office, and he has received any information of this character regarding the condition of Mississippi, it is his duty to report it to Congress. That is what I say; and therefore I do not believe this trash anyway.

Mr. McMILLAN. The Senator denied in his place in the Senate that the facts were true, and put himself at issue with the statements in the message of the President of the United States distinctly and flatly.

Mr. EATON. Do you know they are true?

Mr. McMILLAN. I do, sir.

Mr. EATON. How do you know?

Mr. McMILLAN. I am at liberty now to state that I know it by the testimony of innumerable witnesses delivered before a committee of this Senate under oath.

Mr. EATON. I might not believe that.

Mr. McMILLAN. Sent there for the special purpose of making the investigation.

Mr. EATON. I might not believe that, for I have heard that some of them are not worthy of belief. No matter——

Mr. McMILLAN. The Senator may not believe any truth.

Mr. EATON. The gentleman cannot drag me out of my course; it is not in his power. What I said was this, and the people know it; the Senate know it; that if there was any such information as this, it was the duty of the President under his oath of office to give it to the Congress of the United States, and therefore I do not believe it.

Mr. McMILLAN. Mr. President——

Mr. EATON. I will not submit to further interruption.

Mr. McMILLAN. I merely desire to have the Senator retain the position which he chooses to occupy. That is a direct statement that the facts were not true.

Mr. EATON. I did not say so.

Mr. McMILLAN. I appeal to the record.

Mr. EATON. When the Senator from Minnesota asserts that, he asserts on this floor what I did not say.

Mr. McMILLAN. I am content to rest that with every member of the Senate present when the Senator made the declaration.

Mr. EATON. What I said was this, and I say it again; it is not for that Senator to make a question of veracity with me——

Mr. McMILLAN. I make no question of veracity.

Mr. EATON. It does not belong to him or to me to make a question of veracity. I appeal to gentlemen whom I see in my eye if what I said was not just what I say now, that it was the sworn duty of the President of the United States if these things were true to bring them before the Congress of the United States and he had failed to do that, and therefore I did not believe that they were true. That is just what I said exactly.

Mr. McMILLAN. Before that the Senator made the distinct statement, and I appeal to the report of his speech.

Mr. EATON. Is there any further question of veracity between the Senator from Minnesota and myself? I have explained this thing exactly as I understand what I said, and I do not believe there is a Senator within the sound of my voice except the Senator from Minnesota who does not agree with me.

Now, sir, I give it as my deliberate opinion as a Senator of the United States, having in view my own position, having in view the honor of the State which I in part represent on this floor, that the President of the United States has traveled outside of his line of duty. Sir, he is not your master, nor mine, thank God. The time has not yet come when a President of the United States can do acts that would not be tolerated in any member of this Senate and yet not be subject to rebuke. Sir, this is a political slander, a political slander against the democratic party of the United States. The very reading of the last clause settles that. Let us look at it:

> Their report has not yet been made public—

He had no right to know anything about it; he had no right to know a word of it any more than I. It was a report to be made from a committee of this body to this body, not to anybody else. And yet he says:

> Their report has not yet been made public; but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

Is this so? Did the committee of this body who were bound to report to this body give information to the President of the United States so that he might volunteer this to the world when he was not required to give it? Sir, I leave that question to answer itself or be answered hereafter by somebody else.

Now it is asked that this political slander, this charge against two of the sovereign States—I do not know that the Senator from Vermont will like that term, but I shall continue to use it as long as I remain a Senator upon this floor; his State chooses to use it and so does mine—that this political slander against two of the sovereign States of this Union shall be published to the extent of 10,000 extra copies to be paid for with democratic money, at least half of it. I wish my friends on that side would pay their own bills. When we desire to publish a slander of this kind, if we do desire it, and I hope we never shall, against the republican party, we will pay the bills ourselves; we will not ask our republican friends to join with us to pay the expenses of the transaction.

Senators have said on this floor, the honorable Senator from Indiana, whom I do not now see in his seat, and I regret to speak of an absent Senator, ventured to say on this floor, regardless of the amenities and courtesies that ought to govern Senators, that there were Senators here who dared not—dared not was the language; sir, I am within the rule of all parliamentary discussion; I will not be outside of it—he said there were Senators on this side of the House who dared not speak against this outrage in South Carolina. Sir, that was not courteous; that was outside of the amenities that govern in courteous deliberative assemblies. I trust that my honorable friend from Indiana in using that language used it in heat, without thought or reflection. He does not mean to say; he does not dare to say—let me use that word now toward him as he has used it—no, I take it back, sir; I regret that I have used it—he does not mean to say that honorable gentlemen occupying seats upon this floor would fail under any circumstances to denounce a cowardly outrage. He does not mean it; he cannot mean it. It cannot be true, and therefore he cannot mean it. I do not mean to accuse him of falsehood; far from it; but I mean to say that he spoke in the heat of debate. He would no more say that to my honorable friends from Georgia [Mr. GORDON] or Missouri [Mr. COCKRELL] or North Carolina [Mr. RANSOM] than they would say it to him; that he was afraid to denounce a man who had picked a pocket, for the inference would be that he was in league with the pickpocket. Whenever an assertion of that kind is made, the inference is that the parties who dare not denounce the act are in league with the men who would be guilty of an outrage that nobody can defend.

Sir, I admire and have admired for years the consistency and pluck of my honorable friend from Indiana. He certainly is deserving of the admiration of us all. Physically weak in his condition, he is yet here in his seat almost always. I am always glad to see him here; but I do not always admire his language any more than my friend from Vermont admires the courtesy and the elegance of the expression "bloody shirt." Let us look for a moment at another expression that my honorable friend from Indiana used that to me is laughable in its utter absurdity. He spoke with great and vigorous vehemence when he said that Tilden dare not say anything in his letter of acceptance against this Hamburgh matter. Well, upon my word, Mr. President, of all the laughable things that I have ever dreamed or heard of in my life it is that a man nominated for a public office, the highest public office in the land, should go dribbling about massacres or anything else, either massacres in Hamburgh or stealings in the Treasury Department, either massacres in Hamburgh or stealings in Saint Louis. I should hardly have supposed that Governor Hayes, in his letter of acceptance, would go to Saint Louis and would pitch into those rascals who had been stealing in the whisky ring there. I should rather have supposed that he would say what he did say, that the civil service of the Government should hereafter be honestly cared for in every Department of the Government. I do not intend to give his exact language, but I mean to give certainly the langnage of a gentleman. I think that is about the substance of what he said.

But my friend said Tilden dare not, he repeated it four times, that Tilden dared not introduce into his letter of acceptance anything about this Hamburgh massacre because—now look at it, look at the animus—because he expected certain southern States to vote for him in the fall. Mr. President, as a member of the democratic party, as a personal and political friend of that great man who is its leader in the coming battle, I say that that remark of the Senator from Indiana is an insult, an insult to the man, an insult to the party, an insult to every man who stands in the line of the democratic party. It ought not to have been made. Sir, the democratic party, from my friend, Mr. Tilden, down to myself, one of its humblest members, condemn crime everywhere; and it is not for the Senator from Indiana or any other man of God Almighty's molding to charge on the party to which I belong an offense of that character. If he does, I throw it back in his face as false and not to be tolerated among gentlemen on this floor, and it will not be tolerated without rebuke so long as I have the honor to be a member of this body, no matter who the man may be that makes the allegation.

Sir, it would be a nice state of affairs if Hon. Samuel J. Tilden, of New York, renowned as a public man of great sagacity, should have traveled to Washington and have obtained from the Senator from Indiana proper language in which to couch his letter of acceptance! Is it not a great pity that he did not consult the honorable Senator from Indiana as to what language he should use in his letter of acceptance? As he did not consult him, I desire the Secretary to read what I send to the desk, that shows the difference between the Senator from Indiana and the gentlemen who is the banner-bearer of the democratic party.

The Secretary read as follows:

> The necessity of a reform in the scale of public expense, Federal, State, and municipal, and in the modes of Federal taxation, justifies all the prominence given to it in the declaration of the Saint Louis convention. The present depression in all the business and industries of the people, which is depriving labor of its employments and carrying want into so many homes, has its principal cause in excessive governmental consumption. Under the illusions of a specious prosperity, engendered by the false policies of the Federal Government, a waste of capitalhas been going on ever since the peace of 1865, which could only end in universal disaster.
>
> The Federal taxes of the last eleven years reach the gigantic sum of $4,500,000,000. Local taxation has amounted to two-thirds as much more. The vast aggregate is not less than $7,500,000,000. This enormous taxation followed a civil conflict that had greatly impaired our aggregate wealth and had made a prompt reduction of expenses indispensable. It was aggravated by the most unscientific and ill-adjusted methods of taxation that increased the sacrifices of the people far beyond the receipts of the Treasury. It was aggravated, moreover, by a financial policy which tended to diminish the energy, skill, and economy of production and the frugality of private consumption, and induced miscalculation in business and an unremunerative use of capital and labor. Even in prosperous times the daily wants of industrious communities press closely upon their daily earnings. The margin of possible national savings is at best a small percentage of national earnings. Yet now for these eleven years governmental consumption has been a larger portion of the national earnings than the whole people can possibly save even in prosperous times for all new investments.
>
> The consequences of these errors are now a present public calamity. But they never were doubtful, never invisible. They were necessary and inevitable, and were foreseen and depicted when the waves of that fictitious prosperity ran highest.
>
> In a speech made by me on the 24th of September, 1869, it was said of these taxes: They bear heavily upon every man's income, upon every industry, and every business in the country, and year by year they are destined to press still more heavily unless we arrest the system that gives rise to them. It was comparatively easy when values were doubling under repeated issues of legal-tender paper money to pay out of the froth of our growing and apparent wealth these taxes; but when values recede and sink toward their natural scale the tax-gatherers take from us not only our income, not only our profits, but also a portion of our capital. I do not wish to exaggerate or alarm. I simply say that we cannot afford the costly and ruinous policy of the radical majority of Congress. We cannot afford that policy toward the South. We cannot afford the magnificent and oppressive centralism into which our Government is being converted. We cannot afford the present magnificent scale of taxation. To the Secretary of the Treasury I said early in 1865, there is no royal road for a government more than for an individual or a corporation. What you want to do now is to cut down your expenses and live within your income.
>
> I would give all the legerdemain of finance and financiering, I would give the whole of it for the old homely maxim: "Live within your income." This reform will be resisted at every step, but it must be pressed persistently. We see to-day the immediate representatives of the people in one branch of Congress while strug-

gling to reduce expenditures compelled to confront the menace of the Senate and Executive. Unless the objectionable appropriations be consented to, the operations of the Government thereunder shall suffer detriment or cease. In my judgment an amendment of the Constitution ought to be devised separating into distinct bills the appropriations for the various departments of the public service and excluding from each bill all appropriations for other objects and all independent legislation. In that way alone can the revisory power of each of the two Houses and of the Executive be preserved and exempted from the moral duress which often compels assent to objectionable appropriations rather than stop the wheels of the Government.

An accessory cause, enhancing the distress in business, is to be found in the systematic and unsupportable misgovernment imposed on the States of the South. Besides the ordinary effects of an ignorant and dishonest administration, it has inflicted upon them an enormous issue of fraudulent bonds, the scanty avails of which were wasted or stolen, and the existence of which is a public discredit, tending to bankruptcy or repudiation. Taxes, generally oppressive, in some instances have confiscated the entire income of property and totally destroyed its marketable value. It is impossible that these evils should not react upon the prosperity of the whole country. The nobler motives of humanity concur with the material interests of all in requiring that every obstacle be removed to a complete and durable reconciliation between kindred populations, once unnaturally estranged, on the basis recognized by the Saint Louis platform, of the "Constitution of the United States with its amendments universally accepted, as a final settlement of the controversies which engendered civil war." But in aid of a result so beneficent the moral influence of every good citizen, as well as every governmental authority, ought to be exerted, not alone to maintain their just equality before the law, but likewise to establish a cordial fraternity and good-will among citizens, whatever their race or color, who are now united in the one destiny of a common self-government. If the duty shall be assigned to me, I should not fail to exercise the powers with which the laws and the Constitution of our country clothe its Chief Magistrate to protect all its citizens, whatever their former condition, in every political and personal right.

Reform is necessary, declares the Saint Louis convention, to establish a sound currency, restore the public credit, and maintain the national honor; and it goes on to demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance, which shall enable the nation soon to assure the whole world of its perfect ability and its perfect readiness to meet any of its promises at the call of the creditors entitled to payment. The object demanded by the convention is a resumption of specie payments on the legal-tender notes of the United States. That would not only restore the public credit and maintain the public honor, but it would establish a sound currency for the people. The methods by which this object is to be pursued and the means by which it is to be attained are disclosed by what the convention demanded for the future and by what it denounced in the past.

Mr. EATON. Mr. President, these are the words, not of a lunatic, but these are the words of a sagacious, far-seeing statesman; a man who knows what he is talking about. Think of it for one moment, let it come home to this Senate that within eleven years there have been taken from the pockets of the people more than $7,500,000,000 in the way of taxes. Sir, the income of the people, as Mr. Tilden says, cannot stand this drain upon their resources. It is utterly impossible that they can stand it. We hope to see the same change in the United States after the election of Samuel J. Tilden, which I do not permit myself to doubt as I am not a heretic, that has occurred in the State of New York. The taxation of the State of New York before the accession of Mr. Tilden to power was $16,000,000 annually. After his accession to power it was $8,000,000. Now I desire every Senator to coolly and deliberately take the opinion which I utter into consideration. I say we cannot stand it, and nobody knows better than my distinguished friend from Massachusetts whom I now have in my eye, [Mr. BOUTWELL,] that we cannot stand a continued taxation of $750,000,000 a year; the industries of the people will not warrant it; and therefore I say on the floor of the Senate, with the responsibility of a Senator attached to my saying, that four years more of personal government of this sort and you cannot pay your debts at all. I commend this to the consideration of the honorable Senator from Massachusetts, who gave me some tables to which I shall allude before I get through, that the United States are now paying and have been paying for the last eleven years $750,000,000 a year in the shape of taxes. They cannot stand under it; the industries of the country do not admit of a payment of that sum in the way of taxes; and therefore if this matter is continued for four years longer down go your notes and down goes the price of your bonds. There must be a change here such as there was in New York, where instead of $16,000,000 a year the taxation was reduced to $8,000,000 a year, and instead of $144,000,000 or $150,000,000 a year for the carrying on of the Government of the United States the figures must be brought down to $85,000,000 or $90,000,000 a year, so that the surplus may go to pay the debt of the country and thus keep its bonds at their price and keep its currency where it now is.

But I did not mean to be drawn into a discussion of that sort. It only came from a remark which Mr. Tilden used in his letter of acceptance. It will do to read again:

> The nobler motives of humanity concur with the material interests of all in requiring that every obstacle be removed to a complete and durable reconciliation between kindred populations once unnaturally estranged on the basis recognized by the Saint Louis platform of the "Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies which engendered civil war;" but in aid of a result so beneficent to the moral influence of every citizen, as well as every governmental authority, ought to be exerted, not alone to maintain their just equality before the law, but likewise to establish cordial, fraternal, and good-will among citizens, whatever their race and color, who are now united in the one destiny of a common self-government. If the duty shall be assigned to me I should not fail to exercise the powers with which the laws and the Constitution of our country clothe its Chief Magistrate to protect all its citizens, whatever their former condition, in every political and personal right.

Mr. President, if this be false, no matter what was said could not add to it; but if it be true, in the name of the common Father of us all, what more can be asked from any living man, a candidate for any place? If he is false to that, untrue to it, if he wrote it for the purposes of deceit and deception, if he wrote it for the purposes of getting votes, and not from a high sense of duty and honor, then of course the words mean nothing; but if as an honest man, if as a representative man of one-half of all the intelligence of this broad land, no, not one-half, but all of it; I say if he wrote it as an honest man, and as a representative of me, and you, and you and all the other democrats of this broad land, then the man who would ask for more is not honest; the man who would sneer at it would sneer at his dying mother. I say, sir, it is all that an honorable man says if he means it, and, God helping me, I believe he does; in my heart of hearts, I believe he does. I mean it. I mean the country to understand that he means it. The man who stands upon this floor, or any other floor, and undertakes to sneer down the honest language of an honest man may go before the people and they will sneer him down.

Mr. COCKRELL. Mr. President, the Senator yields to me——

Mr. SHERMAN. Unless the Senator from Connecticut himself desires an adjournment, I think we had better finish this political discussion and go on with important business to-morrow.

Mr. EATON. My friend from Ohio should recollect that it is extremely hot, and I am tired. I have agreed to yield for an adjournment.

Mr. SHERMAN. If the Senator desires it himself, I shall not object.

Mr. ANTHONY. I do not wish the Senator to go on if it is not convenient for him.

Mr. EATON. I do not care whether I go on in the morning, if there is anything particular to be done then, or the next day or next week if we are going to stay here that long.

Mr. ANTHONY. I am afraid we are, and I suggest whether it would not be well to lay this aside informally and take up the subject that was before us when this was taken up.

Mr. PATTERSON. I hope that will not be done.

Mr. SAULSBURY. The Senator from Connecticut ought to have the privilege of concluding his speech. If this goes over it may not be taken up again.

Mr. SHERMAN. There is no danger of that.

Mr. COCKRELL. I move that the Senate adjourn.

Mr. BOUTWELL. I should like, if that motion could be withdrawn, to move for an executive session.

Mr. COCKRELL. Very well.

EXECUTIVE SESSION.

Mr. BOUTWELL. I submit that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were re-opened and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

Several gentlemen rose and addressed the Chair.

The SPEAKER *pro tempore*. The Chair can recognize no gentleman, except for a correction of the Journal, before the morning hour to-day.

CORRECTION.

Mr. HARRISON. I think I am entitled to the floor to correct the RECORD as a question of privilege.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HARRISON. I find, sir, that in the RECORD of August 4, under the head of "Correction of error in enrollment," a motion was made by Mr. CLARK, of Missouri, to correct a bill. I find also in the proceedings of the Senate in the RECORD of August 5 that one of the Senators spoke of these corrections and errors in enrollment as of frequent occurrence. I wish, in behalf of the Committee on Enrolled Bills and also of the clerk, to state that these were not errors of enrollment, but were errors in the original bills. The bills were enrolled properly, and the gentleman who compared them, [Mr. BAKER, of New York,] who is now absent, feels it due to him that this correction should be made.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour commences at fifteen minutes past twelve o'clock, and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

TRACKS OF BALTIMORE AND OHIO RAILROAD.

Mr. HALE introduced a bill (H. R. No. 4066) requiring the removal of the tracks of the Baltimore and Ohio Railroad from certain streets in the city of Washington, and for other purposes; which was read a first and second time.

Mr. HALE. I call for the reading of the bill.

The bill was read in full, and referred to the Committee for the District of Columbia.

EFFICIENCY OF THE ENGINEER CORPS.

Mr. BALLOU introduced a bill (H. R. No. 4067) to promote efficiency in the Engineer Corps; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read in full, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. JANE B. WILCOX.

Mr. MEADE introduced a bill (H. R. No. 4068) for the relief of Mrs. Jane B. Wilcox, of Jefferson County, in the State of Mississippi; which was read a first and second time.

Mr. HALE. I call for the reading of that bill.

The bill was read in full, referred to the Committee on War Claims, and ordered to be printed.

ROBERT A. M'DONALD.

Mr. STENGER introduced a bill (H. R. No. 4069) granting a pension to Robert A. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH W. REED.

Mr. STENGER also introduced a bill (H. R. No. 4070) granting a pension to Elizabeth W. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS D. BRUNNER.

Mr. ROBBINS, of Pennsylvania, introduced a bill (H. R. No. 4071) granting a pension to Elias D. Brunner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHEAP TRANSPORTATION OF FREIGHT.

Mr. O'BRIEN (by request) introduced a bill (H. R. No. 4072) to provide for cheap transportation of freight between tide-water on or near the Atlantic Ocean and the Ohio and Mississippi Valleys; which was read a first and second time.

Mr. O'BRIEN. I ask that the bill be read at length.

Mr. FORT. I cannot see any reason for reading that bill; it is already printed.

Mr. O'BRIEN. I desire that the bill be read, in order that the gentleman from Illinois [Mr. FORT] may be informed as to its provisions.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. O'BRIEN] has a right to have the bill read.

The Clerk began the reading of the bill; but before concluding,

Mr. SPRINGER said: I ask that the further reading of this bill be dispensed with. I believe the gentleman from Maryland [Mr. O'BRIEN] does not insist upon the further reading.

Mr. HALE. Let the bill be read.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill; but before concluding,

Mr. LAWRENCE said: I suppose this reading is for the purpose of consuming the morning hour. I ask unanimous consent to be allowed to introduce a joint resolution to be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore*. That cannot be done. The gentleman can ask unanimous consent to dispense with the further reading of this bill, and then he can introduce his joint resolution when the State of Ohio is called.

Mr. LAWRENCE. Well, I ask that the further reading be dispensed with.

There was no objection; and the bill, without further reading, was referred to the Committee on Railways and Canals.

AMENDMENT OF THE REVISED STATUTES.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 4073) to amend section 2997 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REPORTS OF INVESTIGATING COMMITTEES.

Mr. DOUGLAS. I send a resolution to the Clerk's desk to be read, and ask that it be referred to the Committee on Rules.

The Clerk read as follows:

Resolved, That the rules be so amended as to allow the committees of investigation to report at any time during this session.

Mr. HURLBUT. Simple House resolutions are not in order under this call.

The SPEAKER *pro tempore*. They are not in order under this call.

Mr. HURLBUT. I call for the regular order.

Mr. COX. This resolution can be offered under the second call of the morning hour.

The SPEAKER *pro tempore*. If there be a second call.

Mr. LEVY. I desire to introdnce a bill for the relief of John F. Cheney, a resident of Feliciana Parish, in the State of Louisiana.

Mr. HALE. Let it be read.

Mr. COX. I desire to raise a point of order in regard to the resolution of the gentleman from Virginia, [Mr. DOUGLAS.] By reference to page 205 of Barclay's Digest——

Mr. HALE. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] rises to a point of order.

Mr. COX. My point of order is that by reference to Barclay's Digest, page 205, the following will be found:

A resolution to amend the rules may be read and referred to the Committee on Rules during the first call of the States and Territories in the morning hour of Monday, and thus constitutes notice, according to the usages of the House.

The SPEAKER *pro tempore*. If this is a resolution to amend the rules for reference to the Committee on Rules, it was clearly in order under this call. At the time the resolution was read the attention of the Chair was taken up by members speaking to him, and the Chair supposed it was a simple House resolution. The point of order of the gentleman from New York [Mr. COX] is well taken. A resolution to amend the rules for reference to the Committee on Rules is in order during the first call of the morning hour, and constitutes the notice required for an amendment of the rules. The resolution, therefore, will be referred to the Committee on Rules, and printed.

Mr. HALE. I move to amend the motion to refer by substituting the Committee on Appropriations for the Committee on Rules; and upon that amendment I call for the yeas and nays.

Mr. RANDALL. I object to that reference.

Mr. HALE. The gentleman may object to it, and can show his objection by voting against it.

Mr. RANDALL. A proposition to change the rules should go to the Committee on Rules.

Mr. HALE. That is not a debatable motion, and I call for the regular order.

Mr. COX. I raise the point of order that the gentleman cannot make that motion.

Mr. HALE. This is the first time I ever heard the point made that a change of reference cannot be moved.

The SPEAKER *pro tempore*. The Chair cannot deprive the gentleman from Maine [Mr. HALE] of his right to move to amend the motion to refer. The House can do what it pleases about the amendment.

Mr. COX. The gentleman from Maine made his motion too late. The Chair certainly had stated that the resolution was referred to the Committee on Rules.

Mr. HALE. I rose in my place before the Chair made any announcement.

Mr. O'BRIEN. I rise to a point of order, and I desire the Chair to hear it, because it is a legitimate one. My point of order is that under the rules of the House a resolution to amend the rules must be referred to the Committee on Rules. We can only suspend a rule of the House by a two-thirds vote. A motion which may be ordinarily carried by a majority vote, such as a motion to refer some matter to the Committee on Appropriations, is not in order in this case, because the rule requires a resolution for an amendment of the rules to be referred to the Committee on Rules, and that rule cannot be suspended except by a two-thirds vote.

Mr. HALE. I do not know that the Chair has any doubt about the matter, but the answer to that point is that, although the rule declares that all subject-matters shall be referred to their appropriate committees, it has always been held that during the morning hour of Monday a motion may be made to refer a bill or resolution to any committee, and that motion must be voted upon.

Mr. BANKS. I desire to say that as this proceeding, suggested by the gentleman from New York, is one which revolutionizes the proceedings of legislation, I would like to hear read the rule under which the Committee on Rules is appointed, that we may ascertain what authority the House has over this subject.

Mr. RANDALL. In what respect does this resolution revolutionize anything?

Mr. BANKS. Because under this rule, before four o'clock to-day, this House can have abolished the Supreme Court of the United States and placed upon the bench of that court any number of its members that it may choose.

Mr. SPRINGER. I suppose any bill which the House might pass would have to be concurred in by the Senate and approved by the President of the United States.

Mr. BANKS. I am speaking of the action of the House.

Mr. COX. There is no revolution about this proposition; it is only intended to facilitate business.

Mr. BANKS. I ask for the reading of the rule which authorizes the appointment of the Committee on Rules, so that we may know what it is.

The SPEAKER *pro tempore*. Will the gentleman be kind enough to send the rule to the Clerk's desk?

Mr. BANKS. It is not for me to send the rule to the Clerk's desk.

Mr. COX. I understand there are only three minutes left of this hour. I desire the Chair to decide this question, so that I may have the benefit of the rules.

Mr. WILSON, of Iowa. I think I can answer the inquiry of the gentleman from Massachusetts, [Mr. BANKS.] The authority in the case is the same as the authority for nine-tenths of our legislation.

Mr. BANKS. I do not want to hear anything about the other nine-tenths.

Mr. WILSON, of Iowa. I beg permission to say that the authority is a decision made by the last House on an appeal from the ruling of Mr. Speaker Blaine, that a resolution to amend the rules could be referred to the Committee on Rules in the morning hour of Monday. That decision will be found on page 205 of the Digest.

Mr. BANKS. That decision of the Speaker is perfectly right—that a resolution to change the rules can be presented in the morning hour of Monday; that is by an express provision; but I want to know what the authority is for the appointment of the Committee on Rules.

Mr. COX. I do not want to have the morning hour exhausted, as time is of the essence of this matter. It has never been disputed that all resolutions to amend the rules go to the Committee on Rules as of course; and no motion to refer to another committee is in order.

Mr. BANKS. Such a proposition as this does not go to the Committee on Rules as of course; and it never has been suggested in this House that when a proposition is made to refer a subject to one committee, the substitution of another committee might not be proposed by way of amendment. That is always allowed; and the motion of the gentleman from Maine is clearly in order.

Mr. HALE. The matter of reference must be for the House to settle.

Mr. COX. I will ask the Chair whether, under the rules, this is notice of this resolution? That is all I wish. I do not ask to have the resolution adopted now. I desire only to give the notice required by the rule.

Mr. VANCE, of Ohio. Has the morning hour expired?

The SPEAKER *pro tempore*. It has not. The Chair will ask the gentleman from New York [Mr. COX] to repeat his last statement, which the Chair did not hear.

Mr. COX. My last statement was that the offering of this resolution, whatever may be the action of the House upon it, is tantamount to notice, which is all I desire at this time, so that the Committee on Rules may bring the resolution back at any time.

The SPEAKER *pro tempore*. Under the decision of the Speaker of the last House it certainly is notice. During the last session the then Speaker of the House, as the Chair remembers, ruled distinctly that it was in order to present during the first call of the morning hour of Monday a resolution for reference to the Committee on Rules, and by implication that it was not in order to present it for any other reference; and that such presentation was tantamount to the notice required under the rules for a proposition to amend the rules. The Chair therefore holds that this resolution must be referred, under the rules, to the Committee on Rules.

Mr. HALE. Does the Chair overrule my motion?

The SPEAKER *pro tempore*. The Chair does overrule it.

Mr. HALE. Then I take an appeal.

Mr. SPRINGER. I believe the morning hour has expired?

The SPEAKER *pro tempore*. It has.

Mr. HALE. Then, as I understand, this matter is hung up on the appeal. It is not an agreeable thing for me to take an appeal from the decision of the Speaker——

The SPEAKER *pro tempore*. The Chair will certainly entertain the appeal.

Mr. HALE. Then the matter stands suspended on the appeal.

Mr. COX. The gentleman has made the appeal after the expiration of the morning hour; and it is too late.

Mr. SPRINGER. If the appeal is entertained, I move to lay it on the table, and on that motion I demand the yeas and nays.

Mr. HALE. Pending that, I make the point of order that the morning hour has expired and this matter goes over.

The SPEAKER *pro tempore*. The morning hour does not necessarily expire unless some business of higher privilege arises to bring it to a close. The pending question is on the motion of the gentleman from Illinois [Mr. SPRINGER] to lay on the table the appeal from the decision of the Chair.

Mr. BURCHARD, of Illinois. Will the Chair state his ruling from which the appeal is taken, so that the House may understand the question?

The SPEAKER *pro tempore*. The Chair has decided it is in order during the first call on Monday to introdnce a simple resolntion for reference to the Committee on Rules; that its introduction and reading at that time is equivalent to notice; and reference to the Committee on Rules is in order at that time; that it is not in order during the morning hour of Monday to introduce a simple House resolution for reference to any other committee except the Committee on Rules. From that decision the gentleman from Maine takes an appeal.

Mr. SPRINGER. And I move to lay that appeal on the table.

Mr. HOAR. The Chair rules that it is not in order to move an amendment to the reference?

The SPEAKER *pro tempore*. The Chair has simply decided that it is not in order during the morning hour of Monday to introduce a simple House resolution for reference to any other committee.

Mr. HALE. I rise to a question of order.

Mr. SPRINGER. One question of order is already pending and the gentleman cannot rise to another as under the rules two points of order cannot be pending at the same time.

The SPEAKER *pro tempore*. The Chair thought the gentleman from Maine rose in reference to this same matter.

Mr. HALE. It is on the same matter. I want the ruling of the Chair distinctly as to the position of the resolution introduced by the gentleman from New York. I made a motion to refer it to the Committee on Appropriations, and the Chair overruled that motion. I reluctantly, only to save the point, took an appeal. Pending that the morning hour expired. I ask the Chair to state where the resolution is, because it claimed it is now in the Committee on Rules. I ask the Chair to rule where that resolution is. If it has gone to the Committee on Rules, then the appeal is useless.

Mr. RANDALL. It has gone to the committee by the decision of the Chair, and until that decision is reversed it will remain there.

Mr. SPRINGER. I call for a vote on my motion to lay the appeal on the table.

Mr. BURCHARD, of Illinois. I demand a division of the House.

The House divided; and there were—ayes 110, no 1.

Mr. HALE. No quorum.

Mr. RANDALL. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. COX. Before the vote is taken I should like to inquire of the Chair whether the resolution has not already gone to the Committee on Rules?

The SPEAKER *pro tempore*. The Chair thinks it is there, unless the decision of the Chair is reversed.

The question was taken; and the vote was—ayes 121, nays 11, not voting 153; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Boone, Bradford, Bright, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Cutler, Davis, Dibrell, Douglas, Durham, Eden, Felton, Finley, Forney, Franklin, Gause, Gibson, Goode, Gunter, Andrew H. Hamilton, Hardenbergh, Harrison, Hartzell, Hays, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, Hooker, Hopkins, House, Hunton, Hurd, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Mackey, Maish, McMahon, Meade, Metcalfe, Milliken, Morgan, Mutchler, New, O'Brien, Odell, Payne, Phelps, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Scales, Sheakley, William E. Smith, Southard, Springer, Stenger, Stevenson, Stone, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Erastus Wells, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Woodburn, and Young—121.

NAYS—Messrs. John H. Baker, Banks, Burleigh, Caswell, Joyce, Kimball, Magoon, O'Neill, Platt, Robinson, and Sampson—11.

NOT VOTING—Messrs. Abbott, Adams, George A. Bagley, William H. Baker, Ballou, Bass, Bell, Blair, Bliss, Blount, Bradley, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Candler, Cannon, Cason, Chapin, Collins, Conger, Cowan, Crapo, Crounse, Culberson, Danford, Darrall, Davy, De Bolt, Denison, Dobbins, Dunnell, Durand, Eames, Egbert, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frye, Fuller, Garfield, Glover, Goodin, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Haymond, Hendee, Henderson, Henkle, Hill, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Lynch, MacDougall, McCrary, McDill, McFarland, Miller, Mills, Money, Monroe, Morrison, Nash, Neal, Norton, Oliver, Packer, Page, John F. Philips, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Purman, Rainey, James B. Reilly, Rice, Roberts, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Singleton, Sinnickson, Siemons, Smalls, A. Herr Smith, Sparks, Spencer, Strait, Stowell, Swann, Tarbox, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—153.

During the roll-call,

Mr. CONGER stated that his colleagues, Mr. WALDRON and Mr. BRADLEY, were absent by leave of the House.

The SPEAKER *pro tempore*. The vote is 121 yeas to 11 nays.

Mr. HALE. There is no quorum voting.

The SPEAKER *pro tempore*. That fact being developed on the call of the roll, no motion is now in order except a motion to adjourn or that there be a call of the House.

Mr. SAVAGE. I move that there be a call of the House.

Mr. O'BRIEN. I move the House adjourn.

Mr. HOLMAN. No; let us have a call of the House.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence of the motion that there be a call of the House if insisted on.

Mr. O'BRIEN. As it seems to be the general wish, I withdraw the motion to adjourn, so we may have a call of the House.

The motion that there be a call of the House was agreed to.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Messrs. Abbott, Banks, Bass, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, Candler, Chapin, Collins, Cowan, Crapo, Culberson, Darrall, De Bolt, Denison, Dobbins, Douglass, Dunnell, Ellis, Ely, Evans, Faulkner, Fuller, Garfield, Glover, Robert Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lynch, Money, Neal, Oliver, John F. Phillips, Plaisted, Pratt, Purman, James B. Reilly, Roberts, Sobieski Ross, Schumaker, Seelye, Singleton, Sparks, Stowell, Swann, Tarbox, Throckmorton, Martin I. Townsend, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Warren, Wheeler, White, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth.

The SPEAKER *pro tempore*. The Doorkeeper will now see that the doors are closed. The calling of the roll develops the fact that one hundred and ninety-six members are present. What is the pleasure of the House.

Mr. COX. I move that all further proceedings under the call be dispensed with.

Mr. CASWELL. I rise to a question of order. The morning hour has expired, and I desire to move to suspend the rules——

The SPEAKER *pro tempore*. The gentleman cannot by that motion interrupt the proceedings under the call of the House.

Mr. CASWELL. I move to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] has already made that motion.

The motion of Mr. COX was agreed to; and all further proceedings under the call were dispensed with.

Mr. SPRINGER. What is the pending question?

The SPEAKER *pro tempore*. The question is on laying on the table the appeal from the decision of the Chair.

Mr. SPRINGER. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is that question, on which the yeas and nays have been called; and on that roll-call a quorum did not vote.

Mr. HALE. Before the roll is called again, let me suggest as regards this matter of investigating committees making reports that this side of the House has not objected to committees reporting.

Mr. SPRINGER. I object to debate.

Mr. HALE. I do not think the gentleman from New York [Mr. COX] will object to my making a brief statement.

Mr. SPRINGER. I am objecting. I am not answering for the gentleman from New York.

Mr. HALE. When the minority reports are ready to be presented with the majority reports, this side of the House does not object and in such cases has not objected.

Mr. COX. Will the gentleman give assurance that the same course will be pursued in this respect hereafter as heretofore? If it can be agreed that these reports may be promptly brought before the House and action taken upon them, all this proceeding can be withdrawn.

Mr. HALE. It is not for me to give an assurance of that kind for this side of the House. I can only call the attention of the gentleman to what has been done heretofore in the case of the reports of the Naval Committee and others. So far as I am aware, when committees are prepared to report and the majority and minority reports are both ready, we do not on this side of the House propose to object to these reports being made. But this resolution would leave us entirely at the mercy of a majority of the House, to present their report without being accompanied by the views of the minority.

Mr. SPRINGER. We do not intend to take any such advantage of it.

Mr. COX. Such a thing has not been done thus far, that a majority report has been presented without the minority report accompanying it. The only trouble has been that gentlemen have objected to the reception of both majority and minority reports.

Mr. HALE. Have we objected in a single instance where both sides of a committee were ready to report?

Mr. BEEBE. The gentleman from Maine himself objected to a report which I attempted to present, when both the majority and the minority of the committee were ready to report.

Mr. HALE. In that case I suggested that the majority report should not be made until the minority report accompanied it.

Mr. RANDALL. All we desire is that these investigations shall be spread upon the record.

Mr. HALE. Whenever both sides of a committee are ready to report we will be prepared to receive the reports and to act upon them.

Mr. COX. Can the gentleman give an assurance to that effect?

Mr. HALE. I give the assurance of what we have done before with reference to the very important reports of the Naval Committee, the Real Estate Pool Committee, the Committee on Expenditures in the War Department, and others.

Mr. BEEBE. Did the gentleman not object when I presented the report of the Committee on Expenditures in the Navy Department although I went to his seat and stated to him in his place in the House that both sides of the committee were ready to report?

Mr. HALE. I insisted in that case on the minority report going in along with the majority report.

Mr. BEEBE. The minority report was ready.

The SPEAKER *pro tempore*. The Chair is entirely willing that this proceeding should go forward if it is conducted with reference to a settlement of the question at issue. But when it merely tends to a bitter discussion the Chair cannot consent to its going on.

Mr. COX. I did not engage in any bitter discussion. What I proposed was, that if we had any assurance that no objection would be made to the reception of both the majority and minority reports of investigating committees hereafter, this resolution would be withdrawn.

Mr. RANDALL. I suggest to the gentleman from New York [Mr. COX] that the gentleman from Maine [Mr. HALE] cannot give such an assurance. If such an assurance were given some member absent to-day might come in and say he was not bound by that assurance.

Mr. COX. That is true. I see the necessity for a rule.

Mr. SPRINGER. I object to further discussion.

The SPEAKER *pro tempore*. The question is on laying on the table the appeal from the decision of the Chair; on which question the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 126, nays 7, not voting 152; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Cutler, Davis, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Felton, Finley, Forney, Fort, Franklin, Gause, Gibson, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Harrison, Hartzell, Haymond, Hereford, Goldsmith W. Hewitt, Hooker, Hopkins, Hunton, Hurd, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lord, Luttrell, Lynde, Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Morrison, Mutchler, New, O'Brien, Odell, Payne, Phelps, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Scales, Schleicher, Sheakley, Slemons, William E. Smith, Spencer, Springer, Stenger, Stevenson, Stone, Tease, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Erastus Wells, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Yeates, and Young—126.

NAYS—Messrs. William H. Baker, Caswell, Joyce, Magoon, Potter, Robinson, and Woodburn—7.

NOT VOTING—Messrs. Abbott, Adams, Ashe, George A. Bagley, John H. Baker, Ballou, Banks, Bass, Blair, Bliss, Blount, Bradley, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Cason, Chapin, Collins, Conger, Cowan, Crapo, Crounse, Culberson, Danford, Darrall, Davy, De Bolt, Denison, Dobbins, Dunnell, Eames, Ellis, Ely, Evans, Faulkner, Foster, Freeman, Frye, Fuller, Garfield, Glover, Goode, Goodin, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henderson, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hoskins, House, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Lewis, Lynch, MacDougall, McCrary, McDill, Miller, Money, Monroe, Nash, Neal, Norton, Oliver, O'Neill, Packer, Page, John F. Philips, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Purman, Rainey, James B. Reilly, Roberts, Sobieski Ross, Rusk, Sampson, Sayler, Schumaker, Seelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Southard, Sparks, Strait, Stowell, Swann, Tarbox, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waddell, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—152.

During the roll-call,

Mr. HARTRIDGE said: Upon all questions connected with politics I am paired with Mr. HOSKINS. If he were present I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. HALE. No quorum has voted.

The SPEAKER *pro tempore*. The vote upon the call of the roll develops the fact that there is not a quorum voting.

Mr. COX. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Messrs. Abbott, Ashe, Bass, Bland, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, Candler, Chapin, John B. Clark, jr., of Missouri, Collins, Cowan, Crapo, Culberson, Darrall, Davy, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Faulkner, Fuller, Garfield, Glover, Goode, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Hoskins, Hunter, Jenks, Frank Jones, Kelley, King, Lamar, Franklin Landers, George M. Landers, Lawrence, Leavenworth, Le Moyne, Lord, Meade, Money, Monroe, Neal, O'Brien, Oliver, John F. Philips, Plaisted, Purman, James B. Reilly, Roberts, Sobieski Ross, Schleicher, Schumaker, Seelye, Sparks, Stowell, Swann, Tarbox, Thornburgh, Martin I. Townsend, Tucker, Van Vorhes, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Alan Wood, jr., Fernando Wood, and Woodworth—95.

The SPEAKER *pro tempore*. The Doorkeeper will now cause the doors to be closed. One hundred and ninety members are present, being more than a quorum. What is the further direction of the House?

Mr. COX. I move that the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. BURCHARD, of Illinois. The names of the absentees should first be called for excuses.

Mr. HURLBUT. Pending the motion of the gentleman from New York, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 71, noes 103.

Mr. HURLBUT and Mr. LAWRENCE called for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair desires the doorkeepers to understand distinctly that the doors are to be kept closed. The proceedings under the call have not been dispensed with and a dilatory motion does not affect them.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendments of the House to the bill of the Senate of the following title:

A bill (S. No. 84) extending the time for redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

The message further announced that the Senate had disagreed to the amendments of the House to the bill of the Senate (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investments, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as the managers on the part of the Senate Mr. INGALLS, Mr. OGLESBY, and Mr. MCCREERY.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes; and

A joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 1035) to provide for paying the expenses of the Joint Committee on Printing in making an inquiry in relation to the public printing.

CALL OF THE HOUSE.

The question recurred upon the motion to adjourn, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 14, nays 162, not voting 109; as follows:

YEAS—Messrs. John H. Baker, Horatio C. Burchard, Frye, Hale, Hubbell, Hurlbut, Kasson, Kimball, Franklin Landers, Lynch, Nash, Pratt, Smalls, and Spencer—14.

NAYS—Messrs. Adams, Ainsworth, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Beebe, Blackburn, Blair, Bland, Boone, Bradford, Bright, William R. Brown, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cason, Cate, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Crounse, Cutler, Danford, Davis, Davy, Douglas, Durand, Durham, Eames, Eden, Egbert, Evans, Finley, Forney, Fort, Franklin, Freeman, Gause, Gibson, Goodin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Harrison, Hartridge, Hartzell, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Hoar, Holman, Hopkins, House, Hunton, Hurd, Thomas L. Jones, Joyce, Kehr, Knott, Lane, Lapham, Lawrence, Levy, Lewis, Luttrell, Lynde, Mackey, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, New, Norton, O'Brien, Odell, O'Neill, Packer, Page, Payne, Phelps, Pierce, Piper, Platt, Poppleton, Potter, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Sheakley, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Springer, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thomas, Thompson, Washington Townsend, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Wait, Gilbert C. Walker, Walsh, White, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Wilshire, James Wilson, Woodburn, Yeates, and Young—162.

NOT VOTING—Messrs. Abbott, Anderson, Bass, Bell, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, Campbell, Candler, Caswell, Caulfield, Chapin, Collins, Cook, Cowan, Cox, Crapo, Culberson, Darrall, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Ellis, Ely, Faulkner, Felton, Foster, Fuller, Garfield, Glover, Goode, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Hooker, Hoskins, Hunter, Hyman, Jenks, Frank Jones, Kelley, King, Lamar, George M. Landers, Leavenworth, Le Moyne, Lord, Meade, Money, Neal, Oliver, John F. Philips, William A. Phillips, Plaisted, Powell, Purman, James B. Reilly, Roberts, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, Singleton, Sparks, Stowell, Swann, Tarbox, Thornburgh, Throckmorton, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—109.

So the motion to adjourn was not agreed to.

During the call of the roll the following announcements were made:

Mr. VANCE, of Ohio. My colleague, Mr. WALLING, is absent by leave of the House.

Mr. WILLIS. I am paired with my colleague, Mr. LEAVENWORTH. If he were here I would vote "ay;" I am doubtful how he would vote.

Mr. COCHRANE. My colleague from Pennsylvania, Mr. ROSS, is absent by leave of the House on account of sickness.

Mr. ODELL. My colleague from New York, Mr. HEWITT, is absent by leave of the House.

Mr. STONE. My colleagues, Mr. BUCKNER, Mr. DE BOLT, Mr. PHILIPS, Mr. GLOVER, and Mr. HATCHER, are absent by leave of the House.

The result of the vote was announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from New York [Mr. COX] that a warrant be issued to the Sergeant-at-Arms to take into custody and bring to the bar of the House such of its members as are now absent without excuse.

The motion was agreed to.

Mr. YEATES. Are excuses for absent members now in order?

The SPEAKER *pro tempore*. The Chair will hear excuses after the order has been issued to the Sergeant-at-Arms.

Mr. REAGAN. It may then be too late. I desire to make a statement in regard to one of my colleagues.

Mr WILSON, of Iowa. In regard to making excuses during a call of the House, it has been ruled both in the last Congress and in this one that proceedings under the order for the call of the House must go on, because otherwise the House might be occupied with closed doors for three or four days even in hearing and considering excuses for absent members. Consequently, it was ruled by Mr. Blaine in the last Congress and it has also been ruled in this Congress that the order must go to the Sergeant-at-Arms, after which excuses can be received.

The SPEAKER *pro tempore*. The Chair understands that to have been the order of proceedings heretofore, and will adhere to it now.

Mr. LUTTRELL. I ask leave of absence for one hour.

The SPEAKER *pro tempore*. It cannot now be granted.

After the lapse of some twenty minutes,

Mr. SCHLEICHER moved that all further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the gentleman from Texas [Mr. SCHLEICHER] is "not present" according to the roll-call. [Great laughter.]

Mr. SCHLEICHER. I was present, although my name may not appear upon the list.

The SPEAKER *pro tempore*. The Chair knows nothing except the official record, which shows that the gentleman is "not present."

Mr. SPRINGER. I ask unanimous consent that the gentleman be considered as present.

Mr. PAGE. I object. [Laughter.]

Mr. LAWRENCE. Then I will make the motion to dispense with further proceedings under the call.

Mr. HOAR. Is the gentleman from Ohio [Mr. LAWRENCE] "present?"

The SPEAKER *pro tempore*. The gentleman from Ohio is also "not present." [Laughter.]

Mr. HOAR. I rise to a parliamentary inquiry. I desire to ask the Chair whether it is in order at this time to move to revoke all existing leaves of absence except those granted to members on account of their own sickness or the sickness of members of their families?

Mr. COX. That cannot be done at this time.

Mr. BANKS. It is not in order to transact any business while the doors are closed.

The SPEAKER *pro tempore*. It cannot be done at this time, of course.

Mr. HOAR. I give notice, then, that I shall make that motion at a proper time.

The SPEAKER *pro tempore*. The Chair has some doubt whether the motion can be made at all; but certainly it is not in order now.

Mr. CONGER. Those leaves of absence are granted by unanimous consent.

The SPEAKER *pro tempore*. The Chair so understands.

Mr. HALE. Upon the point just stated by the gentleman from Massachusetts, [Mr. HOAR,] I suggest that when that is done, notice be also given that objection will be made to future requests for leave of absence.

Mr. COX. I suggest to the gentleman from Maine now that he is on his feet——

The SPEAKER *pro tempore*. No business can be transacted at this time. Nothing can be entertained except some motion connected with the call or a motion to adjourn. All other business is out of order. Members can neither give any notice nor perform any other legislative act except such as the Chair has indicated.

Mr. CONGER. Does that preclude the making of miscellaneous remarks?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. CONGER. Then I would like to have about fifteen minutes allotted to me for general remarks. [Laughter.]

A MEMBER. Take leave to print.

Mr. POTTER. If it will not take my colleague, Mr. CONGER, from the floor, I make the motion that the House now adjourn.

The motion was not agreed to.

Mr. ODELL. I move that the House take a recess for one hour.

The SPEAKER *pro tempore*. That is not in order at this time.

The SERGEANT-AT-ARMS appeared at the bar of the House and said: Mr. Speaker, in pursuance of the order of the House I have now at this bar Mr. WALKER of New York, Mr. MEADE, and Mr. THORNBURGH.

The SPEAKER *pro tempore*. Mr. WALKER, you are reported as having been absent from the session of the House without its leave. What excuse have you to offer?

Mr. WALKER, of New York. I have no excuse to make except that I was called out by some friends outside the Hall, and had this morning answered two roll-calls already.

Mr. COX. I move that he be discharged on the payment of costs.

Mr. CONGER. I ask the gentleman from New York on what grounds he bases that motion?

Mr. COX. On public grounds. [Laughter.]

Mr. CONGER. I think then it should be referred to the Committee on Public Buildings and Grounds. [Renewed laughter.]

The motion of Mr. COX was agreed to.

The SPEAKER *pro tempore*. Mr. THORNBURGH, you are reported as having been absent from the session of the House without its leave. What excuse have you to offer?

Mr. THORNBURGH. I was contributing a little to the plethoric purse of our caterer below; and the "man and brother" who bore my order did not get back in time for me to return to this Hall to answer to my name. That is all the excuse I have.

Mr. BRIGHT. I move that the gentleman be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MEADE, you are reported as having been absent from the session of the House without its leave. What excuse have you to offer?

Mr. MEADE. I was in my committee-room attending to some necessary business. The record will show that I have been here all the morning.

Mr. STEVENSON. I move that the gentleman be discharged.

The motion was agreed to.

The Sergeant-at-Arms again appeared at the bar of the House and said: Mr. Speaker, in pursuance of the order of the House, I have now at its bar Mr. LAWRENCE, Mr. BLAND, and Mr. SCHLEICHER.

The SPEAKER *pro tempore*. Mr. LAWRENCE, you have been reported as absent from the session of the House without its leave. What excuse have you to offer?

Mr. LAWRENCE. I was present when the call of the roll commenced, and pending that call I went to the Senate to make inquiry about some bills. I returned to the House after the roll had been called, but before the number of absentees had been announced by the Speaker I rose and endeavored to get the attention of the Speaker so that my name might be called; but the Speaker, without observing me, announced the result; and the result was that I was here, though marked absent.

Mr. BRIGHT. I move that the gentleman be discharged.

The motion was agreed to; there being—ayes 137, noes 10.

The SPEAKER *pro tempore*. Mr. SCHLEICHER, you are reported absent from the session of the House without its leave. What excuse have you to offer?

Mr. SCHLEICHER. Mr. Speaker, I was in the cloak-room, and did not hear my name when it was called. When the list of absentees was called I came into the House and was informed my name had been omitted. I went to the Clerk's desk and asked my name be recorded, when the Clerk said it was too late. [Laughter.]

Mr. BRIGHT. I move the gentleman from Texas be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. BLAND, you are reported absent from the session of the House without its leave. What excuse have you to offer?

Mr. BLAND. I have been in the Hall ever since the session began, and think I have voted on every roll-call except perhaps one or two.

Mr. COX. You have been out, I suppose, attending to the silver bill. [Laughter.]

Mr. HOAR. I move the gentleman be discharged on payment of costs——

Mr. BLAND. I have the floor and wish to conclude making my excuse.

The SPEAKER *pro tempore*. The gentleman from Missouri must not be interrupted.

Mr. BLAND. I received a card from a Senator, and while conversing with him in the cloak-room my name was called and I was reported absent, although present all the time in the House. I have been in the House ever since the session commenced.

Mr. HOAR. I move the gentleman be discharged on the payment of costs in silver. [Laughter.]

Mr. HARRISON. I move an amendment, that silver be not demanded of him until the passage of the silver bill. [Laughter.]

Mr. BLAND. Of course that makes it a legal tender.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts intend by his motion that the gentleman from Missouri shall be discharged on payment of fees?

Mr. HOAR. I withdraw my motion.

Mr. LANE. I move that the gentleman from Missouri be discharged without payment of fees.

The motion was agreed to.

Mr. WILSON, of Iowa. I move that the gentleman from New York, [Mr. WALKER,] who was discharged on payment of fees, be discharged without payment of fees.

The SPEAKER *pro tempore*. The Chair hears no objection, and the fees will be remitted.

The Sergeant-at-Arms appeared at the bar of the House having in custody under its order Mr. TUCKER, of Virginia.

The SPEAKER *pro tempore*. Mr. TUCKER, you are reported as absent from the session of the House without its leave. What excuse have you to offer?

Mr. TUCKER. Mr. Speaker, I had been in the House in the morning, but went over to the Senate Chamber to see a friend.

Mr. MILLS. Did you get any lemonade? [Laughter.]

Mr. TUCKER. I may be permitted to correct the gentleman from Texas. I took a promenade, but it does not follow that I took any lemonade. [Laughter.]

Mr. KASSON. Or cold tea?

Mr. TUCKER. Nor cold tea. That is my only excuse.

Mr. CONGER. Was the gentleman from Virginia in the Hall when his name was called?

Mr. TUCKER. I suppose I was not. I was in the Hall this morning when my name was called on the first call of the House, but I was not on the last call.

Mr. CONGER. 'Tis a pity that the gentleman was "so near and yet so far." [Laughter.]

Mr. BANNING. I move the gentleman be discharged without payment of fees.

The motion was agreed to.

Mr. LANE. I move all further proceedings under the call be dispensed with.

The House divided; and there were—ayes 78, noes 89.

So the motion was rejected.

Mr. O'BRIEN. I move the House adjourn.

The House divided; and there were—ayes 57, noes 101.

Mr. O'BRIEN demanded tellers.

Tellers were not ordered.

Mr. O'BRIEN demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

Mr. MILLS. Is it in order to move unanimous consent at the present time?

The SPEAKER *pro tempore*. Not for the transaction of any business.

Mr. MILLS. Then I move all further proceedings under the call be dispensed with.

The motion was disagreed to, only 34 voting in the affirmative.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, under its order, Mr. ROBERTS and Mr. HENKLE.

The SPEAKER *pro tempore*. Mr. HENKLE, you are reported absent from the session of the House without its leave. What excuse have you to offer?

Mr. ROBERTS. I have been absent in the discharge of a public duty, serving my constituents and looking after their interests in the Navy Department.

Mr. O'BRIEN. I move the gentleman be discharged.

Mr. HUBBELL. I could not hear the gentleman's explanation, and hope he will state it over again.

The SPEAKER *pro tempore*. There being no objection, the gentleman from Maryland will again state his excuse.

Mr. ROBERTS. I have been absent in the discharge of a public duty.

Mr. STEVENSON. It is very difficult to hear the gentleman, and I suggest he take the Clerk's desk so that members may vote intelligently on his excuse.

The SPEAKER *pro tempore*. There being no objection, the gentleman from Maryland will take the Clerk's desk.

Mr. ROBERTS took the Clerk's desk and proceeded to fan himself amid great laughter.

The SPEAKER *pro tempore*. The gentleman from Maryland will now state his excuse.

Mr. ROBERTS. I am happy, gentlemen, to answer any question you may have to propound to me. [Laughter.]

Mr. YOUNG. I move the gentleman be allowed to print. [Laughter.]

Several members demanded the regular order.

The SPEAKER *pro tempore*. The regular order is the excuse of the gentleman from Maryland, and while he occupies the floor he cannot be interrupted. When he has finished his statement a motion will then be in order to excuse him.

Mr. CONGER. That is what I propose.

The SPEAKER *pro tempore*. The Chair has ruled that no motion is in order until the gentleman from Maryland has been heard. The gentleman from Maryland will proceed with his statement.

Mr. ROBERTS. I am the victim of circumstances, [great laughter,] which are very disagreeable.

Mr. KASSON. That is sufficient. I move that the gentleman be discharged.

Mr. CONGER. I move that the Sergeant-at-Arms be instructed to refer the gentleman back whence he came, not to be brought back on a motion to reconsider. [Laughter.]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Iowa, [Mr. KASSON,] that the gentleman from Maryland be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. HENKLE, you are reported absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. HENKLE. I had business at the Navy Department. I took the occasion of the call of States, supposing my presence would not be important, upon the theory that the fewer that were here the more business would be done, and I went to attend to it.

Mr. WILLIS. I move that the gentleman's excuse be referred to the Committee on the Judiciary.

Mr. O'BRIEN. I move that my colleague, Mr. HENKLE, be discharged.

The motion of Mr. O'BRIEN was agreed to.

The SERGEANT-AT-ARMS appeared at the Bar and said: Mr. Speaker, in pursuanc of the order of the House I now have at its bar Mr. O'BRIEN, of Maryland. [Laughter.]

The SPEAKER *pro tempore*. Mr. O'BRIEN, you are reported absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. O'BRIEN. I was not aware of the fact that I was absent. I was present in the House at the time the last vote was taken on a call of the yeas and nays, and I voted "ay." I believe that was on a motion to adjourn. And I took it for granted that the fact that I was allowed to vote on that motion excused me, even if I had been absent when the roll was called for a call of the House.

The SPEAKER *pro tempore*. Did the gentleman vote on the call of the House?

Mr. O'BRIEN. I was not here on the call of the House.

The SPEAKER *pro tempore*. Then the gentleman was constructively absent. What is the pleasure of the House?

Mr. BRIGHT. I move that the gentleman from Maryland be discharged.

The question being taken on a division by sound,

The Speaker *pro tempore* stated that in the opinion of the Chair the "noes" had it.

Mr. BRIGHT called for a division.

The House divided; and there were—ayes 89, noes 57.

So the motion was agreed to; and Mr. O'BRIEN was discharged.

Mr. LANE. I move that all further proceedings under the call be dispensed with.

The question being taken, there were—ayes 86, noes 90.

So the motion was not agreed to.

Mr. LUTTRELL. I move that the House do now adjourn.

Mr. HALE. Let us have the yeas and nays on that.

Several MEMBERS. Let there be a division first.

Mr. HALE. Very well; I will take a division first.

The House divided; and there were—ayes 60, noes 91.

So the motion was not agreed to.

Mr. STEVENSON. I move that all further proceedings under the call be dispensed with.

Mr. PAGE. That motion has just been voted down.

Mr. STEVENSON. The motion to adjourn has been made since that.

Mr. COX. I ask unanimous consent to make a suggestion, which in fact came from the other side of the House: that we dispense with all further proceedings under this call on condition that all majority and minority reports of investigating committees may be presented to the House and that without sending this to the Committee on Rules we may take a vote now to suspend the rules, so as to allow that to be done when the reports are ready to be presented to the House for its action.

Mr. HALE. I do not desire that this shall be provided for under an imperative rule of the House. But I presume that when we get out of these proceedings and go into the House, it can then be agreed that in all cases where the majority and minority reports are ready both may be presented, and that no objection shall be made.

Mr. COX. My proposition is that if either report is ready, or if both reports are ready, one or the other may be presented.

Mr. HALE. But the gentleman must see that that does not obviate the trouble. All we want is that these committees may only report at any time when both sides are ready.

Mr. COX. O, no; that will not do.

Mr. HALE. The gentleman knows that we have yielded in every case to allow the presentation of reports.

Mr. CLYMER. Does not the gentleman from Maine perceive that all that gentlemen representing his side of the House would have to do to prevent a report from gentlemen representing this side of the House would be to say they are not ready?

Mr. HALE. The gentleman must in that regard trust something to the make-up of these committees. There has been no case where the majority were ready to report but with a little conference the minority have got ready too. Almost all the important committees of investigation have already reported, and this side has interposed no bar or demur in the way of a report in a single case; and we do not propose to do so now.

Mr. COX. The gentleman is mistaken about that.

Mr. HALE. We do not want to be in the power of the majority, so that the majority report may be rushed in at any time and the minority get no hearing; and I assure the gentleman that the proposition that the two branches of the committee shall get in their reports at the same time and have them printed together, and go to the country together and to the press together, is made in good faith. It has always been done heretofore this session. The Committee on Naval Matters and the Committee on the Real-Estate Pool, the Committee on the Expenditures in the War Department and the Committee on the Insane Asylum reported so that the two reports should go in simultaneously, and it is fair that they should go before the country together.

Mr. COX. The gentleman's proposition then is this: That until the minority are ready with their views or report the majority shall not come in and make their report.

Mr. HALE. Does the gentleman from New York know of a single case in which the minority of a committee has in any manner obstructed the presenting of reports on fair notice given?

Mr. COX. But the majority have never obstructed the minority in making their reports or presenting their views.

Mr. HALE. But by universal practice the minority has always been permitted to present its views and has been allowed to submit a resolution, and the other day the Speaker ruled that the resolution of the minority must be voted on although they had not presented it.

Mr. COX. The views of the minority of a committee come in by courtesy and grace. The majority have a right to make the report, and the majority should control the matter. We go outside and say to the minority, you bring forward your reports and let both receive the action of the House and all will be well without any change of the rules.

Mr. HOAR. The gentleman from New York will remember the majority of a committee are not required to be ready with their report until the committee has been called in the morning hour under the rules of the House. That is the practice of this House and the practice of this whole session.

Now, in conceding the right of the majority of a committee engaged in some investigation to report at any time, the minority of the House is making a vast concession, and in view of that unprecedented concession, therefore, I hope the gentleman will agree to comply with the proposition of my friend from Maine, that an opportunity shall be afforded to the minority of the committee to get ready if the majority are to be allowed to give in their report before the time which the rules and practice of the House permit. The suggestion that under such a rule the minority of a committee would prevent the committee from reporting at all can be very easily obviated.

Mr. HALE. The gentleman knows that if the matter of making these reports is to be confined to the rules of the House these committees cannot be reached during the present session.

Mr. HOAR. The gentleman from New York will see that during the last ten days of the session the majority may come to the House with a report and move to suspend the rules.

Mr. SPRINGER. Ah! When we have fixed a time for final adjournment.

Mr. HOAR. When a majority of a committee come to the House and say, We are ready with our report and we notified the minority of the committee that it was ready two days before or one day beforehand, the House is sure to let that report come in.

Mr. COX. I think I can fall in with the suggestions made on the other side of the House. I propose that when a majority report comes in within two days after that notice has been given to the minority the minority report should be allowed to come in within the time for which notice was given and be printed with the majority report.

Mr. HALE. Let me ask the gentleman one practical question which will throw some light on my mind and perhaps on the minds of others.

Mr. COX. Is my proposition accepted?

Mr. HALE. Let me ask the gentleman one question. What committees of investigation are ready or propose to report which have not already reported?

Mr. COX. I know of several that will be ready to report to-morrow, but I cannot answer that question in full.

Mr. HALE. But it would be very proper to confer with the minority members before the report is made. I can conceive of a case, for instance, like that of the report of the Naval Committee, accompanied by a vast bulk of testimony where forty-eight hours would not perhaps be sufficient, and certainly not twenty-four hours, to enable the minority report to be ready; and if there are any important investigation committees yet to report I desire to ask what they are.

Mr. COX. Then the gentleman would like that the minority report should be made up from the majority report, and not from the evidence.

Mr. HALE. The minority ought certainly to see the majority report before they make their own.

Mr. COX. Why?

Mr. HALE. Why, they may agree to the majority report and have no minority report to make.

Mr. COX. I hope my proposition will be acceptable to the other side of the House.

Mr. BURCHARD, of Illinois. I have no objection to gentlemen attempting to make any agreement that will bind the House when the doors are not closed, but a proposition agreed to when the doors are closed does not bind the House when the doors are open. We do not care if you choose to sit here with closed doors, but if you want to make agreements then let the House proceed to do business with open doors.

Mr. COX. Well, the country will see that the minority are trying to rule the majority in the important matter of investigation.

Mr. HALE. The country will see nothing of the kind.

Mr. CONGER. I call for the regular order. When this colloquy descends into political tirades I object to its continuance.

Mr. SPRINGER. How much time will the minorities of these committees want to prepare their minority report. [Cries of "Regular order!"]

Mr. HALE. It is not the time, that is not the question, but that the report shall go to the country together and to the press together. [Renewed cries of "Regular order!"]

The Sergeant-at-Arms then appeared at the bar of the House having in custody Mr. WELLS, of Mississippi, and Mr. HOGE, of South Carolina.

The SPEAKER *pro tempore*. Mr. WELLS, you have been reported as absent from the session of the House to-day without its leave. What excuse have you to offer?

Mr. WELLS, of Mississippi. I was present at the first call of the House and answered to my name. I then left and went to the Senate on important business, and just as I returned the doors were closed.

Mr. BRIGHT. I move that the gentleman from Mississippi [Mr. WELLS] be discharged.

Mr. WILSON, of Iowa. It occurs to me that that is not the proper way to put the question. If the House should refuse to discharge the gentleman, what then will be done? The question should be, Will the House discharge the gentleman with or without the payment of fees? I move that he be discharged without fees.

The SPEAKER *pro tempore*. The Chair thinks that is the better form of the motion; however, in the opinion of the Chair, the other means the same thing.

Mr. WILSON, of Iowa. If the House shall vote that the gentleman be not discharged, then what will be done with him?

The SPEAKER *pro tempore*. The Chair would interpret that to mean that he shall not be discharged without fees.

The motion to discharge without fees was agreed to.

The SPEAKER *pro tempore*. Mr. HOGE, you have been absent from the session of the House to-day without its leave. What excuse have you to offer?

Mr. HOGE. I have only this to say: I went over to Baltimore this morning and expected to return in time for the meeting of the House. I went over there to purchase some American flags to circulate in my district during the coming campaign.

Mr. SPRINGER. American flags?

Mr. HOGE. Yes, American flags. I expect to put on them the names of Hayes and Wheeler; but they are not on yet.

Mr. GOODIN. I move that the gentleman be discharged without fees.

The motion was agreed to.

The Sergeant-at-Arms then appeared at the bar of the House, having in custody Mr. GARFIELD, of Ohio.

The SPEAKER *pro tempore*. Mr. GARFIELD, you have been absent from the session of the House to-day without its leave. What excuse have you to offer?

Mr. GARFIELD. *Peccavi.*

Mr. WILLIS. I would like to inquire of the gentleman if he has ever before offended in this manner?

Mr. GARFIELD. Perhaps I have.

Mr. WILLARD. I move that the gentleman be discharged without fees.

The motion was agreed to.

Mr. SPRINGER. I did not hear the excuse of the gentleman from Ohio, [Mr. GARFIELD.]

Mr. CLYMER and others. That is too late; regular order.

The SPEAKER *pro tempore*. The gentleman will probably find it in the RECORD to-morrow. It was a plea of guilty. [Laughter.]

Mr. STEVENSON. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to; upon a division—ayes 50, noes 84.

Mr. LANE. I move that the House now take a recess until seven o'clock.

The SPEAKER *pro tempore*. That motion is not in order.

The Sergeant-at-Arms then appeared at the bar of the House having in custody Mr. VAN VORHES, of Ohio.

The SPEAKER *pro tempore*. Mr. VAN VORHES, you have been reported as absent from the session of the House without its leave. What excuse have you to offer?

Mr. VAN VORHES. I am not aware of having been absent from any of the roll-calls to-day in a call of the House. I supposed that I answered to each when my name was called, and still think I did so. I was absent from the House when this proceeding commenced, and did not vote on the motion relating to the decision of the Chair, because I was not in the House when it was made and did not know to what it related. I intended to respond and still think that I responded to my name at each call of the roll under a call of the House.

Mr. MILLIKEN. I move that the gentleman be discharged without fees.

Mr. COX. I hope so, because the gentleman is one of the most vigilant of our members.

The motion of Mr. MILLIKEN was agreed to.

Mr. CONGER. I move that the name of the gentleman from Ohio [Mr. VAN VORHES] be stricken from the Sergeant-at-Arms's list of absentees.

Mr. VAN VORHES. I suppose I can demand that as a matter of right.

The SPEAKER *pro tempore*. Upon the statement of the gentleman the Chair will direct the correction to be made.

Mr. MAISH. I move that the name of Mr. SCHLEICHER, of Texas, be stricken from the list of absentees, as he was in the House.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SCHLEICHER] stated to the House that he did not answer to his name when called. His name can be taken from the list of absentees by unanimous consent.

Mr. RUSK. That is right.

No objection was made, and it was so ordered.

Mr. THROCKMORTON. I ask that my colleague, Mr. CULBERSON, be excused; he is absent on account of serious indisposition.

There was no objection.

Mr. BANKS. I desire to say on behalf of Mr. LAMAR that he was here until near the time when the call was made, but on account of sickness was obliged to leave in company with one of the officers of the House. I move that he be excused.

The motion was not agreed to.

Mr. CHITTENDEN. I ask unanimous consent to make a "miscellaneous remark."

The SPEAKER *pro tempore*. The gentleman from New York is not in order.

Mr. CHITTENDEN. Not by unanimous consent?

Several MEMBERS. Take leave to print.

The SPEAKER *pro tempore*. Does the gentleman from New York desire to speak with reference to the matter before the House?

Mr. CHITTENDEN. My remark refers to the proceedings before the House; and it is this ——

The SPEAKER *pro tempore*. The gentleman must not proceed with his remarks until the question of unanimous consent is determined. Is there objection? The Chair hears none.

Mr. CHITTENDEN. Mr. Speaker, we are most of us fathers of honest children; and some of us have grandchildren. I beg to suggest that in this state of the weather we have played children long enough. I have on your desk a serious application for leave of absence from to-morrow morning; and it will be very great injustice to me if through this fooling that leave of absence be not granted. I for one am prepared to say that having sat here through these proceedings this morning, I cannot see how they can be justified to our own sense of manliness or to the judgment of the American people. There may be reasons why the proposition of my colleague from New York [Mr. COX] should be resisted. I have voted against it; but there is no sound reason why we, having come to years of discretion, should waste our time in this way, endangering, it may be, our lives; for I contend that we are not only wasting our time, but there is many a man on this floor whose life is to a certain extent put in jeopardy by the further protraction of these proceedings. I move, therefore, that the House now adjourn.

The motion was not agreed to.

Mr. STEVENSON. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to; there being—ayes 52, noes 90.

Mr. WILSON, of West Virginia. I submit to the serious judgment of the House that this call is entirely useless and will work no good. I hope, therefore, that the House will consent to suspend further proceedings under this call. Other gentlemen may not know as I have known, and may not have suffered as I have suffered, the injurious and dangerous effects of the impure and heated air of this House, which is perfectly unbearable, imperiling the health of almost every gentleman who is kept here. I hope, therefore, that it will be the pleasure of the House not to continue these proceedings. I move that all further proceedings under this call be dispensed with.

The motion was not agreed to.

The Sergeant-at-Arms appeared at the bar of the House and said: Mr. Speaker, pursuant to the order of the House I have now at its bar the gentleman from New York, Mr. DAVY.

The SPEAKER *pro tempore*. Mr. DAVY, you are reported as having been absent from the session of the House without its leave. What excuse have you to offer?

Mr. DAVY. I was not absent when the roll was called. I was present and answered to my name.

Mr. SPRINGER. I would like to know whether the gentleman regards himself as present in the House when he is seated in the gallery?

Mr. DAVY. I was not in the gallery when the roll was called.

Mr. SPRINGER. Then I beg the gentleman's pardon.

Mr. BAKER, of New York. I move that my colleague be excused and that he be returned by the Sergeant-at-Arms to the place whence he came. [Laughter.]

The SPEAKER *pro tempore*. There is but one proper motion. The Chair hopes that gentlemen have about exhausted their wit.

Mr. THORNBURGH. As the gentleman states that he was present and answered to his name, I submit that he should not be recorded among the absentees.

The SPEAKER *pro tempore*. The Chair will direct that his name be placed with those answering upon the roll-call.

The SERGEANT-AT-ARMS again appeared at the bar of the House, and said: Mr. Speaker, pursuant to the order of the House I have now at its bar the gentleman from Ohio, Mr. MONROE.

The SPEAKER *pro tempore*. Mr. MONROE, you are reported as having been absent from the session of the House without its leave. What excuse have you to offer?

Mr. MONROE. I have only to say that I was within the bar of the House when the roll was called and supposed that I answered to my name.

The SPEAKER *pro tempore*. Does the gentleman state that he answered to his name?

Mr. MONROE. My opinion is that I did.

The SPEAKER *pro tempore*. The gentleman's name will be recorded among those answering to their names.

Mr. HOGE. I move that the House now adjourn.

The motion was not agreed to; there being—ayes 56, noes 72.

Mr. GOODIN. I move that further proceedings under the call be dispensed with.

Mr. COX. Before the question is taken on that motion, I beg to say to my friend from Maine [Mr. HALE] that if he will consent to require only two days' notice after the majority reports are ready for the minority reports to come in, I think the arrangement will be satisfactory.

Mr. CONGER. I object to the proposition being acted on with closed doors.

Mr. HALE. I should be repeating myself in saying what the minority want here is when any investigating committee reports a minority report shall go in at the same time. That is what we think should be done. Now, if any time or notice can be agreed upon, that notice and that time should apply in the committee, and not in the House; that is, the majority report should not be put in and given to the press and the country and the minority come in afterward tailing along, but the majority of the committee desiring to report shall give in writing to the minority of the committee, say three days' notice, and after that, if the minority does not get ready, then

the majority shall have the right to report. I do not see any objection to that, because then the two could go to the country together.

Take the case of the whisky-ring committee that has been taking testimony clear up to the present time. I do not know but somebody may have a report ready in that committee now and three day's notice would not be long enough to prepare a proper minority report. I am aware we are getting hopefully toward the end of the session and therefore something must be yielded to that, but sufficient notice should be given to committees which have taken vast masses of testimony. Any committee wishing to report, I propose shall give *in writing*, because that fixes it, to the minority of the committee, notice when it will present its report in the House.

Mr. KASSON. And submit the report to the minority.

Mr. HALE. And submit the report to the minority, and then at the end of three days, unless the minority is ready, the majority shall submit its report.

Mr. RANDALL. We may agree to adjourn and go home before that time.

Mr. BEEBE. That does not apply, I suppose, to committees which have already reported and the reports and testimony ordered to be printed and recommitted. There are some cases where the minority have agreed with the majority in submitting report.

Mr. HALE. That does not interfere with the reports which have been already made. I make the proposition to the House.

Mr. MORRISON. It cannot be agreed to with that length of time.

Mr. FRYE. One exception can be made, and that is where the majority and minority of a committee agree to report; that is, both the majority and minority agree to report at the same time; and that would cover every case where there was fair dealing, so that there need not be any delay at all.

Mr. RANDALL. Make it two days.

Mr. COX. There will be no objection in cases where the majority and minority agree to report. But three days is too long in the closing hours of the session.

Mr. HALE. The gentleman must see we have not delayed this. He says two days are too long. Why were not the reports brought in before?

Mr. MORRISON. Because they were not ready.

Mr. BEEBE. It could not have been done in some cases.

Mr. COX. How is it essential for the minority that the majority report should be submitted before they can make their minority report? Are the gentlemen willing to agree two days' notice shall be given by the majority to the minority, without bringing in the majority report in the first instance until the minority are ready to submit their report? I think that would be fair.

Mr. CONGER. That could not be done.

Mr. HOAR. How can there be such a minority report? What the gentleman calls a majority report is a report of the committee. How could there be a report of a committee unless all of the committee had seen it?

Mr. COX. They generally discuss these things in committee and come to some understanding as to their divergence of views, even before either of the reports is written.

Mr. FRYE. In some reports the minority were not consulted at all.

Mr. HOAR. It is in violation of parliamentary law.

Mr. HALE. When there is agreement between the majority and minority they can report at any time; but the gentleman will see that the minority ought to have as much time to prepare a report as the majority, and they cannot begin to prepare the views of the minority until they have seen the majority report. It may be that the minority may agree to the majority report. They should have an opportunity to see whether they can or not, and when they find they cannot agree to it, they ought to have time in which to submit the views of the minority.

Mr. COX. If the gentleman will agree to the proposition of two days' notice there will be no difficulty on this side of the House. I think that is generous and fair.

Mr. BURCHARD, of Illinois. I shall object to any arrangement of this kind being made with closed doors. I insist that when the doors are closed this House can transact no business.

The SPEAKER *pro tempore*. The House is not transacting business now. Gentlemen are endeavoring to make a preliminary arrangement. The gentleman from Illinois need not be disturbed upon that point.

Mr. CONGER. I think that the gentlemen who have this talk should go to the cloak-rooms and not disturb members.

Mr. COX. I would suggest that the gentleman from Michigan should go there himself. He is more out of order than anybody else.

Mr. WAIT. If any proposition of this kind is to be agreed to, I think we should understand whether the day on which the notice is given is to be included in the two or three days or whether it is excluded. If that is not understood a controversy might spring up in regard to that point.

Mr. COX. The proposition, as I understand it, is that the two days shall be forty-eight hours, counting from the time the notice is given.

Mr. HALE. The two days, or the three days, would be reckoned from the time the notice is given.

Mr. Speaker, I am informed by gentlemen from one of the committees to which I have alluded, which has been taking a large mass of testimony, that there is no expectation of any report being presented from that committee, because the testimony is not complete and is still being taken. That removes a portion of the difficulty. Now I for one have no objection to the arrangement being made if this point be conceded, that the two reports shall come in at the same time. That is the point we have been struggling for all along, and in regard to which we have made agreements heretofore in cases where committees have reported. I have no objection for one that upon written notice of a majority of the committee wishing to report, to the minority, and the report being submitted, the committee may report within two days. It is too short, I am aware; still we are near the close of the session, and we have no desire to obstruct any report that is legitimately made, the other side being given a chance to be heard.

Mr. COX. I am prepared to say, and I think I speak for a large number here, that, so far as I understand the gentleman from Maine, that would be satisfactory. When the notice is given to the House——

Mr. HALE. As I understand it, there is to be no notice given to the House. Notice is to be given in the committee. As in the case of a matter in court, this notice is a service on the other side, and a copy of the report is given to the minority or read to them; and then they have two days to prepare their report. Then the two shall be presented to the House together. Or, if the minority is in default at the end of the two days, the majority presents its report alone.

Mr. SPRINGER. Would it be satisfactory to the gentleman from Maine that, after the committee has agreed upon the majority report, then two days after that time that committee may make its report, and the minority of the committee may then submit its report at the same time? Is that satisfactory?

Mr. HALE. The only object of my proposition in regard to notice is to prevent controversy and to protect the rights of the minority. After notice is given in writing, of which the chairman will keep a copy, no question will then arise whether under the rule we are about to make the Speaker would rule the majority of the committee entitled to the floor.

Mr. COX. I think there can be no accommodation of this thing unless the arrangement be upon the basis that when the majority report comes in and is offered to the House forty-eight hours from that time the minority report may come in also.

Mr. HALE. That would give the majority the opportunity of coming in with their report, putting it on the records, and sending it to the country when the minority had no opportunity of reporting at the same time.

Mr. COX. It is part of my proposition that they shall be printed at the same time.

Mr. FRYE. That arrangement would give an opportunity to a committee of putting in a report on the last day of the session and deprive the minority of all opportunity of presenting their views.

Mr. COX. That is not the intention.

Mr. HALE. My proposition is that the majority shall give the minority two days' notice.

Mr. BANKS. I would like to say a word or two on this question.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BANKS] is recognized.

Mr. SAVAGE. Before the gentleman from Massachusetts [Mr. BANKS] proceeds, I wish to ask the gentleman from Maine whether it is his proposition that notice should be served upon all the members of the minority of the committee or upon only one of them?

Mr. HALE. Any difficulty in regard to that can easily be obviated by the majority preparing their report and submitting it to a single member of the minority, and announcing in the House that in forty-eight hours from that time they will present their report. I think we have made a fair proposition. If gentlemen on the other side do not see fit to accept it, we must go on as we have been doing.

Mr. YEATES. Would not a notice in the House be sufficient?

Mr. JONES, of Kentucky. I wish to know if I understand the gentleman from Maine correctly. I understand his proposition to be this: That when a committee agrees to make a majority report the majority shall give two days' notice to the minority; and at the expiration of two days, whether the minority are ready to report or not, the majority may then present their report. If my understanding of the proposition is correct, I think we ought to agree to it.

Mr. BANKS. At this period of the session it seems to me that the demand of the gentleman from Maine for three days is too much.

Mr. HALE. I have yielded this point and ask now only two days.

Mr. BANKS. The proposition also that notice shall be given in committee is not a reasonable one as the minority may defeat that proposition by not attending. If notice of forty-eight hours is given in the House in the presence of some member of the minority of the committee and taken notice of by the Speaker, that ought to be sufficient.

Mr. BURCHARD, of Illinois. After the report is agreed to?

Mr. BANKS. Of course, after the report is agreed to in committee. The notice shall be given by the chairman or any other member of the committee making it in the presence of some member of the minority committee, of which the Speaker shall take notice, and forty-eight hours shall then be allowed. That notice ought to be quite sufficient for the minority. Usually the minority report is very brief; oftentimes it consists merely in dissent to the chief propositions of the majority, and forty-eight hours, with the time for preparation al-

ready had by the minority and by all members of the committee, ought to be sufficient to present such a dissent as would satisfy the minority.

Mr. WAIT. It does seem to me, sir, that the proposition of the gentleman from Maine that the majority shall give a copy of the report to the minority is a fair one, because the minority report is always a response to that of the majority. They should therefore have their copy of the report of the majority. If they have attended to the case and have understood the testimony, in forty-eight hours they could make a response to the report of the majority; but if the report comes into the House they do not have an opportunity to examine it in advance and to make up their own report. The two days' time which they have to respond is too short. I believe the proposition of the gentleman from Maine is a fair one, that when the notice is given then the report itself shall be handed over to the committee so that they may prepare their statements in answer and present them to the House at the same time.

Mr. BANKS. The proposition of the gentleman who has just taken his seat is not a reasonable one. The minority of the committee has no right to the possession of the report of the majority; they must take their knowledge of it from the proceedings of the committee, and they cannot claim possession of it. I repeat that I think if forty-eight hours' notice is given after the proceedings of the committee have been concluded in the presence of a member of the minority of the committee and of the House and taken notice of by the Speaker it ought to be sufficient for this side of the House.

Mr. CONGER. It seems to me that the report of the majority of the committee after having been adopted should be left with the clerk of the committee so that any member of the committee may have access to it and have an opportunity to express his views in regard to it. The idea that they should have no access to it so as to be enabled to present their views seems very inconsistent with the desire to give the minority a fair chance to express their views to the House. The report should be left with the clerk of the committee, accessible to every member of the committee in whatever time may be allowed.

Mr. YEATES. It seems to me that the report of a committee is agreed upon in the committee-room and it is the duty upon notice of all the members of the committee to be there, and if they see fit to be absent, and if they are notified in the House that a report will be made in forty-eight hours, that is all they should claim. Why should any minority have rights extended to them that do not belong to them by parliamentary usage? If they see fit to be absent, then it is their fault, and the position of the gentleman from Massachusetts is entirely correct. Why, we never could get a report from any committee if a minority of that committee saw proper to stay away in the manner in which the gentleman from Connecticut suggested. No, sir; let the chairman of the coimmittee notify them that there will be a meeting on such a day, and when they meet let the majority have their report ready, and if the minority do not see fit to come, let him notify them that the report will be made in forty-eight hours.

Mr. RANDALL. It seems to me that the proposition of the gentleman from Massachusetts [Mr. BANKS] is a fair one.

Mr. YEATES. Certainly it is.

Mr. RANDALL. It is that a member who desires to make in behalf of a committee a report shall rise in the House and publicly give it notice that forty-eight hours thereafter the majority report, as indicated, will be made to the House; and if the minority do not avail themselves of the opportunity of expressing their views, it is their loss.

The SPEAKER *pro tempore*. The Chair would like to call the attention of the gentleman from Pennsylvania to one point in his remarks. Is it understood that this notice shall be privileged?

Mr. RANDALL. Of course.

Mr. COX. I desire to submit a resolution. I do not know whether the proposition will need any modification, but I hope not; my resolution is as follows:

Resolved, That the investigating committees may have leave to report during the remainder of this session at any time after two days from the time the committee have agreed to their report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House.

Mr. YEATES. How are you going to find the minority if they choose to be absent?

Mr. COX. I cannot answer that question.

Mr. GARFIELD. That seems to be a fair proposition; there may, however, be some cases where notice has already been given and now without any expectation that report will be thrown in immediately; the report might be made at once.

Mr. RANDALL. Some of the committee have a right to report at any time.

Mr. GARFIELD. I know that; but there ought to be some notice given after this time. The two days should not be considered as running for any period previous to the present time.

Mr. COX. I propose to add, at the suggestion of gentlemen here, the words, "and if the minorities of said committees shall be absent, then that notice shall be given in the House."

Mr. HALE. That is fair.

Mr. COX. I propose also to put in forty-eight hours instead of two days.

Mr. HALE. Let there be this understanding, as the gentleman from Ohio [Mr. GARFIELD] suggested, that the forty-eight hours in all cases shall not be reckoned from any time past of the present.

Mr. RANDALL. That would take away from the committees, who now have the right to report at any time, the right to report except upon forty-eight hours' notice.

Mr. HALE. Not at all. But there might be the case of a committee that cannot now report, and that needs this solvent to enable them to report; that has already agreed upon its majority report. Now if this side of the House agrees to this proposition they might come in here now and say, "Why, we agreed to our report for the majority six days ago."

Many MEMBERS. "O, no!"

Mr. HALE. Then let it be understood that this agreement is prospective, not retrospective.

Mr. SPRINGER. And also that where the majority and the minority of a committee are now ready to report they can report at any time?

Mr. HALE. Certainly.

Mr. YEATES. The arrangement to date from this day.

Mr. HALE. From this day.

Mr. BEEBE. How will that arrangement affect the cases where the majority and the minority reports have been printed and recommitted, not to be brought back on a motion to reconsider? Could not those committees report at any time, the minority being ready?

Mr. YEATES. They have already reported.

Mr. WAIT. I cannot see the embarrassment the gentleman from New York [Mr. BEEBE] speaks of. If the majority and the minority are both ready to report, then they can report at any time.

Mr. STONE. As this matter seems to be arranged, I move that all further proceedings under the call be dispensed with.

Mr. GOODIN. That motion is already pending.

The SPEAKER *pro tempore*. The Chair is only awaiting the time when there is a concurrence between the two sides of the House on this matter. Of course no business can be transacted while the doors are closed. The first question in order is upon the motion to dispense with all further proceedings under the call, which motion is now pending.

Mr. SPRINGER. With the consent of the gentleman from New York, [Mr. COX,] I ask leave to submit a resolution in the following form:

Resolved, That the investigating committees may have leave to report during the remainder of this session at any time after forty-eight hours from the time the majority have agreed to their report and the fact has been announced to the House, which announcement may be made at any time; and in all cases where the majority and minority reports are now ready the reports may be made at any time.

Mr. HALE. That is an entirely different proposition from the one we have agreed to with the gentleman from New York, [Mr. COX.]

Mr. SPRINGER. In what respect is it different from that?

Mr. HALE. I do not care to argue it; it is very evident that it is different.

Mr. STONE. I call for the regular order.

Mr. JONES, of Kentucky. By the permission of the gentleman from New York [Mr. COX] I will read what I understand to be in substance the proposition from the other side, and which I think is a fair one.

Mr. STONE and others called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Kansas [Mr. GOODIN] that all further proceedings under the call of the House be dispensed with.

The question was taken upon the motion to dispense with all further proceedings under the call; and upon a division there were—ayes 91, noes 81.

Before the result of this vote was announced,

Mr. SPRINGER called for tellers.

Mr. COX. Gentlemen around me desire me to again read the proposition of accommodation which I read a moment ago.

Mr. BURCHARD, of Illinois. We are dividing upon a motion to dispense with further proceedings under the call. There are several gentlemen who object to proceeding with any business with closed doors. We have no objection to the agreement proposed.

Mr. COX. If there is no objection, then let me by, unanimous consent, again state it.

The SPEAKER *pro tempore*. The Chair has already stated that no business can be transacted by the House while the doors are closed and certain members are prohibited from entering who have a right to be here. The Chair has entertained by unanimous consent propositions for the settlement of this question. Of course nothing can be acted upon finally until further proceedings under the call have been dispensed with.

Mr. COX. I will read the proposition:

Resolved, That the investigating committees may have leave to report during the remainder of this session at any time after forty-eight hours from the time the committee have agreed to their report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House; but if the minority is absent from the meeting of the committee then notice shall be given in the House itself.

Mr. HALE. That is a fair proposition, and unless that can be agreed to there is no use in talking any further about it.

Mr. BEEBE. Will there be objection to adding that in all cases where both the majority and minority are ready both reports may be made at any time?

Mr. COX. Nobody will object to that.
Mr. BURCHARD, of Illinois. I object to that with closed doors.
Mr. BEEBE. I put the question to my friend from Maine.
Mr. HALE. What is the question?
Mr. BEEBE. Is there objection where the majority and minority are both ready to their reporting at any time?
Mr. HALE. Of course there is no objection to that. This agreement does not apply to such a case as that.
Mr. RUSK. I call for the regular order of business.
The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Kansas, [Mr. GOODIN,] that all further proceedings under this call be dispensed with.
Mr. SPRINGER. I withdraw my call for tellers and for a further count.
The SPEAKER *pro tempore*. The motion for further proceedings under the call of the House was agreed to upon a division—ayes 91, noes 81. The Doorkeeper will now open the doors.
Mr. COX. I move to suspend the rules and adopt the resolution which I send to the Clerk.
Mr. HALE. When we resume the regular business of the House, the first thing pending is the appeal. Now, if this resolution is to be submitted and adopted, it is understood of course that the resolution of the gentleman from Virginia [Mr. DOUGLAS] and the appeal are withdrawn.
Mr. SPRINGER. There is no objection to that.
The SPEAKER *pro tempore*. The Chair understands that the motion to suspend the rules will suspend all previous proceedings. The motion pending before the House is on laying upon the table the appeal taken from the decision of the Chair by the gentleman from Maine.
Mr. HALE. But if the gentleman from Virginia withdraws the resolution which he sought to have referred, then the appeal is withdrawn; and this resolution is substituted for all those proceedings. That is fair.
Mr. SPRINGER. That is right.
Mr. COX. Before submitting my resolution I yield to the gentleman from Virginia [Mr. DOUGLAS] to withdraw the resolution which he offered to amend the rules.
Mr. DOUGLAS. I ask unanimous consent to withdraw that resolution.
Mr. HALE. It had better be understood that I withdraw the appeal and the gentleman from Virginia withdraws his resolution, and the resolution of the gentleman from New York [Mr. COX] is substituted for all those proceedings.
Mr. COX. I move to suspend the rules and adopt the following resolution:

Resolved, That the investigating committees may have leave to report during the remainder of this session at any time after forty-eight hours' notice from the time the committee have agreed to the report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House; and if the minority is absent from the meeting, said notice of the same shall be given in the House.

Mr. CONGER. Before this resolution is acted on, I would like to know in what condition the regular business now stands.
The SPEAKER *pro tempore*. The morning hour has expired, and the gentleman from New York [Mr. COX] moves to suspend the rules and adopt the resolution which he has read.
Mr. CONGER. But, Mr. Speaker, we were dividing upon ordering the yeas and nays; and that is the regular order.
Mr. SPRINGER. All those proceedings have been withdrawn by unanimous consent.
Mr. CONGER. I do not so understand.
Mr. CASWELL. I beg to remind the Chair that I called his attention to the fact that the morning hour had expired, and moved to suspend the rules and pass a bill.
The SPEAKER *pro tempore*. The gentleman will recollect that the House was dividing.
Mr. CASWELL. The Chair ruled me out.
The SPEAKER *pro tempore*. The Chair thinks he was right in so doing.
Mr. CASWELL. Is not this a similar proposition?
The SPEAKER *pro tempore*. The circumstances are different.
Mr. RUSK. Let the proposition of the gentleman from New York be read by the Clerk.
Mr. BURCHARD, of Illinois. Before that is done, I wish to ask whether the proposition of the gentleman from Virginia [Mr. DOUGLAS] is understood to be withdrawn?
The SPEAKER *pro tempore*. The gentleman from Virginia has withdrawn it.
The resolution of Mr. COX was again read.
Mr. GARFIELD. The gentleman should add that this is to operate prospectively.
Mr. COX. That is understood.
Mr. WILSON, of Iowa. We want to understand distinctly whether the appeal is withdrawn by the gentleman from Maine, and the notice to amend the rules withdrawn by the gentleman from New York, [Mr. COX.]
The SPEAKER *pro tempore*. That has been already stated.
Mr. HALE. The appeal and the resolution have been withdrawn; and this takes the place of the whole proceeding.

The motion of Mr. COX to suspend the rules and adopt the resolution was agreed to, two-thirds voting in favor thereof.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:
An act (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

WORKS AT SOUTHWEST PASS, MISSISSIPPI RIVER.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers relative to the clause in the river and harbor bill affecting works at Southwest Pass, Mississippi River; which was referred to the Committee on Commerce.

RESUMPTION OF SPECIE PAYMENTS.

Mr. HAMILTON, of Indiana. I ask unanimous consent to record my vote on the passage of the bill to repeal the resumption-day clause of the act of January 14, 1875.
Mr. HOAR. I object.
Mr. HAMILTON, of Indiana. I desire to state that, if permitted, I should vote "no."
Mr. RANDALL. I move that the House adjourn.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House various requests of members for leave of absence.
Mr. McMAHON. I object; I do not propose to stay here all the time myself and let others go away.
Mr. RANDALL. We are elected to stay here and attend to the public business.
Mr. WILSON, of Iowa. Exception should be made in cases where members ask for leave of absence on account of sickness in their families.
Mr. GARFIELD. Let us have a vote on it; I move they be excused.
The SPEAKER *pro tempore*. The Chair asked unanimous consent to lay these requests for leave of absence before the House. That unanimous consent has been granted; and the question now is, Shall the requests be granted or refused?
Mr. RANDALL. But I made the motion to adjourn.
The SPEAKER *pro tempore*. But unanimous consent was granted to lay these requests for leave of absence before the House.
Mr. RANDALL. That permission has been granted from time to time, but it has always been by unanimous consent. Objection being made and the regular order being demanded, of course the question must be put on the motion to adjourn. The motion of itself precludes and prevents the asking of leave of absence.
Mr. GARFIELD. The gentleman is mistaken.
Mr. RANDALL. No, I am not mistaken.
Mr. SPRINGER. Nothing can prevent this House from adjourning when it wants to.
Mr. GARFIELD. I move to suspend the rules.
Mr. McMAHON. I demand the regular order of business.
Mr. RANDALL. I now move the House adjourn.
The SPEAKER *pro tempore*. Although the House has given unanimous consent to the presentation of requests for leave of absence, nevertheless the gentleman from Pennsylvania now moving to adjourn, the question must be put on that motion, as the motion to adjourn takes precedence of all other questions. It is for the House to decide whether it will adjourn now or vote on the requests for leave of absence.
Mr. GARFIELD. The granting of these requests for leave of absence will not leave you without a quorum.
Mr. RANDALL. Yes, it will.
Mr. MORRISON. And that is just what the gentleman from Ohio wants.
The House divided; and there were—ayes 89, noes 68.
Mr. COCHRANE demanded the yeas and nays.
The yeas and nays were not ordered.
Mr. SAVAGE. I demand tellers.
Tellers were not ordered.
So the motion was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:
By Mr. COOK: The petition of Henry Love, executor of the estate of James Love, deceased, that he be paid the amount heretofore adjudged to be due the father of the deceased by the Interior Department for services rendered as a surgeon's mate in the First Georgia Continental Battalion in the revolutionary war against Great Britain, to the Committee on Revolutionary Pensions.
By Mr. HOUSE: The petition of William Webster, that Congress take such steps as will secure his restoration to his lands and other

property obtained in New Zealand prior to the establishment there of British authority, to the Committee on Foreign Affairs.

By Mr. MACDOUGALL: The petition of 200 citizens of Weedsport, Cayuga County, New York, for the re-establishment of the fast-mail service on the New York Central and Hudson River Railroad, to the Committee on the Post-Office and Post-Roads.

By Mr. THORNBURGH: The petition of Thomas N. McCoffey, of Knoxville, Tennessee, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Memorial of John Harlow, of Tennessee, to have his name restored to the Army roll of the Tenth Tennessee Infantry Regiment, to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *August* 8, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. MCCREERY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers in reference to a clause in the river and harbor bill as passed by the Senate which affects the works at the Southwest Pass of the Mississippi River.

Mr. WEST. I move that the communication lie on the table and be printed. The matter has been acted upon.

Mr. DAVIS. Had it not better be referred to the Committee on Appropriations? They have the matter now in charge, I understand.

Mr. WEST. The bill has been reported and is before the Senate. I have no objection to the reference; but I cannot conceive that there should be any action upon it in committee, as the bill has been reported here. The Senate is competent to act upon it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana, that the communication lie on the table and be printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SPENCER. I move that the Senate proceed to the consideration of House joint resolution No. 100.

The PRESIDENT *pro tempore*. Morning business has precedence.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 791) for the relief of Ethan Ray Clarke and Samuel Ward Clarke, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1020) to punish embezzlement in the District of Columbia, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 998) for the pardon of deserters from the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS it was

Ordered, That Mrs. Mary B. Hook have leave to withdraw her petition and papers from the files of the Senate.

TERRITORY OF PEMBINA.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill for the establishment of the Territory of Pembina, subject to morning business.

Mr. SPENCER. I hope the Senator will not insist upon that, because, as he knows, that bill will cause a good deal of debate.

Mr. MCCREERY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to present morning business?

Mr. MCCREERY. I rose to ask for the present consideration of House bill No. 567, which is in the order of business. I have tried several days to get the floor to call it up. I am sure it will occupy but a small portion of time.

Mr. HITCHCOCK. There are some reasons why I think I ought to have the indulgence of the Senate for the consideration of this bill for the establishment of Pembina Territory. It has been reported three successive sessions favorably by the Committee on Territories. It was reported unanimously at this session, four months ago, and has stood near the head of the Calendar for nearly that period of time. When reached on the Calendar the other day its consideration was objected to on the ground that it was too important a bill to be considered on that call. If it is so important, and I believe it is an important bill, it is too important for me to allow it to sleep without an effort for its consideration. I do not believe it will create any extended discussion. I believe in three minutes it can be shown to the satisfaction of the Senate that the bill should pass, and I should be very glad if the bill could be taken up and considered. The bill was introduced by the Senator from Minnesota, [Mr. WINDOM,] and a similar bill was before the Senate and discussed at considerable length during the last Congress. If it is in order, I move that the Senate proceed to the consideration of the bill.

Mr. MCCREERY. I ask the Senator from Nebraska to give me five minutes to take up my bill after the bill organizing Pembina is taken up.

Mr. HITCHCOCK. I will yield five minutes for that purpose.

Mr. SPENCER. I also ask the Senator from Nebraska when he gets his bill up to yield to me for the consideration of the House joint resolution No. 100.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska to take up the bill (S. No. 606) to establish the Territory of Pembina and to provide a temporary government therefor.

Mr. BOUTWELL. Let the bill be read.

The Chief Clerk read the bill.

Mr. BOUTWELL. I should like to ask the Senator from Nebraska whether this bill is likely to give rise to debate. I gave notice the other day that I desired the Senate to consider this morning the bill to perfect the revision of the laws. That is a bill of great public concern, and I shall not feel that I have performed my duty if I do not press the consideration of it upon the attention of the Senate.

Mr. HITCHCOCK. I do not think this bill will lead to any extended discussion. If it shall, I will say to the honorable Senator that I gave notice several days ago that I should call the bill up at the earliest practicable moment, and I said that I believed it was as important a bill as was likely to be considered at the present session.

Mr. BOUTWELL. We shall differ about that.

Mr. HITCHCOCK. I believe it affects the rights of citizens of the United States who have a right to be heard, and it has been now on the Calendar for about four months or a much longer time.

Mr. BOUTWELL. I will not object.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 606) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. MCCREERY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. BOUTWELL. It seems to me we had better go on with the bill.

Mr. EDMUNDS. That is the doctrine; one thing at a time.

Mr. BOUTWELL. I object to any yielding.

Mr. HITCHCOCK. Very well.

The PRESIDENT *pro tempore*. The bill has been read.

Mr. EDMUNDS. Let it be read in committee, so that we may see what we have.

The Secretary proceeded to read the bill.

Mr. HITCHCOCK. The bill has just been read.

Mr. EDMUNDS. I did not hear it.

The Secretary resumed and concluded the reading of the bill.

Mr. EDMUNDS. Is there any written report with this bill?

Mr. HITCHCOCK. There is a report which was made at the last Congress.

Mr. EDMUNDS. I should like to hear it read. I suppose it states the general ground upon which this action proceeds.

Mr. HITCHCOCK. Yes, it states the general ground.

The Secretary read the following report, submitted by Mr. Boreman, from the Committee on Territories, March 23, 1874:

The Committee on Territories, to whom was referred the bill (S. No. 44) to establish the Territory of Pembina and to provide a temporary government therefor, have had the same under consideration, and respectfully submit the following report:

The same bill was before this committee at the second session of the Forty-second Congress, and on February 8, 1873, a favorable report was made thereon, as follows:

"It is proposed by this bill to establish and provide a temporary government for a new Territory out of that part of the Territory of Dakota lying north of the forty-sixth degree of north latitude.

"The present Territory of Dakota contains 150,932 square miles, being in extent about four hundred miles from north to south, and something less than that in width from east to west. It appears from the report of the late census that in 1870 it contained a population of 14,181, exclusive of Indians; but it is now believed, from the best evidence your committee have been able to obtain, that at this time its population numbers more than 25,000.

"The more populous and growing settlements are in the extreme northern and extreme southern portions of the Territory, respectively, the intervening region, except immediately on the eastern border, being in great part uninhabited and without roads or other avenues of communication. There being no direct route of travel between these distant settlements, those residing in the region of Pembina, or indeed in any part of the more northern sections of the Territory, in going to Yankton, the capital, as many of them must necessarily do in the transaction of business with the officers and courts of the Territory, are compelled to travel a distance of from one thousand to fifteen hundred miles, and this by the nearest practicable route; and the same is the case with the judges and other officers in going from the capital to attend to their respective duties in the northern portions of the Territory.

"The Territory for which it is proposed by this bill to provide a government is a parallelogram, extending from Minnesota, on the east, for something less than four hundred miles, to Montana, on the west, and from the British possessions, on the north, two hundred miles to the boundary of the remaining Territory of Dakota, on the south, and has an area of about 70,000 square miles. It contains a population now of not less than 10,000, having received considerable accessions by immigration since the taking of the late census; and it may be added, when separated from Dakota, will leave the latter with a population as large as the whole Territory had in 1870. The contemplated Territory will have a larger population than many of the Territories heretofore established had when they were organized, as may be seen from the following:

Mississippi, organized in 1789, population	8,850
Indiana, organized in 1800, population	5,641
Michigan, organized in 1805, population less than	4,000
Wisconsin, organized in 1836, population	7,000
Minnesota, organized in 1849, population	6,077
Washington, organized in 1853, population	1,201
Dakota, organized in 1861, population	4,837
Nevada, organized in 1861, population	6,857
Arizona, organized in 1863, population	5,000

"The climate and seasons of the new Territory are about the same as in the adjoining State of Minnesota. The land lies beautifully, being comparatively level, and nearly every part of it being susceptible of cultivation. The soil is good, and produces all the grains, vegetables, and fruits common to the Northwestern States. The Northern Pacific Railroad, located as it is through the entire length of the Territory from east to west, and being now in process of construction, will soon supply the means of direct and speedy communication with all parts of the country. And the present indications are that this Territory will continue to rapidly improve and increase in population as it has for two or three years past, thereby extending and adding to the substantial prosperity and wealth of the nation; and it is believed that these desirable results will be greatly facilitated and rendered more certain by the establishment of the temporary government contemplated by this bill."

Since making the above report the Northern Pacific Railroad has been completed to Bismarck, on the Missouri River, a distance of two hundred miles from the western boundary of Minnesota.

Bismarck is a considerable town, and many other small towns and villages have sprung up along the railroad and elsewhere in the Territory; large numbers have been added to the population; immigration still continues, and no doubt is entertained that with the opening of the present spring the influx of population will exceed that of any preceding season.

The following extract from a speech delivered in the House of Representatives on the 14th instant, by Hon. M. K. Armstrong, present Delegate from Dakota, your committee believe is a fair and reliable statement of the present condition of that portion of Dakota for which the bill under consideration proposes a separate organization.

"Two hundred miles of the Northern Pacific Railroad have been pushed westward across that Territory from the fertile valley of the Red River to the navigable waters of the Upper Missouri. Two newspapers are published in the proposed Territory, and stirring and enterprising towns have been built up at Fargo, Jamestown, and Bismarck on the said railroad, while immigration and settlement are rapidly filling up the accessible river valleys. Steamboats navigate the Red River nearly two hundred miles into the proposed Territory, returning with thousands of tons of freight for the Hudson Bay settlements; while along said stream in Dakota new towns and mills are being established. Nearly four hundred miles of telegraph line are in operation, and at Pembina, Grand Forks, Fargo, and Richville quite a trade is already carried on in the way of shipping and reshipping freights. United States courts are held at Fargo, Bismarck, and Pembina, and a United States land office has recently been established at the former place, while the settlers are urgently petitioning for a land office at Bismarck to accommodate the increasing settlements in the Missouri Valley. Many large steamboats ply for several hundred miles through the proposed Territory on the waters of the Missouri, and pass far above the mouth of the Yellowstone into Montana, carrying Government freight for the forts and agencies, and mercantile goods for the mining districts. Already several thousand people have gone into this northern territory and are preparing farms, homes, and villages, in anticipation of the favorable action of Congress upon this bill."

It is proper, also, to add that the Legislature of Dakota have twice—in 1871, and again in 1873—memorialized Congress in behalf of the establishment of this new Territory, in which they state with great force the facts which induce them to do so, and urge it as a matter of justice to those inhabiting the proposed Territory, as well as of interest and advantage to the country generally.

To meet the objection that the establishment of another Territory will entail additional charge on the Treasury, the committee submit the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, D. C., January 17, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant requesting to be informed of "the charge upon the Treasury for each of the respective existing Territories, and the items that make up the same."

In reply I inclose herewith a statement showing the expenditures under heads of appropriations on account of each Territory during the fiscal years 1872 and 1873. The items of expenditure for fuel, furniture, repairs, lights, &c., are so numerous that it is not practicable to give them in detail.

I am, very respectfully, WM. A. RICHARDSON, *Secretary.*

Hon. A. I. BOREMAN,
Chairman Committee on Territories, United States Senate.

Expenses of territorial government.

Territories.	Fiscal year 1872.			Fiscal year 1873.		
	Salaries.	Ordinary expenses.	Total.	Salaries	Ordinary expenses.	Total.
ARIZONA.						
Salaries: governor, judges, &c	$13,655 26			$14,906 59		
Legislative expenses		$4,325 12			$1,000 00	
Contingent expenses		2,000 00			20,758 00	
Salary of interpreter and translator	624 99		$20,605 37			$36,664 59
COLORADO.						
Salaries: governor, judges, &c	13,300 00			13,212 30		
Legislative expenses		20,000 00				
Contingent expenses		1,000 00	34,300 00		838 78	14,051 08
DAKOTA.						
Salaries: governor, &c	13,600 96			13,453 30		
Legislative expenses		85 91			24,382 07	
Contingent expenses		1,000 00	14,686 87		1,000 00	38,835 37
IDAHO.						
Salaries: governor, &c	13,876 39			13,500 00		
Legislative expenses		7,679 76			20,144 71	
Contingent expenses		662 50	22,218 65		1,657 08	35,301 79
MONTANA.						
Salaries: governor, &c	13,820 65			13,500 00		
Legislative expenses		28,386 10		2,967 59		
Contingent expenses		1,000 00	43,206 75	1,000 00		17,467 59
NEW MEXICO.						
Salaries: governor, &c	16,730 10			13,500 00		
Legislative expenses		19,768 74			2,849 23	
Contingent expenses		1,000 00	37,498 84		1,000 00	17,349 23
UTAH.						
Salaries: governor, &c	14,106 25			13,198 90		
Legislative expenses		22,197 18				
Contingent expenses		393 75	36,697 18	1,000 00		14,198 90
WASHINGTON.						
Salaries: governor, &c	12,739 01			15,388 29		
Legislative expenses		28,824 99				
Contingent expenses		1,000 00	42,564 00		1,400 50	16,768 79
WYOMING.						
Salaries: governor, &c	13,162 60			13,651 65		
Legislative expenses		16,998 70			2,700 00	
Contingent expenses		913 75	31,075 05		942 08	17,293 73

Aggregate expenditure for the nine Territories for two years, $490,803.78. One-ninth of the above is the average expenditure for one Territory for two years, and is $54,533.75½. One-half of the last-named sum shows the average annual expenditure of one Territory, and is $27,266.87.

This communication and statement show the separate and aggregate expenditure out of the Treasury for all the Territories for two consecutive years, thus including the expenses of a session of the Legislature in each, and enabling us to fix the average annual charge on the Treasury for a territorial government. This average, as may be seen above, is $27,266.87, and is a small outlay for the benefits realized from such a government.

It must be conceded that the development and growth of this Territory will tend to add to the wealth and prosperity of the nation, and it can be no less apparent that the thousands of hardy and enterprising people within its boundaries, who, by the sacrifices, energy, and industry indispensable to success in border life, are thus contributing to the resources of the country, have a right, even though it necessitates a small annual draught on such resources, to demand a recognition of their situation,

wants, and interests by the establishment of a local government that will be accessible for the transaction of their necessary business at only a reasonable expenditure of their time and means.

The committee, therefore, report back said bill with some verbal amendments, and recommend that the same do pass.

Mr. EDMUNDS. Of course, at some day or other this will be a proper bill in substance; but it does not appear to me from the statement of the report and with the number of people there now that it is wise to set up a distinct territorial organization, which costs the people a good deal of money and costs the United States a good deal. Of course the organization has to be just as expensive, just as many offices and places, substantially, as if the people were much more numerous than they are. I do not think that in this late stage of the session we ought to hurry a bill of this kind through, and I move therefore to postpone its further consideration until the first Monday in December, which will leave it its place for consideration next winter, when we shall have more recent information about it.

Mr. HITCHCOCK. I trust that motion will not prevail. The bill has been pending upon the Calendar now for four months in the Senate. If anybody is in fault, perhaps I am. I deferred calling it up because it was near the head of the Calendar, and I thought that when the Senate proceeded to the consideration of bills upon the Calendar it would be reached in its proper order and passed without any struggle or objection. I was mistaken in that view, and having failed, in the light of those facts, I perhaps failed to do my duty in not urging it earlier upon the consideration of the Senate. But as a matter of right to the citizens of the United States who have settled in Northern Dakota, I believe this bill should be considered at the present session. It has been repeatedly petitioned for by the inhabitants of the Territory, and twice at least memoralized for by a unanimous memorial of the Legislature of the Territory of Dakota. There are special and particular reasons why, as a matter of right to the inhabitants of the Territory and as a matter of economy to the General Government, this Territory should be organized.

The present Territory of Dakota extends from Nebraska on the south to the British possessions on the north, a distance of four hundred miles, and from Minnesota on the east to Montana on the west, almost the same distance. It contains an area of 150,000 square miles; more than three times greater than the State of New York; nearly three times as large as all New England. The present settlements in the Territory of Dakota are comprised in two separate and distinct communities, entirely separate and distinct from their geographical position. The inhabited portion of Southern Dakota, the old-settled portion of Dakota, is along the Missouri River. Its commercial relations are with Nebraska, Sioux City, and through Iowa to Chicago. Northern Dakota, that portion which this bill proposes to create into a new Territory, is settled for two hundred miles along the Northern Pacific Railway and along the Red River of the North. Its commercial relations are with Du Luth, Saint Paul, and Milwaukee.

The business relations of the two portions of the Territory are entirely separate and distinct. The members of the Legislature from the northern part of the Territory of Dakota are often compelled in the winter to travel as far east as Chicago in order to reach the capital. They have been paid for sixteen hundred miles mileage for that travel. So it is to reach the supreme court; so it is in enforcing the United States laws; the expenses of the extra mileage for this wide extent of travel will very nearly make up for the additional expense of the creation of the new Territory. I believe that a wise policy and a just regard for the rights of the citizens of the United States who have gone there to make it their home demand that this bill should be passed and passed at this session.

I trust the Senator from Vermont will not press his motion, but that we may be allowed to vote on the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the bill until the first Monday in December next.

The question being put, there were on division—ayes 10, noes 16; no quorum voting.

Mr. HITCHCOCK. I hope the Senator will withdraw the motion and let the vote be taken on the passage of the bill.

Mr. EDMUNDS. I made the motion because I thought it was right, and if I withdraw it I should do what I thought was wrong. I do not think the bill ought to be hurried through without more time to consider it.

Mr. PADDOCK. Let us have the yeas and nays.

The PRESIDENT *pro tempore*. There is a quorum present. The yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 23; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Cockrell, Conkling, Davis, Dawes, Eaton, Edmunds, Frelinghuysen, Hamilton, Howe, Kernan, Key, McDonald, Maxey, Merrimon, Morrill, Sargent, Saulsbury, Stevenson, Thurman, and Withers—23.

NAYS—Messrs. Cameron of Wisconsin, Christiancy, Cooper, Cragin, Ferry, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Logan, McCreery, McMillan, Mitchell, Oglesby, Paddock, Patterson, Ransom, Spencer, Wallace, West, Windom, and Wright—23.

ABSENT.—Messrs. Alcorn, Allison, Barnum, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Johnston, Jones of Florida, Jones of Nevada, Morton, Norwood, Randolph, Robertson, Sharon, Sherman, Wadleigh, and Whyte—25.

So the motion was not agreed to.

The bill was reported to the Senate.

Mr. WINDOM. I think this bill ought to pass. There are already two hundred miles of railroad in that Territory; the northern portion of it is settling up very rapidly; and I think it is a fact that is not generally understood that one of the best farming regions in the United States lies in this proposed new Territory. There are several farms already being opened in it of from one thousand to three thousand acres. Two thousand or three thousand acres have been already broken upon several farms. There is one farm opened or partially opened by a company of over thirty thousand acres, and from three thousand to four thousand acres are now under the plow.

The people of that portion of the territory (and it is settling so rapidly that the population is becoming heavier there than in any other part of it) are compelled in order to reach the capital of the present Territory to travel some eight to twelve hundred miles, to come over the railroad through Minnesota and by way of Chicago or Dubuque westward through Iowa, until they reach the capital of their Territory. It seems to me that there is a very good reason for the passage of this bill, and without taking the time of the Senate I hope it may be passed.

Mr. McMILLAN. What is the capital?

Mr. WINDOM. Yankton, the present capital, I will say at the suggestion of my colleague, is situated in the southern part of the Territory, but there is no way of reaching it by the modern means of communication except what I have stated, some eight to twelve hundred miles.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with my colleague [Mr. MORTON] until he returns on all political questions, and not regarding this as a political question, I vote yea.

The roll-call having been concluded, the result was announced—yeas 31, nays 19; as follows:

YEAS—Messrs. Allison, Bogy, Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Cragin, Ferry, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Jones of Nevada, Kelly, McCreery, McDonald, McMillan, Maxey, Mitchell, Morrill, Oglesby, Paddock, Patterson, Ransom, Sherman, Spencer, West, Windom, Withers, and Wright—31.

NAYS—Messrs. Anthony, Bayard, Boutwell, Conkling, Cooper, Davis, Dawes, Eaton, Edmunds, Frelinghuysen, Kernan, Key, Merrimon, Sargent, Saulsbury, Stevenson, Thurman, Wallace, and Whyte—19.

ABSENT—Messrs. Alcorn, Barnum, Booth, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Ingalls, Johnston, Jones of Florida, Logan, Morton, Norwood, Randolph, Robertson, Sharon, and Wadleigh—21.

So the bill was passed.

J. E. PANKEY.

Mr. McCREERY. I move that the Senate proceed to the consideration of——

Mr. BOGY. I wish to make a motion in connection with the subject just before the Senate before the bill is disposed of.

Mr. McCREERY. I want the bill taken up, and then the Senator can make his motion. I move to proceed to the consideration of the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to J. E. Pankey of $1,029.12 for unused and uncanceled (tobacco) revenue-stamps which have been returned to the Commissioner of Internal Revenue and are now on file in his office.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. There is no report.

Mr. McCREERY. There is a report from the House committee with a letter of the Commissioner of Internal Revenue.

Mr. EDMUNDS. What committee reported the bill?

The PRESIDENT *pro tempore*. The Committee on Finance.

The Chief Clerk read the following report, submitted by Mr. JOHN YOUNG BROWN from the Committee of Claims in the House of Representatives on the 20th of May, 1876:

The Committee of Claims, to whom was referred the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky, report:

The bill directs the payment to J. E. Pankey the sum of $1,029.12 for unused and uncanceled (tobacco) revenue-stamps which have been returned to the Commissioner of Internal Revenue, and are now on file in his Office.

The letter of the Commissioner accompanying the bill, of date April 4, 1876, addressed to the chairman of this committee, shows that the claimant returned the above amount of stamps to the Commissioner, and your committee are of opinion that the bill for his relief should pass, with an amendment striking out the words "with interest thereon from the 1st day of April, 1872," which occur in the sixth and seventh lines of the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. EDMUNDS. I ask to finish the reading of the report which was suspended yesterday of the Senator from Massachusetts [Mr. BOUTWELL] from the special committee. It was laid over on account of the minority report not being quite ready, and it is now hung up between heaven and earth. I ask that it be read before the Senate so as to get it into the files in the regular way.

Mr. BOGY. I thought I had the floor.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the report made by the Senator from Massachusetts be laid before the Senate.

Mr. EDMUNDS. And the minority report.

Mr. BOGY. I thought I had the floor. I desire to make a motion in connection with the Pembina bill. The Senator from Kentucky would not allow me at that time to go on.

Mr. EDMUNDS. Mr. President——

Mr. BOGY. I desire to propose a change of the name of the Territory, and if I give the reasons I think the Senate will adopt the change unanimously.

Mr. EDMUNDS. I think this can be disposed of in a moment.

Mr. BOGY. I yielded to the Senator from Kentucky a while ago. I move to reconsider the bill passed a few moments ago for the creation of the Territory of Pembina.

Mr. EDMUNDS. The Senator can enter the motion, but another matter is now before the Senate.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

AFFAIRS IN MISSISSIPPI.

Mr. EDMUNDS. I understand now that these reports are laid before the Senate.

The PRESIDENT *pro tempore*. They are.

Mr. EDMUNDS. Now I do not ask to have them read clear through if anybody does not want to have them read, but let them be printed in the RECORD, so that we can read them without reading them here, if that is agreeable to everybody.

The PRESIDENT *pro tempore*. Is there objection to both reports being printed in the RECORD?

Mr. BAYARD. Including the minority views?

Mr. EDMUNDS. Certainly.

The PRESIDENT *pro tempore*. The Chair hears no objection. It is so ordered.

The report of the committee is as follows:

The special committee appointed under a resolution of the Senate adopted on the 31st of March last, and instructed to inquire how far the rights of the people of Mississippi, guaranteed by the Constitution of the United States, and secured especially by the fifteenth amendment, were violated by force, fraud, or intimidation at the election held in that State on the 2d of November, 1875, respectfully submit to the Senate the testimony taken, with the conclusions of the committee thereon.

The testimony will fully support the allegation that force, fraud, and intimidation were used generally and successfully in the political canvass of 1875.

But before proceeding to a detailed statement of the facts, and conclusions sustained and warranted by the proof, the committee think it proper to refer to the suggestions and excuses offered in justification of the outrages committed.

It has been alleged that Governor Ames was an unfit person to hold the office to which he was elected in the year 1873; but, on the contrary, the committee find from the evidence as well as from general report in Mississippi that Governor Ames was not only not amenable to any just charge affecting his personal integrity, his character as a public officer, or his ability for the duties of chief magistrate of that State, but that his fitness in all these particulars was sustained by the testimony of those who were not in accord with him politically. The committee refer especially to the testimony of Hon. J. A. P. Campbell, appointed by the existing government one of the judges of the supreme court of the State of Mississippi.

The evidence submitted tends strongly to show, what cannot be denied, that there were many persons in office in the State of Mississippi, especially in elective offices, in the several counties, who were either incapable or dishonest; and there were a few of the same character connected with the State government. The conduct of these persons, however, was not approved by the governor nor by the masses of the republican party.

Complaints and charges against a class of persons called "carpet-baggers" are frequent in the depositions of witnesses opposed to the republican party in the State. It is to be admitted that a small number of the immigrants from other States misused the confidence of the black people, secured office, and betrayed the trusts confided to them. But the number of such persons, compared to the whole number of immigrants, was very small; and it is but just to say that the great majority are intelligent, upright, and brave men from the North, who are entirely incorruptible, and who, in peril of their lives, are now struggling against serious odds to maintain their political opinions and to secure a just administration of the government.

It is alleged that during the last six or eight years the expenses of the State have been unnecessarily increased and that heavy taxes have been imposed for which no adequate return has been received by the people. Comparisons are made between the rate of taxation previous to the war and since the year 1870, and the conclusion is drawn that large sums of money are extorted from the people and wasted, or through negligence and extravagance misapplied.

It is undoubtedly true that taxes are higher in the State of Mississippi than they were previous to 1860; but the rate of increase is far less than in some of the northern States, where no serious complaints are made against the administration of public affairs.

It is to be observed also that previous to the war taxes were not levied for the support of schools in Mississippi; indeed, there was no system of public instruction; and that since the war school-houses have been erected in all parts of the State for the education of the children of both races, and large sums of money have been expended annually for the maintenance of schools, including schools for training teachers.

It is also true that previous to the war the taxes were imposed upon slaves and upon business, while since the war the taxes have been laid chiefly upon personal property and upon land.

In 1873 the State expenses were $953,000; in 1874, $908,000; and in 1875 the expenses were only $618,000. The State debt, not including trust-funds, is only $500,000.

A tax of $1.60 upon each person will pay the public debt and meet the current expenses for a year. (Testimony, page 8.)

Attorney-General Harris makes the following statement in regard to taxation for the period of twenty-six years. He says:

"Take, for example, twenty years of democratic rule in Mississippi, and see what amount of money their own records show were expended, and they held uninterrupted sway, as we can best ascertain from the reports of the auditor and treasurer, made to biennial sessions of their Legislature. Take the twenty years from 1850 to 1870 and compare it with six years of republican rule, from 1870 to 1875, inclusive, the following is shown:

Expenditures:

1850	$295,933 48	1860	$663,536 55
1851	226,407 41	1861	1,824,161 75
1852	802,579 76	1862	6,819,894 54
1853	229,288 45	1863	2,210,794 23
1854	584,296 84	1864	5,446,732 06
1855	311,578 19	1865	1,410,250 13
1856	784,896 79	1866	1,860,809 89
1857	1,067,086 57	1867	625,817 29
1858	614,659 00	1868	525,678 80
1859	707,015 00	1869	463,219 71
	5,623,741 49		20,208,894 95
			5,623,741 49
Total expenditures for twenty years			25,832,646 44

Now, take the republican administration for six years. Expenditures for—

1870	$1,061,249 90	1873	$953,030 00
1871	1,319,626 19	1874	908,330 00
1872	1,098,031 69	1875	618,259 00
	3,478,906 78		2,479,619 00
			3,478,906 78
			5,957,525 78

"Total expenditures for six years, $5,957,525.78.

"The twenty years of democratic administration show an annual average of $1,291,632.32. The six years of republican administration show an annual average of $992,920.96.

"This may be claimed to be unfair, as it embraces four years of the war; but, for the sake of fairness, let us strike out the four years of the war, or the amount expended during those four years, 1861, 1862, 1863, and 1864, and add in lieu thereof the amount expended in 1860, $663,536.55, and we have an expenditure of $12,184,019.06, or an annual average of $699,200.95, as against $992,920.96. From this it would appear that the republican administration has been more expensive than the democratic administration; but there are several reasons for this: Before the war the taxes were paid in gold and silver, and everything much cheaper than since the war; and in January, 1870, when the republicans came into power, State warrants were worth about sixty or sixty-five cents on the dollar; the capitol and mansion were dilapidated; the penitentiary and lunatic asylum were too small, and had to be extended and repaired, and all the improvements cost nearly two prices, because payments were made in warrants at their reduced value. And the judiciary system was rendered more expensive to the State by dispensing with the probate court, the expenses of which had been formerly paid by the counties; this jurisdiction was given to the chancery court, and the number of citizens had more than doubled, and all departments of State government rendered necessarily more expensive. And, again, the school system has been carried on at an expense very large, a thing that had never existed before the war. The expenditures for school purposes in the six years have been about $320,000 per annum. Let us add a few items which have been necessary since the war, and for which no expenditures were ever made by the democracy, by way of annual averages, and it will be seen at a glance why it is that the expenditures have been larger than formerly:

For school purposes, (as above)	$320,000
Probate-court business by the chancery court, (probates' salaries by the counties.) (Code, 1857, p. 423)	36,700
Average annual improvements on public buildings, about	100,000
County record, &c., furnished, (destroyed during the war, and exhausted, &c.)	12,500
Making an average per annum of	469,200

"Taking this from the average, $992,920.96, leaves $523,720.96. These were necessary expenses, never incurred by a democratic administration. The only common-school system in the State before the war seemed to be a well-organized system to squander the school fund of the State as rapidly as the same was donated to the State by the Government, as the history of the fund will show. Take these items from the annual expenditures of the six years of republican administration, and the average is reduced per year to $523,720.96; thus showing the average annual expense of the republican administration to be, on the old basis of State expenses, actually $75,480 less than the average expenses under the democratic rule of twenty years, with less than one-half of the citizens to be governed, and at a time when expenditures everywhere were largely in advance of former years. Many other items of extraordinary expenses have been incurred since January, 1870, not included in these statements.

"This, I think, shows a fair statement of the expenditures for the last twenty-six years, twenty years of democratic rule and six years of republican rule.

"The taxes have been increased and decreased for the various State purposes, for the six years alluded to, as follows: 1870, 5 mills on the dollar; in 1871 it was 4 mills; in 1872, 8½ mills; in 1873 it was 12½ mills; in 1874 it was 14 mills; in 1875 it was 9½. In the last three years there was a school tax as follows: 1873 and 1874 a school tax of 4 mills, and for 1875, 2 mills. This is included in the above estimate, and the counties were restricted in their levies for county purposes as follows: By act of 1872 the counties were prohibited from levying a tax which, with the State and school tax added, shall not exceed 25 mills on the dollar, and in 1875 they were restricted to 20 mills on the dollar.

"It seems that the real complaint of the people of the State, as to the burden of taxation, grows out of the fact that the taxable property of the State is, in the main, unproductive; and to evade the tax the tax-payers, in giving their property to the assessor, place it far below its actual value, and continue year after year to reduce the taxable values of the property."

The statements made by Hon. G. E. Harris, attorney-general, Captain H. T. Fisher, and Mr. E. Barksdale are referred to as presenting both sides of the case, and furnishing the best means at the command of the committee for a just judgment.

The testimony taken tends to show that those who participated in the means by which the election of 1875 was carried by the democratic party rely, for justification, upon the facts of maladministration, as set forth in the testimony submitted with this report.

In the opinion of the committee, those errors and wrongs, if admitted to the extent claimed, furnish no justification whatever for the outrages and crimes established by the testimony.

It is also alleged in justification of the acts of intimidation, and of the crimes committed during the canvass and at the election, that Governor Ames had organized, or attempted to organize, a force, termed the negro militia. At the time of the riot at Clinton, on the 4th of September, 1875, which resulted in the death of at least thirty persons, there was no military organization in the State. The sum of $60,000 had been appropriated by the Legislature at its preceding session, for the organization and support of a military force; and the event at Clinton, in connection with the fact of disturbances in other portions of the State, led Governor Ames to attempt its organization. At the same time he issued the following proclamation:

PROCLAMATION.

STATE OF MISSISSIPPI, EXECUTIVE OFFICE,
Jackson, September 7, 1875.

Whereas persons have formed themselves into military organizations in various parts of the State without sanction of law, and such organizations are moved to the support of each other from point to point in counties and from one county to another without the approval or consent of the peace officers of such counties, and without the knowledge or authority of the state government; and

Whereas such organizations have overthrown civil government in Yazoo County, set it at defiance in Hinds County, and created distrust and fear in Warren and other counties, causing the loss of many lives and compelling many persons to flee from their homes; and

Whereas such action has already caused great injury to the interests of the people, and, if persisted in, will result in incalculable evil:

Now, therefore, I, Adelbert Ames, governor of the State of Mississippi, do hereby make proclamation and command all persons belonging to such organizations to disband forthwith; and I hereby require all citizens to render obedience to and assist the peace officers of the various counties in the preservation of peace and order and the enforcement of the laws of the State.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Mississippi to be affixed, this the 7th day of September, A. D. 1875.

[L. S.] ADELBERT AMES.

By the governor:

JAMES HILL, *Secretary of State.*

Some of the officers selected by him were native-born white citizens who had served in the late war on the side of the confederates, and he solicited and accepted recruits from the white as well as from the black population. (See testimony of General Hurst, page 87.)

This effort on the part of the governor, it is now claimed, was the occasion seized by the democrats for organizing and arming themselves, ostensibly to resist the black militia; but, in fact, such organization had been effected previously, as is shown by the testimony concerning the Clinton riot, and in the end it became the means by which the colored inhabitants and the white republicans of the State were overawed, intimidated, and deprived of their rights as citizens. (See testimony of Hon. H. Swann, pages 307, 308; W. A. Montgomery, page 546; and others.)

These organizations were the instruments also by which numerous murders were committed upon persons who were then active, or who had been active, in the republican party.

By the terms of the peace conference entered into by General J. Z. George, the chairman of the democratic State committee, and Governor Ames, on the 13th of October, 1875, the attempt to organize the militia was abandoned. General George on his part agreeing to secure a peaceful election and the full and free enjoyment of the elective franchise by every citizen. The stipulation on the part of the governor was faithfully kept, but the promise made by General George was systematically disregarded by the democrats in the larger portion of the State.

The outrages perpetrated by the white people in the canvass and on the day of election find no justification whatever in the acts or the policy of Governor Ames concerning the State militia.

The effort on his part to organize the militia for the preservation of the public peace seems to the committee to have been not only lawful but proper, and the course of the democrats in organizing and arming themselves to resist the governor in his efforts to preserve the public peace was unlawful, and the proceedings should have been suppressed by the State authorities if possible, and, in case of failure on their part, by the Government of the United States.

The constitution of the State provides that the militia shall consist of the able-bodied male citizens between the age of eighteen years and the age of forty-five years, and the Legislature provided for its organization by an act passed at its first session in the year 1870. It was the duty of the governor to use the militia for the suppression of such riots as those of Vicksburgh and Clinton, and this without regard to the question whether the white or the black race was most responsible therefor.

In the opinion of the committee the riot at Clinton was in harmony with the policy previously adopted by democrats in that vicinity, and designed to intimidate and paralyze the republican party. The testimony shows that the riot was inaugurated by a body of eight or ten young men from Raymond, who acted, apparently, under the advice of the Raymond Gazette, a democratic newspaper, edited by G. W. Harper, an aged and highly respected man, according to the testimony of Frank Johnston, W. A. Montgomery, (page 539,) and others.

The riot occurred September 4, and the Raymond Gazette, as early as June or July, gave this advice:

"There are those who think that the leaders of the radical party have carried this system of fraud and falsehood just far enough in Hinds County, and that the time has come when it should be stopped—peaceably if possible, forcibly if necessary. And to this end it is proposed that whenever a radical pow-wow is to be held, the nearest anti-radical club appoint a committee of ten discreet, intelligent, and reputable citizens, fully identified with the interests of the neighborhood and well known as men of veracity, to attend as representatives of the tax-payers of the neighborhood and county, and true friends of the negroes assembled, and that whenever the radical speakers proceed to mislead the negroes, and open with falsehoods, and deceptions, and misrepresentations, the committee stop them right then and there, and compel them to tell the truth or quit the stand."

Nor do these outrages find any excuse in the statement made repeatedly by witnesses, that the negroes were organizing or threatened or contemplated organizing themselves into military bands for the destruction of the white race. The evidence shows conclusively that there were not only no such organizations, but that the negroes were not armed generally; that those who had arms were furnished with inferior and second-hand weapons, and that their leaders, both religious and political, had discountenanced a resort to force. Many rumors were current among the whites that the negroes were arming and massing in large bodies, but in all cases these rumors had no basis.

In a sentence, it may be asserted that all the statements made that there was any justifiable cause for the recent proceedings in Mississippi are without foundation.

On the other hand, it is to be said, speaking generally, that a controlling part and, as we think, a majority, of the white democratic voters of the State were engaged in a systematic effort to carry the election, and this with a purpose to resort to all means within their power, including on the part of some of them the murder of prominent persons in the republican party, both black and white.

There was a minority, how large the committee are unable to say, who were opposed to the outrages which by this report are proved to have taken place. This minority, however, is for the time overawed and as powerless to resist the course of events as are the members of the republican party. Under more favorable circumstances they may be able to co-operate with the friends of order and redeem the State from the control of the revolutionary element.

(1.) The committee find that the young men of the State, especially those who reached manhood during the war or who have arrived at that condition since the war, constitute the nucleus and the main force of the dangerous element.

As far as the testimony taken by the committee throws any light upon the subject it tends, however, to establish the fact that the democratic organizations, both in the counties and in the State, encouraged the young men in their course, accepted the political advantages of their conduct, and are in a large degree responsible for the criminal results.

(2.) There was a general disposition on the part of white employers to compel the laborers to vote the democratic ticket. This disposition was made manifest by newspaper articles, by the resolutions of conventions, and by the declarations of land-owners, planters, and farmers to the workmen whom they employed, and by the incorporation in contracts of a provision that they should be void in case the negroes voted the republican ticket.

(3.) Democratic clubs were organized in all parts of the State, and the able-bodied members were also organized generally into military companies and furnished with the best arms that could be procured in the country. The fact of their existence was no secret although persons not in sympathy with the movement were excluded from membership. Indeed their object was more fully attained by public declarations of their organization in connection with the intention, everywhere expressed, that it was their purpose to carry the election at all hazards.

In many places these organizations possessed one or more pieces of artillery. These pieces of artillery were carried over the counties and discharged upon the roads in the neighborhood of republican meetings and at meetings held by the democrats. For many weeks before the election members of this military organization traversed the various counties, menacing the voters and discharging their guns by night as well as by day. This statement is sustained by the testimony of Captain W. A. Montgomery, Captain E. O. Sykes, J. D. Vertner, leading democrats in their respective counties, as well as by the testimony of a large number of trustworthy republicans.

(4.) It appears from the testimony that, for some time previous to the election, it was impossible, in a large number of the counties, to hold republican meetings. In the republican counties of Warren, Hinds, Lowndes, Monroe, Copiah, and Holmes meetings of the republicans were disturbed or broken up, and all attempts to engage in public discussion were abandoned by the republicans many weeks before the election.

(5.) The riots at Vicksburgh on the 5th of July and at Clinton on the 4th of September were the results of a special purpose on the part of the democrats to break up the meetings of the republicans, to destroy the leaders, and to inaugurate an era of terror, not only in those counties, but throughout the State, which would deter republicans, and particularly the negroes, from organizing or attending meetings, and especially deter them from the free exercise of the right to vote on the day of the election. The results sought for were in a large degree attained.

(6.) Following the riot at Clinton, the country for the next two days was scoured by detachments from these democratic military organizations over a circuit of many miles, and a large number of unoffending persons were killed. The number has never been ascertained correctly, but it may be estimated fairly as between thirty and fifty.

Among the innocent victims of those days of horror and crime was Mr. William P. Haffa, a white man, a teacher by profession, a justice of the peace by the choice of his fellow-citizens, and a candidate for re-election upon the republican ticket. He was a resident of Philadelphia with his family until the year 1870, when he emigrated to Mississippi for the purpose of planting. The story of his assassination as related by his wife is here given in full:

ASSASSINATION OF MR. HAFFA.

WASHINGTON, D. C., *July 7, 1876.*

Mrs. ALZINA F. HAFFA sworn and examined.

PERSONAL STATEMENT.

By the CHAIRMAN:

Question. Have you lived in Mississippi; and, if so, how long?

Answer. Yes, sir; it will be seven years next February since I went there.

Q. Where did you live before that?

A. In Philadelphia, my native place.

Q. What was your husband's name?

A. William P. Haffa.

Q. Did you go to Mississippi with him?

A. Yes, sir.

Q. He is not living now?

A. No, sir.

Q. Will you state to the committee the time when he died and the circumstances of his death?

A. Do you desire me to state anything previous to that?

Q. You can state just what took place in Mississippi that you think important.

A. We were there about two months and a half or three months——

Q. When did you go there?

A. In February.

Q. What year?

A. Eighteen hundred and seventy; seven years next February. Mr. Haffa went there for the purpose of raising cotton and corn.

Q. Where did you live?

A. In Hinds County, third district.

VISITED TO DEFINE HIS POLITICS.

Q. Near what town?

A. I cannot tell you how many miles from Vicksburgh, I don't remember; but we lived within a few miles of Auburn, Mississippi; I think it was two or three miles. After we had been living there about three months we were waited upon by the owners of the land, and they asked Mr. Haffa whether he was a friend to the white people or to the nigger, using a profane word. They called him outside and I followed him and stood at the door and heard what they said.

Q. Do you know who these people were?

A. Frank and William Bush, the owners of the land. William Bush was not an owner, but Frank was. William Bush was the agent for his wife and did all the business connected with the estate, which belonged to his wife. Her name was Mollie Bush.

Mr. Haffa said he was a friend to any one, be he black or white, that was deserving of his friendship. They then said to him, "We understand that you are a friend of the nigger," using profane language; and they made some other remarks, I don't remember what; but they went away, and a short time after that they came back and inquired for him. He was not in; he was out in the field. They went out there where he was, and my little boy, who was out there, said that they used some insulting language toward Mr. Haffa, and that they threatened him. He came in very much excited from the field and said to me, "Mamma, I am afraid there will be difficulty here."

ELECTED JUSTICE OF THE PEACE.

Then the colored people nominated him for squire—magistrate—and he received his appointment from Governor Alcorn, who was then governor of Mississippi. That raised the indignation of the white people. They declared no northern man should come down there and rule them. So they sent up a number of petitions to have him removed. Governor Alcorn said there was nothing against him that he could find out, and unless there was something else against him than his birth he could not do anything, as long as it was the desire of the majority of the people, who are colored people.

So then he fulfilled his office for two years, and the first election came on and he was renominated for the same position, and he was elected by the people at that time. Then he had occasion to have some business with these people, the Bushes.

MR. HAFFA LASHED.

Q. Was it private or public business?

A. I have forgotten now; I cannot say. They came to the house one Sat-

urday afternoon; I don't know what time it was, but anyhow they got the colored people all to leave the premises except one, an old colored woman; she could not get away. They came to the house and asked me if Mr. Haffa was in. I said, "Yes." They said they wanted to see him. I went to the door as usual—I always went to the door when there was white people come around, for I was very much afraid of them myself.

So they got him out by a tree a short distance off, and they had hitched their horses to that tree. I watched them, and they took a cowhide and commenced to lash him very freely with it. I ran out and grasped him around the waist. They said, "We will show you what southern blood is." Mr. Haffa never said a word. I said, "Mr. Bush, you have a wife in heaven and a child also, here; remember what your fate will be. I am here among strangers." He says, "Well, you have got no business to be down here among such an illiterate class of people."

MRS. HAFFA INJURED.

And, finally, I kept on, and I presume it lasted over an hour, perhaps two hours; and they kept on until they got up to the house, and then Frank Bush took hold of me and threw me violently against a sill in front of the door, and the effects of it I have never got over yet. I was laid up in consequence of it for about a month. I was taken to Jackson, Mississippi. Senator Caldwell, of Mississippi, a colored man, paid my expenses there, which cost him $50. I was there for a month to be recuperated; I was not able to be home at all; they had no hopes of me.

In the mean time Mr. Haffa had gone to Jackson to make his bond for his position as magistrate for the second term. He was there for a few days and then went back and attended to his business, leaving me there.

HER HUSBAND INSULTED—HER BOY FIRED AT.

Then I went home, and there was nothing of any moment occurred for several months. Then Robinnett, a brother-in-law of these Bushes, met Mr. Haffa coming from the depot with my little boy, who was on a mule, and Mr. Haffa was on a horse. Robinnett came up to Mr. Haffa and took hold of his whiskers, and told him he wanted him to come down off his horse and he would have it out with him there. Mr. Haffa somehow got away from him and put spurs to his horse, and the horse ran, and then Robinnett fired at my little boy.

ATTEMPT AT ASSASSINATION.

Owing to the excitement he could not get out any warrant to have the man arrested, and there was never anything done with him. So, repeatedly after that, the Bushes made attempts at Mr. Haffa, and Mr. Haffa had always somebody with him wherever he went. He had to be guarded by the colored people. Even in going to the stable, which was no farther than from here across the street, he was afraid of his life. One evening after he came home from the depot—he went there generally of a Saturday to get his mail—a son of a member of the board of supervisors—I think he was a supervisor; he was an officer anyhow; his name was Fatherce. I always answered the door if anybody called at night, and, in fact, in the day-time as well as night, for I thought I might do better than Mr. Haffa—he came to the door and says: "Is Mr. Haffa in?" Says I, "Yes, sir." He says, "I wish to see him on business." I said, "Won't you alight and walk in?" He said, "No." I went in and told Mr. Haffa, and I went out with a candle, and he says to me, "Mamma, you go in; it is too cold for you here, you will take cold." The young man says to him, "Send your wife in; I want to talk about business and it is not prudent for ladies to be present." There was a colored woman, a school-teacher, there, standing by me. Mr. Haffa then spoke in a more emphatic manner than usual, for me to go in, and I went to turn around with the candle to go in when this colored woman just shook her head that way, [indicating,] and I said, "I will not go in;" and I turned, and at that moment saw a pistol aimed at Mr. Haffa. He had it cocked, but Mr. Haffa snatched it from his hand, and made him get down off his horse, and put him in the cotton-house and locked him up until next morning. In the morning he knocked at the door and prayed to be let out, and asked Mr. Haffa's pardon, and said he did not intend anything.

Mr. Haffa thought, probably, on account of the feeling, that it would be better to be lenient than to use harsh means, though he had him in his power, so he let him out; and said he, "Squire, won't you give me my pistol?" It was a small Derringer pistol. Mr. Haffa said, "I don't know that I will." He said, "Will you give it back to me, please? I will promise you I won't do any such thing as that again, and I am very sorry for it, but I was put up to do it." Mr. Haffa said, "Who put you up to do it?" and he would not say who it was; and he gave him back his pistol, and he went home.

Two or three days after that his mother called on me—Mr. Haffa was absent at the time—and made an apology to me for the conduct of her son. Mr. Haffa says, "We will think nothing about it; we will let it slide, as long as he made reparation for it. In that way probably I can overcome them by kindness."

MRS. HAFFA TEACHES SCHOOL AND ADVISES COLORED VOTERS.

Then he came on North here and remained a year, and left me there as teacher. I have been teacher there ever since the public schools have been in vogue. The school-house was only twenty or thirty yards from my house, and we held all our club meetings there, and in the absence of Mr. Haffa I attended to the business of the colored people; was their secretary part of the time, and I did various other things for them.

During the election of McKee the colored people waited on me and asked me if I would persuade them to vote for McKee. They left it all to me whether he was the right kind of a man for them to have to represent them in Congress. I had heard Mr. Haffa speak very happily of Mr. McKee as well as several of his intimate friends at Jackson, one of whom, I think, was Captain Fisher; so I said to them, "Vote for McKee; vote the republican ticket straight through; don't allow anything to influence you against voting that ticket." They had implicit confidence in me from the fact of my being there so long; and they always consulted me in every respect during Mr. Haffa's absence.

I taught day-school and night-school up to the day of Mr. Haffa's murder. He came back, I don't remember exactly what time, but I think it was in May—April or May, somewhere.

MR. HAFFA TEACHES SCHOOL.

Q. How long ago was it?

A. I think it was three years ago last May, if my memory serves me right. The colored people waited on him and asked him if he would take their school to teach, about seven miles from there. He said he did not know whether he would or not. They asked him if he would take an office at the next election. Said they, "We are determined to have you somewhere, because we are afraid we are going to lose you. We are very much afraid of that, and you have got to remain here with us."

He always consulted me in every question; said he, "Mamma, what would you advise me to do?" Said I, "Do just as you think best. If you think it will be remunerative, perhaps you had better take the school." He said he would give them an answer. So they came again, and he finally determined to take the school, and he taught the school up to the time he was assassinated.

WARNED OF IMPENDING DANGER.

The school closed on Friday, and the public school was opened the following Monday and on Monday, the 6th of September—I have forgotten whether it was between two and three or three and four o'clock in the morning—but my affidavit that I made out in Jackson has the precise time, but I have forgotten now. There was a number of colored people waited on Mr. Haffa on the Sunday before. He attended their Sunday-school, and always preached there Sunday for the colored people; and he came back and they said to him, "Squire, don't you feel afraid of your life? Don't you feel timid?" He said, "No, I am not timid." They said that the white people said they were going to destroy very many, and that they were not going to escape a limb, and that he was mentioned as one of them. Said, he, "O, no; there is so much braggadocio about them, I don't suppose they will harm me now, after we have been living here so many years, and they have attempted it so often."

A FEDERAL OFFICER APOLOGIZES FOR HIS NEGLECT OF DUTY.

I neglected to say that when we were first struck, how he would take it to court and a gentleman that has a United States position, he came to him and apologized for not doing his duty to him. I think he is now United States marshal. When we first went there he was sheriff, and the Bushes were wealthy, and he said, "Mr. Haffa, it is no use for you to be butting yourself against the bricks while you have no money and the Bushes are wealthy, and you might as well drop the case right away, for you can't gain anything."

But Mr. Haffa laid his damages at $10,000. I heard Mr. Haffa say that himself; and he got defeated out of it. Through Mr. Lake not sending the papers to the proper place at the circuit court our damages were all lost and we never got anything.

When the election came around again Lake came to Mr. Haffa and apologized to him. He said, "I am very sorry for what has happened; it was my fault that those papers did not reach their destination." Says Mr. Haffa, "Is it so?" Says he, 'Yes.'"

Q. Do you remember Mr. Lake's first name?

A. No, sir. They told me that he had a position there when I was in Jackson.

THE ASSASSINATION OF MR. HAFFA DESCRIBED.

We were aroused by the barking of our dog furiously on the morning of the 6th of September. I hallooed, "Who is there?" and no answer. I repeated it, and there was no answer. And then Mr. Haffa got up and said, "Who is there?" They said, "We will let you know who is there;" or, "You will know who is there," or something to that effect; and I said, "My God; they have the yard full of men." I presume there were from fifty to seventy-five men barricading the whole of the house. And they had not only armed themselves with one or two weapons, but they had some of them half a dozen, because I could see them. They had them buckled around them, besides the musket that they carried.

They tried to unfasten the door to get in, but we had a small crevice where we could insert our foot between the door and the sill, and I inserted my foot between the door and the sill and kept the door closed, and they could not get in. My daughter assisted me also. Finding they could not get in they finally took one of the fence-rails and broke the door down and part of the furniture; and we were hallooing all the time, "Murder! murder!" and no one came to our assistance. They could hear me halloo "murder" for about two miles, as the neighbors told me afterward. Finally, Mosely, the agent of the Singer sewing-machine, came up to me and choked me, and held a revolver close to my head. Before he choked me I said, "I am not afraid; if you will take me and spare my husband that is all I ask." And Mosely said to me, when I called his name several times, "Sh—! sh—!" I had a nursing baby then, and it was lying on the bed, screaming. After I was choked so I could not halloo any longer, my daughter came, and she left me and went over to her father; and they broke a shutter off the window and fired at Mr. Haffa; and my little boy told me yesterday—I have him at boarding-school, at least at a house out in Germantown—he said that he would take oath any time that it was Jimmy Whitehead who fired one of the shots at Mr. Haffa; and Sid. Whitehead, the owner of the land that we rented our land from, he had threatened Mr. Haffa's life several times, which the children know of.

They fired twice, and I went to him, and he asked me to take him to the bed; so my daughter and I assisted him to the bed; and—we had no light; it was utter darkness there—and says he to me, "Mamma, I want water." As soon as I could get a light I gave him water and laid him down, and ran out for assistance, and sent my little boy over to some colored people, and they came rushing over.

Finally Sid. Whitehead came along and refused to let me have a physician; he said it was no use, that he would die anyhow. Mr. Haffa spoke as strongly as I am speaking, and he asked for water, and that was all he asked for. He said, "Mamma, I am going to die," and he asked God to have mercy on his soul, and he laid his head on my shoulder and expired.

THE WIDOW FORCED TO DENY THAT SHE KNEW ONE OF THE ASSASSINS.

So after the colored people had laid him away I said to Mr. Sid. Whitehouse, "Mosely is the one that choked me; and he held a revolver at my head;" and Sid. Whitehouse said, "You know Mr. Mosely was not here." I said, "Yes, sir; he was;" and he spoke out—that is Jimmy Whitehead—to say that I had to recall those words for the sake of my life. They made me recall it, and say it was not him.

PROFANE LANGUAGE—ABUSE OF NORTHERN PEOPLE—A COFFIN REFUSED.

They came there together and set up the first night—Whitehead and two or three other gentlemen—and they did nothing but use profane language all the time, and abuse the northern people. They said that they would show them that they were fully armed now and ready for war at any time, and that they could not rule over them and do as they pleased with them.

They would not allow me to have a coffin for him at all. Colonel Griffin, formerly United States Senator here—so he told me—he came and said, "Mrs. Haffa, I regret this very much." Says he, "I cannot get a coffin for you, for they won't allow any travel through."

Do you want to know anything about the other men that were assassinated the same day?

ASSASSINATION OF A FATHER AND SON.

Q. If you know any others you may specify them. You have not yet given the date of the night when this took place?

A. This was the 6th of September, 1875. Well, after Mr. Haffa was gone, the colored people, who were very friendly toward us, all the colored people, they were there, and they said, "Well, I would like to see any one come to my house and kill me in as brutal a manner as they did the squire. We have lost our best friend." The names of the people who said this were Stevens; and his wife said, "I must go home." He says to her, "Yes, you better go home, for I will be the next one." Mr. Whitehead said, "Dolph"—his name was Adolph—"you better be careful how you talk, or the men will be after you." So about 11 o'clock these men came back to see if Mr. Haffa was gone, and they were looking like hungry wolves; the most fiendish-looking men I ever saw. They said, "Any colored people secreted about your premises here?" Says I, "No, sir." There was nobody in the house then but my children and Mr. Haffa. I said, "There is nobody here, but you are privileged to come in and examine the premises, and look up the chimney." Two of them alighted, and came in and looked around, and they said that was all they wanted to know.

They went over to these colored people's houses, and took the Stevenses, father and son, out, and stood them on a stump and shot them, and killed them instantly.

Q. Did you know these people who came to your house the last time?

A. No, sir; I could not know them.

Q. Were they disguised in any way?

A. No, sir; not the last time, they were not; the first time they were disguised. They did not give them any warning, any more than they did Mr. Haffa, when they came in the house and took them out.

They said they had a large day's work on hand, and that they had to commence

early; and during that day they perpetrated a number of murders. They were after Senator Caldwell, but I don't know whether they got him at that time or not; I never found out.

THE WIDOW ORDERED TO LEAVE.

Mr. Whitehead then gave me ten days' notice to leave; and so the colored people harbored me. I could not get away from there, as no one came in and out of the depot, for they were afraid to go there.

Mr. Haffa was buried in a rude box, and just the colored people and my son went along. He was just wrapped up in a sheet; they would not allow it in any other way.

Mr. Whitehead said that I must leave, that we were looked upon as spies here. The colored people harbored me until I got a conveyance to take me to the depot. Finally, there was a man, an intimate friend of Mr. Haffa's, came out with three pistols belted around him, and said he would take us in.

THE COLORED PEOPLE DISARMED.

They disarmed all the colored people through the country there, took their arms from them, and would not allow them to have any; and before I left for the depot they made the colored people break up their clubs, and every one of them joined the democratic clubs; they compelled them to do so or their life, one or the other. They were given ribbons, and I could see them marching along to the democratic clubs at Auburn and Utica; they went to and fro.

CAPTAIN MONTGOMERY GIVES HELP.

We went to the depot, and there they sent for Captain Montgomery. I had no money, and I was obliged to leave everything; I had not even a change of clothing; and Captain Montgomery raised me a purse of between thirty and forty dollars, and I went to Jackson. I had to make some purchases there for the children; and after I got there I was taken into Mr. Wolf's house, the superintendent of education, and his family received me very kindly. He was an intimate friend of Mr. Haffa's, and he said he would do all he could for me; but he could not have me there at his house at all, because his life would be in jeopardy; but said that he would call on the governor, and that he would send his officials around to take my affidavit, and he would secrete me at the hotel and pay my board while I was there. This is the document that he drew up, [exhibiting paper.]

And he went around among the republican members of the government, and he was chagrined at the republicans not doing more than they did. Governor Ames donated $5 and gave me a ticket half way to Cincinnati; and after I arrived at Cincinnati with my three children I had to beg my way on to Philadelphia. I was only a few hours at Mr. Wolf's house, and then was taken to the hotel there.

Q. How many children have you?
A. I have two; I have lost my baby.
Q. What is your age?
A. Thirty-eight.

The story of the murder of Square Hodge, a colored man, Sunday morning, September 5, is thus told by his wife:

ASSASSINATION OF SQUARE HODGE.

JACKSON, MISSISSIPPI, *June* 19, 1876.

ANN HODGE (colored) sworn and examined.

By the CHAIRMAN:

PERSONAL STATEMENT.

Question. How old are you?
Answer. Eighteen years old.
Q. Have you been married?
A. Yes, sir.
Q. What is your husband's name?
A. Square Hodge.
Q. Where do you live now?
A. Eight miles below Raymond.
Q. Do you know anything about the Clinton riot last September?
A. I was not there. I know my husband came home; he was there.
Q. What day of the week was that?
A. On Saturday. The riot was on Saturday.
Q. Did your husband come home to your place?
A. Yes, sir; he came home Saturday night, in the night.
Q. Was he hurt?
A. He was shot in the arm.
Q. Could he use his arm?
A. No, sir; he could not use it all. He had it in a sling.
Q. Did he tell you how he got hurt?
A. Only that he got shot. That is all he told me.
Q. Did he stay at home that night?
A. Yes, sir.

WHITE PEOPLE CAME FOR HIM.

Q. On Sunday morning what happened?
A. The white people came there after him in the morning.
Q. Who were they?
A. Henry Quick, Willy Locke, Bryan McDonald, John McDonald, George Allen, John McNeir, and Allen Grafton came.
Q. Any more?
A. No, sir; I did not know any more. Two or three, I didn't know them.
Q. Did they have horses or come on foot?
A. All riding.
Q. On horses?
A. Yes, sir.
Q. Did they have any guns?
A. Yes, sir; guns and pistols.
Q. They came to your house?
A. Yes, sir.
Q. Who was in the house besides yourself?
A. Me and my brother there and another brother.
Q. Who is he?
A. John Jones.
Q. Who else?
A. My other brother, Lewis, and brother William, and my mother and little children.
Q. How many children?
A. Five of them.
Q. Have you any children yourself?
A. Yes, sir; I have two.
Q. Did these men come in the house?
A. Allen Grafton and John McNeir came in. The rest staid around the house.

THEY FIND HODGE.

Q. What was done?
A. They made my brother come out from under the bed—my brother John—and asked where Square was, and said, "Is he in the room?" and I did not tell, and said I did not know, at first. Then he asked if they had been at the Clinton riot, and I said that I did not know. Then he said, "If you don't tell, I will shoot your God damned brains out." They made him come out from under the bed, and started to shoot under the house—mother put the children under the house; she was scared and put the children under the house, and they gone around. There is two doors in the house. They had pistols pointed under the house, and I told them that nobody was under but the children. Then they came into the house, but could not find Square, and they went out right where he was, and snatched off the weather-boards, only one in the room, and the other went outside the door and snatched the weather-board and turned back the bed, and made him come out, and called him a damned son of a bitch, and said he must come with them. Mr. Quick says, "I told you this; if you had listened to me you would not have come to this," and they told him to put his shoes on, and I got them and said I will put them on; and I had to put them on and could not tie them very well; and some one said, "Let the God damned shoes be; he don't need any shoes." I put my brother's coat on him, and they carried him before them.

Q. On the horse?
A. No, sir; he walked before them away toward Raymond.
Q. Now what happened?
A. Nothing else.

"THEY KILLED HIM."

Q. What became of your husband?
A. They killed him. I never did find him for a week, until the next Saturday.
Q. Where did you find him?
A. Near about a mile and a half to the last bridge to Raymond, in the swamp.
Q. Who found him?
A. A colored man who was running off, keeping out of the way of the rebs, too, and he come across the body, and went and got a spade, and dug a hole and put a blaze on the trees all the way out, and then we got the news; and Mr. Quick he took and made a box for us, and he loaned us a wagon, and we went after him that Saturday.

THE BODY FOUND.

Q. You found his body?
A. The buzzards had eat the entrails; but from the body down here [indicating] it was as natural as ever. His shoes were tied just as I had tied them. The skull bone was on the outside of the grave, and this arm was out slightly and the other was off. Some we didn't find. We picked up the rings of the backbone. We got the pocket-book, and there was the hat hanging up, and this ring was put on the tree and the black one was on the ground; this one.

By Mr. BAYARD:

Q. Did you ever take an oath before?
A. No, sir.
Q. Do you know the meaning of taking an oath?
A. No, sir.
Q. Do you know what the consequences are of swearing falsely?
A. No, sir.

ASSASSINATION OF SENATOR CALDWELL.

An equally horrid crime was the murder of Senator Caldwell and his brother, at Clinton, Christmas night. A history of the events of that evening is given by Mrs. Caldwell, which we here quote in her own words.

Mrs. MARGARET ANN CALDWELL (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your name?
Answer. Margaret Ann Caldwell.
Q. Where do you live?
A. In Clinton, Hinds County.
Q. Was Mr. Caldwell, formerly senator, your husband?
A. Yes, sir.
Q. What was his first name?
A. Charles.
Q. When did he die?
A. Thursday night, in the Christmas. Him and his brother was killed.
Q. You may state to the committee what you know of his death.
A. I know when he left the house on the Thursday evening, in the Christmas, between dark and sundown. In the beginning of the day he was out on his fox-chase all day. The first commencement was an insult passed on his nephew, and he came out home.

STORY OF HIS ASSASSINATION.

Q. Who was that?
A. David Washington; he is in Washington City now. He is there in business; watchman in the Treasury Department now; has been ever since October, I think. So they picked a fuss; Waddy Rice in George Washington's blacksmith shop in Clinton. They commenced talking this way: I think David asked, "How many did he kill on the day of the Moses Hill riot; who did he shoot?" David said that he did not know as he shot anybody; said he didn't know that he shot anybody. They told him, he said, "he came there to kill the white people, and if he did, to do his work in the day, and not to be seeking their lives at night." David came immediately back to my house. His uncle was at the fox-chase. I said, "Don't go out any more. Probably they are trying to get up a fuss here."

His uncle sent him down for something. He staid in the house until he came.

That was about four o'clock in the evening, and some one had told about the fuss picked with his nephew, and he walked down town to see about it, I suppose. He was down town a half hour, and came back and eat his dinner, and just between dark and sundown he goes back down town again. He went down town knocking about down there. I do not know what he was doing down there, until just nearly dusk, and a man, Madison Bell, a colored man, came and says, "Mrs. Caldwell, you had better go down and see about Mr. Caldwell, I think the white folks will kill him; they are getting their guns and pistols, and you had better go and get your husband away from town."

I did not go myself; I did not want to go myself, but went to Professor Bell and said would he go and get him. Mr. Bell went, and he never came back at all until he came back under arrest.

I was at my room until just nearly dark.

The moon was quite young, and the chapel bell rang.

We live right by it. I knew the minute the bell tolled what it all meant.

And the young men that lived right across the street, when the bell tolled they rushed right out; they went through the door and some slid down the window and over they sprang; some went over the fence. They all ran to the chapel and got their guns. There was one hundred and fifty guns there to my own knowing; had been there since the riot, at the Baptist chapel. They all got their guns.

I went down town, and then all got ahead everywhere I went; and some of them wanted to know who I was, but I hid my face as well as I could. I just said "woman," and did not tell who I was.

As I got to town I went to go into Mr. Chilton's store and every store was closed just that quick, for it was early, about six o'clock. All the other stores were closed. Chilton's was lit up by a big chandelier, and as I went over the lumber-yard I saw a dead man. I stumbled over him, and I looked at him, but I did not know who it was, and I went into Chilton's, and as I put my foot up on the store steps, standing as close may be a few feet, (everything was engaged in it that day,) there was Judge Cabinis, who was a particular friend of my husband; a particular friend to him. He was standing in the center with a gun with a blue strap, in the center of the jam; and as I went to go in they cussed me and threatened to hurt me, and "make it damned hot for me," and the judge among the balance; but he said he didn't know me afterward. And they all stood; nobody would let me go in; they all stood there with their guns.

I know there was two dead men there, but I did not think it was my husband at the time.

I stood right there, and as I stood they said to me, "If you don't go away they would make it very damned hot for me;" and I did not say anything, and walked off, and walked right over the dead man. He was right in my path where I found the body. He was lying broadside on the street. I did not know who he was. I then stooped and tried to see who he was, and they were cursing at me to get out of the town—to get out.

Then I went up, and there was Mrs. Bates across the street, my next-door neighbor. I seed her little girl come up by us and she said, "Aunt Ann, did you see my uncle here?" I said, "I did not. I saw a dead body on the street; I did not see who he was." She said, "What in the world is going on down town?" Says I, "I don't know, only killing people there." She says, "Aaron Bates's hand is shot all to pieces, and Dr. Bangs is killed." He was not killed, but was shot in the leg; nobody killed but my husband and brother.

I went on over to the house, and went up-stairs and back to my room and laid down a widow.

After I had been home I reckon three-quarters of an hour, nearly an hour, Parson Nelson came up—Preacher Nelson—and he called me. I was away up-stairs. He called several times, and I heard him call each time. He called three or four times, and says, "Answer; don't be afraid; nobody will hurt you." He says, "Don't be afraid; answer me;" and after I had made up my mind, I answered him what he wanted; and he said, "I have come to tell you the news, and it is sad news to you. Nobody told me to come, but I come up to tell you." I didn't say anything. "Your husband is dead," he said: "he is killed, and your brother, too, Sam."

I never said anything for a good while. He told me nobody would hurt me then; and when I did speak, says I, "Mr. Nelson, why did they kill him?" He says, "I don't know anything about it." He said just those words: "I don't know anything about it." He says, after that, "Have you any men folks about the place?" I says, "No." He says, "You shan't be hurt; don't be afraid of us; you shan't be hurt."

I never said anything whatever. He went off.

Sam's wife was there at the same time with three little children. Of course it raised great excitement.

After a length of time, Professor Hillman, of the institute, the young ladies' school or college, he brought the bodies to the house; brought up my husband, him and Frank Martin. Professor Hillman and Mr. Nelson had charge of the dead bodies, and they brought them to the house; and when they brought them, they carried them in the bed-room, both of them, and put them there; they seed to having them laid out, and fixed up and all that.

Mr. Nelson said in my presence, I listened at him, he said, "A braver life never had died than Charley Caldwell. He never saw a man died with a manlier spirit in his life."

He told me he had brought him out of the cellar.

You see when they had shot Sam, his brother, it was him who was lying there on the street. They shot him right through his head, off of his horse, when he was coming in from the country, and he fell on the street. He was the man I stumbled over twice I did not know who he was. When they shot him, they said that they shot him for fear he would go out of town and bring in other people and raise a fuss. He found out, I suppose, that they had his brother in the cellar, so he just lay there dead; he that was never known to shoot a gun or pistol in his life—never knew how.

Mr. Nelson said that Buck Cabell carried him into the cellar; persuaded him to go out and drink; insisted upon his taking a drink with him, and him and Buck Cabell never knowed anything against each other in his life; never had no hard words. My husband told him no, he didn't want any Christmas. He said "You must take a drink with me," and entreated him, and said, "You must take a drink." He then took him by the arm and told him to drink for a Christmas treat; that he must drink; and carried him into Chilton's cellar, and they jingled the glasses; and at the tap of the glasses, and while each one held the glass, while they were taking the glasses, somebody shot right through the back from the outside of the gate window, and he fell to the ground.

As they struck their glasses, that was the signal to shoot. They had him in the cellar and shot him right there, and he fell on the ground.

When he was first shot he called for Judge Cabinis and called for Mr. Chilton; I don't know who else. They were all around, and nobody went to his relief; all them men standing around with their guns. Nobody went to the cellar, and he called for Preacher Nelson, called for him, and Preacher Nelson said that when he went to the cellar-door he was afraid to go in, and called to him two or three times, "Don't shoot me;" and Charles said "Come in," he wouldn't hurt him, and "take him out of the cellar;" that he wanted to die in the open air, and did not want to die like a dog closed up.

When they taken him out he was in a manner dead, just from that one shot; and they brings him out then, and he only asked one question, so Parson Nelson told me, to take him home and let him see his wife before he died: that he could not live long.

It was only a few steps to my house, and they would not do it, and some said this.

Nelson carried him to the middle of the street, and the men all hallooed, "We will save him while we've got him; dead men tell no tales." Preacher Nelson told me so. That is what they all cried, "We'll save him while we got him; dead men tell no tales."

Whether he stood right there in the street while they riddled him with thirty or forty of their loads, of course, I do not know, but they shot him all that many times when he was in a manner dead. All those balls went in him.

I understood that a young gentleman told that they shot him as he lay on the ground until they turned him over. He said so. I did not hear him.

Mr. Nelson said when he asked them to let him see me they told him no, and he then said, taking both sides of his coat and bringing them up this way so, he said, "Remember when you kill me you kill a gentleman and a brave man. Never say you killed a coward. I want you to remember it when I am gone."

Nelson told me that, and he said he never begged them, and that he never told them, but to see how a brave man could die.

They can find no cause; but some said they killed him because he carried the militia to Edwards', and they meant to kill him for that. The time the guns were sent there he was captain under Governor Ames, and they said they killed him for that; for obeying Governor Ames.

After the bodies were brought to my house, Professor Hillman and Martin all staid until one o'clock, and then at one o'clock the train came from Vicksburgh with the "Modocs." They all marched up to my house and went into where the two dead bodies laid, and they cursed them, those dead bodies, there, and they danced and threw open the melodeon, and sung all their songs, and challenged the dead body to get up and meet them, and they carried on there like a parcel of wild Indians over those dead bodies, these Vicksburgh Modocs. Just one or two colored folks were sitting up in the room, and they carried on all that in my presence, danced and sung and done anything they could. Some said they even struck them; but I heard them curse and challenge them to get up and fight. The Vicksburgh Modocs done that that night. Then they said they could not stay any longer.

Then the day after that Judge Cabinis asked me was there anything he could do, and I told him, I said, "Judge, you have already done too much for me." I told him he had murdered my husband and I didn't want any of his friendship. Those were the words I told him the next day, and he swore he did not know me that time; but I saw Judge Cabinis with this crowd that killed my husband. I saw him right in the midst, and then he made his excuse. He said he did everything he could for Charles, and that he was crazy. Well, they could not tell anything he had done. They said Aaron Page was shot during the fuss.

In the league that was held here in that town, that day my husband was buried, they all said that he did not shoot him. They said that Aaron Page was shot accidentally; that my husband did not kill him. All started up from picking a fuss with his nephew.

As for any other cause I never knew; but only they intended to kill him because for carrying the militia to Edwards's; for obeying Governor Ames; and that was all they had against him.

THE MODOCS AFTER THE CLINTON RIOT.

At the same time, when they had the Moss Hill riot, the day of the dinner in September, when they came over that day, they telegraphed for the Vicksburgh "Modocs" to come out, and they came out at dark, and when they did come, about fifty came out to my house that night; and they were breaking the locks open on doors and trunks; whenever they would find it closed they would break the locks. And they taken from the house what guns they could find, and plundered and robbed the house. The captain of the Vicksburgh "Modocs," his name is Tinney.

Q. What day was that?

A. The day of the Moses Hill riot, in September.

THREATS AGAINST MR. CALDWELL AFTER THE CLINTON RIOT.

Q. When; the Clinton riot?

A. The 4th day of September. They came out, and Tinney staid there, and at daybreak they commenced to go, and he, among others, told me to tell my husband that the Clinton people sent for him to kill him, and he named them who they were to kill—all the leaders especially, and he says, "Tell him when I saw him"—he was gone that night; he fled to Jackson that evening with all the rest—"we are going to kill him if it is two years, or one year, or six; no difference; we are going to kill him anyhow. We have orders to kill him, and we are going to do it, because he belongs to this republican party, and sticks up for these negroes." Says he, "We are going to have the South back in our own charge, and no man that sticks by the republican party, and any man that sticks by the republican party, and is a leader, he has got to die." He told me that; and that "the southern people are going to have the South back to ourselves, and no damned northern people and no republican party; and if your husband don't join us he has got to die. Tell him I said so." I told him what he said. I did not know Tinney at the time; and when I saw my husband enter I told him, and he knew him from what I said, and he saw him afterward and told him what I said. He just said that he said it for devilment. They carried on there until the next morning, one crowd after another. I had two wounded men. I brought them off the Moses Hill battle-field, and these men treated me very cruelly, and threatened to kill them, but they did not happen to kill them.

CLINTON RIOT.

Next morning, before sun-up, they went to a house where there was an old black man, a feeble old man, named Bob Beasley, and they shot him all to pieces. And they went to Mr. Willis's and took out a man, named Gamaliel Brown, and shot him all to pieces. It was early in the morning; and they goes out to Sam. Jackson's, president of the club, and they shot him all to pieces. He hadn't even time to put on his clothes. And they went out to Alfred Hastings; Alfred saw them coming. And this was before sun-up.

Q. This morning after the Clinton riot?

A. On the morning of the 5th; and they shot Alfred Hastings all to pieces, another man named Ben. Jackson, and then they goes out and shoots one or two farther up on the Madison road; I don't know exactly; the name of one was Lewis Russell. He was shot, and Moses Hill. They were around that morning killing people before breakfast. I saw a young man from Vicksburgh that I knew, and asked him what it all meant.

Q. Who was he?

A. Dr. Hardesty's son; and I asked him what did it mean, their killing black people that day? He says, "You all had a big dinner yesterday and paraded around with your drums and flags. That was impudence to the white people. You have no right to do it. You have got to leave these damned negroes; leave them and come on to our side. You have got to join the democratic party. We are going to kill all the negroes. The negro men shall not live." And they don't live; for every man they found they killed that morning and did not allow any one to escape them, so he said. So he told me all they intended to do about the colored people for having their dinner and parading there, and having their banners; and intended to kill the white republicans the same; didn't intend to leave any one alive they could catch; and they did try to get hold of them, and went down on Monday morning to kill the school-teacher down there, Haffa, but he escaped. Jo Stevens and his son, Albert Stevens, I believe, was his name—they just murdered them right on through. These people staid there at the store and plundered it, and talked that they intended to kill them until they got satisfaction for three white people that was killed in that battle here. I can show who was the first white man that started the riot; and I can show you I have got his coat and pants, and I can show you how they shot him. They blamed all on my husband; and I asked what they killed Sam for; asked Dr. Alexander. They said they killed him because they were afraid he would tell about killing his brother. They killed my husband for obeying Governor Ames's orders, and they cannot find anything he did. He didn't do anything to be killed for. Then they have got his pistols there and they won't give them to me. I have asked I don't know how many times.

The outrages were generally confined to the republican counties where it was necessary to overcome the republican majority by unlawful means; but in two or three counties, as Wilkinson and Issaquena, there was comparative peace at the election and during the canvass.

Captain William A. Montgomery, a leading democrat and a commander of five military companies, with the designation in rank of major of battalion, testified that in some of the counties there was no military organization; that in those counties the democrats did not try to carry the election. This appears to have been true of the two counties named; but since the election, namely, in December and May, 1876, great outrages, attended with violence and murder, have been perpetrated, and evidently with the design of overawing the colored voters and preparing them to submit to a democratic victory in the coming election.

The attention of the Senate is directed to the testimony concerning the events in Issaquena County, which took place in the month of December last. A Colonel Ball, an officer in the confederate service during the war, who at the time of the outrage was officiating as a clergyman, took command of a body of armed and mounted men Sunday morning, December 5, and traversed the country below Rolling Fork during the day; and that night the men of his command took from their homes at least seven unoffending negroes and shot them in cold blood. Within the next two days five other leading negroes were summoned to Rolling Fork, and there compelled to sign a statement by which they became responsible for the good conduct of all the negroes in their vicinity, with the exception of fourteen, who, in fact, by that stipulation, were made outlaws, and, as a consequence, fled from their homes and their families and abandoned their property. (This statement may be found in the testimony of W. D. Brown.) Reference is made to the testimony of W. D. Brown and William S. Farrish, both democrats and participators in the outrages, although they did not admit that they had personal knowledge of the killing of either of the seven men who were massacred on the night of the 5th of December.

(7.) The committee find, especially from the testimony of Captain Montgomery, supported by numerous facts stated by other witnesses, that the military organization extended to most of the counties in the State where the republicans were in

a majority; that it embraced a proportion not much less than one-half of all the white voters, and that in the respective counties the men could be summoned by signals given by firing cannons or anvils; and that probably in less than a week the entire force of the State could be brought out under arms.

(8.) The committee find that in several of the counties the republican leaders were so overawed and intimidated, both white and black, that they were compelled to withdraw from the canvass those who had been nominated, and to substitute others who were named by the democratic leaders, and that finally they were compelled to vote for the ticket so nominated under threats that their lives would be taken if they did not do it. This was noticeably the case in Warren County, where the democratic nomination of one Flanigan for sheriff was ratified at the republican county convention, held in Vicksburgh, the members acting under threats that if it were not done they should not leave the building alive. Similar proceedings occurred in other counties.

(9.) The committee find that the candidates, in some instances, were compelled, by persecution or through fear of bodily harm, to withdraw their names from the ticket, and even to unite themselves ostensibly with the democratic party. J. W. Caradine, a colored candidate of Clay County, was compelled to withdraw his name from the republican ticket and to make speeches in behalf of the democratic candidates and policy. An extract from his testimony is herewith given, as follows:

They told me that I would have to go round and make some speeches for them; that I had risen up a great element or some kind of feeling in the colored men that they never could get out of them for the next ten years to come with the speeches I had made, and that I had to go around and make some speeches in behalf of them in some way, or else I might have some trouble. They told me if I would do that I could demand some respect among them, and have no further trouble with them.

Q. What did they say would be the consequence if you did not go with them and make speeches?

A. They did not say if I did not do it what would be done, as I remember; but they came to my house and fotched a buggy for me, and told me I had to go with them to make speeches for them. And they said, "You know what has been said and what has been done; you have got to go along if you don't want any further trouble." I then got in and went along with them, and they did not really appreciate my speeches at length; but I went along with them and made three speeches; and they had some fault to find with my speeches at last, but I have never had any trouble with them since.

(10.) The committee find that on the day of the election, at several voting-places, armed men assembled, sometimes not organized and in other cases organized; that they controlled the elections, intimidated republican voters, and, in fine, deprived them of the opportunity to vote the republican ticket.

The most notable instance of this form of outrage occurred at Aberdeen, the shire town of the county of Monroe. At half past nine o'clock on the day of the election a cannon in charge of four or five cannoneers, and supported by ten or twelve men, a portion of the military company of that town, was trained upon the voting-place and kept in that position during the day, while the street was traversed by a body of mounted, armed men under the command of Captain E. O. Sykes, of Aberdeen. Captain Sykes testified that he did not know the men under his command, but admitted finally that they were probably from Alabama, and that they had come there upon the suggestion or the request of a Mr. Johnson, who was a member, as was also Captain Sykes, of the democratic committee of the county of Monroe.

Captain Sykes had also given orders that the ford-ways across the Tombigbee River, over which negroes from the east side having a right to vote at Aberdeen must pass, should be guarded by squads from the military company under his command.

During the night preceding the election the draw in the bridge crossing the river was turned, so that there was no passing from the east to the west of the Tombigbee River during the early part of the day of election.

As a matter of fact, the republican voters who had assembled abandoned the polls between ten and eleven o'clock in the forenoon, and Captain J. W. Lee, the sheriff of the county and a leading republican, a man who had served during the war in the confederate army, abandoned the polls and took refuge in the jail, of which he was the custodian.

This statement in regard to Monroe County is set forth in detail by Captain Lee, and it is corroborated in all essential parts by Captain Sykes, a democrat, and the principal actor in the events of the day. Similar outrages were perpetrated in Claiborne, Kemper, Amite, Copiah, and Clay Counties.

(11.) The gravity of these revolutionary proceedings is expressed in the single fact that the chairman of the republican State committee, General Warner, owes the preservation of his life on the day of the election to the intervention of General George, chairman of the democratic State committee, as appears from a dispatch sent by General George to Messrs. Campbell and Calhoun, and a reply thereto, both of which are here given:

To CAMPBELL and CALHOUN, *Canton, Mississippi:*

If Warner goes to Madison, see by all means that he is not hurt. We are nearly through now, and are sure to win. Don't let us have any trouble of that sort on our hands. He will probably be at his store to night.

J. Z. GEORGE.

CANTON, 2, 1875.

To General GEORGE:

Your telegram of last night saved A. Warner at Calhoun.

GART. A. JOHNSON.

The circumstances of this affair are given in the testimony of Chase.

The testimony of General Warner, to which attention is invited, gives a detailed account of his experience, showing that the fears of General Warner's friends were well founded, and that the intervention of General George was essential to his personal safety.

(12.) The committee find in several cases, where intimidation and force did not result in securing a democratic victory, that fraud was resorted to in conducting the election and in counting the votes. In Amite County, the legally appointed inspectors of election, to whom in Mississippi the duty is assigned of receiving and counting the ballots, were compelled by intimidation to resign on the morning of election, in order to secure a fraudulent return. The inspector so forced to resign was a democrat, a man of established character for probity at his precinct—Rose Hill.

"When the voting began," said General Hurst, an eye-witness, "the democratic club drew up in line and demanded that Straum should not act as one of the inspectors of election. They said, 'We don't want you, not because you are dishonest, but because you will not do what we want you to.' He said, 'If that is the case, I will go,' and they got a man by the name of Wat Haynes and appointed him inspector."

General Hurst, who was brigadier-general of the State militia in that county, thus explains what resulted:

"When it was time to close the polls I asked one of the inspectors if he wanted a guard placed over the ballots, so that they would be unmolested while they were counting the votes. I thought that he was a very honest, high-minded man. He said, 'I am afraid to count these votes.' He had been notified by this party of Louisianians, and told what they were going to do with the box. Wat Haynes, when I told him I had concluded to place a guard around there that night, said: 'Don't you do it; I want to manipulate that box to-night. We want to carry this thing.'"

The party of Louisianians referred to were a company of outlaws, notorious in that district, whom the democrats had invited to come into that precinct, and who fired at a crowd of colored citizens when they were in line waiting to deposit their votes. About seventy of them were thus driven into the woods.

Nor was this the only precinct at which armed invaders from adjoining States took conspicuous part in the election. It is testified to both by republicans and democrats that they came over from Alabama and helped to swell the democratic vote in the counties adjoining that State.

In Amite County the republican sheriff, the superintendent of education, and other officers were driven into exile as soon as the polls were closed. Here the pretext that the officers were obnoxious to the people, or that the negroes and northern men monopolized the offices, is refuted by the facts that both Parker and Redmond, who were expelled, were offered the democratic nomination for sheriff; that the republican candidates for sheriff, circuit clerk, chancery clerk, treasurer, coroner, and three of the five supervisors were white men, leaving only the assessor and two supervisors to be colored, which, as Mr. Parker remarks, "as four-fifths of the republican voters were black, was the best that we could do." There were only three northern men on the republican ticket, and two of them had married southern women; all the others were natives of the State.

(13.) The evidence shows that the civil authorities have been unable to prevent the outrages set forth in this report, or to punish the offenders. This is true not only of the courts of the State, but also of the district court of the United States, as appears from the report of the grand jury made at the term held in June last, when the evidence of the offenses committed at the November election and during the canvass was laid before that body.

In support of this statement reference is made to the testimony of J. W. Tucker, and to the letter written by him to Colonel Frazee as well as to the report made by the grand jury to Hon. R. A. Hill, judge of the district court for the northern district of Mississippi. (See document evidence, pp. 150, 151; tes. of H. P. Hurst, p. 98.)

(14.) The committee find that outrages of the nature set forth in this report were perpetrated in the counties of Alcorn, Amite, Chickasaw, Claiborne, Clay, Copiah, De Soto, Grenada, Hinds, Holmes, Kemper, Lee, Lowndes, Madison, Marshall, Monroe, Noxubee, Rankin, Scott, Warren, Washington, and Yazoo, and that the democratic victory in the State was due to the outrages so perpetrated.

(15.) The committee find that, if in the counties named there had been a free election, republican candidates would have been chosen and the character of the Legislature so changed that there would have been sixty-six republicans to fifty democrats in the house and twenty-six republicans to eleven democrats in the senate; and that consequently the present Legislature of Mississippi is not a legal body, and that its acts are not entitled to recognition by the political department of the Government of the United States, although the President may, in his discretion, recognize it as a government *de facto* for the preservation of the public peace.

(16.) Your committee find that the resignation of Governor Ames was effected by a body of men calling themselves the Legislature of the State of Mississippi, by measures unauthorized by law, and that he is of right the governor of the State.

(17.) The evidence shows, further, that the State of Mississippi is at present under the control of political organizations composed largely of armed men whose common purpose is to deprive the negroes of the free exercise of the right of suffrage and to establish and maintain the supremacy of the white-line democracy, in violation alike of the constitution of their own State and of the Constitution of the United States.

The events which the committee were called to investigate by the order of the Senate constitute one of the darkest chapters in American history. Mississippi was a leading State in the war of the rebellion and an early and persistent advocate of those fatal political heresies in which the rebellion had its origin. To her, in as large a degree as to any other State, may be charged justly the direful evils of the war; and when the war was ended the white inhabitants resisted those measures of equality which were essential to local and general peace and prosperity. They refused to accept the negro as their equal politically, and for ten years they have seized every fresh opportunity for a fresh denial of his rights. At last they have regained supremacy in the State by acts of violence, fraud, and murder, fraught with more than all the horrors of open war, without its honor, dignity, generosity, or justice.

By them the negro is not regarded as a citizen, and whenever he finds a friend and ally in his efforts to advance himself in political knowledge or intellectual culture, that friend and ally, whether a native of the State or an immigrant from the North, is treated as a public enemy. The evil consequences of this policy touch and paralyze every branch of industry and the movements of business in every channel.

Mississippi, with its fertile soil, immense natural resources, and favorable commercial position, is in fact more completely excluded from the influence of the civilization and capital of the more wealthy and advanced States of the Union than are the distant coasts of China and Japan. Men who possess capital are anxious to escape from a State in which freedom of opinion is not tolerated, where active participation in public affairs is punished often with social ostracism, always with business losses, and not infrequently, as the record shows, with exile and the abandonment of property through fear of death.

Consequently, lands depreciate in value, the rewards of labor become more and more uncertain, taxes more and more burdensome, the evils of general disorder are multiplied and intensified, and by an inevitable rule of social and public life, the evils themselves, reacting, increase the spirit of disorder. Unless this tendency can be arrested, every successive chapter in the annals of that State will be darker and bloodier than the preceding one.

This tendency cannot be arrested by the unaided efforts of the peaceful, patriotic, and law-abiding citizens. There is a small body of native white persons, who, with heroic courage, are maintaining the principles of justice and equality. There is also a small body of men from the North, who, with equal courage, are endeavoring to save the State from anarchy and degradation. If left to themselves, the negroes would co-operate with these two classes.

But arrayed against them all are a majority of the white people, who possess the larger part of the property; who uniformly command leisure, whether, individually, they possess property or not; who look with contempt upon the black race and with hatred upon the white men who are their political allies; who are habituated to the use of arms in war and in peace; who in former times were accustomed to the exclusive enjoyment of political power, and who now consider themselves degraded by the elevation of the negro to the rank of equality in political affairs.

They have secured power by fraud and force, and, if left to themselves, they will by fraud and force retain it. Indeed, the memory of the bloody events of the campaign of 1875, with the knowledge that their opponents can command, on the instant, the presence of organized bodies of armed men at every voting-place, will deter the republican party from any general effort to regain the power wrested from them. These disorders exist also in the neighboring States, and the spirit and ideas which give rise to the disorders are even more general.

The power of the National Government will be invoked, and honor and duty will alike require its exercise. The nation cannot witness with indifference the dominion of lawlessness and anarchy in a State, with their incident evils and a knowledge of the inevitable consequences. It owes a duty to the citizens of the United States residing in Mississippi, and this duty it must perform. It has guaranteed to the State of Mississippi a republican form of government, and this guarantee must be made good.

The measures necessary and possible in an exigency are three:

1. Laws may be passed by Congress for the protection of the rights of citizens in the respective States.

2. States in anarchy, or wherein the affairs are controlled by bodies of armed men, should be denied representation in Congress.

3. The constitutional guarantee of a republican form of government to every State will require the United States, if these disorders increase or even continue, and all milder measures shall prove ineffectual, to remand the State to a territorial condition, and through a system of public education and kindred means of improvement change the ideas of the inhabitants and reconstruct the government upon a republican basis.

The views of the minority are as follows:

On December 15, 1875, the Senator from Indiana [Mr. MORTON] submitted the following resolution:

"Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

"*Resolved*, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate before the end of this session of their investigation and findings."

He supported its adoption by a series of speeches, the last of which was dated January 19, 1876, the true history and inspiration of which will hereafter be noted in considering the testimony taken before the committee. The resolution slept until the 27th of March, 1876, when an amendment was proposed by the Senator from Michigan [Mr. CHRISTIANCY] and accepted by Mr. MORTON, as follows:

"Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

"*Resolved*, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have, in the said election, been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes."

After debate in the Senate, the resolution was adopted. In the course of this debate, the Senator from Massachusetts [Mr. BOUTWELL] made the following declaration:

"For seventy years the spirit of hypocrisy and misrepresentation dominated over the slave-holding section of this confederacy. They continually presented themselves to the country and to the world as the friends of the Union, and it was a lie from first to last. They were the enemies of the Union; and when the Union did not answer the chief purpose which they had, and the only purpose they had, the preservation of the institution of slavery, they made war upon the Union. The Senator from Delaware was the political supporter and ally and the substantial defender of the men who made war upon the Union, who clung to the Union for seventy years under the fal-ehood that they were its friends. They were its enemies all the while. Slavery, the spirit of slavery, is and ever has been the enemy of the Union, and it is so to-day. The troubles in the South are due to the spirit of slavery, and the time has come when I am forced to confess to myself and with reluctance to say here that I do not in my heart believe that any man educated under and obedient to the influence of slavery can be the friend of a Union that is designed to establish and preserve equality. The North will do well to take heed and to trust no man who was brought up under the influence of slavery, controlled by its spirit, and dominated by its power, and is not yet extinct."

The committee, as finally appointed under the resolution, consists of Messrs. BOUTWELL, (chairman,) CAMERON of Wisconsin, MCMILLAN, BAYARD, and MCDONALD, thus omitting in the organization of the committee the mover or amender of the original resolution. The first meeting of the committee was held on the —— in the Capitol; and, at the second or third meeting, the clerk of the committee, Mr. Bartlett, was appointed stenographer, and Mr James Redpath, of Massachusetts, was selected in his place as clerk, and has continued with intelligence and efficiency to fill that position, having been present at all the sessions of the committee. On the —— a resolution was offered in the committee by Mr. BAYARD that the testimony should be taken with open doors, which was rejected by the committee, Mr. BAYARD and Mr. MCDONALD voting in the affirmative. But a small portion of the testimony has as yet been printed, nor has any report of the committee been made; but Mr. Redpath, the clerk, having had the fullest opportunity of hearing the testimony of the witnesses and having had charge of all communications to the committee, has been enabled, in advance of the committee, to submit a public report over his own signature, of which the following extract will convey a distinct idea of his views. Speaking of the Union men of the South, or the original whigs, and the vigorous part they took in the contest, he says:

"Still they were Union men; but the Union they once knew was gone forever. They tried to begin where they left off, ignorant of the fact that while they fought a moral revolution has been going on in the North; that it was no longer Webster or Clay, but the man whom they had hanged at Charlestown as a felon who was now the ideal leader of a regenerated nation."

These references are made to the utterances of the chairman, and of the clerk selected by him to accompany the committee, and make public impression of affairs in Mississippi, and the remedy to be applied, because it indicated fully to the undersigned that from the first it would be naturally impossible for them, with their ideas of constitutional duty, to subscribe to the deductions of those who, however intelligent or conscientious, started out upon the proposed investigation upon such a platform of ideas.

While writing this report, the undersigned have read with surprise and regret the message of the President of the United States, dated July 31, 1876, transmitting to Congress certain correspondence relating to the murders lately committed at Ham urgh, in South Carolina.

In this message he has seen fit to use the following language:

"But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public, but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

"U. S. GRANT."

In his letter of the 26th of July to Governor Chamberlain he had stated:

"Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages, much less to a civilized and Christian people."

This last statement, come it from whom it may, we pronounce in the face of the testimony taken by this committee, and not yet printed, to be untrue and unwarranted by the facts disclosed.

The tone of animosity to the white people of the South which breathes throughout the President's message and letter is unmistakable. In his message of July 31, six days subsequent to this letter, the President says: "The report [on Mississippi] has not yet been made public." Why should he anticipate?

We hold it, and believe it will be so held by right-thinking men everywhere, discreditable for the Chief Magistrate thus to have exhibited such evidence of prejudice against any portion of his fellow-citizens.

It adds, however, but another proof to the many given heretofore that the heart and mind of President Grant are closed to all sense of justice where his political opponents, especially in the Southern States, are concerned.

Other attempts to forestall public opinion in relation to the affairs in Mississippi have been made, calculated to grossly mislead. Two attempts to fasten obloquy upon one of the undersigned, [Mr. BAYARD,] and at the same time to convey unjust impressions against the people of Mississippi, may be noted.

[Special dispatch to the Baltimore Sun.]

"WASHINGTON, *July* 25.

"THE REPUBLICAN REPORT IN MISSISSIPPI.

* * * * * * *

"Another case illustrative of the general conclusions arrived at by the majority of the committee is that of a native of Philadelphia. He settled near Vicksburgh and was with his family. He had been appointed a justice of the peace by the governor of the State, and his wife opened a school for the instruction of the poor. He was subsequently a candidate for office. On one night fifty armed men dashed upon his premises and shot him down without a word of warning and in the presence of his wife and family. When the story of this wife was told by her own lips to the committee, Senator BAYARD, one of the committee, ejaculated, 'I don't believe it.'

"After the murder, according to the report, the assassins hovered about the house and would not permit the wife to enact even the rites of sepulture. They dragged the bleeding corpse from the arms of the distracted woman, pitched it into a pig-wallow, and left. Senator BAYARD, affected by the narration, repeated, 'I won't believe it under oath.' The report says that these 'banditti,' for it states they compare with Italians of the same class, live upon the people. They are dissolute and indolent, generally the sons of planters impoverished by the war, or the remnant of that class of adventurers who fastened upon the institution of slavery as the camp-follower lives upon an army."

Mr. BAYARD never even saw the witness referred to, who was examined in his absence, and he never made any statement even similar in language or character to that falsely attributed to him. Yet this vicious falsehood has already had wide circulation.

In the New York Times of the 27th of July we find the following letter and preceding comments:

"Senator BOUTWELL has also received a letter from a colored witness who testified in Mississippi, from which it will be seen how the democracy of that State propose to treat those who obeyed the summons of the Senate Committee:

"'DEAR SIR: I having been summon before your investigationg to give a sworne testimony in regard to the late election, which I did, and I told nothing but the truth. Yesterday I was met by an armed mob in the streets of ——— ———,* and compelled me to say that I swore a ——— ——— lie. And told me I had either to say that I swore to a ——— ——— lie or leave the city or die. The excitement grew so intense that I was compell to take back what I said before the committee. I was also met by another mob at ——— the same day that I was before the committee and compelled to do the same before I got home. I w'd not be supprised if I were not mob before you receive this letter. If you read this letter where Senator BAYARD can hear it he will write down here and let these democrats know it, and I will be murdered as soon as I appear on the streets. Therefore it will be best fore me fore you to keep this to yourself and other republicans.'

"Of course every one who knows Senator BAYARD will smile at this suspicion, but it shows the state of terrorism still maintained by the banditti of Mississippi."

For what reason and with what intent this letter was so published may be inferred from the letter itself and the editorial use of it.

It will be observed that the committee were instructed by the resolution to inquire into alleged violations of the fifteenth amendment to the Constitution, and the necessity of new and appropriate legislation for its enforcement; and it would seem that the scope of the investigation was intended to have been confined to that object. But in the investigation conducted by the majority, nearly every right and power of the State of Mississippi, heretofore supposed to be among the reserved powers belonging to the States, and not justly subject to exterior control, has been made the subject of the most wide-spread, unrestrained inquiry. The social habits, domestic institutions, personal and individual dealings and contracts, local police arrangements, and whole classes of subjects heretofore supposed to be under the sole control of the State and county governments, and even family affairs, have been made the subjects of inquisition.

The limitations upon the powers of Congress in its relation to the internal affairs of the States have been lately the subject of careful deliberation and adjudication by the Supreme Court of the United States in cases involving the validity of legislation by Congress in *pari materia* with that now proposed by the resolution.

In the recent case of the United States *vs.* Cruikshank, Mr. Chief Justice Waite delivered the opinion of the court and said:

"We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the other, and each has citizens of 'its own, who owe it allegiance, and whose rights within its jurisdiction it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. (Slaughter-house cases, 16 Wallace, 74.)

"Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government the people may confer upon it such powers as they choose. The government when so formed may, and when called upon should, exercise all the powers it has for the protection of the rights of its citizens and the people within its jurisdiction, but it can exercise

* The printed testimony having been withheld, the blank references to the depositions of witnesses are necessarily left unfilled, which is owing to the sudden and unexpected appearance of the report of the majority before the testimony was even delivered to the printer.

no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose.

"The government thus established and defined is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number but not in degree. Within the scope of its powers as enumerated and defined it is supreme and above the States; but beyond, it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

"The people of the United States resident within any State are subject to two governments, one State and the other national; but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen cannot complain because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

"The Government of the United States is one of delegated powers alone; its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States."

Then again:

"The third and eleventh counts are even more objectionable. They charge the intent to have been to deprive the citizens named, they being in Louisiana, 'of their respective several lives and liberty of person without due process of law.' This is nothing else than alleging a conspiracy to falsely imprison or murder citizens of the United States being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man. 'To secure these rights,' says the Declaration of Independence, 'governments are instituted among men, deriving their just powers from the consent of the governed.' The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons within their boundaries in the enjoyment of these 'unalienable rights with which they were endowed by their Creator.' Sovereignty for this purpose rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

"The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law, but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society."

These propositions were unanimously laid down by the court, in considering alleged violations of the fourteenth amendment of the Constitution, but are equally applicable to the discussion of the relative powers and duties of the Federal and State governments under any and all provisions of the Constitution.

In the case of The United States *vs.* Reese, decided at the same time, the court says:

"Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

"The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race, having certain qualifications, are permitted by law to vote, those of another, having the same qualifications, must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now, there is. It follows that the amendment has invested citizens of the United States with a new constitutional right, which is within the protecting power of Congress.

"That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by 'appropriate legislation.'

"The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude that Congress can interfere and provide for its punishment.

* * * * * * *

"The courts enforce the legislative will when ascertained, if within the constitutional grant of power. Within its legitimate sphere Congress is supreme and beyond the control of the courts, but if it steps outside of its constitutional limitations and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings, must, annul its encroachments upon the reserved power of the States and the people.

* * * * *

"We must, therefore, decide that Congress has not, as yet, provided by 'appropriate legislation' for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants."

In subordination to the principles thus laid down by the authority of the tribunal of last resort in our country, the undersigned would have been disposed to confine their investigation to subjects plainly within the jurisdiction of Congress, without infringing upon any of the reserved rights of the State of Mississippi, believing it to be the cardinal feature of our institutions that the equality of the States in the Union must ever be respected, and that any practice which invades so necessary a principle must place in jeopardy not only the rights of a single State, but, in their turn, the rights of all the remaining States; and that a power which is conceded to be applicable to the overthrow of the autonomy of any one State is liable to be used for the destruction of any other State, and that there is no safety for any unless the rights of each are guarded.

The condition of the State of Mississippi is to be considered at three periods of time.

First. In the spring of 1875, before the commencement of the political canvass, in which the alleged outrages upon the rights of citizens under the fifteenth amendment are said to have occurred;

Second. Its condition during the election itself, on the 2d of November, 1875; and,

Third. Its condition as discovered by the committee at the time of their visit in June, 1876.

For a proper understanding of the entire case we propose to recite, by the light of the testimony and supported by its facts, what we believe to have been the true condition of Mississippi in the spring of 1875. At the time of preparing this report, however, but a small part of the testimony has been printed; and although we trust to be enabled to insert the proper references before it is submitted, yet the absence of the printed testimony interferes materially with one of our objects, *i. e.*, to make no assertions, but to let the witnesses speak for themselves, and to substantiate every fact by reference to its basis.

It has been said by high authority that it was difficult to draw an indictment against a whole people. Equally difficult is it to establish any rules of evidence that would sustain so vague an indictment. And in the present inquisition it would become plain to all who shall read the depositions and observe the mode of interrogation employed that every rule which the experience of mankind has established as essential for the regulation of evidence and the ascertainment of truth has been disregarded in the course of this investigation. So that the great bulk of the testimony which has been taken is such as would not be received in any court of justice in this country to convict the meanest felon of the petticst offense.

Every rule of evidence followed by courts in the administration of justice has been entirely disregarded. Every rule which experience has shown is essential for the elucidation of truth has been thrown aside, and opinion, hearsay, wild rumor, anything and all things which excitement, prejudice, hate, love, or fear can suggest, have been poured in without discrimination or check.

No individual, no community, can be safe against such an order of things.

The usual tests of discrimination between truth and falsehood having been abandoned, the result cannot be satisfactory to any just mind.

The argument that the charge is vague and against a whole community only makes the effect worse.

When a false principle is adopted, the wider its application the more dangerous it becomes.

This is observable in the examination from the first witness to the last. Adelbert Ames, the ex-governor of Mississippi, who was called and examined on the 27th of April, and at page 29, on the third day of his examination, in which he had made the most wholesale and sweeping assertions of facts of violence and intimidation, was asked:

Q. You have referred to various acts of violence and intimidation; have you personal knowledge of any of those acts?

A. I never saw an act of violence performed.

Q. Did you ever see an act of intimidation performed?

A. No; I never saw an act of violence performed.

Q. Then what you have said is derived from the information of other people?

A. Yes, sir.

And on page 32—

Q. I ask you, do you know the fact whether there was any resistance to process, when issued, in that State?

A. That statement I have made; I would say that I do not know of any facts of that kind.

And again—

Q. Do you know of a case where process of the courts has been returned with that statement?

A. I do not.

In fact, if the testimony touching the subjects within the scope of the resolution of the Senate could be reduced to such, as is receivable under the rules of evidence, as recognized by courts of justice and by this Senate while sitting as a court, the testimony taken in Mississippi by this committee would be confined to a dozen pages of manuscript. The rest is rumor, hearsay, and opinion. Not only so, but nearly all the witnesses examined for what may be termed the prosecution of the white people of the State of Mississippi were defeated candidates in the election of 1875 or other interested supporters or persons who had lost office and failed of re-appointment. Most of the witnesses, when pinned down by cross-examination to give names of persons concerned and dates, were directly and flatly contradicted as to those facts, and many of the occurrences either shown to have been not only untrue, but impossible, or else accompanied by facts which subjected them to a totally different construction.

A large body of these witnesses were negroes of the most ignorant and uncivilized description, who did not hesitate to state anything, and whose declarations were frequently of the wildest and most absurd character. Thus at page ——, in the deposition of ——, Dr. Holland, of Madison County, is represented as giving utterance to profanity in the following style:

Whereas by the deposition of Judge Campbell, of the supreme court, page —

Q. Did you know Dr. Holland, of the county?

A. I do; he is the man whose name was connected with that arrest.

Q. What manner of man is he?

A. A very highly respectable man; one of the most amiable, mild-mannered, good-natured men I ever knew.

Q. What is his age?

A. I suppose him to be about forty years of age.

Q. Do you know whether Dr. Holland is a man who is profane in his speech?

A. He is one of the most pious, devoted, Christian men I ever knew; remarkable among men in that respect.

Q. Would you believe it possible that Dr. Holland would interlard his conversation with profanity?

A. It is utterly inconsistent with his character, and I should regard it as impossible unless I could hear it, or it was attested by witnesses whose veracity I could not question at all.

and Major Powell, page——, and Captain Key, at page ——, Dr. Holland is testified to be a gentleman of singular purity and piety, a strict and conscientious professor of religion, and a "pillar" of the Baptist church in his community. See also the case of ——, page ——, in Aberdeen, in which Mr. E. O. Sykes and his brother, Mr. T. B. Sykes, the mayor of Aberdeen, both of them professors of religion and gentlemen of the most admitted purity of language and conduct, are described as monsters of profanity.

The case of ——, page ——, testifying of Mr. Preasley, the judge of election at Calhoun precinct, in Madison County, rudely taking tickets from colored men, tearing them up and throwing them on the ground in the sight of the witness, is denied by Judge Cunningham, the republican judge of election present on the occasion, by Preasley's own statement and that of several bystanders. (See page ——.) Witnesses thus set free to state anything and everything that malice could suggest, partisan animosity encourage, and ignorance assist, rendered it difficult to confute, by reason of the vagueness and uncertainty of their statements. The value of the testimony of Anu Hodge, colored, can be readily estimated, page 421:

By Mr. BAYARD:

Q. Did you ever take an oath?

A. No, sir.

Q. Do you know the meaning of taking an oath?

A. No, sir.

Q. Do you know the consequences of swearing falsely?

A. No, sir.

In short, the proverbial difficulty of proving a negative was imposed upon the white people of Mississippi, who, by the ruling of the majority, were not suffered to be present even by their representatives while the testimony was being taken.

The reconstruction policy of Congress had fully and perfectly forced the institutions of the State of Mississippi into the most entire subjection and conformity with its provisions. What Mississippi was at the time of the last election of Governor Ames in 1873, she was "the work of reconstruction by Congress." The will of her people, their tastes, their prejudices, their virtues, and their faults, had been melted and run into a mold fashioned by the will of Congress alone. If her institutions were defective, if they were not conducive to the ends of good government, if they were arranged with an unwise disregard of the condition and wants of her people, that people are no more responsible than the population of France, for they had no voice. Such as she was in 1873 the Congress of the United States had made her. The State constitution was molded in accordance with the will of Congress. The legislation under it had been enacted by men placed in power by the Federal Government. The ruling principle of that legislation seems to have been to lead as much power as possible directly into the hands of the executive, in which the reins were placed. The institution of suffrage was of course the proposed basis, and to control this the machinery of elections was placed absolutely in the hands of the governor, who had the sole power to appoint those officers who in their turn had the power of appointment of the registrars of every county, who in their turn appointed the election officers throughout the State in their respective counties, and supervised the elections and returns, thus gathering the whole control of elections in a single executive hand.

This was the state of things when Governor Ames took his seat on the 1st day of January, 1874, elected in the month of November previous. There was not an official of the State who was not a member of the republican party. There was not a county official to be appointed by the governor who was not in close affinity with him. In all the republican counties, and all were republican in which negroes were in a majority, every official was a member of the same party. Thus we see that the entire control of the State was in the hands of Governor Ames and his party associates. At page 30 of his deposition the fact is stated by him as follows:

Q. You have stated the violence and intimidation to have existed in the republican counties of the State?

A. Yes, sir.

Q. You have not referred to violence in any but republican counties?

A. No, sir.

Q. Such is the fact, is it not?

A. Yes, sir.

Q. Were not then all these justices of the peace, chancellors, the judiciary, and the machinery for choosing juries, in the hands of the dominant party in those counties?

A. Yes, sir.

Q. I need not ask you if all the United States officers in that State were not members of the republican party; that was so, was it not?

A. Yes, sir.

Q. Then the grand juries and the petit juries, and the judges, and the sheriffs, and the supervisors, by whom the jurors were selected, were all controlled by the dominant party in those counties.

A. They were all belonging to the dominant party.

Of course every official of the Federal Government, district judges, district attorneys, marshals, deputy marshals, supervisors, postmasters, revenue officers, were all of the same party and necessarily active adherents. It may be truly said that there was no trace whatever of official power in the State of Mississippi in the hands of the democratic party until the 1st day of January, 1876.

Now, let us consider into what a condition, social, moral, and financial, Mississippi was brought, in the spring of 1875, under the administration which has just been described. The population of Mississippi, by the census of 1870, had a total of 827,922 souls. Of these 382,896 were white people, 444,201 colored people, and the remainder Indians and persons not classed. The State was divided into seventy-three counties. The negro majority was thus about sixty thousand, but was distributed chiefly in the rich river counties and on the richer cotton-producing lands of the State, in which they greatly outnumbered the white population, and in these counties their large numerical majority was consolidated.

The domestic institutions of the State had been completely revolutionized, and the relations of the white and black races had not been permitted to adjust themselves into that harmony and good feeling which the interests of both made so essential to happiness and good order. The whites, as the result of the war, were impoverished to a most painful extent, which must impress itself upon any person who visits the State, which presents even to a casual eye unmistakable evidences of wide-spread and lamentable prostration. This brings with it increased privation to the colored people, who never had property, and who depended, necessarily, upon property-owners for their support. When their employers were ruined the blow fell severely upon the employed. Theirs was a common lot, and that which struck down and crippled the one fell also heavily upon the other.

Unfortunately the new and arbitrary political conditions imposed upon both races by the will of Congress were disturbed by the presence of a class of unscrupulous, needy, and rapacious adventurers, who came down to fill the political offices to which prejudice against the southern whites on the part of those who held power in the Federal Government and the absolute ignorance and incompetence of the negroes prevented those whites from being appointed. The result was, as the testimony everywhere discloses, that the State and Federal offices to which any considerable emolument was attached fell into the hands of white men newly arrived within the borders of the State, ignorant and unsympathetic of the wishes and feelings of the white population, and bent wholly upon using the political material which they found ready at their hands in the shape of masses of ignorant, superstitious, and suspicious negroes to sustain themselves in office and power. Instead of encouraging the colored population to relations of amity and confidence with the whites who gave them employment and furnished them with the means of subsistence, it has been plainly the object and intent of these political adventurers to increase the distrust between the races and to encourage on the part of the blacks and intensify the instinct and feeling of race opposition. In this by means of low arts they have been unhappily too successful, and the negroes of the State of Mississippi have been banded together in an unthinking mass, under the lead and blind control of a handful of northern strangers, with here and there a native white man.

Throughout the testimony it is evident the white people of Mississippi, in the interests of the entire community, made every attempt to penetrate this alliance against them, and resorted to every means of combination and alliance with their political opponents to procure even a tolerable and decent administration of public affairs. Since 1868 they had given up their party name and candidates, had voted for Dent, a republican, had voted for Alcorn, a republican, and essayed in every way to appease and mollify the party led by Governor Ames; but all in vain. They witnessed the selection of men either incompetent or criminal, or both, for important offices in the State. They saw their best men, most virtuous, experienced, and able citizens passed by in contempt. They saw men notoriously vicious, and justly proscribed, taken into the confidence and friendship of Ames and placed in authority. (See the case of William Gray, negro brigadier-general, page —, and his character described by a republican witness, Putnam, p. —. Also, see Judge Shackleford, p. —; W. A. Ferguson, p. —; Judge John A. C. Watson, p. —.)

Cardozo, the forging clerk of the circuit court and defrauding State superintendent of public instruction; Davenport, the negro forger and county clerk; O. P. Lee white aide-de-camp, defaulter and red-handed murderer of two black committee-men; Morgan, the sheriff of Yazoo County, with the indictment for the murder of Hilliard, his republican predecessor and contestant, hanging over him; Davis, colored lieutenant-governor, the vendor of pardons of any crime for money; these are specimens of the men whom he took to his confidence and made his political associates, and to complaints against whom he accorded such treatment as in the case of the application to him by the mayor of the little town of Greenville, in Washington County, soliciting protection against repeated acts of incendiarism in which Brigadier-General Gray was implicated and subsequently indicted for arson. Governor Ames sending no reply to this supplication for protection, placed the letter in the hands of Gray himself, who flaunted it in triumph in the face of the citizens. (See deposition of William A. Ferguson, p. —.)

Invested with the power of selecting the entire judiciary of the State, the character of his appointments may be learned from the deposition of Judge John A. C. Watson, of Holly Springs, who at page — testifies as follows:

Question. What class of men did General Ames call around him in his administration?

Answer. He called around him, as a general thing, the very worst class of what we call "carpet-baggers." Most of them were newcomers into the State, without property, who relied upon politics as a trade and means of livelihood.

Q. Had they any knowledge of your people, of their habits and wants?

A. None whatever; they came among us as strangers at the close of the war.

Q. With whom did that class of men affiliate?

A. A great many of them affiliated mostly with the negroes.

Q. What was the feeling and course of action toward citizens of the Northern States who came here as men of fair character and as good citizens to settle in your midst?

A. Upon the part of most of the citizens, especially of the better class, there was no indisposition to receive them, and a great many desired them to come. And when they came among us, as citizens engaging in some business, I believe any such man was received kindly and treated kindly. A great many of them, however, came among us, as I remarked before, and engaged in no business, but just went among negroes, the whole aim and purpose being to gain the confidence of the negroes and alienate them from the whites and their old masters. They carried this to such an extent that some of them would visit the negroes' houses and cabins, and meet them on terms of social equality. Some would not go so far, but would mix up with them in politics. And the general aim of that class was to destroy the confidence of the negroes in the whites and in their old masters. I have heard men of this class on the stump, in addressing crowds of negroes, say everything they could to exasperate the then recently emancipated negroes against their old masters. I have heard them lay down this rule, "You must never follow your masters in politics; just watch them, and when they take one direction you take the other, and you will certainly be right."

Q. Was this the current course of advice to this class of men?

A. So far as it fell under my observation, the general object was to convince them that their old masters were unalterably opposed to them, and that they must look alone to northern men for their protection.

Q. Was it from this class that General Ames drew his political associates and advisers?

A. Yes, sir; he very soon threw off what he regarded as the better class of republicans.

Q. Threw them off?

A. Yes.

Q. Was it thought that that led to the split of the Alcorn wing against the Ames?

A. Yes; perhaps I might state a fact or two there. Alcorn came back and ran for governor against Ames.

Q. What year?

A. In 1873. During that canvass Alcorn on the stump denounced as thieves and swindlers the main supporters of General Ames. The speeches made by Governor Alcorn in that canvass were the most denunciatory I ever heard against the leading men of the Ames party.

Q. Were there other leading members of the republican party who took the same tone as did Alcorn, in regard to the Ames administration?

A. In 1873, not a great many. Ames had the confidence of the negroes, and Alcorn was not sustained by his own party, to any great extent, in 1873.

Q. How was it later, in 1875?

A. Alcorn's strength continued to gain after that, and before 1875 the split was a very marked one. A great many had become followers of Alcorn and opposed to Ames.

Q. Was the feeling between the two wings, the Alcorn wing and the Ames wing, as great or greater than between the republicans and democrats?

A. The feeling between these two wings of the republicans was just as bitter as could have existed. In my district the opposing candidates for Congress were Wells and Howe, and when the Wells party had a meeting they denounced Howe as a thief and falsifier, and applied to him every epithet they could invent, and when the Howe party came along they would apply the same epithets to the Wells party.

Q. Who is Howe?

A. He had been a member of Congress from that district.

Q. Who was he?

A. A northern man.

Q. Was he on the Ames side or the other?

A. On the Ames side; Wells was for Alcorn. He is our present member of Congress. The collision between the two wings of the party had a great deal to do toward carrying that district against the republicans.

Q. It was charged in the public papers that the character of the officers under Ames's administration was known to him, after which knowledge he continued to keep these men in office and consort with them politically.

A. Well, sir, I cannot say what was the knowledge of Ames upon that subject, but these delinquencies and this misconduct were known to the public generally, and Ames still retained them in office and in his confidence, and the more they were abused and exposed the closer he seemed to adhere to them. It seemed to be rather a recommendation to him.

Q. Many of them were placed under indictment?

A. A good many.

Q. By the grand juries of their counties?

A. Yes.

Q. The grand jury, as a rule, was under the control of the republican party?

A. Yes.

Q. After these indictments took place were the confidence and association of Governor Ames withdrawn from these people?

A. As a general rule it was not. In Northeastern Mississippi Governor Ames appointed a man as chancellor by the name of Barton, with no intelligence as a lawyer and no standing at the bar. Moreover, he was charged with a flagrant act of forgery.

Q. Had he been indicted?

A. He had not; but Governor Ames was informed by gentlemen of high respectability, among others by our present governor, who came from his vicinity, of the character of this man. Governor Ames refused to believe it, but had it been untrue and his moral character ever so good, he was not fit for the office; but Ames was blind to the truth and did appoint Barton chancellor. When, however, his appointment was before the senate for confirmation, the judiciary committee, to which it was referred, sent out for witnesses, and the proof was conclusive. I had been knowing to it. The gentleman upon whom the forgery was committed re-

sided in my town and was my intimate personal friend; but Governor Ames did not withdraw his name until he was told by his friends that they could not possibly get him through the senate. That was the only thing that checked him.

Q. Did this man ever exercise the functions of chancellor?

A. O, yes, sir; he held several courts.

In all these republican strongholds in which turbulence and misgovernment are alleged to have existed, it is to be also noted that the entire local power was in republican hands. Thus the supervisors of the counties, being in fact the county legislature, assessing taxes, contracting for supplies, controlling all public improvements, the schools, public buildings, roads, and having, in short, all local control, were almost without exception composed of negroes, few of whom were able to read or write, and scarcely one of whom was able to compute an ordinary sum in arithmetic. In some cases the highest mark of erudition was the capacity of the chairman mechanically to sign his name to a record which he was unable to read. (See deposition of ——— and deposition of ———.)

The justices of the peace, generally unable to write and frequently unable to read the contents of the process against person or property which they issued in the name of the law, delivered it to constables equally unfitted to understand the nature of the precept or to attest their action under it. (See deposition of ———)

Negro chancery clerks and clerks of the circuit court and courts of record were utterly unable personally to perform their duties, and intrusted everything to some white deputy. (See deposition of ———)

The consequence of this local misgovernment is an increase of taxation amounting to confiscation, and is well expressed in the language of a petition to the Legislature by the tax-payers of the State, in January, 1875, from which we make the following extract:

"But probably the most flagrant evil of which the tax-payers complain and the greatest outrages perpetrated on their rights arise from the action of the boards of supervisors.

"This court is really the most important of any in the State, and should be composed of the very best men in the several counties. As a general rule, we are sorry to say, the members of this board are wholly unfit to discharge their duties, and are without respectability or accountability. This, however, is not the fault of the Legislature of the State, except in so far as it encourages such men to seek for that position. The county levies, in a large majority of the counties, are extravagant and oppressive beyond all endurance. The contracts for public work are made without economy or care, and with a reckless indifference to the interest of the public. These boards, in some instances, employ their own members to do the work not authorized by law, merely for the purpose of making them extravagant allowances. In many instances these members are wholly ignorant, and are completely under the control of the clerks and sheriffs of these counties, to whom they make extravagant allowances. This is a great evil, and we suggest that remedy which alone seems adequate. Legislation should be immediately enacted fixing the maximum rate of taxation at 50 per cent. on the State, beyond which they shall not go in any instance.

"These boards should also be prohibited from making any contracts, or allowances, or appropriations, except when there is money in the treasury to pay them. And every such order or warrant so made and ordered, when there is not money in the treasury sufficient to pay it, should be declared utterly null and void, and all persons concurring in making or issuing them be declared guilty of a misdemeanor in office, and punishable for such, as provided by law."

To this urgent and respectful appeal no response whatever was made. (See deposition of E. Barksdale, page 453.)

The ruinous effects of such a system of misgovernment upon the real estate and property which are subject to it is to be found in the testimony of Shackleford, a republican ex-judge, at p. ——

So that not only is all immigration prevented, but the possibility of obtaining loans of money upon real estate for the purpose of improvement is destroyed.

The system of public schools seems to have been liberally maintained chiefly for the advancement of the blacks, but necessarily at the pecuniary cost of the whites, whose property mainly contributed from its burdens to sustain them. This, however, would not have been a subject of complaint if there had been anything like equality of opportunities for the establishment of white schools, which were necessarily at the cost of white people.

An instance of the gross inequality and injustice of the action of these negro boards of supervisors and the insolence and overbearing conduct of the members is to be found in the case in Issaquena County. (See deposition of William A. Farrish, at p. ——)

And the deposition of ———.

The choice of registrars and judges of election was such as made fair elections hopeless, as will be illustrated by the case of Warren County, which we shall consider hereafter in this report.

The Legislature of the State, under Governor Ames, contained a large majority of negroes, and was confessedly a venal body of men, in which the defeat of any measure of reform or the passage of any measure of iniquity could be cheaply procured by the use of money among the members. (See deposition of ———.)

As to the relation of Governor Ames to the white people of the State of Mississippi, it is best described by his own language at pages 16 and 17 of the testimony, in which he says:

Question. When did you first go to Mississippi?

Answer. I went there in 1867.

Q. In the Army, I believe?

A. Yes, sir.

Q. When were you elected Senator?

A. In 1870.

Q. Had you any intention to settle in Mississippi prior to your election?

A. I will say not long previous to that; and permit me to say that I found when I was military governor there that there was a black code existing, and that the negroes had no rights whatever; that they were not permitted to exercise any of the rights of citizenship. I had given them the protection they were entitled to under the Government of the United States, and I believed that I could render them great service. I felt that I had a mission to perform in their interest, and I hesitatingly consented to represent them and unite my fortune with theirs.

It will seem, therefore, by his own voluntary statement that the white people of Mississippi were not those whom he proposed to represent or with whom he desired "to unite his fortunes."

The next question and the reply of Governor Ames may perhaps be explanatory of his supposed "mission."

Q. You speak now in reference to the colored people of the State?

A. Yes, sir; in reference to the colored people of that State; they were in the majority.

On page 19 he says:

"The question of how I can get money to live is the one question with me."

Perhaps this was always the case with Governor Ames while he remained in Mississippi.

The natural consequences of a government so organized had become apparent prior to the adjournment of the Ames legislature, which met in January, 1875, and adjourned about the end of March following. Incompetence, venality, and misrule had borne their usual fruits. A government that inspired neither affection nor respect could necessarily rely only upon coercion and intimidation as a last and vain resort. The dissatisfaction and discontent of the people was not confined to the democratic party, but extended everywhere and among men of all parties.

The dissensions within the republican ranks were even more marked than among their silent adversaries who had been totally deprived of official position and control in public affairs. Between one division of the republican party, led and represented by Governor Ames, and another, represented by Senator ALCORN, the breach became deep and widened daily. On either side individuals of that party arrayed themselves with their respective followers, and open and bitter denunciations, unsparing in their terms, were showered by each side upon the other. The split was open, positive, and would seem to have been irreconcilable. In his examination before the committee Governor Ames classes Senator ALCORN, Governor Powers, McKee, ex-member of Congress, ex-Senator Pease, Morris, the attorney-general, State Senator Musgrove, WELLS, M. C., and Chancellor Storrs, as among the opponents to him and his administration. At page 22 he accuses Morris of having used his office for corrupt purposes, Musgrove of insincerity and dishonesty, Storrs of being thoroughly corrupt; at page 25 Pease of willful falsehood and of being without ordinary intelligence. At page 26 murders are imputed to Senator ALCORN.

On the other hand, George E. Harris, the ex-attorney-general of the State, in his letter to the President of the United States, dated the 24th of November, 1875, giving the reason for the democratic success in Mississippi, declares that it was—

"Due to the imbecility and base corruption of the State administration and a few adherents."

(See letter, page —.)

He charges Ames—

"With cold indifference and of contracting his views and narrowing his circle of friends to a few confidential advisers, who were a close corporation of mercenary men who knew but little of the wants of the people of the State and cared less—men who have no identity of interest or sympathy in common with the people of the State."

He charges him—

"With the desire to control the judiciary as well as the executive department of the State; of resorting to the expediency of making appointments after vacation and then holding the appointments over them *in terrorem* until the next session of the Legislature, and if they did not please him in decrees, &c., he could withhold their names, (as he did in one case,) thus making the judiciary of the State subservient to the executive, in violation of the constitution; and he actually removed Chancellor Dreman, as I believe, because in a case of *habeas corpus* he refused bail to the governor's friend, Morgan, (sheriff of Yazoo County,) on a charge of the murder of one Hilliard."

He charged him—

"With appointing men to judicial position who had never had a case in court, and were totally ignorant of the law and practice, and who do not know a plea in bar from a demurrer."

Ex-Senator Revels, in his deposition, at page —, states:

I. H. Estell, a republican, states, at page 325:

Governor Ames's prostitution of his office and bargaining with appointees is shown by Judge Watson, at page —, as follows:

Senator ALCORN flatly contradicts Governor Ames's account of the Friar's Point riot, in which Mr. ALCORN was one of the chief parties, (see deposition at page 67,) and expresses his want of confidence in Ames's administration.

See also letter of H. C. Carter, page —, also speech of G. WILEY WELLS, (see his speech, reported by Senator Revels, at page —,) in which he quotes Ames's remarks that "the blood of twenty-five negroes would be a good thing for the republican party."

With such a division of feeling in regard to men and measures in the republican party in Mississippi, with universal discontent among all classes of the people in regard to the condition of the State and its administration, they approached the canvass of 1875. Governor Ames was charged by Harris (see same letter before quoted) with using his power as executive of the State for the purpose of securing his election to the United States Senate, and there seems to be no doubt that such was the fact. As he, himself, has stated, he had "united his fortune with the colored people of the State, whom he believed to be in a majority." He was unlearned in law or the spirit of civil rule. Military methods and rigor were his only conception of government. He seemed greedy of political power without comprehending its responsibilities. He did not lessen his deficiences by associating with men more learned in civil rule than himself, but, avoiding men of intelligence and character in the State, surrounded himself with obsequious and inferior associates. The characteristics and tastes of the people among whom he had gone as a stranger, and yet to be their ruler, he never studied nor cared to comprehend, nor to have understood the gentle wisdom of Fletcher of Saltoun: "That if a man were permitted to make all the ballads, he need not care who should make the laws of a people." He never gained their respect; but, by his self-seeking, his self-promotion to power and place and his use of public power for his personal ends, he entirely lost whatever he might have had of their respect. Thus, losing public respect, he lost public confidence, and instead of seeking by conciliaton and methods of justice to regain it, he resolved to defy those who withheld it. The end of all his methods was simply force—the bayonet; that last and most cruel test of military fidelity, when the American soldier is called upon to use his arms against the American citizen. When he found the political knot was complicated, he set aside methods of reason and used the sword to cut it, because he was devoid of the skill or patience to untie it. Violence was the necessary end of such a rule as he conceived and sought to put in practice. The just end of government is the happiness of the people to be governed, and measures to promote popular happiness and content are the first and chief duties of a ruler. It would be a farce to term such a government as he conducted in the spring of 1875 a free government, either for the white or for the black people. The colored population were as thoroughly enslaved to his will and to the handful of politicians whom he set over them as they ever could have been at the hands of their former private owners. In his testimony at page 15, citing his last message to the Legislature, he says he regards the whole affair as a race issue, in which he avowedly intended to take sides with the black race against the white, and to use all his power, personal, political, and official, in their behalf. Thus, in the first year of his administration, in the fall of 1874, in the case of a contest for the office of sheriff at Vicksburgh, in Warren County, he forced Flanagan, the white occupant, out of his seat by a company of United States troops, which he had demanded to be sent to him for that purpose from New Orleans. In 1875, when it became apparent that the democratic party was disposed to combine itself with all the elements of opposition to his administration and make a strenuous effort to gain control of the State, Governor Ames made his first preparation in the Legislature for its defeat by the passage of a law known as the "Gatling-gun bill." This is described in the testimony of E. Barksdale, page —:

Q. You spoke of the "Gatling-gun bill," what was that?

A. I have, I think, a synopsis of the bill.

"Section 3 of the bill empowered the commander-in-chief to organize, from the enrolled militia, two regiments of ten companies each, and to purchase four or more Gatling guns, and organize a corps of select officers and men from the infantry to send with the said guns."

That was passed by the Legislature which assembled on the 1st of January, 1875. The date is not given.

Q. It was passed the spring before the election?

A. Yes, sir; it was called the "Gatling-gun bill," because the purchase of four Gatling guns was authorized, and they were regarded as weapons of very terrible destructive qualities. The appropriation for carrying out the purpose of the Gatling-gun bill was $60,000. Of this, $5,000 were authorized to be expended for military supplies and munitions of war.

The next was his application to the Secretary of War at Washington for the State's quotum of arms. (See testimony, page —, and the accompanying papers

and applications of A. G. Packer, adjutant-general, organizing the State militia for active duty.)

A. While matters were in a condition of profound peace here, though these causes of discontent existed to which I have referred and which are stated in the tax-payers' memorial and in the resolutions of the republican club here in the city of Jackson, Governor Ames, after the passage of the law which was known as the "Gatlin-gun bill," as if preparing for war here, addressed a letter to the Secretary of War inquiring about Mississippi's quota of arms. A copy of that letter I have here:

May 25, 1875.

SIR: By direction of his excellency A. Ames, governor of Mississippi, I have the honor to apply to you for the statement of arms and other military property issued to this State since 1860, under act of Congress April 23, 1808, and the acts amendatory thereto.

A communication from the Ordnance Office, Washington, D. C., has been received, in which the State of Mississippi is charged, under the provisions of an act approved March 3, 1875, with the sum $170,167.31, and a balance due the United States is claimed of $1,967.60.

The records of this office do not show the amounts of the apportionment for the different years, and having no data to furnish I respectfully apply to you to furnish it.

Very respectfully, your obedient servant,

A. G. PACKER, *Adjutant-General.*

The Hon. SECRETARY OF WAR,
Washington, D. C.

That was a letter written on the 25th of May, 1875.

On the 2d of June, before the political canvass, Governor Ames addressed a letter to General Benét, chief of the Ordnance Department, as follows:

JUNE 2, 1875.

SIR: I have the honor to respectfully apply for a price-list of ordnance and ordnance stores as issued from your Office; also a book of forms used in the Department, if any change has been made since the publication of the regulations, 1863.

Very respectfully, your obedient servant,

A. G. PACKER, *Adjutant-General.*

Brigadier-General S. V. BENÉT,
Chief of Ordnance, Washington, D. C.

Q. What do you know of any military preparation made by Governor Ames early in the canvass, and prior to the occurrence of any of these disturbances?

A. As I have stated, and cited the letters showing he was making military preparations. Then I have an order-book, issued from the headquarters State of Mississippi, adjutant-general's office, Jackson, May 1, 1875, announcing officers of the Mississippi State militia, during the months of February, March, and April, 1875.

"STAFF OF THE COMMANDER-IN-CHIEF.

"Brigadier-General Albert G. Packer, of Holmes County, adjutant-general. February 25, 1875.

"Lieutenant-Colonel Omar S. Lee, of Holmes County, aid-de-camp. February 25, 1875"—

A gentleman who has since proved a defaulter to a very large amount in the county of Holmes, and has fled the State, and his whereabouts are not known.

"Lieutenant-Colonel James J. Spellman, of Madison County, aid-de-camp. February 25, 1875.

"*Fourth division.*

"Brigadier-General William Gray, of Washington County. February 25, 1875.

"General Brown colonel First Regiment Infantry. February 25, 1875.

"Major-general State militia, Alexander Warner, of Madison County. February 26, 1875."

These gentlemen were all members of the republican party. That General Warner was the chairman of the republican State executive committee.

Of these, Spellman, Gray, and Brown were colored men; no democrats among them.

After the Clinton riot Governor Ames proceeded to perfect the military organization which had been ordered by law; and in the county of Hinds, under authority known as the "Gatling-gun bill," on the 23d of September, he ordered one thousand Springfield breech-loading muskets to be purchased, and directed to the adjutant-general of this post. After the receipt of those arms they were issued to companies in this county of Hinds, as follows:

On the 2d of October, eighty guns, with accouterments, were issued to Captain Charles Caldwell. (colored.)

On the 5th of October, to the same person, seventeen were issued.

On the 6th of October, forty-seven issued to Captain John W. Cleagan, (white.)

On the 7th, eighty stand of arms to Green Tapley, (colored,) with ammunition.

On the 9th of October, eighty issued to Ed. L. Gillin, (colored,) with ammunition.

On the 9th October, 1865, stand of arms issued to Geo. D. Nixon, (white,) with ammunition.

On the 10th, eighty issued to W. C Mosely, with ammunition.

On the 11th, sixty issued to Oliver Cromwell, (colored,) with ammunition.

That was in this county; issued with accouterments, ammunition, &c., to five negro companies in the county of Hinds, and two white companies.

Almost without exception the appointments were from the republican party. I do not think of an exception in the military appointments, and two-thirds of the companies, that were commissioned in the military service, were taken from that party. Probably half were commanded by colored officers.

The following is a full list of the appointments:

FIRST DIVISION.—Brigadier-General William F. Simonton, of Lee County, March 4, 1875.

SECOND DIVISION.—Brigadier-General Marion Campbell, of De Soto County, March 4, 1875.

THIRD DIVISION.—Brigadier General N. B. Bridges, of Oktibbeha County, March 4, 1875; Hinds County, Samuel F. Steele, colonel First Regiment Infantry, March 10, 1875; Jasper County, Newton Knight, colonel First Regiment Infantry, March 17, 1875; Lowndes County, W. A. Monroe, captain Columbia Light Artillery, March 17, 1875; Grenada County, C. P. Lincoln, colonel First Regiment Infantry, April 12, 1875; Monroe County, James W. Lee, colonel First Regiment Infantry, April 12, 1875.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

HEADQUARTERS STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Jackson, June 1, 1875.

[General Orders No. 3.]

The following-named officer has been appointed in the Mississippi State militia during the month of May, 1875:

Wilkinson County.—William H. Noble, colonel First Regiment Infantry.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

HEADQUARTERS STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Jackson, June, 1865.

[General Orders No. 5.]

The following-named officers have been appointed in the Mississippi State militia during the month of June, 1875:

Lowndes County.—M. A. Brownlee, captain Company A, First Regiment Infantry; T. H. Smith, first lieutenant Company A, First Regiment Infantry; D. P. Moody, second lieutenant Company A, First Regiment Infantry.

The following resignation in the Mississippi State militia has been accepted during the same period:

Grenada County.—June 17, 1875, First Regiment Infantry, C. P. Lincoln, colonel.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

HEADQUARTERS STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Jackson, October 1, 1875.

[General Orders No. 7.]

The following-named officers have been appointed in the Mississippi State militia during the months of August and September, 1875:

Warren County.—William French, colonel Fourth Regiment Infantry, August 12, 1875.

FIFTH DIVISION.—Brigadier-General William F. Fitzgerald, of Hinds County, September 15, 1875.

FIFTH DIVISION.—*Staff of brigadier-general.*—John D. Beaird, assistant adjutant-general, with rank of major, Warren County, September 22, 1875; Wirt Johnson, assistant surgeon-general, with rank of major, Hinds County, September 24, 1875; William R. Davol, assistant quartermaster-general, with rank of captain, Warren County, September 27, 1875; John J. Rohrbacher, aid-de-camp, with rank of captain, Hinds County, September 27, 1875; Marion Smith, aid-de-camp, with rank of captain, Hinds County, September 27, 1875.

Warren County.—R. J. Temple, captain Company A, Second Regiment Infantry, September 27, 1875.

Staff of major-general.—M. B. Sullivan, assistant adjutant-general, with rank of colonel, Bolivar County, September 24, 1875; William H. Compton, assistant surgeon-general, with rank of lieutenant-colonel, Hinds County, September 24, 1875.

Hinds County.—John W. Clingan, captain Company A, First Regiment Infantry, September 25, 1875; John C. Rietti, first lieutenant Company A, First Regiment Infantry, September 25, 1875; Matt F. Ash, second lieutenant Company A, First Regiment Infantry, September 25, 1875; Charles Caldwell, captain Company A, Second Regiment Infantry, September 25, 1875; Eugene B. Welborn, first lieutenant Company A, Second Regiment Infantry, September 25, 1875; Porter Kelly, second lieutenant Company A, Second Regiment Infantry, September 25, 1875; Green Tapley, captain Company B, Second Regiment Infantry, September 25, 1875; Charles Morgan, first lieutenant Company B, Second Regiment Infantry, September 25, 1875; John F. Duncan, second lieutenant Company B, Second Regiment Infantry, September 25, 1875; Nathaniel D. Sneed, colonel Second Regiment Infantry, September 27, 1875.

Lafayette County.—Victor W. Thompson, colonel First Regiment Infantry, September 28, 1875.

FIRST DIVISION.—*Staff of brigadier-general.*—John C. Heidelberg, assistant adjutant-general, with rank of major, Lee County, September 30, 1875; Clinton C. Jones, assistant quartermaster-general, with rank of captain, Lee County, September 30, 1875; Joseph M. Bynum, assistant surgeon-general, with rank of major, Alcorn County, September 30, 1875; Henry M. G. Spencer, aid-de-camp, with rank of captain, Lee County, September 30, 1875; Green M. Maddox, aid-de-camp, with rank of captain, Tippah County, September 30, 1875.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

HEADQUARTERS, STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Jackson, November 1, 1875.

[General Orders No. 8.]

The following-named officers have been appointed in the State militia during the month of October, 1875:

SIXTH DIVISION.—Brigadier-General Harris P. Hurst, of Pike County, October 2, 1875.

SIXTH DIVISION.—*Staff of brigadier-general.*—James C. Lamkin, assistant adjutant-general, with rank of major, Pike County, October 2, 1875; Frank Strong, assistant surgeon-general, with rank of major, Amite County, October 2, 1875; Charles P. Hosmer, aid-de-camp, with rank of captain, Pike County, October 2, 1875; Moses Jackson, assistant quartermaster-general, with rank of captain, Amite County, October 17, 1875.

Warren County.—Adam Bowie, captain Company A, Second Regiment Infantry, October 5, 1875.

Hinds County.—William C. Mosely, captain Company D, Second Regiment Infantry, October 7, 1875; John W. Chase, first lieutenant Company D, Second Regiment Infantry, October 7, 1875; William Williams, second lieutenant Company D, Second Regiment Infantry, October 7, 1875; E. L. Gilliam, captain Company E, Second Regiment Infantry, October 7, 1875; Thomas Stevens, first lieutenant Company E, Second Regiment Infantry, October 7, 1875; Robert Williams, second lieutenant Company E, Second Regiment Infantry, October, 7, 1875; George D. Nixon, captain Company B, First Regiment Infantry, October 9, 1875; E. W. Partin, first lieutenant Company B, First Regiment Infantry, October 9, 1875; C. E. Marshall, second lieutenant Company B, First Regiment Infantry, October 9, 1875; William Iverson, captain Company C, Second Regiment Infantry, October 11, 1875; Edgar Gordon, first lieutenant Company C, Second Regiment Infantry, October 11, 1875; Oliver Cromwell, captain Company F, Second Regiment Infantry, October 11, 1875; Virgil Clark, first lieutenant Company F, Second Regiment Infantry, October 11, 1875; Cornelius D. S. Parker, second lieutenant Company F, Second Regiment Infantry, October 11, 1875.

De Soto County.—Albert D. Thompson, colonel First Regiment Infantry, October 11, 1875; Jefferson J. Evans, lieutenant-colonel First Regiment Infantry, October 11, 1875; Thomas A. Leon, major First Regiment Infantry, October 11, 1875; James F. Pratt, adjutant, with rank of first lieutenant, First Regiment Infantry, October 11, 1875; Horace H. Hillman, captain Company A, First Regiment Infantry, October 11, 1875; Calvin S. Nesbit, first lieutenant Company A, First Regiment Infantry, October 11, 1875; Henry Odom, second lieutenant Company A, First Regiment Infantry, October 11, 1875; John W. Farmer, captain Company B, First Regiment Infantry, October 11, 1875; Thomas McCain, first lieutenant Company B, First Regiment Infantry, October 11, 1875; James McLaughlin, second lieutenant Company B, First Regiment Infantry, October 11, 1875; Henry Rogers, captain Company C, First Regiment Infantry, October 11, 1875; Jerry Powell, first lieutenant Company C, First Regiment Infantry, October 11, 1875; Charles H. Knowlton, second lieutenant Company C, First Regiment Infantry, October 11, 1875.

Yazoo County.—Albert T. Morgan, colonel First Regiment Infantry, October 11, 1875; First Regiment Mississippi Cavalry, Colonel Eugene H. McMichael, of Wil-

kinson County, October 11, 1875; Lieutenant-Colonel John G. Mills, of Holmes County, October 17, 1875.

Amite County.—Charles P. Nelson, captain Company A, First Regiment Infantry, October 11, 1875; Henry J. Lilly, first lieutenant Company A, First Regiment Infantry, October 17, 1875; T. N. Lafayette Anderson, second lieutenant Company A, First Regiment Infantry, October 17, 1875.

The following appointments have been revoked during the same period:

Warren County.—R. J. Temple, captain Company A, Second Regiment Infantry, October 5, 1875.

Hinds County.—Charles Caldwell, captain Company A, Second Regiment Infantry, October 21, 1875; Eugene B. Welborn, first lieutenant Company A, Second Regiment Infantry, October 21, 1875; Porter Kelley, second lieutenant Company A, Second Regiment Infantry, October 21, 1875.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

The State militia having been thus organized preparatory for the campaign, and the officials being among the most notorious and unscrupulous partisans, black and white, of the State administration, great alarm was created among the white population. The negro companies, officered by negroes, largely predominated, and threats were freely made by their orators that the slaughter of the whites would be completed from the cradle up, if necessary for their success. (Speech of Brigadier-General Gray, reported in testimony of W. A. Ferguson at page —; also testimony of Mr. Putnam, page —.)

As a consequence, rumors flew thick and fast. The preparation of the governor and his arming of the negro militia were on every tongue, and caused the deepest distress and apprehension among all classes who sought to preserve the peace in the State and friendly relations between the two races. That such rumors were exaggerated there can be no doubt, for it was the interest of the Ames party and of the negroes to make proclamation of an organization and power which they knew they did not possess. The effect was to increase the insolence and insubordination of the blacks and intensify the discontent and the apprehensions of the whites. The arms to be furnished by Governor Ames were at the expense of the State, and the whites were left to their private resources to obtain arms necessary, as they believed, for their self-defense. A feeling of excitement was engendered that grew each day in force. Intimidation was thus openly proposed, and proposed to men not likely to be intimidated and totally misunderstood in their course by the men who were assuming to rule them. Thus it seems that violence, bloodshed, and force, as the only arbiter of the election, were first suggested in a time of profound peace in the State of Mississippi, by Governor Ames and his political associates. (See page 334, deposition of Frank Johnston; page 472, deposition of E. Barksdale.) The practice of carrying arms in Mississippi among all classes is almost universal, and there were but few witnesses who appeared before the committee who were not so equipped—one, a Mr. Chisholm, a leading republican of Kemper County, promptly producing his weapon for the inspection of the committee, and the justices of the peace and constables declaring that it was a part of their official costume.

It was testified by ——— ———, at page — and ——— ———, at page —, that after the war the desire to obtain arms among the negroes was almost universal, and that the sales of weapons to them, especially of shot-guns, was very much in excess of what it was to the whites.

Not only were the white people of Mississippi threatened with the organization and use of the armed negro militia in the coming election, but the armed forces of the Government of the United States were held in terror over them for a like purpose. Mr. Warner, chairman of the republican State executive committee, at page —, states that, immediately upon the holding of the republican State convention at Jackson, in ———, 1875, a resolution was adopted vesting him with an authority to appoint a committee, with himself as chairman, to visit Washington and call upon the President for armed aid to the republican party in the ensuing canvass, which resolution, and the action of the committee under it, shows the character of the campaign which they intended should be waged in that State. It may be here mentioned that the prevalent idea among the negroes and the handful of whites who led them in Mississippi seems to be that the Federal Administration will at all times exert its armed authority for the purpose of retaining them in office; and it was in the hopes of such intervention that the application referred to was made, and which, as we believe, has largely promoted and induced the complaints which led to the constitution of this committee. The experience of prior elections had been favorable to this belief. (See page — of testimony.)

Question. Was it a fact, then, that the military arm of the Government was used in his election in favor of one party?

Answer. Yes, sir; the troops were sent to various parts of the State at that time, and persons were arrested and thrown into prison; and the effect of the use of troops against men who were opposed to that party had very great influence in controlling and determining the election.

Q. I would like to ask that fact, whether the Army of the United States has been used as a party agent in the affairs of Mississippi, and if it has been so felt by the party to which you belong?

A. Yes, sir; it has been so felt, for it was felt in that election, and the military commander was seen to go into a political organization and pledge his support to its candidates; and the troops were placed in various portions of the State without any ostensible cause other than their presence would have that effect.

The democratic conservative party of Mississippi, in the platform adopted at their State convention on the 3d of August, 1875, contained the following propositions:

"First. The recognition of civil and political equality of all men as established by the Constitution of the United States and the amendments thereto.

"Second. Favoring the education of all the children of the State in public school, sustained by adequate taxation; but opposition to extravagance or partisan administration of said schools."

The thirteenth cordially invites the voters of all the people of both races to unite vigorously with them in the approaching canvass. (See page — of testimony.) It was by this convention that the democratic executive committee was organized, and J. Z. George appointed as chairman.

Thus opened the campaign of 1875. It is in proof, by almost every witness who was examined on the subject, that the negroes were organized in clubs, having a quasi military organization in every county in the State. Clubs, also, of white people were formed, and the parading and marching, with the use of flags, drums, music, cannon for salutes or the explosion of anvils—a rude substitute for cannon—became general throughout the State.

Much of the alleged intimidation of the colored people by the white population was claimed to be from causes like these, which could only have operated upon minds of the most childish character, and would be ridiculed if proposed with the same intent in any part of the Northern States. This constitutional timidity of the colored population was frequently and gravely urged as entering into alleged violations of the fifteenth amendment by white men, who fired off pistols in the air and exploded anvils at night on their return from meetings through the country. At page 112, A. Parker, republican sheriff in Amite County, testifies as follows:

Question. You may state whether or not these outrages had the effect of intimidating the colored voters.

Answer. They certainly did, sir. I am satisfied that for a month before the election there was not a week-day or a Sunday that colored people did not come to my residence or to the court-house, and tell me of these visits to their houses, and ask my advice as to what they should do, and did I think they would be killed, and all such inquiries as that. Of course I encouraged them all I could. I will state as my candid opinion that there were no less than five hundred men who lay in the woods the greater part of the night before the election. They would stand in line at the polls, and drop asleep standing up, on account of not having had sleep the previous night. These democratic clubs were organized into squads, and each of these squads had two anvils. They would go to a little rising place in the road, and put these anvils down, and shoot them off ten or twelve times, and shoot their shot-guns, yell, and go on, and stop a mile perhaps farther on, and repeat the same thing again. We could hear it in every direction from town, and it sounded just like war times. The colored people, when these squads would be approaching them, shooting and yelling, would of course imagine that they were going to kill them, and they would slip out and get into the woods, and lay hid until morning. In the morning they came in one at a time, and found out no one had been killed. This was done on the night before the election, and finding out that nothing serious had been done, and that this was only a trick to frighten them, they came up to the polls and voted, and we polled a larger vote than we had polled before since the war; both democratic and republican.

Perhaps the best proof that can be offered of the real intent and spirit with which the democratic and conservative canvass was organized and conducted will be found in the telegraphic correspondence between Mr. George, the chairman of the executive committee, and his party associates throughout the State, who communicated with him during the canvass. This correspondence, although not referred to by any witness nor in any way supposed to be connected with the subjects to be inquired of by the committee, was, by the order of the committee and against the formal and recorded protest of the undersigned, made public for the purpose of sustaining the charges of lawlessness and outrage against the democratic party of Mississippi. Mr. George had not been made a witness; none of the parties who were his correspondents had been made witnesses; but the whole correspondence was seized and produced in bulk before the committee, and is to be found on pages 380 to 420 of the testimony.

Let it be borne in mind that these communications were all supposed by the writers to be confidential, and that their contents would never be made public.

It will be difficult for any mind, however prejudiced, to construe any portion of this telegraphic correspondence so as to favor the suspicion that lawlessness of any kind was looked to as an element for the success of the democratic party in that canvass. From first to last there is nothing but what is creditable to Mr. George and his democratic correspondents as honorable, peaceful, and law-abiding citizens. We do not believe it will be possible to torture any of these dispatches into any other meaning. The demonstration of General Ames in organizing the negro militia, the openly expressed intention and threat of bringing Federal troops into the State to control the election, no doubt operated to create a corresponding antagonism and bitterness, and suggested that it should be met by force. The "race issues," which Governor Ames has recognized, and upon one side of which he so promptly and vigorously ranged himself with all his official powers, were undoubtedly aggravated and intensified. Collisions were constantly threatened, and yet few, remarkably few, under all the circumstances, occurred.

In endeavoring now to give a reliable account of the acts of violence and bloodshed which were proven before the committee as having occurred in Mississippi during the summer and autumn of 1875, we deem it hardly necessary to make expression of the intense and hearty reprobation which we, in common with all men who respect and value law and order and humanity, necessarily felt, and now feel, upon every occasion where violence and crime were committed. Stern repression and prompt punishment are the just measures to be dealt out to all such offenders, without respect to race or color or station in life, and for all such criminals and transgressors we invoke due punishment at the hands of those who are the representatives of the Government whose laws need vindication. But while we propose in every proven case to condemn the guilty, we do not propose to allow reasonable proof to be replaced by reckless and malicious assertion or rumor; nor do we propose to condemn a whole community upon the testimony of men, confessedly without character, who live upon slanders and trade upon abuse instigated, as many of such characters were who appeared before the committee, by a miserable faction, whose hope of prolonged plunder and self-enrichment lies in keeping up a condition of public excitement and fanning the prejudices and hatreds of ill-informed citizens of the North against the white people of the South. We confidently believe that when knowledge of the truth as it is, and sad though it may be in many respects, of the state of affairs in Mississippi, shall possess the minds of the people of the Northern States, the occupation of the miserable class of slanderers to whom we have referred will be gone forever.

It is for this reason that we sincerely deprecate such utterances as are contained in the speech of the honorable Senator from Indiana, [Mr. MORTON,] and delivered in the Senate by him, when urging the adoption of the resolution by which this committee was authorized. No fact stated by that honorable Senator was upon his personal knowledge, and the source from which he obtained his assumed facts was disclosed by the deposition of Captain Fisher, to be found at page 533.

By Mr. BAYARD:

Question. Is not that a copy of Mr. MORTON'S speech that you have there?

Answer. Yes, sir.

Q. Didn't you furnish these extracts to him?

A. I furnished some of them.

SENATOR MORTON'S SPEECH, AND WHO HELPED TO COMPILE THE EXTRACTS IN IT.

Q. I observe, in reply to a question put to you, first in respect to the Clinton riot, and next in regard to certain questions in reference to the taxation of the State, that you consulted a pamphlet; have you it?

A. Yes, sir. [Witness hands pamphlet to Senator BAYARD.]

Q. This purports to be a speech delivered by Mr. MORTON in the United States Senate in January, 1876.

A. Yes, sir.

Q. I suppose when you read the extract from the Raymond Gazette you obtained it from that speech?

A. Yes, sir.

Q. And you looked for information in regard to the taxation of the State to the statements in that speech?

A. Yes, sir.

Q. You read your testimony from what you found there?

A. I refreshed my recollection on a few points from what I found there.

Q. Did you or did you not read from that speech when you gave your answer?

A. I did, sir.

Q. Did you or did you not read from that speech when you were questioned in regard to the proceedings of the Clinton riot, and the number of persons killed at that time?

A. No, sir; I did not. I endeavored to find a paragraph taken from the Forest Register, in which it stated the number killed at Clinton—the Forest Register is a democratic paper—but I do not find the paragraph.

Q. Did you, as a matter of fact, make that political compilation in there from the democratic press of Mississippi?

A. I assisted in that compilation.

Q. Who assisted you?

A. Well, sir, there were extracts furnished by different gentlemen.

Q. Name those parties.

A. Judge Alcorn assisted in a portion of the compilation.

Q. That is Mr. Robert J. Alcorn?

A. Yes, sir.

Q. Where did you prepare them? Where were you at that time?

A. I was in this city.
Q. Were they prepared in this city?
A. O, yes, sir.
Q. To whom did you furnish them?
A. Well, sir, they were furnished to Senator MORTON.
Q. At his request?
A. I was requested to furnish to Senator MORTON all the evidence that I could obtain showing the character of the election and of the canvass in Mississippi last fall. I told him that I should be very glad to do that, and that I might be able to furnish some extracts showing the temper of the press, which he said he would be very glad to receive. And I proceeded to do so; and a portion of what you see here is the result of that labor.
Q. Did you see him personally and furnish these to him at his request?
A. Yes, sir; I did.

Thus it will be seen that, while being examined as a witness, Captain Fisher based his replies upon the speech made by the honorable Senator; and yet he admits that he himself had furnished to the honorable Senator the statements contained in that speech; that he had not personal knowledge himself, but that the speech was prepared in the city of Washington from the newspaper-clippings which he, Fisher, as the editor of a partisan paper, had made from time to time in the State of Mississippi. Thus, if Mr. MORTON quotes Fisher and Fisher quotes MORTON, the combined authority of the two can be no greater than that of either, and either and both rest entirely upon mere hearsay and information for the assertions which are dignified by the utterance of a Senator in Congress.

During the canvass that preceded the election of November 2, 1875, there were four political disturbances ending in the loss of human life and bloodshed, in regard to which much testimony has been taken by the committee, and which have mainly served as the basis for the wholesale accusations against the white people of Mississippi with which the public press and the ears of the northern people have been industriously filled.

I. A riot at Vicksburgh on the occasion of the celebration of the 5th of July, (the 4th of July happening on Sunday.)
II. The riot of Yazoo City on the 1st of September.
III. The riot at Clinton on the 4th of September; and
IV. Friar's Point on the 9th of October.

In regard to the Friar's Point riot, there is no testimony whatever except what is contained in the statement of Governor Ames, at page 26, and of Senator ALCORN, at page 67. Governor Ames charges Senator ALCORN with being personally responsible for those occurrences. This he does upon the information of others, not having been personally present; but Mr. Alcorn, who was personally present, gives in full the history of his participation as a leader in that whole affair, and divests it entirely of such political significance as is referred to in the resolution appointing this committee.

He testifies that the difficulty originated in the party schism between his adherents and those of Governor Ames, in which the democratic party, or, what is the same thing, the white people of Mississippi, had no share. He states, at page 69, the cause of the riot, which was, his personal difference with John Brown, the negro sheriff, and the organization by Brown of a large body of armed negroes, several hundred in number, well armed and approaching the town of Friar's Point, threatening to sack and burn it.

Mr. Alcorn organized a force, and with his "double-barreled shot-gun" headed the defense. The negroes were dispersed at first by the forces of Alcorn without loss of life or wounds on either side; but the murder by the negroes of a respectable young white man, by the name of Scott, who was innocently attending to his business and taking no part in the trouble, led to a retaliation by the Alcorn party, and he sums up, at page 71, the result of the conflict:

Two white men assassinated by the negroes, one other shot himself accidentally, and nine colored men killed by the Alcorn party.

Deplorable and dreadful as the occurrence seems to have been, and public as it was, and well known to Governor Ames, who has furnished the committee with Brown's communications to him on the subject, (and which are to be found at page 20 of the documentary evidence attached to the testimony,) yet no action seems ever to have been taken by any of the civil authorities of Mississippi to vindicate the law, and, so far as the testimony of Senator ALCORN discloses, no member of the democratic party was concerned in the transaction. Whatever may be the lawless and dreadful character of this collision, it is proved beyond doubt to have been disconnected with any trouble growing out of the democratic-conservative organization of Mississippi. It should not be forgotten that Senator ALCORN is a strenuous republican and ally of General Grant's administration, and that the democratic party of Mississippi have no more determined opponent.

The riot at Vicksburgh on the 5th of July is stated by every witness who has been examined to have been entirely unpremeditated. The colored people met at the court-house on the morning of that day for the performance of patriotic exercises. Among the audience was Cardozo, the negro superintendent of education, and who was also to have been one of the speakers on that occasion. He was the editor and proprietor of a newspaper published in Jackson, in which, it seems, he had assailed Judge Cowan, a citizen of the county. Judge Cowan and Cardozo met at the railway station at Vicksburgh on the morning of the 5th. An altercation took place between them by reason of the scurrilous article by Cardozo and a collision ensued. Cardozo was assisted by a white man named ———, and with his aid, the attack of Cowan was foiled and Cardozo got off in safety and reached the court-house and took his place in the meeting. A few young men, supposed to have been friends of Cowan, followed him to renew the conflict, and finding there ———, who had interfered between them at the depot, an encounter took place in which ——— was shot by some one unknown to any witness who testified.

The testimony discloses (see deposition of ———, page —, and the deposition of ———, at page —) that but a single shot was fired in the building, which resulted in the wounding of ———, who has since absconded from the State. After the shooting of ——— the meeting, composed chiefly of colored people, scattered in great confusion. Shots were fired over their heads, one of which struck an old colored man who was on the sidewalk, not concerned in the meeting, and caused his death. The indignation of the men who had sought Cardozo continued; search was made for him, but he was secreted in an upper portion of the building and finally managed to escape unhurt. The mayor of the town, Dr. Leary, appeared promptly on the scene and soon brought everything to order. The riot had its origin in the personal encounter between Judge Cowan and Cardozo, had no feature of political intent, and the loss of life was confined to the old colored man, who was shot accidentally by some unknown person. The person who was wounded in the court-house was proven to be a very disreputable man, and was either a bar-keeper or the partner of a negro who kept a low drinking-house. He having absconded, no proceedings have been taken against the person who shot him, nor is it known whether his wound is dangerous or not. The disturbance of this innocent and peaceable assembly was undoubtedly outrageous, and deserves the greatest reprobation; but it is impossible to believe that it was in any way or degree connected with party politics. It was a gross breach of the peace, which should have been promptly arrested, as it was, and severely punished by the civil authorities, as it was not.

The affray at Yazoo City took place at a club meeting of the republican party held at Bedwell's hall on the 1st of September, 1875, to which members of all parties were invited. The speaker was A. T. Morgan, the sheriff, and a candidate for re-election, who says:

"There were present, perhaps, half a dozen white republicans and fifty colored, and perhaps half a dozen or more democrats."

An altercation took place, growing out of some remark of the speaker which was rudely contradicted by some one in the audience; pistols were drawn and fired, and the hall was soon emptied; the result of the melee being the killing of Mr. B. R. Mitchell, a white man, and the wounding of Foote, a colored man. (See testimony of Foote, at page —; also of A. T. Morgan, at page —.)

This was the beginning and the end of the riot in the hall; but the condition of feeling which probably gave rise to the riot did not end with that affray. Yazoo County contained an overwhelming majority of colored people. Its government, judges, clerks, sheriff, supervisors, justices of the peace, constables, juries—grand and petit—prosecuting officers—all were in the hands of the republican party. Mr. Morgan, who was one of the chief actors on this occasion, was the autocrat of his party in that county. He held the office of sheriff at one time, and was a candidate for re-election. He appeared in Washington before the committee to assail his political opponents in Mississippi. Mr. Morgan has been in Washington employed, as he says, as a claim agent for several months. He was in communication with the majority of the committee for weeks prior to their departure for Mississippi. His testimony could readily have been then taken, and some opportunity thus afforded for calling witnesses in reply, but he was withheld until the return of the committee to Washington, and examined at the very close of their sessions. He stated, at page —, that he went to Mississippi at the close of the war, rented lands, and commenced planting, but from various causes failed and was sold out, and became insolvent; that he was received with the greatest possible kindness on every hand upon his first coming, but soon lost his popularity with the white people, to whom he became exceedingly obnoxious. He omitted to inform the committee that he had married a colored woman, which fact was stated by Dixon and Foote, colored witnesses, and his political associates, at page —. Upon his failure in business he immediately embarked in politics, and has thoroughly controlled the county ever since. Attorney-General Harris, in the letter hereinbefore cited, classes him among the disreputable associates of Governor Ames, and says that, when a State senator, he offered to sell his vote for $2,000; that Raymond, the State printer, refused to pay it, saying that he had already paid him $900, and that was enough for that vote. Morgan was also chairman of the late republican State convention.

The marriage, to which we have alluded, and his evil repute encouraged a political associate named Hilliard, and a former sheriff, to run against him for the nomination of sheriff. The convention nominated Morgan; but Hilliard bolted and ran for the office, calling to his aid whatever opposition he could muster. At the end of the election in 1874, Hilliard, being in office, refused to give it up to Morgan, except upon terms to which Morgan refused to accede, and claimed that Morgan had not qualified according to law. Morgan proposed to take possession of the office by force of arms, and did so, and killed Hilliard, who resisted him, and with his party friends shot other adherents of Hilliard. This riot, occurring at the court-house, involved none but members of the republican party. (See deposition of Foote, page —.) Those who were killed and those who killed them were alike republicans. No democrat was concerned in it; but the friends of the murdered man caused the arrest of Morgan, who was committed without bail, waiving any hearing before the committing magistrate. He immediately, however, sued out a writ of *habeas corpus* before Chancellor Dreman, who, after a hearing of five days, refused to discharge him on bail, and recommitted him to prison. Morgan was then, at his own request, removed to the penitentiary at Jackson. He was, as his correspondence with Governor Ames shows, (see pages 102 and 103 of the documentary evidence,) on terms of close personal and political intimacy with Ames, and, according to the letter of Harris, the attorney-general, Ames removed Dreman because he refused to bail his friend Morgan, and appointed Walton chancellor in place of Dreman, who thereupon proceeded to hear the application of Morgan for a discharge, and discharged him on a recognizance of $5,000. Morgan re-appeared in Yazoo City, obtained possession of his office, and having political control of the county no indictment was found against him or any of his friends for the murder of Hilliard or the shooting of Hilliard's friends until the county passed into the democratic hands by the result of the election of 1875, when an indictment for murder was found against him by a grand jury, from which indictment he is to-day a fugitive in the city of Washington, and appears as a witness before the committee of the Senate to assail the community whose laws he has outraged. That Morgan killed Hilliard must have been found by Chancellor Dreman when he refused, after a hearing of five days, to discharge him on bail, and the testimony of Foote (see page —) testifies to the same fact. How far the condition of feeling which led to the riot in Yazoo City on the 1st of September, 1875, had been brought about by the lawless action and defiance of all order by Morgan himself and his political associates is not easy to determine; but that he was himself a gross transgressor there can be no manner of doubt, and that such a man would never be permitted to obtain or retain office in the Northern States, we believe to be equally true. The weight of the testimony of such a witness we submit to just public consideration.

The Clinton riot was productive of more public excitement than the three other riots which we have described. It has been the subject of more exaggerated statement than all the other three combined, and the facts attending it can now be stated with a reasonable degree of certainty. A political meeting at which a barbecue was to be had was called at Clinton, a village on the Vicksburgh Railroad about twelve miles west of Jackson, the capital of the State. To give celebrity to the occasion, Governor Ames and other leading members of his party were announced to be speakers, and by an arrangement democratic speakers were also invited and a portion of the time for discussion allotted to each. It was intended to be a grand demonstration on the part of the republicans, who attended in large numbers, estimated at from eighteen hundred to twenty-five hundred, of whom upward of twelve hundred were men. The whites were a mere handful, by the best informed witnesses supposed to be from sixty to seventy-five, republicans and democrats.

The number of white men who participated in the fight that ensued was probably from ten to fifteen. The parade of the republicans, composed wholly of colored men, was unusually large and carefully arranged. Eight hundred and ninety mounted colored men were counted by Captain Montgomery in the procession. (See his testimony, page 543.)

NUMBER OF WHITES AT CLINTON MEETING.

Q. How many white people do you suppose were present at the Clinton meeting, at the original meeting?
A. At the barbecue?
Q. At the barbecue.
A. I think not over twenty-five or thirty; thirty at the outside.

NUMBER OF COLORED PEOPLE AT CLINTON MEETING.

Q. How many colored people?
A. I counted eight hundred men in line, cavalry.
Q. Besides that, how many?
A. Besides that there were, I reckon, four hundred or five hundred on foot, besides women and children. I don't know, but I reckon there was a crowd of two or three thousand altogether.
Q. You went up to be one of the speakers, but did not speak?
A. Yes, sir; I did not speak.
Q. You were entirely unarmed?
A. Entirely so—

while companies on foot to the number of many hundred were counted by the same witness. Many, perhaps the majority, of these men on foot and horseback were armed, and this procession so formed moved out of its necessary line of march to the place of barbecue, and paraded through the town of Clinton. The place of

speaking was on a hill just outside of the town and near the railway station. The speaking was commenced by Judge Johnston, a democrat, in a very temperate and conciliatory speech, as described by every witness who was examined. He was followed by Captain Fisher, a republican; and during the remarks of Fisher a collision took place between a young white man and a colored man, about one hundred yards from the speaker's stand.

Comments had been made upon Fisher's remarks, and rude contradictions of their truth by one young white man named Neal, from the town of Raymond, standing in a group of two or three of his companions not many feet from the speaker's stand; but Captain Fisher in his testimony, (see page 536)—

Q. Was your speech interrupted by the shooting or disturbance that occurred or were you interrupted by remarks made?

A. I do not know that any remarks were made to me; if there were I did not hear them.

Q. We have had a great deal of testimony about the Clinton affair, and the witnesses were not certain, when you were speaking, whether you heard these interruptions noticed by men standing by, and I thought I would ask you whether you heard them or not.

A. I heard, subsequently to the riot, when I got home, that such expressions had been made in regard to portions of my speech, or as having reference to myself; but I did not hear them, and if I had heard them I should not likely have paid any attention to them—

distinctly says that he did not hear these remarks, nor was his speech interrupted by anything that was said in the crowd, but that the interruption to his speech arose from the affray between the white and the colored men to which we have referred; that the white man in question had a bottle of whisky from which he had been drinking, and which no doubt was the proximate cause of the affray that then took place. Immediately upon the collision between these two a pistol-shot was heard, and there is conflict of testimony as to the person who fired it. It was immediately followed by a general discharge of fire-arms, and in the mêlée, which caused intense confusion, two colored men were killed on the spot and four or five were wounded. The negroes were rallied and commenced pursuit of the whites, who, in a group numbering about eleven men, retreated from the field.

Martin Sivley and Thompson, white men, were overtaken, killed, and their bodies mutilated. Thompson was found in the public road, nearly a mile from the scene of action, shot through the head. Charles Chilton was killed in his own yard, and, as it appears by the testimony of Captain Montgomery, (page 543)—

ABOUT THE WHITE MEN KILLED.

Q. Did you know any of them?

A. No, sir; I did not know any of them.

Q. Black men or white men?

A. They were black men that I saw there, just lying there, and we afterward found the body of Mr. Sivley and Mr. Thompson and Mr. Chilton. Mr. Chilton was shot right near his house—the very man I had taken dinner with, and there was not a more quiet, inoffensive man in our county. It was Charles Chilton, the brother of John Chilton, who had before that been an active republican, and a leading republican of the native Mississippians of our county; and at that riot he threw up the sponge; he said he had given $100 in money and in beef, and the heart's best blood of his brother that day, and he was done.

Q. By whom was his brother killed?

A. By the negroes.

Q. How far from the original scene of the riot?

A. Right at his own gate he was shot; that was one hundred yards, I suppose.

Q. Was he in the affray?

A. No, sir. There was such a stampede and rush that the negro men were riding and running over their women and children; and there was such confusion and hallooing that he ran out to his gate. He carried his gun with him, though, which was very natural; and he handed his gun to a negro boy standing by him, and said, "Take this." Now, that is the way the thing was told me. He was standing there helping the women and the children into his yard to get them out of the way of the stampede and of the horses, and as he turned his back some of the men in the road fired and shot him. After finding that there was no armed body on the top of the hill and several men from the town began to assemble—but before that time the negroes had gone off in companies, and they seemed to be assembling, and I thought we had better make for the depot, and get possession of that, and send for assistance to some other point to help us—for I thought it was very likely that there were not white men enough there to hold the town against the negroes, should they be disposed to attack it—which we did—

was endeavoring to let the black women and children into his yard to escape the press of the crowd behind them when he was shot. Captain White was shot, stabbed, and left for dead. Rice, Wells, Wharton, and Robinson, white men, were all wounded, with others whose names are not obtainable.

The excitement of the scene and consequent confusion created the wildest and most variant rumors. The negroes were reported as massing at a short distance from the town, proposing to attack and destroy it. Their declarations and cries during the conflict had been of an alarming character, and spread great dismay among the citizens. Instantly the telegraph was put in requisition, and bodies of men at Vicksburgh, Jackson, and Edwards's Station hastily met together, armed with every variety of weapon, and taking the train reached Clinton on the evening of Saturday after the riot had occurred and the negroes had left the town.

A hasty attempt at organization was made by the election of Captain William A. Montgomery to the command of this unorganized and hastily collected force to the number of several hundred. Captain Montgomery testifies (see page —) that he immediately caused a mounted patrol, led by him in person, to make a circuit of the town and ascertain whether any immediate attack from the negroes was to be apprehended. He discovered no one, and no shot was given or returned between his party and the colored men, nor was there any collision or disturbance whatever. He returned to Clinton where the white men had collected under arms, and finding a want of subordination among them he resigned his position as commander, because he would not take the responsibility of preserving the peace without having the power to do so. This is much to be regretted, for by the testimony of all witnesses who have made any reference to Captain Montgomery, as well as by his own testimony before the committee, he is evidently a man of high and cool courage, of generosity and integrity of character.

Thus left without a leader and deeply excited by the events of the day, infuriated by the murder and mutilation of their white friends, mob-law soon became triumphant among the whites collected at Clinton. The white men killed are shown to have been estimable and popular citizens. Chilton met his death while endeavoring to protect the colored women and children, and had handed his gun to a colored man in his employ at the time he received his death-wound. At page 543, Chilton is proven to have sent provisions down to aid the colored people in their barbecue. Martin Sively had no connection with the commencement of the affray. The number of wounded whites was unknown, and was doubtless enormously exaggerated. As a consequence, the more violent and lawless of the men who had collected under arms obtained the ascendency. They visited the homes of the negroes in the vicinity of Clinton who, they had been informed, had been connected with the affray and the killing of their friends, and outrageously took the lives of seven or eight of these men. It was the reign of terror and lynch law in that neighborhood from late on Saturday night until Sunday morning. After that time no distinctly authenticated case of murder growing out of the Clinton riot was established before the committee.

The circumstances of the riot were carefully and diligently examined by Mr. Frank Johnston, of the town of Jackson, together with Mr. Chilton and Judge Cabnis, within a few days after the occurrence. Diligent inquiry was instituted by these gentlemen, and a number of affidavits from white and colored men, democrats and republicans, were taken at the time and at the town of Clinton. Mr. Johnston was examined before the committee at great length, and appended these affidavits to his testimony. His cross-examination developed nothing in contravention of the conclusions at which he had arrived in September, 1875. His deposition will be found at pages 329–378 of the testimony, and the reliability of his statements is attested in the strongest terms by all the republicans who have been examined in relation to this affair. Judge Alderson says of Mr. Johnston, at page 301:

By Mr. CAMERON:

Q. If Mr. Frank Johnston made a statement that he had made a thorough examination, would you conclude that that was absolutely true or merely that he really believed that he had made a thorough examination?

A. I would not conclude anything; but whatever Mr. Johnston would investigate and state upon his word of honor, that I would give credit to. I do not know a man for whose moral worth I have a higher respect than I do for Frank Johnston's.

And his high character is equally attested by Judge Swann, Mr. Estelle, and every republican witness who was examined in regard to the Clinton transaction. His profession is that of a lawyer, and his residence within twelve miles of the scene of disaster. So that we feel justified in accepting the statement of facts and the conclusions of Mr. Johnston as perfectly true and reliable. He is sustained in substance by nearly every witness who was examined.

Captain H. G. Fisher, who was the compiler of Mr. MORTON's speech, and was one of the speakers at the barbecue, stated his difficulty, even after the most careful investigation, in ascertaining reliably the names of more than four or five colored men who lost their lives on the occasion. There seems to be no just reason to doubt that the collision was entirely unpremeditated, certainly so on the part of the whites who were present, as it would have been little less than madness for twenty-five or thirty white men, not more than half of whom were armed, to have precipitated a conflict against such overwhelming odds. (See Fisher's testimony, pages 521 to 524.)

As an illustration of the absence of any anticipation of difficulty on the part of the whites, we refer to the testimony of Captain Montgomery, (page 541,) by which it appears that, having been asked to fill the appointment of another democrat who had intended to speak at Clinton, he attended the meeting without even a pocket-knife upon his person, and that, taking the train from Edwards's Station to Clinton in company with Harney, the colored sheriff of the county, he remarked in reply to an observation of Harney that he was totally unarmed, but that he believed that of the posse of twenty-five colored men whom Harney had on board, twenty-four would be found to have weapons upon their persons, and upon an examination by Harney it was found to be true in the case of more than two-thirds. (See page —.)

It will be borne in mind that this affray occurring between a mere handful of whites and a large and organized body of colored men who were to meet in the presence of the governor of the State, their peculiar and especial champion, who had to use his own words, "united his fortune with theirs;" who held the entire executive power of the State; was also in a political stronghold of the republican party which controlled every peace officer; that every means of repressing or punishing disorder was in the hands of officials of that party; that within twelve miles was a force of United States troops encamped for the alleged purpose of suppressing riot. It seems impossible to believe that such a collision could be brought on by the minority under such circumstances with a view to produce political effect. Such a view is irreconcilable with any suggestion of human motives of which the undersigned have any knowledge.

It may here be noted that Major Allyn, in command of the United States troops stationed at Jackson, was at Clinton on the night of the riot, (see page 331,) and was in Jackson during the sessions of the committee, in intercourse with the majority of the committee, but not examined as a witness.

This, we believe, comprises a list of the public disorders prior to the election in relation to which testimony has been taken by the committee. There are other cases of homicide and violence, to which we shall hereafter refer. The murder of William P. Haffa, a white man, as detailed by his wife at page 483, and by the testimony of Captain Montgomery at page 547, occurred on the 6th of September.

This murder of Haffa seems to have been an atrocious crime, and two important facts appear in the testimony of his widow and daughter, (see pages 483–490,) one of which is the failure in public duty, which cost Haffa his damages in a civil suit against two parties named Bush, who had assaulted him—was that of Lake, a republican United States official at Jackson, (see page 487;) and, secondly, that the names of the persons who murdered her husband are well known and given, and that she went to Governor Ames with her sad story.

Why, may it be asked, did not Governor Ames order the arrest and trial of one or all of these murderers? The only notice he seems to have taken of Mrs. Haffa was a very moderate subscription, to the more liberal one already made by Captain Montgomery, a democrat.

Mr. Haffa would not appear to have been altogether the blameless citizen described (naturally) by his widow.

Captain W. N. Montgomery testifies, at pages 547, 548, as follows:

ABOUT MR. HAFFA.

It was about that time that Haffa's death was reported.

Q. State what you know about that.

A. I don't know anything about it of my own knowledge. I knew Mr. Haffa.

Q. Who was he?

A. He was a man that was from Chicago, brought there by Dr. Robinnett, for the purpose of working on his farm, some seven or eight years ago. I got twenty at the same time myself.

Q. Twenty what?

A. Twenty laborers from Chicago at the same time, white men; and, by the way, the last one of them ran off and stole all my mules, and I lost every cent that I made. This man Haffa was one of them that Dr. Robinnett got. He worked about three days with Dr Robinnett, and then went to William Bush's and hired himself to a negro man who was renting from William Bush. After living there two or three weeks and doing a good deal of mischief, Mr. Bush and some others went over there and took him out and gave him a flogging, and Bush was up before the United States court, but the suit was dismissed. This flogging placed Haffa in a position to get office from the negroes, and at the next election he was elected to the Legislature. He was then a magistrate, and had been for several years teaching school there. I know nothing about him except what the neighbors there said. He was a very bad man, I judge, from everything that was said about him.

Q. Do you know what his reputation among the blacks was?

A. I received a dispatch inquiring for some one who could testify in regard to the Haffa case from here, and the first man that I inquired about was a negro man living on my place, who brought the dispatch from the telegraph office to me—I live five or six miles out in the country. I asked him if he knew anything about the killing of Mr. Haffa; and he says, "No, sir, I don't; but he ought to have been killed long before he was." I said, "Why, I thought he was a good friend of yours?" He says, "No, sir; he done too much stealing in this country, and he ought to have been killed long ago." If this will be allowed as testimony, I will say what this negro told me about Haffa. He says, 'Well, sir, when he was elected magistrate he sent for all of us to come up and get our mules that the Government was going to give to us, and he said that it took $5 apiece to get the mules and pay the freight on the mules." And he said that they gave him $5, about two hundred of them, but that

he did not give $5, as he did not have it; and at the time appointed to get the mules they came there, and Mr. Haffa said that they had so many mules for the blacks down there, and they had such a great long train of them, that in passing underneath a tunnel the whole thing caved in and killed every mule, and they lost their $5.

I said, "You are surely mistaken; you are joking about that." He says, "Joking! I am not joking; I can get you a dozen men in five minutes that gave him $5." Well, on inquiry I found that his reputation was very bad among the negroes, although he had been elected to office by them.

Q. Do you know anything of the circumstances of his death?

A. Nothing in the world.

Q. Did you hear of it at the time?

A. Yes, sir; I heard of it; and why it should be done for political purposes—I have no idea that there were any political purposes or object in the killing of Mr. Haffa, because he had many fallings-out with his neighbors; he was a terrible man to fall out with his neighbors, and they had all sorts of difficulties with him.

I have no idea that there was any politics in the killing of Haffa in the world. It was not on account of any political differences of opinion that Haffa was killed.

Q. Had you any application from Mrs. Haffa for assistance?

A. I had; and paid her $50 at Edwards's Depot. She came there and applied to me for assistance.

NEGROES ORGANIZED AND MADE MANY DEMONSTRATIONS AND THREATS AFTER CLINTON.

After this difficulty was over in Clinton the negroes organized in companies throughout Hinds County, and made many demonstrations and threats to make an attack upon the town and kill all the people; sent in word that they were going to commence from the cradle and go up. Well, sir, living in such a country as I do, it is well calculated to arouse a man's fears, if he has got any. I live on a public road, myself and one other white man, and there are seventy-six negro men on the road and only us two white men; and it is very reasonable that if they wanted to hurt us they could do so.

THE WHITES ORGANIZE TO PROTECT THEMSELVES AGAINST THE ENCROACHMENTS OF THE BLACKS.

We organized ourselves into companies for protection then against these negroes, into military companies. I was captain; was elected to take command of five or six of them, in different parts of the county. It was simply and purely for protection; not for any political purpose in the world, but to protect ourselves against the encroachments of the blacks.

HELP TO MRS. HAFFA.

Q. Why was this application made to you by Mrs. Haffa?

A. As being in command of this military company. I suppose she was sent to me by some one. She was inquiring about where she could get assistance, and she was sent to me. She told me that Haffa's father was a man of considerable wealth and influence, and that when she could get home she would be cared for, and she wanted to get her family out of the country; and I handed her $50. Where she went I don't know, and I have never seen her from that time to this, and I never saw her before.

Q. Was that a gratuity of your own to her, or did you owe that money to her husband?

A. No, sir; I never owed the money to anybody. After I handed her the money some of the men there in the neighborhood went around and got up a subscription.

This does not in the least lessen the crime, but may have weight in assigning some other cause than political prejudice as the origin of his murder.

The result of the Clinton riot and the affray at Yazoo City had the effect of aggravating the excitement and feeling between the two races. Instead of causing the law to be respected by a prompt and vigorous use of its powers, it would not appear that Governor Ames and his State administration took any of those steps which under a government of laws a ruler should have taken to punish the offenders and prevent the recurrence of wrong. We have not been able to ascertain that a prosecution was ever set on foot against any one connected with these riots, or any attempt whatever made to apprehend and punish any of the wrong-doers. On the contrary, it would appear from the order-book of Governor Ames, which was produced before the committee, (see testimony of E. Barksdale, p. 462,) that his favorite and only remedy—the bayonet—was looked to by Governor Ames. On the 24th of September a circular letter was addressed by Ames to the republican sheriffs of certain counties in the following words:

"SEPTEMBER 24.

"SIR: I am directed by his excellency the governor to inquire if any militia organizations are needed in your county to assist the civil officers?

"Are there any threats from the opposition, that, in your judgment, will be carried into effect; and if so, will it be possible to hold a quiet and peaceable election?"

It will be observed that this letter was not in response to any application for aid, and had evidently not been preceded by reports from any quarters of violence, either actual or apprehended. Governor Ames was plainly seeking for information that would justify, or rather give him the pretext for the use of armed militia. He inquires "if" there were threats from the opposition, and whether, in the opinion of his agents, such threats would be carried into effect; and "if so," whether a peaceable election would be held. Nothing could more strongly show the temper and intent of Governor Ames than this spontaneous, unsuggested solicitation of opinion from his partisan sheriffs, for no such inquiry was directed to any but his political confidants.

The answers to these circulars do not appear, but the suggestion no doubt was accepted and produced the desired results. The negroes were thus informed that they were to receive armed protection, and that they were to be armed themselves for political purposes.

In a speech made by the colored brigadier-general, Gray, when he returned to Washington County after an interview with Governor Ames, to which allusion has been made, the announcement was publicly made by him that Governor Ames was to give the colored militia arms to secure the election; and such no doubt was the information given in other parts of the State.

In pursuance of this policy of intimidation and violence we find on the 6th and 7th of October special orders published by the adjutant-general, which clearly explain themselves:

[Special Orders No. 10.]

OCTOBER 6, 5.

Brigadier-General William F. Fitzgerald, fifth division Mississippi State militia, will order Captain W. C. Mosely's Company D, Second Regiment Infantry, Hinds County State militia, stationed at Edwards's Depot, as soon as arms and ammunition are distributed to them, to report at Jackson, Mississippi.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

[Special Orders No. 7.]

OCTOBER 7, 5.

Lieutenant-Colonel O. L. Lee, aid-de-camp on the staff of the commander-in-chief, is hereby ordered to proceed to New Orleans, Louisiana, to make any and all arrangements with the N. O. Lt. L. & C. R. R. Co. for transportation of troops and supplies of the Mississippi State militia.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

And also the following correspondence:

OCTOBER 4.

DEAR SIR: I am directed by his excellency the governor to inquire if it is possible for us to obtain cars for transportation of (300) three hundred men and equipage for two hundred more. The equipage will require a box-car. The time for using the train to be fixed at a day within the next two weeks. Train to run from Jackson, Mississippi, to Vaughn's Station, and to remain under orders until the men are returned to Jackson.

Very respectfully,

A. G. PACKER, *Adjutant-General.*

E. D. FROST,
General Manager N. O. A. L. & C. R. R., New Orleans, Louisiana.

OCTOBER 4.

SIR: Yours of the 3d ultimo received. General orders are issued for the militia of the State to enter active service; your offer will receive due consideration.

Very respectfully,

A. G. PACKER, *Adjutant-General.*

W. R. STEWART, Esq.,
Kirkwood, Mississippi.

OCTOBER 1.

SIR: Can you furnish five thousand (5,000) rations of pork or bacon and bread under the authority granted by the Secretary of War for the militia of this State? If possible, ship immediately to William Noonan, superintendent State penitentiary.

Very respectfully, your obedient servant,

A. G. PACKER, *Adjutant-General.*

The COMMISSARY OF SUBSISTENCE,
Department of the Gulf, New Orleans, Louisiana.

SEPTEMBER 2.

SIR: I am directed by his excellency the governor to transmit the inclosed duplicate requisitions for ordnance and ordnance stores on the quota of the State of Mississippi.

I have the honor to be, very respectfully, your obedient servant,

A. G. PACKER, *Adjutant-General.*

Brigadier-General S. V. BENÉT,
Chief of Ordnance, Washington, D. C.

SEPTEMBER 27, '5.

D. APPLETON & CO.,
Broadway, New York, N. Y.:

At what price will you furnish one hundred copies Upton's Infantry Tactics and ten sets of copies of the three different arms? Answer.

A. G. PACKER,
Adjutant-General Mississippi.

SEPTEMBER 27,'5.

Brigadier-General S. V. BENÉT,
Chief of Ordnance, Washington, D. C.:

Can you furnish fifteen hundred haversacks on our quota? At what price? Please answer.

A. G. PACKER,
Adjutant-General Mississippi.

Can there be any doubt of the object and intent of this correspondence?

These warlike preparations so made by the governor of the State were not only known to the citizens, but created in the minds of the colored population the belief that all the powers of the State were to be arrayed in behalf of their political party, and brought upon the whites the conviction that they were to be placed not only in great danger of losing their political liberties, but also their lives and those of their families. The condition of feeling created by such a belief cannot be justly estimated and considered in the calm security of a committee-room as in the seclusion of a country home where a planter resides, far distant from any white neighbor, too far for the cry for help to reach any friendly ear, and knows that he is surrounded and fearfully outnumbered by men of a different and antagonized race, a race which, while possessing many amiable and placid virtues, is yet highly animal in its organization, and, once becoming infuriated, will, as history has shown, be capable of brutal excesses which their reasoning powers are entirely unequal to control.

As a result of Ames's threatened organization and arming of the black militia, the threats of the blacks multiplied. Their habit of meeting was always at night, surrounded by the mystery of darkness and the refusal to allow white people to take part in their assemblies, page 547:

THE STATE MILITIA.

Question. Was there apprehension in the minds of the white people in Mississippi, growing out of the organization of the negro militia by Governor Ames?

Answer. Yes, sir; a very grave apprehension. This militia was organized some time after the Clinton riot. These companies that were at Clinton that ran off from the scene of action, the most conspicuous members of the Clinton riot, were taken to Jackson and were organized into military companies by Governor Ames, and guns placed in their hands and sent back to their homes. They said they were afraid to go back; but those who were afraid to go back had taken a very active part in the riot, and in staying away they induced others to stay, because they knew that if they should go in that capacity the governor would be pretty apt to put them in military companies, and they would go back home with their guns, draw the pay of $16 a month, which was just as good as they could do at work at home; and of course quite a number of the most ruffianly fellows were organized into this militia, and they came down to our place.

Q. Now, as a fact, in your county were the white companies that you speak of, such as you commanded, organized subsequent to the negro organizations you have spoken of?

A. Yes, sir; we never thought of organizing until we found the negroes organized and drilling at night for some purpose which we could not tell, as no white men could get in among them. They were drilling and were organized all over the county before any movement took place on the part of the whites.

Their political consolidation is shown by every witness to have been complete and that so organized they were wholly and helplessly in the hands of the few white adventurers who were their absolute political owners. On this point see the testimony of Mr. Walton, the present United States attorney in Mississippi, at pages 49-50:

ORGANIZATION OF THE BLACKS.

Question. What is the nature of the organization, so far as you know, among the colored people?

Answer. Well, sir, it is one of those cases which, in my judgment, arises always out of the existence of a class of people who are ignorant and who are comparatively helpless in the presence of a much more powerful body of people who, although they may not be stronger in point of numbers, are stronger in point of force and intelligence. The negroes consequently herd together. They do so publicly,

and they do so more especially in secret." That is to say, there is a silent organization, existing not professedly as an organization, but existing still, in point of fact, everywhere that I have ever been, which prevents the intercourse between the two races from being candid and free.

NO MUTUAL CONFIDENCE BETWEEN THE RACES POSSIBLE.

I am, myself, very well acquainted with negroes; I have always been in the habit of dealing with them a great deal; I have always worked a good many of them; and I must say that my intercourse with them has been of a character to make me believe it impossible for anything like mutual confidence on political questions to arise between the white people and the negroes. I don't see how it ever can arise, and I do not believe, myself, that it ever will. I think this is due to the enormous gulf between the races in all social relations—that confidence which springs from personal friendships and an unrestrained social intercourse being, in my judgment, an essential cement to a political party, and being absolutely out of the question, between the white and black races.

Q. You speak of an organization among the negroes; what do you mean by that; that they are organized in bands, under the command of any particular persons, or that they are associated together from the fact that they are of the same race and community of interests, or both?

A. They are not organized in bands.

Q. Or in companies, under officers, and having a general head?

A. Well, in the first place, they have their clubs, just as any other political organization has its clubs. I have never been inside of one of their clubs, but then they never have asked me, though the clubs were republican in their name, and republican, I suppose, in their character. They have generally acted in such a way as to leave me to believe that they did not want my presence there. Although they are quite near my house, I have entirely abstained from going there. And when the county conventions would meet, I have observed that the negroes in these conventions very strongly resisted white influence, and consequently it became disagreeable, inasmuch as there was such disposition, to the white people to have anything to do with these conventions. It became unpleasant personally, and it produced an impression which it was hard to avoid. I have always found it practically impossible for me to avoid it: the impression that these meetings meant nothing but the organization of one race against another. The truth is that a white man, especially a southern white man, belonging to the republican party, does not seem to be any more acceptable as one of their counselors or advisers than one who belongs to the opposition. Although my connection with the republican party has been undeviating, and I believe I have escaped from any personal reproach in that connection, I am quite certain that my personal influence with the negroes is not a bit greater than that of any democrat in my county; not a particle. I am quite certain that I was never able to influence a vote or influence a colored man on any single question of politics; which I confess with some mortification.

Governor Ames seemed disposed to fan the flames of excitement and antagonism to their utmost height. As an illustration of this it was desired to transport some arms and munitions of war from Jackson to Edwards's Station, between which points a railroad was in operation; but Governor Ames sent these arms, convoyed by a negro militia company, fully armed, in command of Caldwell, a colored State senator, to march through the country with drums and flags and all the pomp of war, having no other result than to intensify the alarm already existing. (See Barksdale's testimony, page 472.)

Mr. Johnston, in his testimony at page 334, says, in regard to this and other acts of Governor Ames:

"On all hands and from all classes of white citizens I heard but one expression in reference to this militia, which was that it was intended by Governor Ames to use that militia to bring about a collision of the races, and the expression was used that it was his ultimate purpose to afford a good pretext for getting United States troops here to carry the election."

The result of such a course of action was made manifest all over the State wherever the negroes existed in superior or approximate numbers to the whites. The citizens of Canton, in Madison County, turned out and picketed their town for weeks at night before the election. (See testimony of ——, mayor of the city, page —.)

White men were afraid to let their families remain in their houses in the country, (see testimony of Captain William A. Montgomery, page 533:)

Question. You do not live under any apprehension of their injuring you, do you?

Answer. Well, for myself I will tell you; when I have seen my neighbors running off, and have sent my family away, I have staid right in my own house on my place; but I must say that I had apprehensions. If left alone I would never have been afraid of them; but I knew that there was something brought to bear upon them from the outside, and they might not be able to resist the temptation.

Q. How many years have you been living at your present place?

A. Always—since I was nine years old.

Q. Some of those negroes were on the place before the war and remain there now?

A. Nearly all.

WITNESS AND OTHER WHITES LIVED IN FEAR OF ASSASSINATION.

Q. You mentioned that you had lived in fear of assassination from the negroes?

A. Yes, sir. I never stated that exactly—that I lived in fear of assassination; I said my fears were aroused sometimes. Senator BAYARD asked me if I was afraid, and I said that sometimes my fears were so strongly aroused that I sent my family off, but I staid there myself.

Q. You may have stated that the people were living in fear of assassination—your neighbors perhaps; was that what you meant?

A. Yes, sir.

and evidence of this state of feeling will be found multiplied throughout the testimony.

The apprehensions of both races thus excited grew to fever heat, and a condition of affairs absolutely alarming to the stoutest hearts prevailed all over the State of Mississippi, and at last penetrated the mind of Governor Ames himself. His plans had worked but too well. He had conjured up a spirit of despair and anxiety upon the part of the unhappy people over whom he had been placed in rule which threatened to wrap that State in flame and blood. It was no thanks to him or his advisers that this result was not reached at the time or preceding the election in November, 1875. From every quarter evidences reached him of this state of affairs. He had never conciliated the people. He had never sought to learn how far concession, and justice, and kindness, and sympathy, and a recognition of their tastes, prejudices, and habits would go toward procuring good government among a people. He threatened to restore Morgan, the sheriff of Yazoo County to his place by force of armed militia; and the troubles in that county, which led to the killing of several colored republican leaders, the demoralization of the republican forces, and their practical abandonment of the canvass, are directly traceable to the threat of an armed military expedition organized by Ames to replace Morgan by force in the sheriff's office, then held by another white republican.

The arming of the citizens of Yazoo County, their organization into companies, under the lead of their most conservative and respected citizens, in some of which white republicans were enrolled, was for the avowed purpose of resisting the approach of the colored militia of Ames, intending by force to replace Morgan, the slayer of Hilliard, in the office of sheriff. When once a condition of desperation and excitement has been created in any community, it is in vain to look for the rule of peace and law. The perturbing force that breaks down one law or the law destined for the protection of one man or one class of men in a community necessarily levels all law. It is like a fire which consumes all in its path. When, therefore, responsibility is to be affixed, shall we seek the cause or content ourselves with describing consequences only? Governor Ames had, either ignorantly or willfully, built up a condition of animosity and antagonism between the white and colored people of the State of Mississippi dangerous to the safety and peace of both, until excitement had usurped the place of reason, and force, with its remedies, had in some few localities taken the place of law.

There is no evidence that Governor Ames sought to exercise any of the civil powers intrusted to him for the pacification of these disordered localities. As usual, his recourse was had to the armed power of the Federal Government, and his correspondence with the Attorney-General and Secretary of War are well known to the Senate and the country. Failing in establishing, and being unwilling to allege, that condition of affairs within the State of Mississippi which alone under the Constitution of the United States authorizes the armed intervention of the Federal Government, the scruples of the President and his legal adviser, Mr. Pierrepont, withheld troops from the aid of the republican party in Mississippi. At page 2 of Governor Ames's testimony he testifies as follows:

"In view of that state of affairs I applied to the President of the United States for the protection of the United States, which was not granted. Subsequently, the Attorney-General, I presume at the suggestion of the President, sent an agent and two detectives at my request."

We may pause here to consider this new feature in American government. There is no such power known to the Constitution or laws of the United States as the employment by the Attorney General of the United States of detectives to inquire into and report the police condition of an entire State. The governor of the State confessed by his application that there was no one capable and sufficiently reliable to judge of and report upon the true condition of affairs in his own State; and three men, entire strangers to the people of Mississippi, were sent among them to examine and report whether a state of affairs existed which would authorize the interposition of the Federal Government by force of arms in the local disorders of that State. What possible authority can be urged for this attempted delegation of the highest discretionary power vested in the executive of a State?

About the 9th or 10th of October, Mr. Chase arrived in Mississippi, and took up his abode in the gubernatorial mansion with Mr. Ames. He has been examined as a witness before the committee, and his testimony will be found at page —. Whatever may be the opinions of the irregularity of his mission and its want of constitutional or legal warrant, all well-meaning men will concur in a sentiment of satisfaction that he was sent. He states that he found the State of Mississippi in a state of profound and dangerous excitement, the two races armed, ready and liable to collision at any moment, the State administration totally without influence or power to restrain the passions of either side. He discovered that the governor of the State had not even a personal acquaintance with the leading and most influential white citizens who were leaders of the democratic and conservative organization, and his first effort was to bring them into amicable council and personal acquaintance with each other. (See page —.)

The result of his offices was to produce an agreement anomalous in American history and highly suggestive of the state of affairs into which Governor Ames's maladministration had brought the State of Mississippi. There was a committee of the leading white citizens of Hinds and some of the adjoining counties held on the 16th of October, 1875, to whom Mr. J. Z. George and others, who had just had an interview on the subject of political affairs with Governor Ames, stated the result of such interview, that he had received information that it would be agreeable to his excellency Governor Ames to have a conference with some of the citizens of the State in relation to the present condition of affairs, and in accordance therewith he had arranged for an interview, which had just taken place. The citizens attending were Joshua Green, D. Shelton, E. Richardson, J. W. Robinson, H. Hilzheim, T. J. Wharton, Frank Johnston, J. C. Rietti, Robert L. Saunders, General Robert Lowry, W. L. Nugent, and J. Z. George.

The interview had been full and frank on the part of the citizens and the governor, and the governor announced to the committee that in consequence of Colonel A. T. Morgan's refusal to go back to Yazoo County, he had abandoned the purpose of sending him there with two companies of militia, one white and one colored, which had been his original purpose, and that he had also countermanded an order for guns to be shipped to De Soto County.

After this a conference ensued between the citizens and the governor in relation to the disbanding of the militia. The citizens, in response to fears expressed by the governor that peace and good order would not be preserved, and that colored men would not be permitted to vote as they pleased, assured the governor that there was no other desire among the whites than that peace should be preserved, the laws enforced, and a fair election had; that the leading whites had all along inculcated this; and they also assured the governor that they would pursue this course until the election, and would, both by precept and example, do all in their power to preserve peace and good order and secure a fair election.

The governor said his whole object in calling out the militia was to preserve order and suppress disturbances; that he was originally opposed to arming the militia, and under all the circumstances as he deemed it was forced to do so; that in view of the statement of citizens he was willing to meet their views as far as he could, and to this end he promised that he would order all the militia companies which had been organized to disperse and go to their homes with their arms. But on further consultation it was agreed that the arms of the several companies organized should be deposited in depots in the neighborhood in which the companies were raised, and should there be guarded by United States troops to be detailed for that purpose, and to be under the control of the governor, and to be removed only by his orders; or, if United States troops could not be gotten, then the arms were to be guarded by men selected and agreed on by the governor and Mr. George; that the arms should not again be delivered to the militia except in case of riot or insurrection which could not be suppressed by the civil authorities. The citizens above named expressed themselves satisfied with the arrangement. After this report and some discussion, the following resolution was adopted:

"*Resolved*, That the foregoing citizens and also the following additional gentlemen, to wit, Messrs. William A. Montgomery, E. W. Cabinis, T. C. Catchings, George G. Manlove, A. M. Harlow, Colonel Gilbrath, Dr. Moore, and Judge Chester, be requested to go to Governor Ames and tender the thanks of the meeting for what he has done, and represent to him that it would be better and more satisfactory if he would agree that all the arms should be guarded in Jackson."

The committee waited on Governor Ames, and he declined making any change of the arrangement which had been agreed upon between him and the citizens. He was asked if arrangements with the citizens included the idea that no more militia would be organized. He answered, "that nothing was said on that subject expressly, but it was his purpose and intention to organize no more."

The committee returned to the meeting and made report of the second interview, and what was done was deemed satisfactory, and the meeting then adjourned after requesting the report of the interviewers with the governor to be reduced to writing and made public.

The effect of this agreement or, as it has been constantly termed by the witnesses, "treaty of peace," was highly favorable to a better condition of things, and did much to allay the excitement and political antagonisms which were so rife at that period. Some of the results of this conciliatory course were shown by the nomination of joint committees by the two parties in several of the counties upon the fair basis of compromise and good government. Men of character, republicans and democrats, were thus placed upon the same ticket in Madison County and in other counties, and, as a consequence, no further collisions of a serious nature took place during the remainder of the campaign and including the day of election. The elec-

tion day itself was marked by an absence of even the usual personal collisions which take place in almost every community in the United States when party excitement runs high.

An answer to the general allegation that voters were intimidated from casting their votes is to be found in the pregnant fact that the republican vote in the State of Mississippi in 1875 was within 3,291 of the vote polled at the last preceding general election in 1873. (See election tables in the testimony of Governor Ames at pages 37 and 38, and documentary evidence of the committee, page 144.) The combined vote of Ames and ALCORN for governor, in 1873 (see page 138 of documentary evidence) was 126,378, and the total vote of both parties in 1875 was 155,886, showing an increased total vote throughout the State of 29,508.

It is abundantly established that for the first time since 1868 the democratic-conservative party was perfectly united and thoroughly and well organized, and conducted their campaign with an unprecedented interest and vigor. The republicans, on the other hand, were, as we have shown, disorganized and discouraged by schisms in their party, many of them, black and white, thoroughly disgusted with the conduct of their rulers, and, to use the language of Judge Harris, heretofore cited, were convinced of the "imbecility and base corruption of the State administration and a few adherents."

There can be no doubt also that a considerable and encouraging inroad was made in the heretofore impenetrable phalanx of the colored vote, a considerable portion of which was cast for the democratic ticket in Hinds County, the official residence of Governor Ames himself, as well as in many other counties, which reasonably and fully accounts for the increase in the democratic vote and the changes. Increase and changes in vote even more remarkable can be found in the election returns of the States of Massachusetts, New York, and Indiana, not to mention other States, in the election of 1874.

The whole number of witnesses examined by the committee was ———. Their testimony relates to twenty-two counties, leaving fifty-one counties in the State in regard to whose affairs no fact of any character was alleged before the committee. Of these twenty-two counties the chief portion of the testimony related to Warren, Hinds, Monroe, Chickasaw, Madison, Lowndes, Claiborne, Amite, Yazoo, and Washington.

Warren County.—Warren County, which contains the city of Vicksburgh, is one of the most populous and wealthy in the State, having a white population of ——— and a negro population of ———. There were ——— witnesses examined in relation to the affairs of this county, which may be summarized as follows:

That which gave rise to most turbulence and disorder in the spring of 1875 in the county was the contest between Bedford, the white deputy of Crosby, the negro sheriff and Flanagan, a democrat, both seeking to obtain the nomination of the republicans and the indorsement of the republican convention. (It will be remembered that Flanagan was the person whom Ames displaced by force of arms from the office of sheriff in 1874, and by the same process re-established Crosby, whom the citizens had rejected. This gave rise to the "Vicksburgh riots," which were fully investigated and reported upon by a committee of the House of Representatives.) In the course of the contest to obtain this nomination there were several homicides committed by the respective partisans of Flanagan and Bedford, and there would seem little doubt that Flanagan's nomination by the republican convention was in a large degree influenced by terrorism.

The cases of homicide were ——— and one of wounding.

In all of these cases indictments have been found and prosecutions commenced. The perpetrators of these crimes were known and have been arrested and held to bail to be tried in due course of law, and it is to be hoped will be duly punished. These crimes did not differ in their nature or their facts from such as are incident to any illy governed community, and their parallel can be found too frequently in the lower strata of politics in many of the northern cities. There is, however, no trace of testimony which can be justly relied upon to connect the commission of these crimes with the democratic organization or its objects. The respectable men viewed these crimes in Mississippi with the same abhorrence they are viewed elsewhere.

The election in Warren County in November, 1875, was characterized by the grossest frauds, and it seems impossible that such should not have been the case, when the character of the men deliberately selected to control the entire machinery of election is made known. The three registrars of election into whose hands the absolute control of the entire election was committed were appointed by the circuit judge, the chancellor, (both republicans,) and sheriff of the county, respectively. The chief registrar was a man named Knaedler, republican. He was selected by Circuit Judge Brown. Barber, republican, the second registrar, was selected by Chancellor ———. Pegram, democrat, the third registrar, was selected by Bedford, Crosby's deputy sheriff. The characters of these three men were simply infamous, and notoriously so.

The judge who selected Knaedler had presided at his trial and sentenced him to imprisonment for life for willful murder in the spring of 1875. A writ of error had been allowed by the supreme court, pending which Knaedler was admitted to bail, was appointed chief registrar of the county of Warren, and received a free pardon for his services at the election at the hands of Lieutenant-Governor Davis (colored) a few days after the election. (See page — of testimony.) He admits that a thousand dollars was promised, of which $500 was paid, to compensate him for the loss of his "business" in performing the duties of registrar, the pay of $3 per day being insufficient. Barber was under indictment at the time of his appointment by Chancellor ——— for highway robbery; and Pegram was a notorious professional gambler of a very low grade, against whom indictments were also pending.

The testimony of a dozen witnesses discloses the strong probability, if not the absolute fact, that these custodians of popular rights, by their manipulation of the tally-lists and returns and stuffing of the ballot-boxes of the entire county, procured a return as if elected of a pre-arranged ticket, composed partly of republicans and partly of democrats. (See page — of testimony, deposition of ———.) This ticket contains some names on the regularly nominated tickets of the democratic and republican parties, but other names which were not in nomination by either party, among whom is H. C. Carter, a colored man, who is now a republican member of the Legislature. The ticket so returned as elected was styled by the witness the "bogus ticket," and was proven to have been printed on paper of a peculiar hue, but precisely the same as the paper of the regular republican ticket, the typography and ink of both tickets being also precisely similar. It was proven (see deposition of ——— Richardson, page —, a republican,) that the committee to procure tickets consisted of W. W. Edwards, colored, and ———, colored, who went to New Orleans to have the tickets printed, and brought them back.

The identity in outward apppearance between the "bogus ticket" and the regular republican ticket leaves little room to doubt that they were printed at the same time, on the same press, on the same paper, under order of this republican committee. Of the time and place of stuffing the ballot-boxes and altering the tally-lists by the election officers there is no conclusive proof; but there can be no doubt that a wholesale fraud was committed, and that a ticket not voted for in the county was returned as if elected. There was testimony by Barber that some money was found in the ballot-boxes when opened, which Pegram put in his pocket.

It may be mentioned that the circuit judge, Brown, was a candidate for nomination by the republican convention for Congress at the time he appointed Knaedler chief registrar. He and the chancellor were both appointees of Governor Ames, who held in his hand power to remove either of them. He could have done so, and could have canceled the appointments of these three infamous registrars; but the political rights of the people of Warren county were thus put up for sale through the agency of the republican State administration, and being for sale, we presume, they fell, as usual, to the lot of the highest bidder. The laws of that State establish penalties for such offenses, and the execution of the law rests wholly in the hands of the State administration. Shall the community who are the sufferers of such misgovernment be made the victims of congressional assault because of a misfortune against which they have vainly protested and for which they have no just responsibility? It will perhaps be considered a curious spectacle and a strange method of ascertaining the true state of facts in a community, when such confessed scoundrels as Knaedler and Barber are brought as witnesses to impeach the community which has the misfortune to contain them, and in which they had been placed in power by the very party who now seeks to denounce those who are the victims of their crimes.

A large number of colored men were brought to show personal intimidation, as practiced toward them in the county of Warren, but the establishment of the fact that fraud was successfully used would render intimidation useless and absurd.

Madison County.—Madison County has been the subject of extended investigation, and an examination of the testimony of Captain Ross, (page —,) the republican sheriff; Judge Cunningham, republican circuit judge, (page —;) Judge Campbell, of the supreme court, (page —,) ——— chancellor, and numerous other witnesses of the highest personal and official character, must establish beyond a reasonable doubt that the election of the ticket formed by amicable compromise and agreement between the executive committees of the respective parties was perfectly fair, lawful, and peaceable. The address of the republican county committee, after the formation of the compromise ticket, which is appended to the testimony of Mr. Warren, republican, (page —,) will show the practical nature of the compromise, and of the election that was held under it. The ticket so elected by an overwhelming majority was composed of men entirely worthy and capable in the offices for which they were chosen.

Question. Was there any intimidation resorted to to compel the creation of the fusion ticket?

Answer. Not the slightest that I ever knew or heard of.

Q. Was it, to your knowledge, a voluntary action of the leaders of the two parties for the purpose of procuring good men in the county?

A. That was certainly my understanding; there was a further object, I doubt not. I know I urged that. There was a very feverish state of the public mind. The Clinton affair had occurred, and the Warren County matter, and some disturbances in Yazoo, and every sensible man of both parties thought there was a possibility, in the feverish state of the public mind, of a disturbance being precipitated by imprudence or accident. I suppose every one of us was desirous to preclude the possibility of any disturbance on election-day. I think I was, and I suppose every one was.

Q. Without its being precisely alleged—I cannot, not having the notes before me, say—but without its being precisely alleged, there has been before this committee, from the witnesses, intimation that there was intimidation practiced to induce the formation of the fusion ticket, and I ask you, as a party to the compromise, whether that was true or not?

The CHAIRMAN. The statements, to my mind, have a different construction; not that intimidation was for that purpose, but that there had been intimidation and outrages in the district, which made the republicans prefer a compromise rather than take the risk.

Mr. BAYARD. Just consider that interrogatory with the correction of the chairman. I would like the chairman, or members of the committee, to make any correction when I fail to state the testimony accurately.

A. I certainly never had an idea that there could be a pretense that there was even a semblance of intimidation in Madison County. I remember when I saw an account of the appointment of this committee, or the proposition of Senator MORTON to appoint it, I felt, and I remarked at the time, that there certainly would not be anything to investigate in Madison County, for if there was any semblance of intimidation prior to that time I was ignorant of it; I never heard of it.

Q. Did or did not the leading republicans of the county oppose the Warner ticket?

A. I am not able to say about that.

Q. After the compromise I speak of?

A. I think the compromise, or fusion ticket, was almost unanimously supported.

Q. Were you present on the day of the election?

A. I was at Canton.

Q. Was there, to your knowledge, any interference with the right of voting, by anybody, at any time?

A. There was not. There were more democrats opposed to the fusion than republicans. As well as I could ascertain, there was a minority of the democratic party opposed to the fusion, that warred against it, and condemned it bitterly; extreme men and violent men, who didn't want to have any treaty with the republican party at all; yet, at the same time, the compromise had an overwhelming majority of democrats; five-sixths, I should think, cordially approved it, and a greater proportion of the republicans. I never heard of any dissatisfaction on the part of the republicans, except as Jackson.

Q. That is not in the county?

A. No; but Warner, from Jackson, it is understood, tried to distribute straight-out republican tickets, or the old tickets, and thus defeat the fusion.

There is a large amount of absurd testimony by negroes in relation to the affairs of this county; but the testimony of gentlemen of both the political parties to which we have referred, and which is to be found on pages ——, will set at rest any question as to the legality and propriety of the election in that county.

Hinds County.—Hinds County contains the capital of the State. The only alleged disturbance of any moment in Hinds County was the Clinton riot, of which we have heretofore given a full statement. With this exception no one has ventured to attest a single act of intimidation or violence. It was the official residence of Governor Ames, who himself stated, on page 29, that he was not a witness of any act of violence or intimidation; and a dozen witnesses have affirmed without the slightest contradiction that the election was entirely peaceable and lawful, with the free right of every one to vote as they saw fit.

ASSAULT UPON THE GOVERNOR'S MANSION.

At pages ——— will be found the depositions of several colored men who were employed as watchmen around the governor's mansion for weeks before the election. Their statements as to the firing upon the mansion is not only disproved by Ames himself, (see page —,) but is incredible from the fact that no pane of glass was broken by the alleged bullets, nor does any mark appear upon the exterior of the mansion, nor was any one hurt at any time.

Mr. Barksdale, at page 475, disposes of this ridiculous charge

ABOUT THE GOVERNOR'S MANSION BEING FIRED INTO.

Q. Some witnesses have been before this committee—colored men—who have stated that the governor's mansion has been an object of attack, and I would like to state to you here what Governor Ames said on the subject:

"Q. (By the CHAIRMAN.) Did you, at any time, receive threats or intimations of bodily harm to yourself?

"A. As I stated yesterday, no attempt has ever been made to intimidate me personally. Of course no person ever came to me and said that if I did thus and so, certain consequences would follow; but the mansion where I live was fired into.

"Q. (By Mr. BAYARD.) At what time?

"A. Just previous to the election.

"Q. (By the CHAIRMAN.) During the day or at night?

"A. This was at night. I may say, however, that I did not, at that time, consider myself in any personal danger; I did not think that they could well afford to assas-

sinate me. I thought it would be too great a political blunder, so I really had no feeling of that kind; but since then I have been informed that the thing was seriously considered. People were seen firing into my mansion, and the trees were cut. There is a bullet-hole or two in various parts of the mansion."

Q. This testimony, some of it at least, referred to the democratic conservative meeting which was held here, in the city of Jackson, on the 27th of October, just before the election.

A. Well, I will state that previous to that meeting, when it was known there would be a great crowd of persons, inspired by the enthusiasm of the canvass, when there would be banners, music, and all that sort of paraphernalia which gives interest to a political canvass, and it was determined by the democratic authorities that no device, no flag, no banner, and no thing should appear in that procession, or in the proceedings, in any way to cast ridicule or wound the sensibilities of Governor Ames.

A treaty of peace had been established, as it was called, between him and the democratic authorities, and it was felt that it was due to him that there should be no exhibition of that sort.

DEMOCRATS WATCHFUL THAT NO INDIGNITY SHOULD BE OFFERED TO THE GOVERNOR.

The consequence was, that we were especially watchful that no indignity should be offered to Governor Ames during that meeting or by the procession on the march.

Upon that principle, on the occasion to which reference is made I myself was anxious to see to it that no indignity should be offered to the governor, no hostile demonstrations of any kind, whether firing of guns or pistols, or making even jesting remarks, and I took a position, before the head of the column reached the mansion, directly in front of the office, that I might see what might occur. I remained there until the procession had passed.

I do solemnly aver that if any pistol was fired, or remark made reflecting upon the governor, or offering indignity to him, I did not see it, and I was in a position to hear and see whatever occurred, certainly.

As to the perforation of trees there by bullets, I suppose it could be verified by an examination, but I certainly heard no pistols. I took that position directly opposite the governor's mansion in order to see that the pledge of peace which had been made should be fulfilled and that no indignity should be offered to the governor, because we desired the agreement should be carried out.

Q. How far is the office where you were to the gubernatorial mansion?

A. About two hundred and fifty yards.

Q. You were near enough to hear any firing or any disturbance?

A. Yes, sir.

Q. Were you constantly at your office during the next night and for a couple of weeks preceding the election?

A. I was occasionally, not constantly—frequently. Of course it is not my habit to remain, except on such occasions.

Q. Were you aware that for twenty days prior to the election, and two days afterward—I believe it embraced that—that Governor Ames had colored men stationed around his house as guards, inside of his fence?

A. I will say, personally I was not aware of it, but I heard it so stated.

NEVER HEARD ANY FIRING.

Q. Did you ever hear evidence, or have any knowledge or information, that there was constant firing at night toward the mansion during those twenty days?

A. No, sir; I never did. I am quite sure I should have heard it. I will remark that there is a police constantly on duty at all hours of the night on the streets to arrest any disturbance of that sort or anything of that kind.

Claiborne County.—Claiborne County was impeached by the testimony of one witness, E. H. Stiles, (page —,) which was controverted by the testimony of J. D. Vertner, at page 191. From special and moral causes there had been a great degree of excitement in this county preceding and entirely disconnected with the question of the election. The most conspicuous cause of excitement and feeling was the marriage of Haskins Smith, a colored man, with the daughter of his employer, Mr. William Smith, a hotel keeper in the town of Port Gibson. This colored man and white girl eloped. (See testimony of Mr. J. D. Vertner, page 191.)

Our campaign opened, I think, in the month of September, about two months before the election. Just prior to the opening of the campaign, however, an incident in no way connected with politics occurred, which produced a very bad state of feeling between the whites and blacks. It was not the marriage of a negro with a white woman so much as the incidents connected with it. There was such a marriage in the county, and while the white people took no part in it whatever, the parties being of humble origin and not in the society of the place, yet the father of the girl felt himself very much aggrieved, the boy having been reared in his family and brought up with the girl. The father was a desperate man, and he threatened to kill him. I myself overheard no such remarks on the part of the negroes, but a gentleman of respectability informed me that they had threatened to burn the town and wreak vengeance on the people if a hair of that negro's head was harmed by Mr. Smith.

Q. Smith was the father?

A. Smith was the father.

Q. State the names of the persons married.

A. The boy was a negro by the name of Haskins Smith. The girl was the daughter of William Smith, who kept the public hotel of the place. The boy, while a member of the Legislature, was a boot-black in the hotel and a waiter, and continued there during the time that he was in the Legislature, waiting on the table during the recess; and finally he ran off with this girl. It created some impression upon us, but of course was beneath our notice; but these remarks, which were said to have been made very publicly——

Q. You say the father of the girl was very much excited?

A. The father of the girl was very much excited and the mother has never recovered from the shock that she received at the time. The father in that exasperated state of feeling proposed to kill the negro whenever he returned. He was a very good negro and held in very good esteem by the white people. The negroes here, Haskins's friends, seeing him with a shot-gun, gathered around his hotel *en masse*. I saw myself the excited crowds that gathered there from day to day. They were absent during all this time—the man and woman who were married. The negroes made a great many threats, according to hearsay, but we paid no attention to them. One Sunday, about one week after the occurrence, the negro was brought back to the place by prominent negro leaders, among them the black coroner of our town, who is now in this jail, the leader of a band which has been sent to the penitentiary for burglary. They went down with carriages to bring the negro back. The negro protested against it, saying he had outraged the feelings of the family and preferred to remain where he was; but they took him by force and brought him into the village on a quiet Sunday, with four or five young men armed, and they paraded our streets up and down with this negro who had offended the feelings of this family in their midst; and then, not content with this, they followed our young ladies and went to our grave-yard where our parents are buried, and trod all around there and marched back.

THE WITNESS THREATENS THE COLORED PEOPLE.

I told the sheriff—a colored man—by the eternal gods, if ever again such a thing were repeated, blood was thicker than water, and we would kill the last son of a bitch; that if ever such insults were heaped upon us again we would not stand it. He told me that they started from the jail with side weapons, and that he expostulated with them to go back, and said that he had lost control of his people.

THE WHITES ARM.

We, seeing that aggressive spirit, and being insulted on the streets frequently, instantly called a meeting; it was totally disconnected with politics; and we armed ourselves thoroughly and completely; that is, the citizens generally. There were eighty of us with, perhaps, eighty guns.

PROPORTION OF THE RACES.

Q. State the proportion of the black population compared to the white in your county.

A. Our population is 20,000, I think, by the recent census. There are fully 3 to 1, if not a little more. I think there are about one thousand white voters—eight or nine hundred white voters—and about four hundred who have not been in the habit of voting until the last election.

That was the first event, disconnected with politics, but which brought about a very excited state of feelings in our midst. That was the occasion of our arming and nothing else; it was totally disconnected with any politics. There are two radicals who have always affiliated with that party in the town, who joined with us in this organization of men armed.

The excitement and disgust in the county became very intense, and the sympathy for the father of the girl was strongly manifested, all of which was greatly increased by the triumphal entry of this ill-matched couple into the town, and the procession by them and their colored associates throughout the streets of the place, including a visit to the cemetery, all of which seems to have aroused the indignation of the white people to the highest pitch. It being understood that the father of this girl had armed himself and intended to kill his daughter's husband on sight, plans for his destruction were arranged by the negroes, which plans becoming known to the whites, they armed themselves in opposition and for the protection of this injured parent. This event created an intense excitement, which continued up to the time of the political canvass.

There were but two witnesses, Stiles and Vertner, examined before the committee, and their statements are utterly variant.

There was upon the day of the election a race collision, in which an old colored man, disconnected with the quarrel, standing on the outside of the crowd, was shot and killed by parties unknown, and, as is testified, greatly to the sorrow of the white people, who buried him with every mark of respect and regret.

This unfortunate death, and the wounding—not seriously—of a few others, were the only acts of violence which marked the election, and the excitement consequent upon it having quieted down, the election went on regularly and without further disturbance. It was alleged by the witness, Mr. Stiles, (see p. —,) that in consequence of the disturbance in which this old man was killed, many colored men were intimidated, left the ground, and refused to vote; and although this is denied by Mr. Vertner at pages 201-203, and 204, yet the fact remains that the aggregate vote of the county as compared with the former elections was but slightly reduced.

Amite County.—Amite County was the scene of a great deal of disorder and alleged intimidation of voters. The colored population in 1870 was 6 777 and the white 4,196. According to the testimony of Mr. A. S. Parker, the defeated candidate for sheriff, there was a republican majority of about 300 votes. The disorders in this county were attested by W. B. Redmond, whose deposition is on page 73; H. P. Hurst, at page 86; A. S. Parker, at page 107.

Parker's testimony, at page 113, and Hurst's at page 99, concur in attributing the chief disorders in the county and breaches of the peace to the influence of one Colonel Frank Powers, whose residence is in the State of Louisiana, over the line.

Hurst says: "If Powers had staid away from Mississippi, I don't think there would have been as much trouble as there has been," and proceeds to describe the reckless and dangerous character of Powers, whom he also considers "the worst man and the chief cause of the troubles in Amite County." At page 101 he says:

(By Mr. BAYARD.) How many men in the State of Mississippi are the chiefs and ruling spirits of this condition of affairs down in the lower end of Amite County?

A. Well, it is not easy to say. I could not possibly tell you how many. I suppose if you picked out ten or fifteen of those desperate characters, the whole thing would stop. Yes, and I would go further than that, and say that, if Jackson and Powers were arrested, this whole thing would stop.

And in the next reply he classes Powers as the worst man and Moses Jackson as the next.

At page 113 Parker, in reply to a question by Mr. BAYARD "who this man Powers is, and what effect he has had in producing this condition of things in the county of Amite," describes him as follows:

"Colonel Powers during the war had commanded a regiment of cavalry that was called 'Buttermilk Cavalry' in our neighborhood. They were scouting and raiding around the country, and he had always a bad reputation for running cotton through the confederate lines. His reputation was, I think, very bad. He is a leader of what is called The Regulators, in the parishes of East Feliciana and Saint Helena. There have been a great many negroes killed through these counties; and they have killed some of the county officers at Clinton, in the parish of East Feliciana, and have run the rest away. Included in his organization were some men from Amite County, and they were in sympathy with him in getting rid of republican officers.

"The understanding was that, should they want Powers on our side of the line, they would call on him, and he would come prepared to assist them in doing anything they might require to be done. On this election day they sent for him. General Hurst asked Powers why he had come there, and he said that they had sent for him."

Further on he speaks of Powers as "the chief over the line in Mississippi," and in reply to the question whether he believed "that if Jackson and Powers were arrested and punished these things would cease," he says, "Yes, sir; I have no doubt of it."

These two and a colored man named Strother were the only witnesses examined in regard to the affairs of Amite County, and the only disturbance testified to on the day of election was at this precinct where Powers came; but the fact was established subsequently by two witnesses by the name of Weber, who were summoned from the parish of East Feliciana, whose depositions will be found at pages —— of the testimony, one a State senator and the other a tax-collector of the State of Louisiana, both republicans, and from them we have the information that Colonel Frank Powers is a republican office-holder by the appointment of Governor Kellogg, and has been acting with the republican party in Louisiana since 1870. It would seem difficult, therefore, to hold the white people and democrats of Amite County, in Mississippi, answerable for a disturbed and disordered condition of affairs which is proven by every witness examined in relation to Amite County to have been chiefly caused by a non-resident republican office-holder in Louisiana, under the administration of Governor Kellogg.

Despite the operations of Colonel Powers and his friends it would appear by the testimony of A. S. Parker, to be found on page 112, that a larger vote, both democratic and republican, was polled in Amite County at the election of 1875 than had been polled since the war. These disturbances were alleged at but a single precinct, and is the one visited by Colonel Frank Powers from Louisiana. The violence threatened to Raymond and Parker occurred since the election, but was instigated by the same condition of feeling which Powers represented, and which a moderately vigorous exercise of imprisonment and fine would speedily stop.

Washington County.—To impeach the character of the election in Washington County a witness by the name of Putnam was called. His testimony is to be found at page —. He does not allege any case of intimidation or violence of his own knowledge, but that the election was unfairly conducted by the inspectors at one

of the precincts by unnecessarily delaying the reception of the votes. His allegations are specifically met and flatly contradicted by General William A. Furguson, one of the judges of election, whose conduct had been impeached by Putnam.

The deposition of General Furguson will be found at page —, in which the character of the election is fully and, as we believe, truly stated. The examination of Putnam will disclose him to be a thoroughly discreditable person. His confessions of a fraudulent and immoral life are alone sufficient to deprive him of credit; but the testimony of General Furguson, who is a gentleman of high character, supplements the statements of Putnam in regard to his own career. (See deposition of Putnam, page —, and deposition of General Furguson, page —.)

Washington County, by the deposition of —— and —— and ——, appears to have been the scene of more than unusual misgovernment. The relative population of the blacks to the whites was —— to ——, and as a result nearly every official was a negro. The present sheriff of the county, Scott, a colored man, who was called before the committee, did not in any degree impeach the peace and good order of the election. Greenville, in Washington County, was the home of Gray, the infamous negro who was appointed by Ames brigadier-general of militia. At page —, by the deposition of ——, the conduct of Gray and his immunity from all restraint of law is set forth as follows:

His character is likewise spoken of by Putnam. In short, we may here say that the picture of affairs presented by the negro rule in the county of Washington, as well as the adjoining county of Issaquena, fairly beggars description. Ninety-five per cent. of the property is owned by the whites, who constitute but a small portion of the entire population. All powers of local government are in the hands of the negroes, who select the people of their own race almost wholly to fill every office; boards of supervisors, utterly ignorant, incapable of reading or writing, unable to add or subtract or perform the simplest arithmetical problem, have entire away over the taxes and property of the county. Their rule is arbitrary, and oftentimes insolent to an intolerable degree. At page —, deposition of Mr. Miller, will be found an account of the refusal of a board of negro supervisors to entertain or receive the humble petition of the white citizens of the county presented by a venerable and respectable white citizen for the privilege of having a white school established in the county where sixteen colored schools were already established, the expense, of course, to be borne by the property of the county, and even the poor privilege of having a portion of the taxes taken from their own lands applied to the benefit of their own children was insolently denied.

By Mr. BAYARD:

Question. Do you remember the occasion of this refusal of the board of supervisors to permit a petition for a white school to be presented to the board?

Answer. Yes, sir; I had been attorney for the board for quite a length of time. They had appointed me unanimously, these negroes had, and I remained in that position for some time, when I resigned my position something like over a year ago, on account of their reckless management and on account of the refusal to hear the whites in regard to schools, and so on. Right there at Mayerville there was a strong demand for a white school. There were some, I suppose, thirty or forty pupils, and they had no school-house. They had to employ a teacher, and they got a room wherever they could to teach in; and the people brought it to the attention of the board several times, and earnestly requested them to build a school-house there. The board went through the pretense of posting a notice for bidders. The law provides that the contract shall be let out to the lowest bidder. They posted two or three notices, and the bids were offered there by good mechanics to build a school-house at a good deal less than they had been paying for negro schools in various parts of the county. And they rejected the bids on the ground of extravagance, and old Major Smith came up there about two or three weeks before the meeting in which Gross was to be requested to resign, and made a request, politely requesting them to have the notice renewed. He was very anxious about this school-house, and that was the wish of the whole community. It was opposed by this man Gross. One or two members were anxious to build it. This man Gross was very offensive to Mr. Smith, and told him to sit down, he didn't want to hear him, and finally drove him away in his disgust and despair. That was one of the main causes which induced the people to request Gross to resign, in order to get a board, if possible, who would do justice. I suggested that the resolution should read this way: that since we had decided to ask him to resign, to request him to resign in favor of Robert Murkinson or Green Collins, or any other of several good negroes in the neighborhood who were also republicans. I will say that the suggestion met with a degree of favor, but we thought we would have no success. But I thought that if Gross could be got out and we could get a good republican upon the board it would be very well.

Q. You did not propose to replace him by a white man or a democrat, but to put some respectable colored man in his place?

A. That was the purpose of a good many, and that resolution met with favor, but it was not carried in that way. Some persons favored it, and if it had been insisted upon it would have been carried through that way. There was no race feeling.

Q. Were you present at the time when Gross insulted Major Smith?

A. I was, and left the board in disgust.

Q. What was Major Smith's demeanor in coming to him?

A. Exceedingly polite.

Q. He assumed nothing more than to urge the action of the board?

A. He asked that in a very earnest manner, but not at all offensive. Finally, when told to shut up and sit down, he said, "By God, I am a citizen and tax-payer, and have a right to be heard here," and went away disgusted, and I left also in utter disgust. I had business to attend to there, but I would not stay on account of it.

Q. By whom was the bulk of the school-tax paid?

A. By the land-owners; white people. The negroes do not pay over one-tenth.

Q. How many colored schools are there in the county?

A. A great many. They never refused any petition to build a colored school-house anywhere. They built them all over the county, and they had standing notices to build them.

Q. How many white schools were in the county at that time?

A. Only one that I know of, on Rolling Fork. In fact, that was not a school-house, either. They used the basement of the church. They rented it. It suited very well for that purpose; no objection to it on that account.

Q. How far was it from that school-house to the other school-house that they proposed to build?

A. About ten or twelve miles. That was the main cause of the request to Gross to resign.

A condition of affairs which would be incredible and utterly intolerable in any of the Northern States exists in many of the black counties of Mississippi, where the property, intelligence, and character of the community is trodden to the earth, insulted, and ignored by the most ignorant and sometimes vicious members of the community. Things are of daily occurrence, and were proven almost daily before the committee, which, if attempted in the State of Massachusetts, Wisconsin, or Iowa, or indeed any of the Northern States, would be met by a popular uprising and speedy overthrow. In such a condition of affairs, the forbearance and self-subordination exhibited by the white population demands and should receive the strong sympathy and high respect of every just and well-regulated mind. Page —, testimony of S. H. Gross, colored:

By Mr. BAYARD:

Question. How many members compose the board of supervisors?

Answer. Five members, sir.

Q. How many of them were colored people?

A. During my time of being in office it was all colored members until 1876.

Q. You mean up until the present year?

A. Yes, sir; they were all colored members from the time I have been a member up until the present year.

Q. All members of the republican party?

A. Well, I could not say they all were.

Q. You have been one of the board of supervisors of Issaquena County for the last three years—1874, 1875, and the present year?

A. Yes, sir.

Q. Until when were these five men composed entirely of colored men; until what time?

A. Until 1876.

Q. The 1st of January?

A. Yes, sir.

Q. Before that time they had nothing but colored men on the board?

A. They were all colored, right from the time of my being installed.

Q. How far from Mayerville do you live?

A. The nearest route is about five miles.

Q. That is the county seat?

A. Yes, sir.

Q. Where did you first meet General Hampton?

A. In the town of Mayerville.

Q. Had you known him before?

A. O, yes, sir.

Q. Does he own property there?

A. He owns one plantation in that county.

Q How far from Mayerville?

A. I could not give you the exact distance, but somewhere between four and five miles from Mayerville.

Q. On the river?

A. Yes, sir; on the river.

Q. When he met you did he speak to you?

A. Yes, sir: he spoke to me; that is, he sent for me.

Q. Sent a man for you?

A. Yes, sir; down the road for me.

Q. Be kind enough to state just what he said to you.

A. He said to me like this: says he, "Gross, I have heard a good deal of talk of you, and I have heard that you was a perfect gentleman, and was prompt to attend to your own business, and I heard of this trouble that has taken place, and I have come down here to-day on that occasion; and I want you now to call your board together and proceed to business. The river is rising"—this I didn't give in my former statement, but I omit that then—"the river is rising now very swift, and we want men on that levee board to go to work on the levee; therefore, we are very anxious for you to proceed to-day at once and make the appointments; and," he says, "I hope you will appoint good men." I think he said, "I have heard that they have asked you to resign; and" he said, "the good citizens of the county don't know anything about that, and we ain't in favor of any such doings as that."

Q. He said that the good citizens of the county were not in favor of interfering with you?

A. Yes, sir.

Q. And were not in favor of your resigning?

A. Yes, sir; he said if there was anything wrong about that he proposed for the law to justify that.

Q. Did he say anything in regard to protecting you in case of anything of the kind being attempted?

A. He said that he had been a general in the confederate army, and that he was not afraid to fight if he was called upon to do it. He did not say he would protect us, but the impression was that he meant to protect us that day.

Q. To protect you in your rights and in your office?

A. Yes, sir; that is the way I took the meaning of his words.

Q. He spoke to you kindly, civilly, and told you just what you have said to us?

A. Yes, sir.

Q. Did you say anything to him after that?

A. No, sir; he did not appear after that.

Q. You had no molestation at all after that time?

A. No, sir.

Q. He told you that if there was anything wrong they would look to the law to remedy it?

A. Yes, sir.

Q. That he disapproved of this attempt to remove you from the board?

A. Yes, sir.

Q. And that the good people were opposed to that?

A. Yes, sir; that they were opposed to any such doings as that.

Q. Is not the maintenance of the levee along the banks of the river essential to the safety of the property of that county?

A. It is, sir.

Q. Is it a difficult and expensive thing to keep that levee in good and safe condition?

A. Of course, sir, it is.

Monroe County.—Monroe County lies upon the border of Alabama, toward the northeast corner of the State. The population consists of —— black and —— white. It is not alleged that any loss of life took place in this county in the canvass or election of 1875; but the defeated candidate for sheriff, J. W. Lee, appeared before the committee and charged (see his testimony, p. ——) that the canvass had been marked with attempts at intimidation on the part of democrats, and that on the day of the election the colored voters, who had massed to the number of fifteen hundred in the town of Aberdeen under his orders, were, by a show of violence on the part of the democrats, intimidated and prevented from voting, and in that way the election was controlled against the republican party. Captain Lee's testimony was given circumstantially and at great length. (See p. ——.) In reply to him the committee examined Mr. T. B. Sykes, (see p. ——,) the mayor of the town of Aberdeen, and Mr. E. O. Sykes, (see p. ——,) who, by the testimony of Captain Lee, was principally implicated in the alleged disorder; also General Reuben Davis (see p. ——) and others. The weight of the whole of this testimony is entirely against the truth of Captain Lee's statement. It was proven that many of the occurrences which he alleged that he saw could not have been witnessed from the residence of the jailor, in which he had taken up his quarters. He is directly met and flatly contradicted by the most unimpeachable witnesses, and it is impossible, after reading his testimony and that of the gentlemen who were called to answer it, to doubt that the bitterness of Captain Lee's feelings toward his former political associates (for he had been a rabid secessionist and a violent democrat until the time of his commercial failure and his immediate acceptance of office in the republican ranks in 1870) must have perverted his judgment and blinded his understanding. It is impossible to escape the conclusion that Captain Lee anticipated defeat at the polls, and, as a last resort, to escape the results of the election, endeavored to throw discredit upon it by advising the negroes not to vote.

The testimony of several negroes who were examined at Aberdeen, among them ——, has been already referred to as proofs of the recklessness with which charges are made by that class of persons. The alleged gross profanity of the two Messrs. Sykes and the statements of General Reuben Davis, was not only emphatically denied by those gentlemen, but was as grossly inconsistent with their characters as pious and upright men as to be entirely unworthy of belief by any unprejudiced man. The citizens of the town of Aberdeen, in common with many others in Mississippi, had been kept in a state of constant alarm by the rumored

arming and banding of the negroes of the county. The county of Monroe is intersected north and south by the Tombigbee River, the richer lands lying on the east side of the river and the poorer lands on the west side of the river, the eastern side being chiefly occupied by negroes, with a small relative white population. The testimony of Captain Sykes discloses the fact that great apprehensions were felt from time to time preceding the election of a rising of the blacks for the purpose of marching on the town of Aberdeen and destroying it; that incendiarism had been frequent and sufficient, in the excited condition of public feeling, to alarm them to an intense degree; that under these circumstances, to which must be added the organization and arming of the militia company in the community by order of Governor Ames, and the possession of those arms by Lee, the republican sheriff, the uneasiness and discomfort of the community had reached an extreme point.

The white citizens had on more than one occasion turned out and picketed the roads leading to their town, night after night, fearing the approach of a body of negroes armed for the destruction of the place. On the morning of the election, at break of day, these fears were confirmed by the presence in the town, at the court-house, of a large body of negroes from the eastern side of the county, all armed with heavy bludgeons and many of them with pistols. This was a violation of the election laws, which required voters to cast their ballots in the precincts where they resided, and only permitted a voter who was constrained to be absent from his home to cast his vote in another precinct by attaching to his ballot an affidavit stating the fact. But the presence of this large body of blacks, with sullen faces and armed with clubs, at a voting-precinct which was not a proper one for them to attend naturally alarmed the citizens of the town, who took the best steps they could for self-protection. A point much dwelt upon by Captain Lee was the presence of what he termed "a body of cavalry" from Alabama in the town. This body of cavalry was proven to consist of from eight to twelve men on horseback, who, if armed at all, were armed with pistols, which were not exhibited, and who were stationed between the county jail, wherein Captain Lee had a number of State arms and fixed ammunition, and which the white citizens feared he was about to place in the hands of the negroes whom he had brought from the east side of the county to take possession of the polls and prevent the whites from voting in the town of Aberdeen.

The whole action of these ten or dozen men on horseback was confined to remaining quietly, disturbing no man, at such a point as would prevent Lee from getting the arms out of the jail and delivering them to the negro mob at the court-house. The testimony will disclose the fact that not a blow was struck on that day, and that no man was injured and no one prevented in his lawful right to vote. No case was brought before us of any one who did not vote or could not vote if he had desired to do so. Under Lee's advice, many of the negroes who had unlawfully assembled at the court-house went back to their own precincts, and it is presumed that they there voted undisturbed. These facts, we believe, are fully established by the weight of testimony taken in regard to this election. That no material number of the vote was prevented from being cast by intimidation would appear from the fact that the aggregate vote polled in 1875 was two hundred and fifteen greater in the county than in the general election of 1873.

Lowndes County.—The only point in Lowndes County in relation to which testimony was taken was in the city of Columbus. The witnesses examined were the mayor of the city, Mr. ——, and Robert Gleed, a negro, ex-sheriff of the county, and a defeated candidate for re-election. The testimony of the mayor, which will be found at page —, is to the effect that there had been no evidence of intimidation or disturbance; that the republican party had been split, and that two republican tickets were in the field, therefore lessening the necessity for the resorting to intimidation, even if it had been sought.

A few nights before the election, just after nightfall, a fire was discovered in a remote portion of the town, and the fire apparatus gotten ready to extinguish it; but while the engines were proceeding to this fire, another fire was discovered in an opposite quarter of the town; and according to the testimony of Mr. —— and Mr. ——, the town appeared to be fired in seven or eight different places at once. The excitement instantly became intense. The rumors and apprehensions of incendiarisms of the negroes, founded upon remarks made by several of them of a threatening character, induced the belief that the community was on the verge of a great disaster, and a successful conspiracy to destroy the town by fire was about to be carried out. To protect the city and keep the peace the mayor appointed Mr. —— a special marshal for the occasion with authority to summon peace officers to his aid. The report of the marshal, as made to the mayor on the following day in writing, was presented to the committee, and is to be found on page —.

The substance of that report is that the marshal took semi-military possession of the town and prevented the free circulation of the people; that his orders were to halt any man who was not known, and if he did not obey, to shoot him. Witnesses testified that in this way they were halted, although well known in the community, and obeyed the summons. There was, however, excitement and feeling which was directed against the race which the believed had been the authors of this intended conflagration, which resulted in the shooting and killing of four colored men by the patrols established by the marshal. This was the case alleged by the mayor and the white citizens of the place, but, to some extent, denied by Robert Gleed, who alleged, or, rather, we infer from his testimony, that the object of the fires was to create a disturbance in which colored men could be intimidated or slain. It is certain that Gleed's family were kindly and hospitably entertained by the mayor himself on the night of the disturbance, and that Gleed was believed by many of the white citizens to have been the chief instigator of these incendiarisms and attempted destruction of the town.

The action of the city authorities cannot be considered unnatural or improper, under the circumstances. They immediately sought to increase the police force and prevent any lawlessness on the part of the white people, growing out of their excitement and apprehended destruction of their homes and lives.

It would seem impossible from so cursory and incomplete an examination as was hurriedly made by this committee to come at a perfectly clear and satisfactory judgment of the events on the night in question, in the town of Columbus, and the causes which led to them. On the one hand there is the terror of incendiarism which appeals to every householder, and which strikes fear into the boldest heart. Most of the dwellings of Columbus and other southern towns are composed of wood, and their water facilities and apparatus for extinguishing fires are generally of an inferior description. They knew that the negroes had been banded together in political hostility to the whites, and they had heard threats of incendiarism that placed them in great anxiety and distress. At 567, see statement of the lieutenant of Owen, the commander of the negro company captured at Vicksburgh:

"We got orders we should not go there; if we had not received these orders before night, I would have been there with my gun in one hand, a coal-oil can in the other and a box of matches in my pocket."

How far these fears honestly actuated the mass of the people in the unusual steps taken for self-protection, there is not sufficient testimony before the committee thoroughly to determine, or how far such alleged fears were made by wicked and cruel men the pretext for an assault upon obnoxious colored individuals, or upon the colored people as a class, there is not enough testimony before the committee satisfactorily to determine. That the result of that night's proceedings ought to have been made, or ought still to be made, the subject of thorough and rigid examination no one can doubt; nor is it yet known what steps were taken to discover the true condition of facts and the causes of these fires which, from their number and scattered location, would seem clearly to evince a settled plan of incendiarism for some purpose, either to destroy the town or to give a pretext for a criminal assault. One thing may here be said, that if the atrocious design did exist of making that incendiarism the pretext for an onslaught upon the colored people at night, and where they were in large numbers, it would seem strange that the victims were limited to four in number, when their slaughter could have been so easily multiplied.

We have not classed this occurrence at Columbus with the four principal collisions between the races, because no political significance seemed to have been given to it, and the matter was mentioned late in the course of the investigation, only by three or four witnesses, and even they gave totally different theories for the occurrences of the night, and for the reason also that it did not partake of the nature of a riot growing out of any immediate quarrel or controversy between the two races. In the opinion of the undersigned, it was the result of sudden fury and excitement caused by terror of incendiarism, which, for the time being, deprived men of their self-control. Although no proof of the immediate facts attending the killing of any one of these four men was brought before the committee, the report of the marshal is more circumstantial than anything brought to our knowledge. No consequent intimidation is to be inferred from the condition of the vote; for the aggregate vote of 1875 is a very large increase over the vote of the election preceding.

ROLLING FORK COLLISION.

In December, 1875, in what is now Sharkey County—then a part of Issaquena—occurred a most deplorable and shocking tragedy. The affair was first brought to the attention of the committee by the testimony of Derry Brown and Bowie Foreman (negroes,) whose turbulent conduct had caused them to be expelled from the neighborhood, and whose testimony was shown to be unreliable. (See testimony of Judge Shackleford as to the character of Foreman and of —— Miller, page ——, impeaching Brown.)

It seemed difficult to obtained a clear and connected narrative of the transaction, but the testimony of E. B. Ball, a republican, who emigrated to the State of Mississippi from the State of Illinois at the close of the war, and who resides in the neighborhood where the tragedy occurred, will fairly represent the state of affairs and feeling at the time, and the circumstances which led to it. (See pages from —— to ——, Ball's testimony; also the deposition of W. W. Moore at page ——, and of —— ——, page ——, corroborative of testimony of said Ball.)

It appears that on Saturday, the last of November, 1875, a number of negroes, not belonging to that part of the country, but who had been picking cotton, were paid off, and were engaged in a drunken frolic at Rolling Fork, a small town in what was then Issaquena County, now seat of Sharkey County.

A young white man, or boy, for he was not yet of age, who was drinking with them, got into a quarrel with one of the negroes, which ended by the white man striking the negro with a knife, and inflicting a wound of no dangerous character.

The boy fled and was pursued by the whole band of negroes, who finally discovered him in the back room of a store where he had secreted himself, and after stabbing and otherwise wounding him, left him for dead.

On Sunday morning warrants were issued by a colored justice of the peace, residing at Rolling Fork, for the offending parties, and in the course of the day five or six were arrested and placed under guard in a building then vacant, which had been occupied as a drug store. During the night the gun of one of the guards was discharged by accident, and the prisoners became alarmed and attempted to make their escape by breaking through the windows. They were fired upon by the guards, and one of them was killed and two or three were wounded. The wounded parties with one or two others were captured.

The next day all of the parties implicated in the assault on the young white man were recognized and gave bonds for their appearance at court and the difficulty seemed to be ended, but the news of the affair extended down into the neighborhood where Mr. Ball resided, and spread through the country with many exaggerations. The white people at Rolling Fork and vicinity were greatly outnumbered by the negroes in that locality, and the disproportion in the neighborhood of Mr. Ball and below there, on what was known as the Deer Creek settlement, was at least 10 to 1 of the colored people to the whites.

Bands of colored men were at once organized, and armed with such weapons as they could procure, threatening to attack and destroy the town of Rolling Fork, and to kill the white people, and, to use the language of some of their most excited leaders, "from the cradle up," and to burn cotton-gins, and to destroy property generally. Two of these bands—one under the leadership of a negro preacher by the name of Moses Johnson—started in the direction of Rolling Fork, but were turned back at Elgin's store by the firmness of Elgin and one or two white men who were there at the time. They returned from the neighborhood where they had started some few miles below Elgin's store, somewhat excited by liquor, and, as will be seen by the testimony of the said Ball, by no means inclined to give up their purposed destruction of the whites and their property.

The terror which their conduct inspired in that county among the few white settlers and their families is very graphically depicted by the witness Ball, as well as his own apprehensions because of his being a white man, notwithstanding the fact that he was a republican, and in political accord, and on terms of personal friendship with the negroes. (Insert Ball's testimony, p. —.)

News of this uprising and demonstration was carried back to Rolling Fork. Application was made by the white people there to their friends in Washington County and above for aid. A band of armed white men, from the upper counties, under the leadership of Rev. —— Ball, a Baptist minister, collected together and marched down to Rolling Fork, where, learning such facts as they could in reference to the disturbances below and the parties most deeply implicated, mounted an armed force of some fifty or seventy-five men on Sunday, and went down in the neighborhood where these turbulent negroes were assembled under arms, and captured and killed six of the most dangerous and violent of those concerned in the armed organization for the destruction of the property and lives of the white inhabitants.

This violent remedy promptly ended the conspiracy of the negro population against the whites and caused them to abandon any further prosecution of their hostile purposes.

A few days after the killing of these negroes a meeting took place between the leading white people at Rolling Fork and the leading and peaceably inclined negroes of the neighborhood, and a treaty of peace was signed by the parties, which has been incorporated into the testimony taken by the committee, and will be found on page — of ——.

Derry Brown, who before the tragedy occurred had been inclined to peace and quiet, became furious, and was unwilling to be reconciled except by the killing of six white men in retaliation for the six negroes, and was excluded from the terms of the amnesty provided in this treaty.

This ended the affair, and however reprehensible the entire transaction is, the undersigned could discover in it no trace of any political character. On the contrary, it was a war of races, having its origin in a drunken brawl between one white person and a number of dissolute and drunken negroes. The region in which it occurred lies remote from railway or other public modes of communication. The civil authorities of the neighborhood were wholly inadequate to cope with the emergency, and it was too sudden for the authorities of the State to be called into action.

INTERFERENCE WITH VOTERS.

Some of the testimony tended to prove that in some cases colored men were deceived or cajoled into voting the democratic ticket.

There is nothing in any part of the testimony to prove any obstruction to the voter "on account of his race, color, or previous condition of servitude," but in every case the objection was to the party ticket he proposed to vote; to the color of his political prejudices, and not to the "color" of his skin referred to in the fifteenth amendment.

The white people earnestly sought to induce the colored people to vote, and to vote the same way they did. To this end they held public meetings, made numberless speeches, appealed to their colored fellow-citizens in every conceivable manner that they should vote, and vote with them for the common interest of all.

To justify any legislation by Congress to enforce the fifteenth amendment, the obstruction of the "right to vote" must be for the sole reason of race, or color, or previous condition, &c., and there is no power in Congress to interfere for any other cause whatever. There is not from the beginning to the end of this testimony a single case of the obstruction of a voter because he was a colored man.

In every case of alleged unlawful interference with the right of suffrage, it was because the voter was in opposition to the political sympathies and wishes of the person interfering.

Intimidation and violence are almost as frequently alleged toward white men as colored men, and perhaps the bitterest opposition was proven toward the former class.

Yet it cannot be said that the race or color of these whites induced other whites to "deny and abridge" their right of suffrage.

The testimony of many witnesses, white and black, proved the gross intimidation of colored people by other colored people. Now, this was not on account of race or color, but for the same reason which caused all other intimidation and interference in the State—*i. e.*, opposition to the voter's political views and actions—not because he was a colored man, but because he was voting in opposition.

The Supreme Court of the United States distinctly say, in the opinion, we have already cited:

"The fifteenth amendment did not confer the right of suffrage upon any one" It gave to the Congress the power to guarantee its exercise in case it should be denied or abridged on account of race or color or previous condition.

If the right to vote be denied or abridged for some other cause, the State, and not the United States, must exercise its protecting power over the citizen and remedy his wrong.

If a colored man be driven from the polls because he comes up with a republican ticket, and when he returns with a democratic ticket is welcomed and assisted to vote, there can be no doubt but his "right to vote" (which means, of course, to vote according to his free will) has been abridged; but not having been abridged because of his race or color, but because of his political views, the power and duty to remedy the wrong he has sustained are, according to the decision of the Supreme Court, in the laws of the State where he resides, and not in the United States.

Holding this proposition to be true, then the testimony overwhelmingly establishes the fact that negro voters were welcomed into the democratic ranks and every effort made to procure them.

If negroes were intimidated, it was not because they were negroes, but because of their obnoxious political views.

As a necessary consequence, it follows that Congress has no power under the fifteenth amendment to the Constitution to punish any invasion, however gross and reprehensible, of personal rights of suffrage which is not based upon the particular cause of the race, or color, or previous condition, &c., of the party injured.

Having thus stated the limitations upon the power of Congress, which a respect for the Constitution of our Government and to the decisions of its highest judicial tribunal has dictated, we cannot refrain from an expression of our abhorrence and hearty reprobation of every act of lawless and so often brutal interference with the rights of citizenship, which were related by witnesses in our presence.

Prosperity and happiness can never thrive in a community where such scenes of violence can be enacted without condign punishment. By a law higher than man's the "wages of sin is death," and it will be vain for the people of Mississippi to look for the advancement of their State to that position in the ranks of wealth, influence, and reputation which those who love her would desire to see her occupy, until the spirit of law shall be strengthened and assert itself over the "dangerous classes," who have brought disrepute upon her good name.

We are glad, in this connection, to express our sincere and profound conviction that under the present State administration and government of Mississippi all the elements for the needed reforms exist and will be developed, so that a remedy for every wrong will be surely found in laws ordained in a spirit of benevolence and justice to all classes within the borders of the State.

A vast majority of the people of Mississippi have every element that constitutes a good American citizen. They are law-abiding, peaceful, and industrious, and they have every impulse in favor of justice, peace, and order, and all they now need is the kindly sympathy of their fellow-citizens in other States in the great distress which war and a totally revolutionized condition of their social and labor systems, coupled with gross maladministration of their State affairs, have brought upon them.

They have been the victims of a misrule which they sought in vain to avoid or remedy.

In simple justice we ask, should the white masses of Mississippi be held responsible for the results of bad government, against which they have petitioned and protested in vain for years? Is it just to hold those responsible from whom all power has been withheld? The requisite means are always necessary for the desired end. In all the centuries the demand that the children of Israel should make bricks without straw has been cited as an illustration of tyrannical injustice; but is it not equally and even more unjust to demand of the white people of Mississippi the results of good government, when bad government has been fastened on them against their best efforts to prevent it, their entreaties, and their prayers?

Let them fully and fairly test their present opportunity to produce peace and order and prosperity by exercising their faculties for self-government.

The evils that have been enacted they were not justly responsible for, and their sufferings should call for sympathy, and not denunciation. Why should not this portion of our fellow-countrymen be made to feel that they have the rights as well as the responsibilities of that local self-government which is so freely enjoyed and jealously guarded by their fellow-citizens of the Northern States?

Is it consistent with justice, wisdom, or expediency to put the stigma of inferiority upon any State of the Union, by asserting a power and right to make inquisition in her management of those domestic and internal affairs which, by the express terms of the Constitution and by common consent and practice, are reserved to other States, which are never questioned in their control over them?

No attempt seems to have been omitted to bring the white people of Mississippi into ill-repute with their fellow-citizens of the North.

What, it may be asked, have the flags used at a political celebration to do with infractions of the fifteenth amendment? Yet the following testimony will exhibit the intent to create sectional prejudice against them, (see testimony of John T. Harrington, at page 233:)

NO AMERICAN FLAG, BUT TWO HUNDRED OTHERS.

By Mr. BOUTWELL:

Question. Were you at the West Point meeting of the democrats two or three days before the election?

Answer. Yes, sir.

Q. Did you see the flags exhibited there?

A. I think I saw two hundred flags, but no United States flag.

Q. What were they?

A. There were some very nearly—I cannot say if just exactly—like the confederate flag, and all sorts, shaking and waving. But I saw no United States flag. At the West Point meeting, up and down the streets on both sides for nearly a quarter of a mile, over both sides of the street, thirty or forty feet high, on the tops of the buildings.

By Mr. BAYARD:

Q. Did you walk along the whole of that street?

A. No, sir.

Q. Where were you?

A. I was at my office, and went from my office to the hotel where the district attorney was.

Q. Did you pass by and along this row of flags?

A. Well, I could see up the street.

Q. How far could you see? I think you said you had ophthalmia, or something, which prevented you seeing very far?

A. O, I could see. I cannot discriminate features half across the street. I could see these bars and colors.

Q. Did you see confederate flags at that meeting?

A. No, sir; I said flags resembling. They might have been like them. I do not know how many of these stripes they had on them. I do not know that they were full confederate flags. I know about the various colors and from the appearance of confederate flags which I have seen.

Q. Was there no United States flag, then?

A. I did not see any. I seen the particular ones. I think those on the courthouse, if any, United States flags.

Q. Did you walk along the entire line of the street where those flags were?

A. I did not walk along the entire line; I think near the lower corner, and looked up.

Q. That was the meeting at West Point?

A. Yes, sir.

Q. When?

A. The Thursday before the election, I think. The election was the Tuesday following.

The answer to this miserable slander is to be found on page 253, in the testimony of Mr. R. H. Shotwell:

Question. Harrington stated here that there were no United States flags exhibited on the day of the celebration. What have you to say about that?

The CHAIRMAN. He did not state that.

Q. In order that we may know the facts, you may state what you discovered there. I thought that he stated that there was no United States flag, and he did say that there were flags that were very like confederate flags; and he left the impression, as I understand, and meant to leave the impression, that there were no United States flags.

A. The flags he supposed to be confederate flags were just flags of red calico and white bleached domestic, which were hung by a Frenchman in our town after the style, as he said, of ornamenting the streets in Paris on public days; and he made a beautiful display of white calico and red calico, but the stores and all the public buildings were ornamented with United States flags—five hundred of them, I reckon—and a long procession of horsemen, and very many of them had United States flags attached to their horses' heads, and the children all over town had little flags and were at the windows and doors saluting the procession as it passed by. It would look rather bad to let that go without a refutation. Mr. Harrington also stated something in regard to a speech by Mr. Barry. I heard that speech, and no such language was used by him as was attributed. All the addresses made to the negroes were of the most conciliatory character. The negroes were treated with the greatest degree of kindness by every man, so far as my knowledge goes. I believe hundreds of these men who came here would testify that they were not intimidated.

The character of the witness Harrington is thus given by Mr. Shotwell at page 249:

"He is now under bond. This brother of his (J. T. Harrington) who testified here, I can show by any quantity of witnesses that he is a man of notoriously bad character; that he has been indicted for horse-stealing and for kidnaping negroes—not indicted for kidnaping negroes, but he has been charged with it, and a white man and a negro caught him at it. That was during the war. After the war he brought a suit for damages against one Anderson Beam for $20,000 damages, for making those charges against him, and the suit was finally dismissed by J. T. Harrington at his own expense. As to that Harrington, I can bring fifty or a hundred men, if necessary, here."

By the CHAIRMAN:

Q. State what you know of your own knowledge.

A. I am stating as to his character of my own knowledge. I am just speaking of the character of the man.

By Mr. BAYARD:

Q. Of his reputation in the community?

A. Yes, sir; the general bad character of the man; that he is regarded as a horse-thief. I have no doubt I can produce witnesses who would testify, any number of them, that they would not believe him on oath—eighty or a hundred men. I can name the party that caught him trying to kidnap a negro—William Nixon.

The report of the United States grand jury is also appended to the evidence, (part 6.)

In criticising this highly sensational document, it would seem reasonable to ask if such a denunciation of the State could be made by the nineteen republicans and one democrat who composed the grand jury. Why did they not find indictments for the punishment of some of the alleged crimes?

If they had a majority to denounce, why not to bring to justice?

Its publication would seem to reflect upon the district attorney, whom it affects to praise; for if he had done his duty, the guilty would have been presented for indictment.

It seems plain that this report was a partisan assault, a mere blast of defamation against their political opponents, for no one can doubt the indictments would have been found had the evidence warranted it. The President of the United States has caused to be annexed to his message on South Carolina troubles the following letter of District-Attorney Walton, which shows how little responsibility the "shameful failure of justice" belongs to the white people of Mississippi:

OXFORD, MISSISSIPPI, *July* 15, 1866.

SIR: I have the honor to submit herewith the report of the grand jury lately in session here, together with the evidence on which it is based. This evidence, you will see, plainly required the jury to indict a great many persons for violations of the election laws; but, out of eighteen jurors, seven were found who refused to concur in any such indictment. I learn, however, that all but one of the jurors voted for this report. All but this one professed to belong to the republican party; and some of those who finally voted against the eleven who were for the indictments were throughout the whole session apparently the most reliable men we had to sustain the indictments and the most zealous in investigating the cases. This was particularly true of the man who wrote this report, yet he finally went against all prosecutions, though we had conceived him to be the most earnest, as he had certainly been the most active, man among us in bringing to justice, or at least in investigating the election cases.

I can only lament the shameful failure of justice which has taken place, and I have little doubt that it must and will give a most unbridled license to lawlessness at the next State, if not at the next Federal, election.

I am, sir, your obedient servant,

THOMAS WALTON,
United States District Attorney.

Hon. ALPHONSO TAFT, *Attorney-General.*

In this connection it is proper to note that section 820 of the Revised Statutes of the United States provides as cause of disqualification and challenge of grand and petit juries in the courts of the United States, "having served in the rebellion, or given it aid or comfort, or to have given, directly or indirectly, any assistance in money, arms, horses, clothes, &c., anything whatever, for the use or benefit of any one whom the giver knew to have been engaged in arms against the United States," &c.

This law was enacted in 1862 and, although provisions for its repeal have more than once passed the House of Representatives, yet by the refusal of the Senate to concur still remains upon the statute, most unfortunately, as we believe.

It works an absolute exclusion of nearly every white citizen in the Southern States from the United States juries.

In the selection by the United States marshal in Mississippi the juries were almost exclusively composed of republicans, colored and white, (20 to 1, see Walton's letter.)

Attention is drawn to this, because the better classes of the white citizens have been bitterly assailed and condemned because they have not actively assisted in convicting offenders; at the same time they have not only been excluded from office, but not even allowed to sit upon the juries.

We submit these facts to the consciences of our countrymen.

A letter from W. F. Tucker is also published, at the request of the chairman, directed to Mr. Frazee, the foreman of this grand jury, to be found at page 151 of the documentary evidence.

If Mr. Frazee believed this letter was intended to deter him from doing his duty his course and duty were plain. The letter should have been handed to Judge Hill, who, by a bench-warrant, could have brought Mr. Tucker to answer.

But the publication of the letter by Mr. Frazee proves that he did not so construe it, and certainly that he derided it.

Whatever impropriety may be adjudged Mr. Tucker, it is his individual sin, and should not be visited upon his innocent fellow-citizens.

Throughout the testimony much of the alleged intimidation was by violent language, profanity, and vague and mysterious threats, which, however improper and reprehensible, are, we regret to say, much too common in every heated political canvass in almost every county in the United States, and are not peculiar to the State of Mississippi. The object of such testimony could only be to create prejudice, as it certainly could not have been intended as a basis for legislation. There is scarcely a State in the Union which is not assailable on similar grounds.

During the canvass, and in the midst of this growing feeling between the races, Davenport, the colored county clerk at Vicksburgh, who has been indicted for forgery of warrants, made a public speech, saying "He would have a white wife from among the best families," which W. F. Fitzgerald, republican, one of Ames's brigadiers, testified, at page —, "had more to do with creating excitement than anything else." In a community where the white people are largely outnumbered by the blacks it is not surprising that deep resentment and excitement should follow such declarations.

Wilkinson County.—This county was carried overwhelmingly for the republican ticket in 1875, and therefore no evidence impeaching the election was taken; but as it is situated in the southwest corner of the State, on the Louisiana State-line, —— on ——, the honorable Senator from Indiana introduced the following resolution, which was adopted:

The witnesses summoned were from the parish of East Feliciana, in Louisiana, and from Wilkinson County, Mississippi. The region embraced by this county and parish is remote from routes of travel, and in Louisiana the presence of Governor Kellogg's tax-collector, Colonel Frank Powers, heretofore mentioned in connection with Amite County, has caused law and order to be little regarded.

W. H. Noble, the republican sheriff of Wilkinson, testified (see p. —) that negroes there in his custody admitted to him that Aaronson, a white store-keeper over the Louisiana line, who had just moved into the neighborhood, was murdered by a body of negroes who were passing his store in search of one ——, another white man, who had brutally assaulted a negro man the day before.

When Aaronson's murder by the negroes become known, the white people, to the number of one hundred or more, visited the locality and arrested and hung —— negroes who confessed their murder of Aaronson.

The affair created great excitement, and the two races commenced organizing and arming themselves.

Reports of the armed organization of the negroes were rife and their intended destruction of the white people.

Sheriff Noble summoned an armed posse, at the head of which he placed himself, and his command in three columns moved toward the western side of the county, where the negroes were reported to be massed and armed.

One of these companies, at the plantation of ——, came in conflict with some armed blacks, in which encounter —— negroes were shot and —— whites.

At page — Sheriff Noble says:

At page — is the deposition of ——.

These occurrences took place in the month of May last, when there was no election at hand, and no occasion whatever for political excitement. The county of Wilkinson had, as we have stated, entirely a negro government, and the republican party held all the offices.

The character of such government is but a repetition of the same sad story as we have related of other counties similarly governed. (See page—, deposition of ——.)

What these disorders, tragical and shameful as they are, have to do with the fifteenth amendment and the "right to vote" does not appear to the minds of the undersigned. That they exhibit a condition of things impossible under a decent government of laws, no one will deny; and upon territory under the control of William P. Kellogg, governor (so called) of Louisiana, they were certainly committed.

The majority of the citizens of Louisiana, in 1872, voted to elect John McEnery their governor, and the ballots still in existence, as well known to the Senate, exhibit a majority of over nine thousand votes in his favor. But the President of the United States, by the armed interposition of the Federal power, overthrew the will of the people of Louisiana, and installed Kellogg and a kindred legislature in office and power.

His government never had, nor deserved to receive, the respect of the people, whose will, if allowed to be exerted, would have driven Kellogg and his adherents like chaff out of their places.

That discontent and disorder should prevail is not at all surprising, and that Kellogg should appoint Colonel Frank Powers, a ruffian and a brigand, to office will astonish no one.

But we doubt whether any mind will be so utterly unjust as to hold the white people of Louisiana or Mississippi responsible for the outrages caused or encouraged by Kellogg's appointees, or the disregard of law, decency, and order, in all of which Kellogg himself is pre-eminent.

Throughout the investigation the inquiry was frequently made by the majority whether there had not been intimidation practiced by threatening to discharge men from employment if they did not vote in compliance with their employer's wishes, and in many cases such facts were proven.

However important it may appear to the undersigned that the moral and intellectual independence of the individual voter should be respected, and that no methods of coercion should be used to influence the free exercise of suffrage, yet in the face of the admitted and almost general violation of these sound and just propositions by public and private employers in all sections of the Union, it would seem scarcely credible that it should be proposed to select Mississippi as the one State for the application and enforcement of a rule which is disregarded everywhere else.

Thus lately the republicans in the State of New Hampshire, by a formal address of the Legislature, approved by the governor, made a clean sweep of their democratic opponents, on the sole account of political opinion.

In House Miscellaneous Document No. 65, present session, the testimony taken in the contested election of Platt *vs.* Goode, at page 254, will be found the deposition of Jesse Mahoney, a ship-carpenter in the Government employ in the Portsmouth (Virginia) navy-yard:

Deposition of Jesse Mahoney.

JESSE MAHONEY, a witness of lawful age, being duly sworn, deposes and says as follows:

By Mr. JOHN GOODE, Jr.:

Question 1. State age, residence, and occupation.

Answer. Age, forty-four years; residence, second ward, Portsmouth, at present; occupation, ship-carpenter, first class.

Q. 2. Are you employed in the navy-yard?

A. I am not, at present.

Q. 3. When were you last employed there, and when were you discharged?

A. On the 4th of August, 1874, and discharged on the 11th of November, 1874.

Q. 4. State how you procured your employment on the 4th day of August, 1874; what steps were taken by you to procure it; whether you had any conversation with Hon. James H Platt, jr., on the subject; and if so, all that was said.

A. In May last, 1874, I went to see Mr. William Smith, foreman of shipwrights in the navy-yard, to give me work. He told me he would do what he could, and then I went over to Norfolk about the middle of May, 1874, and seen Mr. James Platt, and asked him would he give me employment in the yard. He then told me to get a letter from the executive committee, and indorsed by the chairman, send it to him to Washington, and he would put me to work.

Q. 5. Did you get the letter from the republican executive committee or any member thereof?

A. I did not.

Q. 6. Did you make application for it?

A. I did; to the chairman of the committee, James H. Clements.

Q. 7. When did you make application to Mr. Clements?

A. On several occasions.

Q. 8. What did he say?

A. He told me he would do all he could to get me in.

Q. 9. Has anything else occurred, besides what you have stated, to make the impression upon you that in order to procure employment in the navy-yard, it would be necessary to get the indorsement of leading men or officials belonging to the republican party?

A. It was, in March, 1873. I was at work in Norfolk; knowing that I could not work in the yard without affiliating with the republican party, I came over here. I see Mr. James H. Clements to give me work in the yard, that I would support their party, which I did up to November election, 1874; then I supported Mr. GOODE.

Q. 10. State whether or not you voted with the republican party in the spring election of 1873, and if so, what induced you to do it.

A. I did vote with them—for my bread and meat, and not from principle.

Q. 11. Could you have procured employment in the navy-yard in 1873 or 1874 without a promise, either expressed or implied, that you would support the candidates of the republican party?

A. I could not.

Q. 12. How were the men generally employed in the navy-yard—upon whose recommendation?

A. By the republican committee, so far as I know.

Q. 13. Did the officials in the navy-yard, as a general thing, employ any workmen without the indorsement of the republican executive committee?

A. They had to be indorsed by the republican executive committee.

Q. 14. You have stated that you voted for me in the November election; state, according to the best of your knowledge, information, and belief, whether that vote had anything to do with your discharge from the navy-yard on the 11th of November, 1874?

A. I believe it did.

Q. 15. Have you heard anything on that subject from any official in the navy-yard? If so, state it.

A. Not officially. I was challenged by one of the bosses by the name of Patrick McDonough; he came under the ship's bottom where I was at work; says to me, "Jess, I am told you voted the conservative ticket." "Pat, I did vote the conservative ticket, for the Hon. Mr. JOHN GOODE." He says, "I understand that you got whipped by the conservatives." I told him no, that I did not. It was some prejudice that existed a long time that got me hit.

Q. 16. Was any pecuniary assessment made upon you as an employé in the navy-yard, or did you pay any money without assessment for Mr. Platt's election purposes during the last congressional campaign? If so, state fully all you know about it.

A. I had a written circular passed to me with the request for a day's pay. In that circular I saw where the bosses had to pay $20, the quartermen $10, the eighth-men $5, first-class mechanics $1.20, second-class $1; and about the 19th of October, 1874, I went to Mr. Smith about this pay. I told him that I was in here only a short time; that I was only able to pay $2. He told me that would not do; he wanted the whole; that he was tired of it.

Q. 17. How much money did you pay?

A. I give him $2.

Q. 18. Who is the Mr. Smith to whom you have referred?

A. William F. Smith, foreman, or the boss of the shipwrights, under whom I worked.

Q. 19. Did you pay that money willingly or not?

A. I did not pay it willingly.

Q. 20. What, then, induced you to pay it?

A. Thinking it would give me a longer job.

Q. 21. Was it or not generally understood, so far as you know, among the men employed in the navy-yard, that if they failed to meet the assessment made upon them it would result in their discharge or deprive them of a job?

A. As a general thing they thought it best to pay it, in my opinion.

Q. 22. Was it, or not, generally understood, among the men employed in the navy-yard during the late congressional campaign, that they would be expected to vote for Mr. Platt, and that if they failed to do so they would incur the hostility of those who controlled the patronage in the navy-yard?

A. It was, in my opinion.

Q. 23. How many men were employed in the navy-yard during the time you were there, from the 4th of August to the 11th November, 1874, according to your knowledge, information, and belief?

A. To my belief, in the construction department there was two hundred men on the ship-carpenter's roll. Some were put there as mechanics who were not. There was about four hundred laborers during the month of October in that department, two hundred more than was needed, to the best of my judgment. There was some imported from Isle of Wight and worked on the ship-carpenter's roll who were no ship-carpenters—one from Isle of Wight and one from Williamsburgh; one from Isle of Wight named Juba Gordon, (colored.) There must have been in the whole yard in the neighborhood of seventeen hundred men, in my opinion; to the best of my judgment.

Q. 24. You have stated that men were brought there and put on the ship-carpenter's roll who were not carpenters. What did those men do; in what kind of work were they engaged, and how did they spend their time?

A. They spent their time "down east"—down in the privy. Down east, we call it.

Q. 25. Did you ever see those men carrying old lumber or iron about the yard as if to keep up a show of employment?

A. I have seen a gang of men taking deck-plank and pile it from one place to another to keep themselves employed.

Q. 26. Was that large number of men employed there during those months necessary or not, for the legitimate purposes of the Government, in the navy-yard?

A. I think not.

Q. 27. Did you attend a republican meeting held at Temperance Hall, in Portsmouth, a night or two previous to the election?

A. I did; the night before the election.

Q. 28. Who presided over that meeting?

A. James H. Clements.

Q. 29. Does Mr. James H. Clements hold any Federal appointment in Portsmouth?

A. He does. He is postmaster, and has been for some years past.

Q. 30. Did you hear any instructions given at that meeting by Mr. Clements, the chairman, or by any one else, as to how the voters should receive their tickets on election day; how they should hold them, and how they should deposit them in the ballot-box? If so, state what they were fully.

A. Mr. Clements told them he did not want "no backing out," and "no lagging" the vigilance committee. One must hold the tickets, and only give the ticket to the man that was going to vote. The voter must hold it in his hand so it can be seen when he deposited it, so the vigilance committee-man can see him deposit it; when he deposited it right, he was to be tallied.

Q. 31. Was any proclamation made or notice given of the names of the committee-men from whom the voters should receive their tickets?

A. Not that I know of. It was late when I got in, and the voting was all through with.

Q. 32. Where did you vote on the day of election?

A. I voted in the second ward.

To the same effect are the depositions of William W. Bain, page 234; of George W. Glover, page 266; of Joseph Broughton, page 283; of Francis Russ, page 309; but it is unnecessary to multiply illustrations of what every man in the country knows is the invariable practice in all the Executive Departments of the Government—never to such an extent as under the present Administration.

In the investigation of the New York custom-house in 1872, it was proved that official positions were frequently the price of partisan services. (Volume 3, page 608.)

By Mr. HOWE:

Question. Now, what efforts have General Arthur, or Mr. Cornell, or Mr. Laflin, or Mr. Darling made to control the political action of their subordinates?

Answer. The only special knowledge I have on that subject is that every single one of their subordinates has to act in a certain political way. There are a few men there who I know are forced, in order to keep their places, to do just exactly contrary to what they believe to be right.

Q. Now, who are those?

A. I do not propose to tell them if I can help it, because every one of them would be turned out of office. (Examination of General George W. Palmer.)

At page 702, same volume, deposition of James L. Hastie:

Q. What was the offer made by Mr. Murphy's agent to you? Just repeat the offer made by him in case you would leave your place upon the ticket and allow Mr. E. D. Morgan to go to the convention in your stead.

A. That I could take a sheet of white paper and write my own terms for myself and friends in the district. Any positions that I would choose to select would be given.

Q. Positions in the United States service in the custom-house?

A. In the United States service, for myself and my friends. Take a sheet of paper, and write out my own selections.

The individuals who were thus interrogated were, however, only Mississippians, into whose private and personal dealings with their employés an inquisition was made, which we do not believe would have been attempted or tolerated in the State of Massachusetts or any other State, where the right of local self-government is acknowledged and is suffered to exist.

However open to reprobation such attempts at coercion of opinion may be, no one can suppose it is within the power of Congress to interfere.

SOCIAL OSTRACISM.

Testimony was taken to prove the unwillingness of the southern white people to associate intimately with many of the witnesses. Judging from the account given of themselves by those who made this complaint, the undersigned are disposed to coincide with the parties complained of, and do not believe that in the Northern States the social standing of these witnesses could be very high, or intimacy with them generally desired. But it does seem to us absurd to suggest the regulation of private intimacies and associations by act of Congress. History has been read in vain if the folly and futility of all such attempts be not admitted. Time, the great healer of grief, may steep in oblivion the memory of the great losses with which the people of the South have in the providence of God been visited. But the wounds are too recent not to be touched gently. The members of many a household in Mississippi are clad in the garb of woe, and mothers, sisters, and wives are pale with sorrows that will not cease until the union with their loved and lost shall come with the end of their earthly troubles.

Into these associations a stranger may not intrude; a man of feeling would not if he could and an unfeeling man should be repelled.

The fireside of a citizen, however humble, is a domain which neither congressional committees nor any one else has a right to enter unbidden by its owner. Nothing in the letter or spirit, the theory or practice of American government even suggests such a jurisdiction, and we thus dismiss the subject.

INTERFERENCE BY FEDERAL AUTHORITY

in the State elections and internal affairs of the State has, since the close of the war, frequently taken place, and never without deplorable and disastrous results; and, on the other hand, the applications of minorities, defeated by the popular vote, to be nevertheless installed in office, has never been denied by the Federal authorities without such denial being followed by beneficent results.

Such interference has always been followed (and very naturally) by local discontent and disorder, as in the case of Louisiana and Alabama, while Tennessee, Virginia, North Carolina, Georgia, Texas, and Arkansas are living proofs in their increased prosperity and tranquillity of the wisdom of non-interference.

THE PROBLEM OF RACE

will continue to be of the deepest interest to the people of this nation; and it is not the duty or purpose of the undersigned to do more at present than recognize its existence and refer to its solution as a matter of great difficulty. Suffice it to say that the relations of the African to the white races in the United States do not stand alone for consideration; but on our Pacific coast the dark shadow of an Asiatic horde hangs lowering over the white population, and has aroused their gravest apprehensions.

The African race is now admitted fully to the rights of American citizenship. Under the fifteenth amendment all power to discriminate as to the right to vote "on account of race" is inhibited to the States and to the United States.

Thus, between the admission of the Mongolians to the privilege of suffrage, there now stands but the frail barrier of a single word of the naturalization laws to be added or subtracted at the will of a bare majority in Congress, which can close or open to the teeming oriental populations unobstructed opportunity, by their mere numbers, to control our elections and our governments, State and Federal.

The vastness and gravity of the subject will not admit of further discussion in this report.

A few remarks upon the condition of Mississippi in June, 1876, will conclude this report.

A rapid journey by railway brought the committee to the town of Jackson, the capital of the State. The examination of witnesses, who were all ready and in attendance, having been summoned in advance by telegraph from Washington, commenced on the day of our arrival and continued all day and every day from June 9 to June 27, when, by traveling all night, we reached the little village of Aberdeen, in Monroe County, and, after three days of close labor there, returned to Washington. No act of a turbulent or disorderly nature was witnessed by the committee, and no signs of enmity or incivility were exhibited; but, on the contrary, courtesy and respect were on all hands extended to the committee.

The poverty of the people was apparent in their garb, the appearance of their houses, and the marked absence of good and comfortable vehicles.

The want of horses or equipages for ordinary pleasure was frankly stated to the undersigned by sundry gentlemen who regretted their inability to allow us to see the surrounding country, simply because they and their families were too poor to indulge in the pleasure of a drive.

Large numbers of ladies in Mississippi delicately nurtured and carefully educated are compelled to perform the drudgery of their households unaided by domestic servants.

This great change in their mode of life and fortunes induces them to conceal their wants from a stranger's eye and frequently forbids that open-handed hospitality once so characteristic of southern households.

The only exhibition of pleasure-seeking witnessed was by the colored people, whose processions passed the committee-room and whose holiday excursions by railway started from the depot opposite.

The only cannon sound was from their republican ratification meeting, and theirs was the only music heard by us in Mississippi.

The poverty of the colored people also was often painfully apparent in the groups of witnesses who clustered upon the long galleries, wretched in appearance and miserably clad, giving to the hotel the appearance of a county alms-house.

The reformation in the legislation and administration of Mississippi by the party in control since January, 1876, has thus been important and marked with great benefits to the entire community.

The judiciary has been purified and elevated by the appointment of men learned in the law and irreproachable in character to the bench. The far-reaching and beneficent influences of this single reform can scarcely be overstated, and the blessing to flow to all classes of society and all races of men in the pure and equal administration of public justice may be now hopefully looked for.

The Hon. John A. C. Watson, a citizen of the highest reputation, both as a lawyer and a man, testified on this subject as follows, at page —:

Question. Speaking irrespective of party in the State, what was the effect upon public opinion of the course of administration which you have here detailed as to the growth of confidence or dissatisfaction therein?

Answer. It created great discontent and dissatisfaction. Many of the republican party became as violent opponents of Governor Ames as the democrats were or ever had been.

Q. I would ask you what, in your judgment as a citizen of the State and a close observer of the affairs of the State, was the effect of the discord in the dominant party in the election of 1875?

A. I think the split in the party contributed more to the overthrow of Ames than any other single cause. And in this way: The negroes, hearing their own men abusing each other, seemed to be bewildered. I traveled over the State a good deal during the last canvass. I addressed the people at this place, (Jackson,) and I addressed them at Canton, at Winona, at Oxford, Taylor's Depot, Hernando, Senatobia, and some other places, besides in Marshall County, and had a good deal of intercourse with the people.

Q. With both parties?

A. Yes, and I noticed a very great change in the negroes. Before, they had been unwilling to hear any but their own speakers, and seemed to have no confidence in anybody else. Last fall, long before the election, they were coming out to hear the democratic speakers. They were conversing with democrats, and before the day of election a good many had openly avowed themselves democrats. In my county and in others, of which I heard, a great many had joined clubs, and I noticed, frequently, one or two who would first go and hear; then they would converse with me, and their change was as gradual and slow as it well could have been. Finally they would avow themselves democrats and become more enthusiastic than anybody else. Such changes were usual throughout the State before the day of the election, and I heard many of them say, "Well, we have made nothing yet by the republican party; they have done us no good, and I reckon it is possibly best to have a change. We will try it." I don't pretend to give their exact language, but the substance of what many said.

Q. Since the election have you observed the sentiments and feelings of the colored population in regard to this change of administration?

A. I think there has been more of contentment and quiet and satisfaction among the negroes since the last election than has before existed in the State since reconstruction.

Q. Excluding yourself, of course, what is your estimate of the present state of judiciary, both as to the chancery, circuit court, and the supreme court?

A. I regard the improvement as very great—very great.

Q. Have the offices of chancellor been refilled?

A. Yes.

Q. And the circuit judges also refilled?

A. Yes.

Q. From what class of men, as to legal attainment and character, have these appointments been drawn?

A. They have been made from a class of lawyers who had the confidence of the people and who were competent to fill the places. The supreme-court bench, with Simrall, appointed by ALCORN, and Campbell and Chalmers, appointed by our present governor, Governor Stone, in point of capacity, integrity, and character, is equal to any court in the Union, and there are not more than one or two chancellors or circuit judges that I, myself, as governor, would not have appointed.

Q. Are you aware that the charge had been made that the late election in 1875 was carried by a general system of intimidation and violence on the part of the democratic party toward their political opponents in this State? I will ask you now what is your knowledge and your judgment as to the truth or falsity of that statement?

A. Well, so far as my personal knowledge goes, I never witnessed anything approaching intimidation by the whites. Cases of intimidation of colored voters by colored voters did come under my observation. There has always been something of that, but much less of it in the last election than previously. A better class of men, as a general thing, were anti-radical candidates last fall, and a more orderly or fairer election was never held, so far as it came under my observation.

Judge Campbell, of the supreme court, at page —, says:

Question. Has there been, as far as you know, since the election an acquiescence in the change of affairs in the State?

Answer. Entirely so; the most perfect quiet has reigned throughout Mississippi.

Q. Any collision between the races since that, that you are aware of, in your own section of the country?

A. I have heard none anywhere I remember, except on the borders of Mississippi, in Louisiana, this matter down here, that is known through the instrumentality of papers; I have heard of no disturbance; perfect quiet has reigned throughout the State except that.

Q. State what has been since 1875 the effect of this change of administration; if there has been any effect upon the happiness and prosperity of the people.

A. It has been most inspiring, decidedly inspiring, to the people.

Q. Is that feeling confined to one race exclusively?

A. I am not able to speak about the colored people. My associations with them are so very limited that I cannot say, sir. My professional duties before my appointment to the bench, and my judicial duties since, have so engrossed my time that really I cannot express an opinion, even about the sentiments of colored men in the State.

Q. Has there been, to your knowledge, a visible improvement in the prosperity and condition in the State since the change of administration?

A. There is no question about that, I think, sir. The prospect for industrial success is decidedly better than it has been. There are much higher hopes in the bosoms of the white people, and, so far as I can ascertain or judge from every appearance, perfect contentment, quietude, and satisfaction among the colored people.

The truth is that the colored people were being incited by pestiferous vagabonds who wanted to stir them up for purposes of their own against the whites. And they would have moved along in their sphere contentedly and quietly, depending on the white people, trusting in them, and treated with kindness by them, but they were stirred up and hopes were created in their bosoms which could not be realized. And there are ambitious men among them, who, catching their inspiration from their leaders, undertook to permeate the whole race with it, and spreading it abroad inciting them and inducing a feeling, when there would have been no such feeling; all would have been satisfactory between the whites and blacks had it not been for the interference of these persons who undertook to use the negroes for their own purposes.

And I will state further that the negroes would have fared just as well and better without any interference at the hands of the mass of the white people, who have far more consideration and kindness for them than those men who make loud pretense of their devotion to them for mere political purposes.

I know the negro race well; I was born and reared among them, and have nothing in the world but the kindest feelings for them, and in my private life and in public life, as they will all testify who have been brought within my influence. I have treated them with great consideration. When on the bench, where they had against them the natural prejudice unhappily existing to a great extent in the minds of their late masters against the newly enfranchised race, I was anxious to secure them from injustice from white jurors, even more so than if they had been white people. I have always had only feelings of the utmost kindness toward them, and have now.

I am prepared to assert that they have done wonderfully well under the circumstances, and would have done far better but for the interference of politicians, who stir them up and use them for their own benefit. They have been badly taught and misled and been used as mere puppets to a large extent.

The reduction of expenses by the last Legislature was positive and highly satisfactory to all tax-payers. (See page —, deposition of ——.)

The condition of public schools is in the main satisfactory, and the provision for their maintenance has been increased by the appropriation of certain license fees and fines to their support. (See page —, deposition of E. Barksdale.)

On this subject the following extract is pertinent and interesting:

"THE PEABODY SCHOOL FUND.

"On Friday last the trustees of the Peabody fund for aiding the public schools at the South held a meeting at the Greenbrier White Sulphur Springs, at which the report made by Dr. Sears of his last year's work was discussed. From this report we learn that Dr. Sears disbursed from the fund under his charge but a small amount to South Carolina, Florida, and Louisiana, because those States do not foster public education. In South Carolina and Louisiana the republicans have had possession of the government for years past. In Florida the democrats have only recently had any chance of carrying the State. Yet in these three States, where the white friends of the colored people have everything their own way, the school funds have been squandered and dissipated and the school-houses closed. What wonder, then, is it that Mr. George Peabody Russel, who joined in the discussion of the Sears report, gave it as his opinion, from personal and recent observation, 'that nothing could be expected from those States in the way of advancing their educational interests until there was a change in their State governments.'"

By amendatory criminal legislation the live stock of the farmers has been protected and the lawless and indiscriminate slaughter of breeding-animals has been made highly penal, so that this year much of the pork and beef heretofore purchased abroad will be raised within the State.

With the increased acreage of corn and the fine crops of their great staple of cotton, the prospects for the material prosperity of Mississippi in the present year are favorable.

CONSTITUTIONAL POWERS OF CONGRESS.

If it be designed that our form of government should be continued, we hold it to be the sworn duty of every Senator and Member of Congress, as well as every officer of the Government, to respect and obey the limitations upon power imposed by our written charter.

Whatever may be our individual opinions as to the right or the wrong of a given condition of affairs, the power, and with it the duty to interfere must be found expressly or by necessary implication in the Federal Constitution, otherwise such interference is law-breaking and not law-making.

The Supreme Court of the United States, in the case of The Collector vs. Day, 11 Wallace, Rep., p. —, through the lips of that venerable and lamented jurist, Mr. Justice Nelson, described the relative powers of the Federal and State governments in the following words, which we commend to the respect and for the instruction of the Senate:

"It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: 'The powers not delegated to the United States are reserved to the States, respectively, or to the people.' The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

"The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereigntics, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the General Government as that Government within it's sphere is independent of the States. * * *

"Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and the existence of which is so indispensable that without them the General Government itself would disappear from the family of nations."

The House of Representatives of the United States is by the Constitution the sole judge of the elections, qualifications, and returns of its members. Contests for membership and admission to that body must be settled by that body alone. This Senate has no power.

The constitution of the State of Mississippi secures to the respective houses of its Legislature the same exclusive power in the same frame of words, and it cannot be lawfully overthrown by the United States.

The deposition of Mr. Walton, the present United States district attorney of Mississippi, at page 63, exhibits his and Governor Ames's views of the late election:

Question. Has any department of the government in Mississippi, or any authority, State or Federal, questioned the legality of the present Legislature?

Answer. I believe not, sir. That is to say, no authority, State or Federal, nor department of the government in Mississippi has questioned the legality of the present Legislature. There has been a popular charge that it was a legislature elected by intimidation; but then, while they have questioned it unofficially, they have recognized the legality of the Legislature by their official intercourse with it.

Q. Have not both the judicial and executive authority of the State repeatedly recognized the legality of the Legislature elected in 1875?

A. The judicial authority, the supreme court, may be considered as having recognized the legality of the Legislature in this way: two of the judges of the supreme court by turns—the court consists of three judges—presided over the impeachment of Governor Ames. The chief justice of the State first presided, and then in consequence of ill health he resigned his position, and became only an associate justice, and the person who was elected chief justice in his place took his position as president of the court of impeachment. The officers of the State generally reported to the Legislature, and the governor of the State sent his message to the Legislature and approved or vetoed its bills. I remember that I had a conversation with Governor Ames on that subject, in which something was said about the legality of the Legislature. I recollect he made the remark, which impressed me as authorizing his action in the matter, that the Legislature was a legal body, because the number of republicans in the Legislature and the number of democrats in the Legislature, who were peacefully elected, constitute a majority of each house, and thereby were entitled to decide the question of the right of the other members to their seats. He contended, however, that a good many of the members had been illegally elected.

Q. But that that was a question which there was a legal body there to determine?

A. That there was a legal body there composed of republicans who had been elected without any improper influence, and democrats who were elected peacefully in sufficient numbers to constitute a majority of each house. I remember his making that remark to me in January, shortly after the Legislature met. He did not give that as his reason for recognizing the Legislature in his official capacity; but the two things coupled themselves together in my mind.

The statement of the result of the election by Governor Ames, and that the late Legislature was a legal body, is more than sustained by the testimony.

Striking out the counties where fraud or violence my be supposed to have nullified the elections in those special and few localities, still enough lawfully and peaceably elected members of both houses remain unimpeached, in any quarter and by any witness, to form more than a quorum duly qualified to organize the two bodies according to the constitution of the State of Mississippi.

T. F. BAYARD.
J. E. McDONALD.

NORMAN H. RYAN.

Mr. LOGAN. I move to take up Senate bill No. 840.

The motion was agreed to; and the bill (S. No. 840) for the relief of Norman H. Ryan was considered as in Committee of the Whole. It provides for the payment to Norman H. Ryan of $736, in full for services as storekeeper of the bonded warehouse of E. W. Dutcher, at Amboy, Illinois, from the 18th of April, 1868, to the 15th of October, 1868.

Mr. LOGAN. There is a report from the Committee on Claims in connection with this bill. It has been examined by the Committee on Claims and reported favorably.

Mr. EDMUNDS. Now I should like to hear the report read.

Mr. WRIGHT. I think I can state to the Senator from Vermont the facts of this case. This man was watchman of this bonded warehouse. The party failed. The officer in charge, the collector, instructed this person to continue to watch the property that was there in which the Government had an interest. It was the duty of course of the person owning the property to pay this expense, but he having failed and this collector instructing the man to continue on watch he did it for the number of days he is paid for as watchman.

Mr. EDMUNDS. Is there not a lien on the property for fees of that kind?

Mr. LOGAN. The Government got the property.

Mr. EDMUNDS. If the Government got the property, of course we ought to pay the man.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT N. EDDY.

Mr. ALLISON. I wish to call up the conference report on the river and harbor bill.

Mr. KERNAN. I ask the Senator to yield to allow me to call up a bill. I think there will be no objection as the man is suffering. It is Senate bill No. 788, which contains but eleven lines and the report is still shorter.

Mr. ALLISON. I yield to that.

There being no objection, the bill (S. No. 788) for the relief of Robert N. Eddy was read the second time and considered as in Committee of the Whole. It is a direction to the Paymaster-General of the United States Army to pay to Robert N. Eddy, late second lieutenant Company K, One hundred and fourteenth Regiment New York State Volunteer Infantry, the full pay and emoluments of a second lieutenant, from the 31st of December, 1862, to the 28th of August, 1863, deducting therefrom all pay he may have received from the Government as first sergeant for that period.

Mr. KERNAN. Let the report of the Committee on Military Affairs be read.

The Chief Clerk read the report submitted by Mr. RANDOLPH from the Committee on Military Affairs on the 1st of May, as follows:

The Committee on Military Affairs, to whom was referred the bill for the relief of R. N. Eddy, late second lieutenant Company K, One hundred and fourteenth Regiment New York Volunteer Infantry, submit the following report:

The applicant desires difference in pay from the 31st December, 1862, to the 28th August, 1863, between the pay of a sergeant and that of a second lieutenant.

Prior to the first date, Eddy was a sergeant in the regiment and company named; was appointed a second lieutenant at that time; a second lieutenant's vacancy then existed in the company. Eddy performed the duty assigned him; failed to get his commission because of the loss of the vessel on which it was, and was prevented from being sworn in as second lieutenant until the last day named, *i. e.*, August 28, 1863.

The committee recommend the passage of the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF A STEAMBOAT'S NAME.

Mr. McMILLAN. I ask the Senator from Iowa to yield to me to move that the Senate proceed to the consideration of the bill for the relief of the heirs of Asbury Dickins.

Mr. CONKLING. That will lead to long debate.

Mr. McMILLAN. If that be so, I ask the Senator to yield to me for the passage of the bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EDMUNDS. Let us pass one bill that is not a money bill.

By unanimous consent the bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood was considered as in Committee of the Whole.

Mr. CONKLING. Mr. President, on this bill I wish to make a remark, and I would be glad to believe that it would reach the ears and the regards of Senators. There are a great many bills on the Calendar to which nobody would object and which are of deep concern to those who are interested in them. If we could in place of taking up bills in this way—I do not mean to object to this bill at all—have consent to go through the Calendar in the morning hour for a day or two under the Anthony rule and let the Calendar be called for unobjected bills, it would be a great relief to many people, some of whom are sitting in the galleries now and some of whom are in much distress about matters which would not occupy the Senate one moment each. As I say, I do not interpose against this bill; but to-morrow morning and on subsequent mornings I will see whether I cannot get the approbation of the Senate to take up the Calendar under the Anthony rule, and as a friend very properly observes, it is more important in the case of House bills because our action on those concludes legislation. Let us take up unobjected cases and run on and dispose of a great many of these questions which are so distressing to the people concerned in them.

Mr. THURMAN. A day or two ago a bill in regard to counting the votes for President and Vice-President was taken up on my motion and then was laid aside informally subject to be called up at any time; but since that I suppose it has been supplanted by business that was pending at the close of the day. I want to give notice now that as soon as the Senator from Indiana and the Senator from New Jersey shall be in their seats I shall ask that that matter shall be disposed of. I have no speech to make on it; I only want it voted on and disposed of. If the Senator from Indiana were in his seat I should move to take it up.

The PRESIDENT *pro tempore*. There is a bill before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILL RECOMMITTED.

Mr. PADDOCK. I ask the indulgence of the Senate for a moment to move a reconsideration of the vote by which the bill (S. No. 133) to sell certain public lands to the Beatrice and Denver City Railroad Company, and for other purposes, was indefinitely postponed. I do this by instruction of the Committee on Public Lands, for the purpose of moving its recommitment to that committee.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration of the indefinite postponement of the bill? The Chair hears none. It is moved that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

THE CALENDAR.

Mr. GORDON. I move to take up Senate bill No. 951.

Mr. CONKLING. I did not object to the bill which was last moved, and I dislike to object to any bill in which the Senator from Georgia is interested; but I must insist that if we are going on, the morning hour having expired, to displace the regular order, it ought to be with a fair opportunity to all these people alike. I have no doubt the Senator's bill is right, but we shall reach it in a moment, nobody will object to it, and it will be passed.

Mr. GORDON. I am perfectly willing to accede to the motion of the Senator from New York.

Mr. CONKLING. Suppose the Senator makes the motion, and let us try. We shall run down to his bill in a moment.

Mr. GORDON. I move, then, that we take up the Calendar, and only bring before the Senate bills that are not objected to.

The PRESIDENT *pro tempore*. Under what is known as the Anthony rule. Is there objection to that proposition? The Chair hears none.

Mr. SHERMAN. I ask what is the regular order?

The PRESIDENT *pro tempore*. The resolution of the Senator from Indiana [Mr. MORTON] for printing extra copies of the President's message relative to the massacre at Hamburgh.

Mr. CONKLING. And this is subject to a call for the regular order at any time.

The PRESIDENT *pro tempore*. The Calendar will be resumed where its consideration was last left off.

STEAMBOAT ROBERT ROSS.

The bill (H. R. No. 1915) to change the name of the steamboat Robert Ross was considered as in Committee of the Whole.

The Committee on Commerce reported the bill with an amendment, which was in line 5, after the word "Mollie," to strike out "Kretor" and insert "Keator;" so as to make "Mollie Keator" the name of the vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PLEASURE-YACHT ELLA.

The next bill on the Calendar was the bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING AGRICULTURAL REPORTS.

The next business on the Calendar was the concurrent resolution to print 25,000 copies of the report of the Commissioner of Agriculture for 1875, to be distributed by the Commissioner.

The Chief Clerk proceeded to read the resolution.

Mr. CONKLING. If that resolution is not legible, I think I shall object.

Mr. FRELINGHUYSEN. It is very necessary that it should pass.

Mr. CONKLING. It cannot be passed unless it can be read.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed and bound 25,000 copies of the report of the Commissioner of Agriculture for 1875 for distribution by the Commissioner of Agriculture.

Mr. WITHERS. I ask whether it is contemplated that any number of copies shall be printed for distribution by members of Congress.

Mr. FRELINGHUYSEN. There are two resolutions which have passed the House. One provides for the printing of 100,000 copies, I think, for the House and the Senate of the report for 1874, and then there is another resolution which has passed the House for 1875. The books are stereotyped for 1874, and it is very little expense, comparatively, to have that year's report printed. This resolution is for the benefit of the Commissioner himself, and I think the three resolutions ought to pass.

Mr. SAULSBURY. I want to call the attention of the Senator from New Jersey to the fact that I believe the number of 25,000 has been heretofore printed for the Commissioner, but I want to inquire of him if that is not too large an amount for the Commissioner? I understand he is unable to distribute them and sends them here, and they are put in the folding-room to the credit of members of Congress. I think I found the other day thirty copies that were assigned to me out of the surplus remnant in the hands of the Commissioner.

Mr. FRELINGHUYSEN. I understand from the Commissioner that he cannot spare any of these.

Mr. SAULSBURY. That was my information. I may be incorrect. I found them to my credit after I thought I had exhausted all my own.

Mr. FRELINGHUYSEN. The reason of that probably is that last year the Senate printed some number, I forget how many, but a thousand or two thousand for its own use while none were printed by the House, and I suppose the Senator from Delaware received his quota of that ten or twelve hundred copies.

The PRESIDENT *pro tempore*. The pending amendment will be reported.

The CHIEF CLERK. The pending amendment is to insert at the end of the resolution:

And 250,000 copies of the same for general distribution by Senators and members of the House of Representatives.

Mr. SARGENT. Is an objection still good to this resolution?

The PRESIDENT *pro tempore*. No; it is before the Senate.

Mr. FRELINGHUYSEN. This had better be passed without amendment.

Mr. SARGENT. I object, provided this amendment is tacked on.

Mr. PADDOCK. I do not see why we may not dispose of the whole question now as well as delay part of it to another time.

Mr. SARGENT. It is sought to pile up the committee-rooms and folding-room with documents when there is no method of distributing them. I do not know how other Senators may feel, but I say for

myself that I cannot afford (out of the little pay I receive and such resources as I can command) to pay the postage on thousands and thousands of public documents.

Mr. FRELINGHUYSEN. That is very true for everything except this report. This report and the RECORD do go free.

Mr. SARGENT. I have another objection. That objection is that we have made very stingy appropriations for the Government Printing Office for the ensuing year, and it is doubtful if they can get through with the ordinary necessary work. I am informed by those who are cognizant with the matter that it is impossible to do it. We have very stringent laws against exceeding appropriations. I would not like to find that the blanks of the Post-Office Department or those of the Treasury are suspended in the vacation for want of funds to do necessary work. I would not like to see the man who is Public Printer in the State prison or hauled over by a committee of Congress for violating the law by expending money not appropriated by Congress. I am opposed to piling up these orders for printing for that reason. With reference to the original proposition for 25,000 copies, it might perhaps be squeezed through; but when you come to add 250,000 more I do not think we ought to do it unless ample appropriation is made.

Mr. FRELINGHUYSEN. I think we had better pass this resolution without the amendment, inasmuch as there are two other resolutions which have passed the House making provision for copies for the use of members of Congress; and as to the deficiency in the appropriation, while what the Senator from California says is very true, still I rather guess the appropriation is enough to run the establishment until December, and that is about all that is contemplated, I presume, by these appropriations.

Mr. WRIGHT. The resolution is now before the Senate. I understand the amendment is to print 200,000 copies additional for the use of the Senate and House. I shall vote for the amendment, and I think it a very appropriate and proper place to put it on now. These other two resolutions may have passed the House, but it is a matter of very great doubt whether we shall pass them at this session. I do not know any report published by Congress that, so far as the people of my country are concerned, they take so much interest in as in this very report. There is no one report that is called for one-tenth or one-hundredth part of the time that this is called for, so far as I am concerned, and I think there is no one thing to which we can devote the money that would be more acceptable and that would be more approved generally by the people than this. This is only the number, as I understand, that has been published heretofore in prior years, and I see no reason why we cannot do it now. I think if the resolution as originally reported is to pass for printing 25,000 copies, then the additional 200,000 ought to be added. I shall vote for the amendment, and I shall vote for the resolution when it is thus amended.

Mr. SARGENT. I have objected.

Mr. PADDOCK. At the time this matter was considered before I offered the amendment which has been read without thinking of the necessity of making provision for the distribution of the report of 1874. I think the propositions sent over from the House more nearly cover the necessities of the case than my amendment. Therefore, I propose that they be added as an amendment to this resolution. I offer them as a substitute for the amendment, or rather I withdraw the other amendment and substitute this.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska will be read as amended.

The CHIEF CLERK. The amendment is to strike out all of the resolution after "Resolved," and insert:

That there be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies for the use of the Senate, and 80,000 copies for the use of the House of Representatives; and that there be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate, 131,250 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner of Agriculture.

Mr. HITCHCOCK. I wish to inquire of the Senator from New Jersey where the House resolutions are on the Calendar that he spoke of?

Mr. FRELINGHUYSEN. I think the resolutions are on the Calendar. I hope now that this matter is up that this amendment will be adopted, and that we shall dispose of the whole subject.

Mr. SARGENT. I have objected to the whole matter.

The PRESIDENT *pro tempore*. Not when the resolution was taken up. An objection does not prevail unless it is made at the time a resolution or bill is taken up. When the Senate has once proceeded to consider it, it cannot be laid over by one objection.

Mr. SARGENT. I should like to know the cost of printing this enormous quantity of matter?

Mr. FRELINGHUYSEN. I do not know. I understand that the report of 1875 is stereotyped. What the cost is I do not know. The report of 1875 is already to be printed. That is all the information I have on the subject. This is the same number which has been printed every year. It is about all that the agricultural part of the community get out of the Government and they are very much pleased with this work. I think it does good. I hope the Senate will pass the resolution.

Mr. SARGENT. I should like to enter my protest; it seems to be all that I can do. I thought I objected in time to this extravagant expenditure of public money, this immense draft upon a fund entirely inadequate to do the current business of the Government.

The PRESIDENT *pro tempore*. That there may be no misunderstanding, the Chair will state his ruling. It is that whenever a bill is read in full, if requested, an objection then will send it over; but after a bill is in Committee of the Whole and under consideration, no objection can then prevail. So of a resolution.

Mr. SARGENT. I did not object to the original resolution, but when amendments were offered entirely different in character, increasing the amount to an enormous extent, then I interposed the objection the very moment these amendments were offered.

The PRESIDENT *pro tempore*. A bill or resolution is liable to be amended in any form. Objection cannot pertain on account of the different stages. The question is on the amendment of the Senator from Nebraska.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 10; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Cragin, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Kelly, Key, McCreery, McDonald, McMillan, Maxey, Mitchell, Paddock, Patterson, Ransom, Saulsbury, Spencer, West, Withers, and Wright—34.

NAYS—Messrs. Booth, Conkling, Cooper, Eaton, Hamlin, Kernan, Morrill, Sargent, Wallace, and Whyte—10.

ABSENT—Messrs. Alcorn, Allison, Anthony, Barnum, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dorsey, Edmunds, Goldthwaite, Johnston, Jones of Nevada, Logan, Merrimon, Morton, Norwood, Oglesby, Randolph, Robertson, Sharon, Sherman, Stevenson, Thurman, Wadleigh, and Windom—27.

So the amendment was agreed to.

Mr. SARGENT. By the vote just taken a resolution which was intended to involve a cost to the Government of $10,000 has been changed to one costing $120,000. It looks like very brisk work in about ten minutes, and it exhausts about one-fourth of the whole appropriation for public printing. It is very rapid legislation.

I suppose after the vote that has been given in favor of this enormous printing it will be useless to protest any further. I simply call attention to the fact that it does not look very economical to expend $120,000 in addition to the cost of stereotyping and setting the type for these books by an amendment put on in this way; and it seems to me, although I do not question the ruling of the Chair, that it is going very far to say that where a proposition is brought forward to spend $10,000 an objection is not good when a proposition is made to change it to cost twelve times that amount.

Mr. FRELINGHUYSEN. Although my friend thinks the legislation is rapid it is really stereotyped legislation. It is what is done every year; and it would be a great deal better to have it fixed by a permanent statute than even by passing these resolutions. It does cost something, it is true, but it is the people's money and the people want this information, and they like this expenditure, as the vote in the House and the vote here always show.

Mr. SAULSBURY. I desire to say that, while I consider this a very valuable document, I am in favor of limiting the printing of reports, particularly upon mining and other interests which are purely local in character, as I have been careful to explain to the Senator from California, [Mr. SARGENT.]

Mr. SARGENT. Will the Senator from Delaware allow me a moment?

Mr. SAULSBURY. Certainly.

Mr. SARGENT. The report on mining was abolished last year on my motion.

Mr. SAULSBURY. I am glad to hear it.

Mr. SARGENT. I believe the Senator at that time had something to say about the report on mining, and I made a similar remark, calling his attention to the fact that it was omitted from the sundry civil bill on my motion. I trust the Senator will remember it now, and next year will not say that I am in favor of the report on mining.

Mr. SAULSBURY. I will join the Senator in economy on a great many other works which are prepared and which can only go out at the personal expense of members of Congress. I have insisted here that we ought to limit the publication of works unless there was some provision to send them out without personal charge to members of Congress; but this work, the Agricultural Report, is one that the agricultural community desires, which it appreciates. In my opinion they appreciate it more than any other work which is published by authority of Congress.

The resolution, as amended, was agreed to.

VANCOUVER WATER COMPANY.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation; which was considered as in Committee of the Whole. It authorizes the Vancouver Water Company, a corporation organized under the laws of Washington Territory, to lay down and keep in repair water-pipes for the conveyance of water through the military reservation of Fort Vancouver.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the words:

To be subject at all times to orders and regulations of the War Department.

Mr. BOUTWELL. I do not object to the amendment, but it seems to me it ought to be amended so as to authorize the company to remove the water-pipes, if they choose.

Mr. SPENCER. I think it does do that.

Mr. INGALLS. Is there any report from the Secretary of War on the subject?

The PRESIDENT *pro tempore*. No papers accompany the bill.

Mr. KELLY. I will state, if it be desired, the reason why this bill was introduced and why I desire it to pass. The Vancouver Water Company was authorized some years ago to construct and lay down pipes through the military reservation by the permission of the Secretary of War. Subsequently the Secretary learned that he had no authority to do that, but that it should be done by Congress. While the water-company is now passing water over the reservation, it has really no authority to do it, and therefore this bill was introduced. The amendment of the committee that it shall be under such regulations as may be established by the War Department I think is fair.

Mr. BOUTWELL. I move in the amendment after "to," in the seventh line, to insert "removal and to;" so as to read:

To be subject at all times to removal and to orders and regulations of the War Department.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING AGRICULTURAL REPORTS.

Mr. ANTHONY. While I was absent for a few moments in the service of the Senate, a concurrent resolution has passed, I understand, authorizing the publication of 300,000 copies of the Agricultural Report. Although I am opposed to what seems to me such an extravagant waste of public money, I do not propose to attempt to object to the will of the Senate, but I ask that the vote on the passage of the resolution may be reconsidered so that I may add an amendment, without which I do not think the resolution can be carried into effect. There is no money to pay for the printing. The sundry civil appropriation bill has cut down the appropriation for the public printing one-third, I think. The Senator from California [Mr. SARGENT] will recollect how that is.

Mr. SARGENT. Yes, sir.

Mr. ANTHONY. And now having cut down the appropriation about one-third, we pass a resolution here to expend $150,000 more than we did last year, which cannot be carried into effect unless there is money for it, because if the Public Printer expends the money without an appropriation he is subjected to a severe penalty. I therefore move a reconsideration of the vote by which the resolution was passed, and I will then move that it be put in the form of a bill, making an appropriation to pay the expense of the printing.

Mr. PADDOCK. I should like to inquire of the Senator if there will not be an opportunity in some other bill devoted exclusively to appropriations to provide for this appropriation?

Mr. ANTHONY. No; every appropriation bill that has not already become a law has passed both Houses and is in the conference committee.

Mr. PADDOCK. It seems to me unnecessary to reconsider the resolution for the purpose of putting this amendment upon it. It seems to me some other provision could be more readily made.

Mr. ANTHONY. If the Senator can suggest it, very well. I make this motion in good faith to the Senate. I am opposed to the printing of this enormous number of books for gratuitous distribution, but if it is the pleasure of the Senate to order it, I think we ought not to compel the Public Printer to incur the expense and then put him in the State's prison for spending the money. I am quite sure that unless the amendment I suggest is put upon the resolution the order of the Senate cannot be carried into effect.

Mr. CONKLING. Is this a Senate resolution?

Mr. ANTHONY. It is a Senate resolution, but should be changed to a bill. Not wishing the publication to be made, I am quite content to leave it as it is, in which case I am quite sure it will not be effective; but if it is the desire of the Senate to incur this great expense, then it must appropriate the money and take the responsibility.

Mr. PADDOCK. I object to a reconsideration.

Mr. SAULSBURY. I have no doubt that if Congress would stop publishing political documents for distribution and other unnecessary works, we could save enough to publish this work, in which the great agricultural interest of this country is interested.

Mr. ANTHONY. Will my colleague on the committee tell me where we are going to save? We order so many copies of this report and then we appropriate a certain amount of money. We appropriate for the public printing a million of dollars and then we order a million and a half dollars' worth of printing to be done.

Mr. PADDOCK. I should like to inquire of the Senator if he knows any other direction in which money can be applied for public printing where it will carry with it greater beneficial results to the people? I object most thoroughly and most emphatically to the term "waste" employed by the Senator in connection with this appropriation. So far as I am concerned, I am satisfied in my own mind that there is no printing done by the Government so acceptable to the people and so useful to the whole country as is this.

Mr. ANTHONY. If we should print Webster's Dictionary or the Holy Bible, I think it would be quite as useful to the country and there would be as great a demand for it. There is always an immense demand for books which we give away. I did not rise to argue the question, however. I have long known that it was the intention of the Senate and House to order this printing. I rise in good faith to the Senate to say that if they want this printing done they must reconsider the resolution and make an appropriation for it.

Mr. FRELINGHUYSEN. Can we have unanimous consent to take the resolution up at once and pass it, if it is reconsidered?

Mr. SARGENT. I will not object. I objected before on the ground that the Senator from Rhode Island now so ably states. I will not object provided the appropriation is made.

Mr. FRELINGHUYSEN. What does the Senator from Rhode Island and suggest?

Mr. ANTHONY. My amendment is to appropriate the money to print the 300,000 copies.

Mr. SARGENT. Which will take $120,000. I understand the type is set and it will cost forty cents a volume after it is stereotyped.

Mr. FRELINGHUYSEN. The type is set of the report for one year.

Mr. ANTHONY. It should be "$130,000, or so much thereof as may be necessary."

Mr. HOWE. Let me suggest that the resolution had better go to the House and they will concur without an amendment or with an amendment. If we require the printing to be done, the Printer will not do it unless he has funds to do it with, and if we come back here next winter and do not find the reports he will probably be able to tell us what the reason is, and then we can appropriate the money or not as we choose. I guess we had better not attempt to go into the question of making an appropriation at this time.

Mr. ANTHONY. I move to reconsider the vote and shall then move to put the resolution in the form of a bill with a proper appropriation; and then, although I shall not waste the time of the Senate in opposing it, I shall merely vote against it. If the Senator from Wisconsin does not want the books printed and is willing to defeat the resolution by indirection, I certainly have no objection; only I do not think it would be proper for me with the information which I happen to have upon the subject, having some charge of the public printing, to allow the Senate to make an order which cannot be executed.

Mr. HOWE. I may be allowed to say that I do not want to defeat this measure by indirection, and I do not mean to defeat it at all. I want the resolution to pass, and I undertake to say it will be executed if you pass it. It may be you will find yourself short next winter and will either have to make an additional appropriation for the Printing Office or have to stop printing them, but "sufficient unto the day is the evil thereof." This printing will have to be done, for I do not think we shall order printing enough this session to exhaust the appropriation made for that purpose.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island [Mr. ANTHONY] to reconsider the vote by which the resolution was agreed to.

Mr. PADDOCK. I hope the motion will not prevail. It seems to me it is unnecessary to reconsider the resolution.

Mr. LOGAN. Why not put it in the form of a special appropriation bill, and let the resolution stand as it is?

Mr. ANTHONY. The two provisions ought to go together. If we pass the resolution and should not pass the appropriation bill, then, in spite of what my friend from Wisconsin says, the order cannot be executed. All these appropriations are under a particular head. The Government Printer cannot take the appropriation made for the Treasury Department or the Interior Department and divert it to the publication of these reports.

Mr. WEST. I voted for the resolution, and am in favor of the appropriation for the reasonable cost that the Government will incur in carrying it into effect. An examination of the lately-passed sundry civil service bill will convince the Senate at once that it is idle to let the resolution stand as it is. The total amount appropriated for the printing of the Interior Department is $135,000 and for the Agricultural Department $9,000, making the amount $144,000 for all the printing of those two Departments. Consequently if this is to cost so much money it would exhaust all that you have appropriated for the Interior Department and the Agricultural Bureau, and your resolution as it stands is a nullity.

Mr. PADDOCK. Of course it will not take precedence of the other printing.

Mr. WEST. I know it will not take precedence. You will by no possibility get any Agricultural Reports printed under your resolution without such an amendment as appropriates the money necessary therefor.

Mr. INGALLS. These are for bound copies?

Mr. ANTHONY. Yes.

Mr. INGALLS. In looking over the cost I find that for 1,250 copies for 1874 the cost to bind them was $200, or about sixteen cents apiece. You would be without books and without binding, most assuredly, as the resolution now stands, and the only way to make it effective is to reconsider it and add the amendment making the appropriation.

Mr. FRELINGHUYSEN. I suggest that the resolution stand as it

is. A bill can be introduced making the appropriation. The House can amend the resolution by adding an appropriation or an appropriation can be added in conference. I do not see any necessity for our undoing what we have done. It seemed a little difficult to get the measure up, and it is, at any rate, an expression of the opinion of Congress on the subject.

Mr. CONKLING. Mr. President, I cannot doubt that the Senator from Rhode Island is quite right about this matter. Surely no conference committee can import into this resolution an appropriation.

Mr. FRELINGHUYSEN. Probably not.

Mr. CONKLING. Or even change it to a bill.

Mr. FRELINGHUYSEN. No, sir.

Mr. CONKLING. Very well, then what are we in the act of doing? This subject is now before us; the Senate is considering it; it is here, and what do Senators advocate? Here is the Public Printer, who has been the object of much reproach, first because he allowed Senators to order speeches, and printed them and sent them here and received pay from Senators, the law technically as it was said, requiring that the money should be put in his hands in advance. It was alleged to be a crime for him to do the printing and trust to the faith of Senators who had subscribed, and a serious inquiry was had to ascertain the length and breadth of the guilt of the Public Printer for doing that. Then came out charges of irregularity, of disregard of the formalities and technicalities of the law. Thus our attention has been called to this subject, and now what is proposed? One hundred and forty thousand dollars, and that only, by the action of both Houses, fortified by repeated conferences of conference committees, has been appropriated as the entire sum for printing for the Interior Department and the Agricultural Bureau, $9,000 of that money being appropriated for the Agricultural Bureau.

Mr. PADDOCK. I should like to inquire of the Senator——

Mr. CONKLING. I wish my friend would let me conclude my statement, and then I will hear him with great pleasure. Now we propose, making no appropriation whatever, warned by the Senator from Rhode Island of the facts, when we direct the printing of a work which is to cost $140,000 itself, or nearly that. Then where is the Public Printer to stand? One alternative is that there is to be committed to his discretion the question whether he will apply parcel of this $140,000, devoted to printing for that Department, to this book, or whether he will wholly refuse to devote anything to this book; whether he will undertake to rate and apportion this $140,000 as he pleases, or whether he will have to pick and choose and say, "I will print no Agricultural Reports; I will devote all this money to the residue," or "I will print some Agricultural Reports and devote only some of this money to the residue;" and by and by when we come back to ascertain the accountability of the Public Printer where does he stand and where do we stand? We have, when our attention was called to it, adopted a resolution grossly irregular, grossly tempting to this man, and uncertain as to what he should do.

Mr. ANTHONY. Compelling him to be uncertain.

Mr. CONKLING. As the Senator says, in a sense compelling him to be uncertain, to make bricks without straw, to do that which, as the law stands, he has no right to do. In his discretion he passes upon it. He asks some individual Senator to advise him what he had better do, or he asks somebody else, or he evolves out of his own consciousness what perhaps he had better do, and when we come to hold him to his own responsibility we see that we have done an act destructive of all discipline, of all regularity of administration, disregarding all symmetry in legislation, opening the door for exactly that complaint which we may be called to consider.

I humbly submit that it is unjust to this officer, and that it is hardly worthy of the Senate to sit here with a resolution before it, when the chairman of the committee says "if you mean to print these books, appropriate the money; enable this man by law to justify himself in executing it, and do not pass a resolution directing it to be done when the Constitution says that no money shall be appropriated except by law," when every member of this body knows that this is not a law, but another mode of stimulating or directing this man to do a thing which he is to have no legal business to do after the Senate has made the direction. I voted against this resolution, as the Senator from California says he did, after hearing him, because when we cut down the appropriation of money for public printing one-third, to go and pile on an enormous item which would overtop it, if we had not cut it down, seemed to me to be utterly inconsistent with what we had done. Therefore I could not vote for it; but now, when more distinctly and sharply the figures are given to us, how can we justify ourselves in saying that this man, a subordinate officer, is to do a thing which, if he does do it, involves a wrong and which, if he refuses to do it, he is utterly to ignore the action of the Senate? Then it is said we can commit it to the House to do it when it is before us now, when here it is, and everybody says he does not object to its being considered, no technical objection standing in the way, just consider it and make it right; and we know all about it, for the facts are before us. I heard some Senator say "sufficient unto the day is the evil thereof." I adopt that; and this is the very day, this is the very hour when this evil is pointed out to us, and I say we ought to make it right or we ought not to pass the resolution at all.

Mr. PADDOCK. I inquire of the Senator from New York if he does not think it is a little unfair to assume that the House will not make this appropriation in view of the fact that when they did appropriate for the expenses of the Government Printing Office they did not do it in the light of the fact that these publications would be authorized?

Mr. CONKLING. I should not think I was disrespectful to the House if I were to assume that the House would do just what it is proposed the Senate shall do, when it is proposed that it shall be done in this body, where there is no previous question, where there is none of that trip and twitch by which legislation is jerked through so quickly that you cannot see it go. When we have the abundant opportunity and do this thing, I do not think it will be disrespectful to the House to assume that they might do it; and as my friend [Mr. HAMLIN] says, whether they would do it or would not do it, we should not do it in violation of law. If it is so obligatory that my friend from Nebraska can trust the House to do it it does seem to me that he ought to trust himself and his fellow-Senators to do it.

Mr. PADDOCK. I am willing to trust myself and the Senate and the House to do this thing in another way at another time and in perhaps a more proper form upon some appropriation bill. I will state to the Senator that I understand the Senator from Illinois [Mr. LOGAN] has already prepared or is preparing a bill in reference to appropriations; in fact, as I believe, sir, with the view of covering these publications specially.

Mr. CONKLING. That is, a separate appropriation bill?

Mr. PADDOCK. I think it should be separate from this resolution. I think the appropriation itself should be placed upon an appropriation bill and not connected with this resolution in any manner, shape, or form.

Mr. CONKLING. That is a very frank statement and I am disposed to leave this subject on that assertion. If I understand the statement, as I construe it, it is this: it is a little easier to get this through by way of a resolution, which was voted for by many Senators in innocence of the fact—that a fulcrum is needed to complete it, and then take the chances of curing it by another bill. That is the idea.

Mr. PADDOCK. I think that it is more proper and for every reason safer to treat this proposition as an independent one, and the question of the appropriation afterward by itself.

Mr. CONKLING. For my part I am so primitive in my notions and so old-fashioned that I think the best way to do it is the way the Constitution says it shall be done, that is in round numbers to this effect: that you shall not directly or indirectly appropriate money out of the Treasury without making an appropriation according to law and by law, which means by the action of the two Houses and the action of the President, they being the law-making power. If any Senator can find out that it is wise to put the fingers of one House between the belt and the wheel by one kind of legislation so as to draw it in and necessitate afterward the passage of a separate bill for fear that if we did not put in the finger and the arm, and have the whole body pulled in by this process, they might refuse to appropriate the money, and if he can make that argument show that it ought to be done I think the same argument will show that it ought not to be done.

Mr. PADDOCK. I should like to inquire of the Senator if he assumes that because the authority to print is given, therefore the Printer is required absolutely, whether he may have the money or not, to print these documents?

Mr. CONKLING. Does the Senator assume the contrary?

Mr. PADDOCK. I do assume the contrary, most certainly. The authority may be given, and if the money is not afterward supplied, he, of course, cannot and will not be required to print.

Mr. CONKLING. That is what I supposed the Senator would assume, and that is all I assume.

Mr. PADDOCK. If you do so authorize the Public Printer I think it is competent for him to stop if the appropriations are exhausted before he reaches this branch of the work, but, the publication being authorized, if a further appropriation is required it can be readily passed I am sure.

Mr. CONKLING. That is exactly what I supposed the Senator would assume and that is another way of presenting better than I did the objection to this whole proceeding. The Senator's argument is now that when we have passed this resolution it does not impose any obligation on the Printer; that it is a mere hurrah to do this thing; he is not to do it. Why? Because it would not give him any direction for the reason that this furnishes no money whatever to do it at all.

Mr. PADDOCK. There is no legal requirement that he shall do it unless he has the money.

Mr. CONKLING. To be ingenuous, as I have no doubt the Senator means to be, he ought to add the further opinion that, in addition to all that, it commits to the Printer, whoever he may be, the prerogative and the discretion to determine whether he will take this money and devote it, or deal it around to these different objects, so much to this, and more to that, and less to something else, or whether he will go on and devote his $140,000 to that to which it stands now devoted by law, and where undoubtedly it will go unless by this resolution or some other contrivance we say something which shall destroy that certainty and embark him on the sea of his own discretion as to what disposition he will make of it. I am surprised that Senators want to do this thing. I say nothing about the merits of it one

way or another, but I am surprised that Senators should want to print a document which will cost $140,000, or whatever the sum is, for any information, and yet will not say on the face of the resolution what they mean. If they want it printed, appropriate the money to do it, but if they think it worth while to have it done, the resolution should not be passed to do the printing and then take the chance of getting in some other way some appropriation to carry it on.

Mr. LOGAN. I think there is no difficulty whatever in solving this problem. I cannot understand the difference between passing a separate appropriation bill for the amount of money to pay for the printing and adding that to the resolution itself. If the House of Representatives should concur in a resolution which we have passed for the printing of 300,000 Agricultural Reports, and the two Houses should have failed to make an appropriation for that printing, there then rests upon them a duty, and that is to make the appropriation; that is all there is to it. A mere reconsideration of this vote does not help it a particle. You can upon a separate bill just as easily as you can upon this resolution make such an appropriation. There is no authority extended over one that is not necessary to be extended over the other. We have the facts; they are brought to us. The chairman of the Committee on Printing says it will cost so much; and inasmuch as I am rather inclined to be a practical man more than otherwise, while my friends were discussing this proposition I drafted a bill and will offer it now, and ask the Clerk to read it.

Mr. SARGENT. I have no objection to its being read for information.

The PRESIDENT *pro tempore*. It will be read for information as a part of the speech of the Senator from Illinois.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That $130,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be applied to the printing of 300,000 Agricultural Reports ordered by a concurrent resolution of the House of Representatives and of the Senate of the United States.

Mr. FRELINGHUYSEN. Here is another bill which has been drawn which I will have read for information also. The only thing about this matter that some Senators do not like is that they wish the appropriation to go with the resolution. I always like to accommodate my friends, and if they feel better pleased with having the appropropriation go with the order to print, I shall make no objection.

The PRESIDENT *pro tempore*. The Secretary will read the bill suggested by the Senator from New Jersey.

The Chief Clerk read as follows:

That the Public Printer be, and he is hereby, directed to cause to be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies of which shall be for the use of the Senate and 80,000 copies shall be for the use of the House of Representatives; and that he also cause to be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate, 131,250 copies of which shall be for the use of the House of Representatives, and 25,000 copies shall be for the use of the Commissioner of Agriculture; and that the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated for the execution of the work, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. FRELINGHUYSEN. If, by common consent, the bill I have proposed can pass, I think we had better pass it. Of course one objection would carry it over.

Mr. LOGAN. As I have the floor, I have but a word more to say. I do not see why there should be any opposition to the printing of this report. Senators who represent agricultural communities know the great value of this report to that portion of the constituency of this country. The leading agriculturists of this country prefer this report to anything else. They obtain therefrom great information.

Mr. ANTHONY. They prefer it because they do not have to pay for it.

Mr. LOGAN. They prefer it because they do not have to pay for it, the Senator says. No, sir; that is not the reason they prefer it. The reason why they prefer it is because it is a report made upon subjects in which they are interested and out of which they gain information which aids them in advancing that interest. That is the reason, and none other. I suppose the Senator might say for the same reason that the people would desire a report on any other subject because it cost them nothing. I suppose his constituents are more glad to have his speeches because they do not have to pay for them on the same principle, and yet my judgment is that they get as much information out of an Agricultural Report as they would out of one of his speeches; that is on the subject of agriculture, not on the subject of printing.

Mr. ANTHONY. I have no doubt of that; but I have never asked to have my speeches printed at public cost.

Mr. LOGAN. But they do not cost the man who gets them anything; that is what I am talking about, not what it costs the Senator or any of my honorable friends here. I had reference to the cost to the individuals who receive the report. I say it does not cost them anything, nor does any other document cost them anything. If the reasoning is good in one instance it certainly is good in the other. When I referred to the Senator's speeches, I did not mean that his speeches were not as good as, and great deal better on some subjects than, those of any other Senator, especially so far as I am concerned, but certainly not on the subject of agriculture. I presume a speech of his on agriculture would be a good deal like a speech of mine on metaphysics or something of that kind. It certainly would not be a very readable document. I know that the great agricultural interest of this country are much interested in this report and always have been, and we never have published agricultural reports sufficient to satisfy not the whole community but those who really take an interest in examining these reports. I know so far as I am concerned—I only speak for myself—I have more calls from men, and intelligent men, for this report than I have for any other report that is printed by Congress, I care not on what subject it may be.

For these reasons I am in favor of appropriating the money necessary to print this report and opposed to the reconsideration of the resolution, and I agree with the Senator from New York. He says that somehow or other there is a desire to get the finger between the belt and the wheel in order to retain this. I do not care how you fix it, I want it retained. I agree that he is correct. I do not want it reconsidered, for the reason, that the Senate might vote it down. That is my reason, and I am frank enough to state it. I do not want it reconsidered. It was the sense of the Senate at the time it was passed, and I hope it is the sense of the Senate now. But inasmuch as it has been passed by both Houses, at this late hour of the session I do not want to see it reconsidered by one House or the other.

Mr. FRELINGHUYSEN. Two concurrent resolutions were passed by the House. There was a resolution pending here to print 25,000 copies. The Senator from Illinois was not in when those two resolutions were added as amendments to the resolution which was pending in the Senate. Now it has got to go to the House to be concurred in, and it seems to me that as it will satisfy everybody better, the best thing we can do is to take up by unanimous consent the bill which I introduced in which I make the appropriation and direct the printing. We can take it up by unanimous consent, and of course every Senator will vote as he pleases. I have no doubt that it will pass.

Mr. LOGAN. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote on the passage of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. FRELINGHUYSEN. Now I ask for the consideration of the bill which I offered.

The bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875 was read, as follows:

Be it enacted, &c., That the Public Printer be, and is hereby, directed to cause to be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies of which shall be for the use of the Senate and 80,000 copies shall be for the use of the House of Representatives; and that he also cause to be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate and 131,250 copies shall be for the use of the House of Representatives, and 25,000 copies for the use of the Commissioner of Agriculture; and the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated for the execution of the work, to be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. SARGENT. Mr. President——

Mr. PADDOCK. I thought the understanding of the Senate was that the substitute in the shape of this bill was to be adopted without question.

Mr. SARGENT. That it should be brought up. I have not objected to its being brought up, but I made no arrangement upon the floor of the Senate or elsewhere by which my right to vote against the proposition can be given up. I am not making any delay; I simply want, in compliance with the request of the Senator from Rhode Island, to state one or two facts showing the necessity of the action which is now proposed by the Senate, not for the passage of the measure, but that it should be in this form rather than any other.

Congress, by the sundry civil bill, appropriated for the public printing and binding $1,133,737.50, which they divided among the Departments. A few of these I will notice as illustrating the manner in which we appropriate for public printing.

The estimates were considerably over a third higher than this, and the appropriation of last year was a third higher than the amount thus appropriated. Following the precedent heretofore a division was made of this gross amount among the Departments, and for this year we appropriate for the printing and binding of the State Department, $15,000; for the Treasury Department, $180,000; for the War Department, $72,000; for the Navy Department, $39,000; for the Interior Department, $135,000; for the Agricultural Department, $9,000; for the Department of Justice, $6,000; for the Post-Office Department, $105,000; for the Congressional Library, $15,000; for the Supreme Court of the United States, $20,000; for the supreme court of the District of Columbia, $3,000; for the Court of Claims, $10,000; and for the debates and proceedings of Congress, $100,000. I have added up these different amounts at my seat and I may not be exactly correct, but they amount to about $709,000, distributed among the different Departments. The balance which is left, which is $324,000, is for printing ordered by Congress or ordered by law outside of the separate Departments. The amount ordered by law, which is irrevocable from year to year, and we have not modified it at all, by such information as I can hastily get, is at least $110,000, as, for instance, the printing of the message of the President and accompanying documents, the printing of the opinions of the Attorneys-General of the United States, the Congressional Directory, and things of that kind which are fixed by permanent statute from year

to year and have not been changed this year. The amount is much more than $110,000, but I have been able to gather items enough to amount to $110,000 already. This reduces the amount of $324,000, apparently left available for the action of Congress, to $214,000. Then $130,000 will probably be the cost of the printing of these 300,000 volumes; I mean to say after they are stereotyped the cost yet to be paid upon these, perhaps including binding—though I think that would be a little more—would be $130,000, which would leave but $84,000 for all the other printing which Congress orders. Not a day passes here while we are in session that we do not order extra copies of some document. Some of these are very essential indeed; some of them give information to the country upon very important matters; some are political. The Senator from Delaware [Mr. SAULSBURY] objected to printing political documents; and yet they are necessary, and all parties concede the necessity where a political document favors its shade of opinion; but where those documents relate to great facts occurring in the country, are testimony taken under oath, which is necessary for public information, they ought to be printed; the facts should go out to the country; and there ought to be no party question upon the mere matter of printing them and letting men of all parties weigh them for what they are worth. But aside from this kind of printing there is much more that is necessary to facilitate our own business. All our bills are printed, all our reports are printed, and the cost of all this must come out of this appropriation, and we should have left but $84,000 for all the current work of Congress.

Mr. LOGAN. Running the next session.

Mr. SARGENT. Of course this is inadequate. The principal objection which I urged to the printing of this document was that it absorbed nearly the whole available fund for the printing ordered by Congress for the fiscal year, and it was not right to put the Public Printer in the dilemma of refusing to obey a joint resolution of Congress or of making a deficiency by expending money which had not been appropriated for that purpose.

I have another objection which simply influences my vote, but perhaps would hardly have induced me to take any time on this proposition at all; and that is I think we should curtail as much as possible the printing of ordinary public documents. It is a very expensive system, amounts to a great deal of money, as a million and a half appropriation for printing shows; but that simply influences my vote, and I do not desire to delay proceedings for that reason.

Mr. LOGAN. If we printed more agricultural reports and dug out fewer rivers, we should be better off.

Mr. SARGENT. Perhaps that is true. One other remark and I shall yield the floor. Senators have said something about printing the mining report. Perhaps I did not pay sufficient attention to the remark that was made on that point. I stated at the time hastily that I had procured that to be stricken out last year from the sundry civil bill. On taxing my recollection since, I opposed it last year on the sundry civil bill and it went out. But aside from that circumstance, instead of my having from the occupations of my people any hostility to the agricultural interest, I desire to say that my State is one of the greatest agricultural States of this Union. The amount of wheat which we export to foreign countries compares with perhaps any other State in the Union; I doubt if it is excelled by any other State. My State is peculiarly an agricultural State. When it was originally acquired from Mexico, the question was raised in the Senate of the United States whether it was worthy of acquisition, and Daniel Webster used the remark that it was a country of rocks with rattlesnakes enough to fence it. Since that time, however, we have changed the opinion of all intelligent men, as well as of our own people. We have developed there by our industry and skill varied agricultural industries of moment, and I have no doubt that the people of my State who are engaged in that business receive as thankfully as the people of any section the Agricultural Reports. I am willing to any reasonable extent to satisfy that demand.

Mr. HARVEY. I hope this bill will pass and pass at once. A large majority of the members of the House by their votes have shown that they approve this publication, and it is made in the interest of the greatest productive industry of the country. The Senator from California has stated that he has no doubt his constituents desire to be furnished with the information contained in these reports. I have no doubt that much the largest number of the constituents of every Senator here feel a great anxiety for the information contained in these reports. I hope the bill will pass.

Mr. ANTHONY. I wish to say one word. The Senator from California has shown that the money for the public printing now available under the existing appropriation for the current year is $234,000. If this publication had been ordered without any specific appropriation, it would have reduced the appropriation to about $84,000, deducting from it the $110,000 ordered to be printed by permanent statutes. In my opinion the $84,000 has already been ordered by this Congress. I do not believe that the reports of the investigating committees and the other printing which we have ordered can be done within the amount that has been appropriated. Perhaps the country might not suffer a great deal if some of the printing should fail; but if some printing that has been ordered fails, the fault is in Congress in ordering work to be done and then failing to make the necessary appropriation to perform it, and while the officer charged with performing it is under legal penalties if he obeys the orders of Congress. A part of the $110,000 ordered by permanent statutes is in my opinion and in the opinion of the Senate a very unnecessary expenditure of public money. Twice on the report of the Committee on Printing we have repealed, so far as the Senate could repeal, the statutes that required a considerable part of this printing; but that action has not met with the favor of the other House. I think we might save half of it without any loss to the public service.

The PRESIDENT *pro tempore*. Is there objection to the motion to reconsider lying over until action is taken on the bill presented by the Senator from New Jersey? There is no objection. The bill will be considered as read twice and it is now before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. ANTHONY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 13, as follows:

YEAS—Messrs. Allison, Bogy, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill, Oglesby, Paddock, Patterson, Saulsbury, Wadleigh, West, Windom, Withers, and Wright—34.

NAYS—Messrs. Anthony, Booth, Cooper, Dawes, Eaton, Kernan, McCreery, McDonald, Sargent, Sherman, Stevenson, Wallace, and Whyte—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Dorsey, Edmunds, Goldthwaite, Johnston, Jones of Florida, Jones of Nevada, Morton, Norwood, Randolph, Ransom, Robertson, Sharon, Spencer, and Thurman—24.

So the bill was passed.

Mr. ANTHONY. Now the resolution had better be disposed of.

The PRESIDENT *pro tempore*. The resolution will go on the table, if there be no objection.

Mr. ANTHONY. I think we had better reject that resolution so as to take it off the Calendar. I move that it be indefinitely postponed.

The motion was agreed to.

EDUCATIONAL APPROPRIATION.

Mr. PATTERSON submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations of the Senate be requested to insert an appropriation of $5,000 in the legislative, executive, and judicial appropriation bill for the purpose of carrying out the recommendations of the Commissioner of Education contained in his letter of August 7, 1876, herewith annexed.

COMMISSION AS TO STANDARD OF VALUE.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the resolution of the House of Representatives to appoint a commission to inquire into the change which has taken place in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard, and of continuing greenbacks concurrently with the metallic standards, reported a bill (S. No. 1037) to appoint a commission to inquire into the change in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard, and of continuing greenbacks concurrently with the metallic standards; which was read and passed to the second reading.

NEW YORK POST-OFFICE BUILDING.

Mr. HAMLIN. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the resolution of the Senator from Indiana [Mr. MORTON] for the printing of extra copies of the President's message and accompanying documents. The Senator from Connecticut is entitled to the floor.

Mr. EATON. Mr. President——

Mr. WINDOM. I ask the Senator from Connecticut whether he will not yield until I call up a bill from the Committee on Appropriations to pay a deficiency for the New York post-office and custom-house which I think ought to be passed? I think there will be no objection to it.

Mr. EATON. Certainly; I will yield for that purpose.

Mr. WINDOM. I ask the Senate to proceed to the consideration of the bill I have indicated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building.

To enable the Secretary of the Treasury to pay the indebtedness incurred in the construction of the building for court-house and post-office in New York City, in excess of the amount appropriated for that purpose for the fiscal year ending June 30, 1876, the sum of $227,566.78 is appropriated by the bill, in accordance with the recommendation of the Committee on Expenditures on the Public Buildings in their report to the House of Representatives of July 17, 1876.

Mr. STEVENSON. I should like to ask the Senator from Minnesota how it was that, in violation of law, this amount was expended by any agent of the Government on any building? I thought the Committee on Appropriations were in the habit of holding officers to the appropriations. I do not mean to oppose the bill, but I want to know how it happened, because it seems to me if the architects or employés of public buildings can, at their discretion, overrun the appropriations made by law and then come to Congress to supply the deficiency, it is a very bad way of managing our fiscal affairs.

Mr. WINDOM. Mr. President, the Committee on Appropriations do not attempt to justify the fact that this appropriation is required because of an excess of expenditure over appropriations. On the other hand they condemn that act, and I was instructed so to state to the Senate. However, I wish to say while condemning the act under any circumstances, for I think the law should not be violated at all and that no sufficiently good reason can be given for it, that there were some very strongly palliating circumstances in this case. I will read a short statement from the superintendent giving his reasons. In answer to a question from the committee of investigation he said:

I came into this office in January. That building was not even plastered then. The building had been promised to the Post-Office Department and the Law Department two years before, and I felt, if it was possible, it was my duty to get the building completed in time to get the courts in there in May, that that effort should be made; so I made a very strong effort to get the building completed, and we did an enormous amount of work. There was a tremendous pressure upon us by the Post-Office Department to get their offices out of where they were, and if we could not get the courts in there by the 15th of May, we would have been obliged to rent the building in which the courts were then held for another year. We endeavored to advance the prosecution of the Government buildings, and carried on the work with great vigor, and it was out of that pressure and the enormous amount of work that was done that these expenses were created in excess of the money in the Treasury. No injury came to the Government by it.

I think these circumstances certainly do palliate the offense very much.

Mr. STEVENSON. Whose letter is that and of what date?

Mr. WINDOM. It is an extract from the testimony of Mr. Potter, the Architect, taken before the committee who investigated this matter. I will say that the committee of the House have so thoroughly investigated it as to produce a document of this size, [exhibiting the report,] which sets out all the items that are to be paid out of this deficiency bill; and they say:

Your committee find that a full and valuable consideration has been received by the Government from the persons claiming compensation; that the articles furnished are of good quality, and, as far as your committee were able to learn, furnished at reasonable prices, and the articles of furniture placed in said building are all necessary for the use of the persons occupying said building engaged in the public service.

They also say:

Your committee are satisfied from all the evidence that all the persons holding claims against the Government embraced in the foregoing schedule are innocent parties, that they acted in good faith in the premi ses, and that in equity they are entitled to have their claims paid.

The Senator from Massachusetts [Mr. DAWES] inquires who they are. The list is given in this document.

Mr. DAWES. What I desire to know is whether the parties concerned were the original contractors or whether after the building was completed as a building this expenditure was among the merchants of the city in procuring furniture.

Mr. WINDOM. Here we have iron-work, $36,725, and the names of the parties given; for fire-proof shutters, $16,152.05; mail-elevators; iron-lathing; cut granite, &c.; iron-work, service of superintendent——

Mr. DAWES. How much cut granite was it necessary to get in there before the courts could use the building?

Mr. WINDOM. I suppose some of the debts for the building itself remained unpaid.

Mr. DAWES. I wanted to find out whether this money was to go to the original contractor, who must have known just what money was appropriated. If it was to go to merchants outside with whom the officers dealt for the purpose of procuring furniture and the like, that would put a different aspect upon it. They were entirely innocent men, probably.

Mr. WINDOM. Mainly this money is due to persons who furnished articles of furniture and for finishing up the building, as stated in this evidence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAN FRANCISCO MARINE HOSPITAL.

Mr. SARGENT. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, have instructed me to report it back without amendment, and I ask that it be considered now. It will take but a moment.

The being no objection, the Senate as in the Committee of the Whole proceeded to consider the bill. It relinquishes to the city and county of San Francisco all the right and title of the United States to the following-described property, being the two fifty-vara lots on which the old marine-hospital building now stands, fronting two hundred and seventy-five feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of one hundred and thirty-seven feet six inches, as laid down on the official map of said city, to be used by the city and county of San Francisco solely for the purpose of a sailors' home. If the same shall at any time be used for any other than the purpose stated, or if the home shall not be opened within one year from the passage of the act, all right and title hereby relinquished shall revert back to, and again vest in, the United States.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. MORRILL. Has any report at this session been made by the Department as to what could be obtained from the sale of this property?

Mr. SARGENT. I have the House report in my hand showing that the whole amount the Government was offered was about $700. This is a building which was built away back in 1853. It was badly shattered by an earthquake, and it would cost probably fifteen or twenty thousand dollars to repair it. The ladies who wish to use it as a sailors' home have sufficient money to put the building in repair and are disposed to do it. It is a very worthy object. The building is away off on one side of the city, and the Government has not used it for twenty years. The building could not be put to better use and would not bring any money if sold. There is a unanimous report of the Naval Committee, and the bill has passed the House of Representatives. I trust the Senator will not object, as it is a very benevolent object and the property is now really of no value to the Government.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

The message also announced that the House had passed a bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers; and it was thereupon signed by the President *pro tempore*.

DISTRICT GOVERNMENT.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. EATON] is entitled to the floor on the unfinished business.

Mr. SPENCER. Will the Senator from Connecticut yield to me a moment? I think there will not be any objection to the consideration of the joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and for other purposes.

Mr. WHYTE. I object.

Mr. PADDOCK. I think we had better have the regular order.

Mr. SPENCER. I think if this was understood there would be no objection. It is a House resolution. Certainly there is some government needed here, and some steps ought to be taken during the recess. During the session of Congress it is impossible to prepare any bill. This resolution, as amended, provides for a committee of three Senators, to be designated by the President of the Senate, and three members of the House, to be designated by the Speaker of the House, to sit during the recess and frame a permanent form of government for the District of Columbia, to be reported at the next session of Congress.

Mr. WHYTE. I object, because it must give rise to discussion.

Mr. SPENCER. I hardly think it will give rise to discussion.

Mr. PADDOCK. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. PADDOCK. I only object because I am satisfied this measure will give rise to infinite discussion.

HAMBURGH RIOTS.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 2d instant:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

Mr. EATON. Mr. President, when I had the floor yesterday afternoon, just before yielding I was speaking of the manner in which honorable Senators on this floor saw fit to speak of the distinguished gentleman who had been nominated as the candidate of the democratic party for the high office of President of the United States. There is one thing in that re[illegible]ices me, and I hope it may be so until the end of this discussion. That is that no democratic Senator has yet found the occasion of attacking the character of either of the nominees of the republican party. We recognize, or at least I do, the two gentlemen who have been placed in nomination by the republican party as highly respectable gentlemen in point of character and, so far as I know, in point of ability. I have not the honor of knowing personally the republican nominee for the Presidency, but I presume him to be a gentleman of fair ability.

And now I ought to say a word, for I care to say no more, regarding the position and character of the candidate of the democratic party for the office of President. He stands up high, no words of mine could elevate him in the opinion of his countrymen, but I have a word or two to say with regard to the candidate for the Vice-Presidency, because he has been the subject of abuse on this floor, unnecessary abuse. The distinguished Senator from Vermont, not now in his seat, [Mr. EDMUNDS,] in an argument of some length, has endeavored to convince the Senate, and through the Senate the country, not that there has been a terrible and horrible outrage at Hamburgh, but that Mr. Hendricks, the candidate of the democratic party for

Vice-President, is unworthy of the position because he is not honest, because in his political opinions he is not honest and will not carry out the laws under the Constitution of the United States. Sir, that is a severe charge to make against a man nominated as a candidate for high position, and the Senator has gone back and with an air of triumph, pointing to his books, said, "No man will deny it, for here is the record." The record of what? The record of the votes of an honest man in this Chamber with regard to a certain amendment, if it may be called such, proposed to the Constitution of the United States. Sir, has it come to this that Senators from Indiana and Delaware and Connecticut and New York are to go to Vermont to ascertain what is true constitutional doctrine in this country? Has the distinguished chairman of the Judiciary Committee fed on any meat that makes him our Cæsar? He says Mr. Hendricks voted against the thirteenth amendment to the Constitution. I hope he did if he believed it an improper amendment. If so, he ought to have voted against it. I have some good reading here. I wish the Senator from Indiana [Mr. MORTON] was in his seat; I desire the Secretary to read what purports to be an extract from a speech delivered by the Senator from Indiana in Indiana on the 29th day of September, 1865. I will thank the Secretary to read it.

The Chief Clerk read as follows:

Very well, say some; that is all very well if we can get the negroes to go there. But let me say that the colored States would be a balance of power in this country. I ask, is it desirable to have a colored State government? I say it is not; it is not for many reasons. One reason is that such States would perpetually constitute a balance of power. They would be held bound by that stringent tie that ever held men together: the tie of color and race, the tie of a down-trodden and despised race. As 300,000 slaveholders by a common tie were able to govern this nation for a long time, so 4,000,000 people bound together by a much stronger tie, despised by the whole world as they have been, would constantly vote and act together; and their united vote would constitute a balance of power that might control the government of this nation.

I submit, then, however clearly and strongly we may admit the natural right of the negro, I submit it to the intelligence of the people that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about and, I believe, would result in a war of races.

THE SOLUTION OF THE DIFFICULTY.

Now the question turns up, how can this be avoided? If I had the power I would arrange it in this way: I would give these men a period of probation and preparation; I would give them time to acquire a little property and get a little education; time to learn something about the simplest forms of business and prepare themselves for the exercise of political power. At the end of ten, fifteen, or twenty years, let them come into the enjoyment of their political rights. By that time these States will have been so completely filled up by emigration from the North and from Europe that the negroes will be in a permanent minority. Why? Because the negroes have no emigration, nothing but the natural increase, while we have emigration from all the world and natural increase besides. Thus, by postponing the thing only to such times as the negroes are qualified to enjoy political rights, the dangers I have been considering would have fully passed away, their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen than it now is in Massachusetts. In Massachusetts the negroes have exercised political rights for twenty-five years, and yet there has been no disturbance there, no conflict of races. Why? Because the negroes have been in the minority.

Mr. EATON. So it seems, Mr. President, that in 1865 the honorable Senator from Indiana himself, the Jupiter Tonans of this whole business, occupied a position such as I occupied at that time. Has he changed his opinion? These were the honest convictions of the Senator from Indiana in 1865. What has occurred in the history of the country in the last eleven years that should have caused a change in the opinions of the honorable Senator? He has changed. Does anybody blame him for the position he occupied ten or eleven years ago? Nobody. Does anybody blame Hendricks for the position which he occupied ten or eleven years ago? No honorable man, no honest man. Sir, Mr. Hendricks did not believe that the amendment which was proposed was a proper one, and so he voted against it. Mr. Hendricks did not believe that the African race had the capability of self-government; neither did the honorable Senator from Indiana. But, sir, what is the opinion of Mr. Hendricks to-day? He says in his letter, as Mr. Tilden says in his letter, "We accept the amendments of the Constitution;" and I should like to see that Senator rise in his place here—I will give him my time—and say when it was that Samuel J. Tilden or Thomas A. Hendricks, or any other—I do not now speak of my southern friends, because gentlemen say they have been in rebellion—Tilden, or Hendricks, or any other leading democrat north of the Potomac River but what was always true to the Constitution. I ask any Senator to rise in his place and dispute it. There never was that man; not one. We stand by the Constitution. We stood by it from 1789 down to 1861—the old Constitution. We stand by it now with its amendments. We did not like them all; I did not for one; nor did the honorable Senator from Indiana, in my judgment, looking at his speech; but they have become a part of the organic law of the land. The democratic party has always been true to the organic law of the land; and if every republican Senator can put his hand upon his heart and say that the republican party from 1856 to 1861 was true to the Constitution, let him say so.

But, sir, I do not apologize for any act of Tilden or Hendricks. They are clad in an armor of steel, and I might well say, "Gnaw vipers! you gnaw steel." What next? We are told by the distinguished Senator from Vermont, traveling from one end of the Union to the other, that the rebel State of Texas has done a certain thing; and that word "rebel" seems to him a sweet morsel, and he rolls it under his tongue as a sweet morsel. When will Senators forget words of that character? When will Senators remember that this is a Union of equal States, and that Georgia, and Virginia, and Tennessee, and Carolina are represented here by the peers of the Senators from Vermont, and Massachusetts, and Connecticut, and New York? We are here as equals; and the term and word "rebel" ought not to be howled on this floor by anybody. It is done, and it can be done for only one purpose, and that is to taunt the representatives of the Southern States, to goad them, if possible, into some action that may not be pleasant to their friends at the North. It has no other object. But the distinguished Senator from Vermont has arrived in Texas, and he says—I will try to give his own words—"Democracy in Texas is but another name for re-organized rebellion." Sir, is that proper language to come from the chairman of the Judiciary Committee of this body, that the democratic party in Texas "is but another name for re-organized rebellion?" And why? He says the first thing they did was to break an irrevocable bond. This is the first time I ever heard that an irrevocable compact could be broken. It is a contradiction in terms. It is not good sense. An irrevocable thing cannot be broken. In the first place the philosophy of the distinguished Senator from Vermont is at fault; his knowledge of human government is at fault; his knowledge of what men can and cannot do is at fault. Sir, human intelligence and human power can form nothing that is irrevocable. It is not in the power of the Senate of the United States, it is not in the power of the State of New York, it is not in the power of the United States of America to form an irrevocable compact with anybody or anything. The term "irrevocable" is only to apply to Him who governs the universe. Our fathers during the revolutionary war formed an irrevocable and perpetual union. How long did it last? Ten years. Then they formed an irrevocable perpetual Constitution of the United States, and it has been amended fifteen times. The whole frame-work of this Government of compacts has been changed, and what five and twenty years ago was the very life-blood of the Constitution has no existence within it to-day. Talk about an irrevocable act—a constitutional lawyer, an able one I agree, the chairman of the Judiciary Committee of this Senate to talk about an irrevocable compact between two political bodies! Irrevocable compact! Ah, sir, he has had the hardihood to say upon this floor that the people of Texas revolutionized their government. What does he mean by it? He means just what we do at the North whenever we please to change our constitution. He says it was done in a revolutionary manner, not done under and by the terms of the instrument itself. Sir, time will not allow me to go into a discussion of this character. We had the same sort of an irrevocable constitution in my own State; but the best minds of my State, the best minds of New York, the best minds of the whole North are of the opinion that the people through their Legislature have the right to call conventions to form new constitutions. Such is my opinion, and such is the opinion of every distinguished lawyer that I know in my State, no matter what his political views may be. There is but one opinion, and it seems that the people who are represented in part by my distinguished friend upon the floor of this Senate [Mr. MAXEY] had the hardihood, the people of the great State of Texas had the hardihood through their Legislature to call a convention to change their constitution without consulting the distinguished Senator from Vermont!

Mr. MAXEY. Will the Senator yield?

Mr. EATON. Certainly.

Mr. MAXEY. I will say that the resolution submitted to the people of Texas by the Legislature for the purpose of calling a convention was voted upon by the people and a convention was ordered by the people by a vote of more than 50,000 majority.

Mr. EATON. Sir, when the people whom I have the honor in part to represent upon this floor desire to change their constitution they will consult with their own leading men; and Hubbard and Ingersoll, Hawley and Harrison, and a thousand other distinguished men will determine with regard to the change in their form of government without consulting the Senator from Vermont or any other Senator or any other body on the face of the earth. And when the great State of New York, an empire of itself, with its five millions of people, desires to change its organic law, her Tilden, her Seymour, her CONKLING, her KERNAN, her Morgan will determine that matter, not the distinguished Senator from the State of Vermont.

Sir, Texas saw fit to exercise her right as a sovereign State of this Union. I say "sovereign State," for sovereign she is, for sovereign in many respects every State in this Union is. That is one of them, too. I thank God for it. There is where the sovereignty comes in; and that is sovereignty, if I understand the use of language and the use of words. When a State within the limits of this Union can form its own organic law in spite of the power of every other State in the Union, it is exercising the very highest branch of sovereignty. Sir, Texas saw fit to change her constitution, and as my distinguished friend says she did it by calling a convention of the people through her Legislature. Delegates were elected to that convention——

Mr. MAXEY. It was submitted to the people and ratified by the people.

Mr. EATON. That resolution was submitted to the people, which was entirely unnecessary in my judgment, but no matter, it makes it democratic; that resolution was submitted to the people, and by them obtained over 50,000 majority, and the Senator from Vermont says it was revolutionary. The people's delegates met in convention, formed

a constitution and submitted it to the people, and by the people it was ratified by more than 50,000 majority, as I am informed, and that constitution is now the organic law of that State, not to be changed by the action of this or any other portion of the Union. Why talk about it? Why was it brought up here by the distinguished Senator from Vermont? Simply because the Senator says Texas made a compact by which if she was let back into the Union, suffered to come back into the Union, she was to give one-fourth of all her general revenues for school purposes. Why, sir, was Texas ever out of the Union? Five hundred thousand men laid down their lives and $4,000,000,000 of the earnings of the people were expended for the very purpose of keeping that and other States in the Union. I had supposed that Texas never went out. I know she tried to get out; but we would not let her; we kept her in. Now, says my distinguished friend, she made a compact and agreed to do certain things if we would take her back, let her become again a part of this great confederation of States; and, by the way, that was not his language; that is mine. Sir, what business had the Congress of the United States to make terms of that character with any State? It is for the people of New York, of Kentucky, of Georgia, of Vermont, and of Texas to determine what part of their revenues shall be applied for school or any other purposes. The Congress of the United States have nothing to do with a matter of that character, and whenever they undertake to do anything of that sort they travel out of their line of duty and law and right.

Mr. MAXEY. Will the Senator from Connecticut allow me to state the exact facts in regard to that matter?

Mr. EATON. Certainly.

Mr. MAXEY. On Saturday the Senator from Vermont [Mr. EDMUNDS] arraigned the people of Texas in this language. He quoted from the constitution of 1869, adopted by the republican party, this clause:

> The public lands heretofore given to counties shall be under the control of the Legislature and may be sold under such regulations as the Legislature may prescribe, and in such case the proceeds of the sale shall be added to the school fund.

He then added:

> What does the revolutionary democratic constitution provide? It provides—

What the constitution does provide is that the county school fund belongs to the county of right, and that the constitution of 1869 had no authority whatever to interfere with the vested rights of the counties in their school funds. The convention which framed the revolutionary constitution, as he calls it, was called, as stated by the Senator from Connecticut, on a resolution submitted to the people, and by them adopted by an overwhelming majority of 50,000. The constitution was made and ratified in like manner. On that point, I wonder if the decision of the supreme court of the State of Texas when every member of that bench was a republican would be authority. If the Senator will give me the time, I will read a clause from a decision directly on this point, and show how the republican supreme court of the State of Texas thought in regard to this very question in contradistinction to how it has been represented here on this floor, and which I attempted on Saturday to have corrected but was not allowed to do so.

In the case of Galveston County *vs.* Tankersley, reported in the thirty-ninth volume of the Texas Supreme Court Reports, a decision in 1873 in which the direct question came up between the county of Galveston and Tankersley and others who had located land certificates upon the land belonging to that county, the county of Galveston being a corporation capable of suing and being sued under the laws of Texas instituted a suit in the nature of what is there known as an action of trespass to try title, to recover the land, and did so. Here is what the supreme court of the State of Texas, every member of which was at the time a republican, in the year 1873, say about the republican constitution of 1869 and about this identical clause which the Senator from Vermont quoted on Saturday:

> This suit was brought by Galveston County in 1867—

Mark you, 1867, not 1873, two years before the constitution of 1875 was adopted and while the constitution of 1869, the republican constitution, was in full force—

> This suit was brought by Galveston County in 1867, and, on the adoption of our present constitution—

The constitution of 1869—

> the defendants interposed a plea in abatement, alleging that since the institution of this suit, and since the filing of their answer, the title to the land sued for and claimed by plaintiff had passed out of Galveston County and become vested in the State of Texas by the new constitution.

That is the position of the Senator from Vermont. The court say:

> We do not consider that it was the purpose and intent of the framers of the constitution to cancel all the solemn contracts made with the several counties in regard to the school land.
>
> But we do not hesitate to say that if such was the purpose and intention of the convention, still they had no power or authority to do so. These grants were solemn acts of a contract made with the several counties, and this contract with Galveston County was duly executed years before the adoption of the constitution. The State had parted with the title to a body-corporate, capable of receiving and holding title to land, and she has not the power or authority, under the Constitution of the United States, to recall her grants or violate her executed contracts at pleasure. (Fletcher *vs.* Peck, 6 Cranch, 87; Trustees of Dartmouth College *vs.* Woodward, 4 Wheaton, 570.) In the latter case the court say: "A contract is a compact between two or more persons. * * * A grant, in its own nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it." In the same case the court say: "It may also be admitted that corporations for mere public government, such as towns, cities, and counties, may in many respects be subject to legislative control. But it will hardly be contended that, in respect to such corporations, the legislative power is so transcendental that it may, at its will, take away the private property of the corporation, or change the use of its private funds."

So much for the authority.

Mr. EDMUNDS. I wish to ask the Senator if he considers that decision of the supreme court of Texas to be good law?

Mr. MAXEY. Well, Mr. President, I am taking up the time of the Senator from Connecticut and I shall be short. I stated that it was the decision of the supreme court of Texas when every member of that court was a republican, and the decision of the supreme court of the State, delivered by Mr. Justice Ogden, a republican, upon a republican constitution adopted in 1869, in which he declares that the effort of that constitution to do precisely what the Senator from Vermont commended on Saturday, was revolutionary, was unconstitutional, null and void, and in violation of the Constitution of the United States. I say that the exposition of the law by the highest judicial tribunal known to the law is to me the law of the land so far as Texas is concerned, and that was the exposition given.

Mr. EDMUNDS. O, but my friend has missed the point.

Mr. MAXEY. No, sir; I am taking up the time of the Senator from Connecticut.

Mr. EDMUNDS. I certainly hope the Senator will indulge me.

Mr. MAXEY. I wish to add one word.

Mr. EDMUNDS. Mr. President——

Mr. EATON. The Senator from Vermont is asking the Senator from Texas a question whether he regards that as good law. I cannot permit my time to be taken up by a discussion between my distinguished friend from Vermont and my distinguished friend from Texas with regard to the ability and the character of the late supreme court of Texas.

Mr. EDMUNDS. What can the Senator permit, then?

Mr. EATON. It is republican law, and it ought to satisfy the honorable Senator from Vermont.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The Senator from Connecticut declines to yield longer.

Mr. EDMUNDS. O, no. The Senator from Connecticut is too courteous a gentleman for that, notwithstanding the Chair.

Mr. MAXEY. Now, Mr. President——

Mr. EDMUNDS. Will my friend from Texas allow me to correct him before he goes on?

Mr. MAXEY. I have not control of the floor, though I am perfectly willing to yield.

Mr. EATON. Go on, sir.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Vermont?

Mr. EATON. I ought to say here that my friend from Vermont shall have all the time that he will say is parliamentary and proper. The Senator from Texas desired to read a clause from a decision of the supreme court of his own State with regard to the very constitution that was in question here the other day. He has read it.

Mr. MAXEY. That supreme court was a republican court, every member of it.

Mr. EATON. That report goes for what it is worth. If it is good law, then it should satisfy the honorable Senator from Vermont; if it is not good law, he will have ample time and opportunity to attack it; and really if he desires to attack that law and wants a little of my time, he shall have it now. I do not want, however, a long debate between my friends while I am on the floor.

Mr. EDMUNDS. Now I want to ask my friend from Texas——

Mr. MAXEY. I will go one step further——

The PRESIDING OFFICER. The Chair understands that the Senator from Connecticut yielded the floor to the Senator from Texas. Does the Senator from Texas yield to the Senator from Vermont?

Mr. EDMUNDS. Before the Senator from Texas goes on I wish to ask him the courtesy of allowing me to call his attention to the precise point that was in discussion the other day. If he is not willing, I have nothing to say.

Mr. MAXEY. I am perfectly willing to discuss any question of constitutional law with the Senator from Vermont, though I am not so wise or so distinguished as he may be, whenever the occasion will give us both time to do ourselves justice.

Mr. EDMUNDS. The Senator is not willing now to have me correct the misapprehension into which he has fallen.

Mr. MAXEY. I would yield if I had the floor.

Mr. EDMUNDS. The Senator from Connecticut says you do have the floor.

Mr. MAXEY. I will hear the Senator.

Mr. EDMUNDS. I want to ask my honorable friend from Texas if what I said the other day was not that this new constitution of the State of Texas as it is called—I do not know whether in point of law it is new or not; that depends on its validity—did not substantially change the old constitution in respect of the appropriation of public money for the use of schools? Now the Senator comes to me with a decision of the supreme court of Texas which holds that the old constitution in certain respects about county lands, as I understand, lands granted to counties, was inoperative.

Mr. MAXEY. That you yourself quoted.

Mr. EDMUNDS. Suppose it was inoperative and unconstitutional, what has that to do with the question? Does that make the new constitution any more constitutional than the old one was?

Mr. MAXEY. It seems to me that if there were vested rights in the various counties of Texas to their lands, if the State of Texas or the republic of Texas—for part of it was during the days of the republic—parted with its title to lands by patent, the State or republic became divested of all right, title, or interest it had therein, and it became vested in the counties to which it had been granted, then any attempt on the part of this constitution to divest vested rights was in itself unconstitutional, null, and void. This land had been parted with to the various counties of the State, patented to those counties: the expense of the location, survey, and issue of patents was all paid for by the various counties; the right became vested in those counties by the issuance of those patents; and the constitution of 1869 attempted to divest vested rights; and the supreme court appointed by a republican governor and confirmed by a republican senate declared that clause of the constitution unconstitutional, null, and void. So far, then, as that question is concerned I leave it as settled by the highest judicial tribunal known to the State of Texas which had the right to pronounce on that constitution.

Now, Mr. President, one other point.

Mr. EDMUNDS. The Senator has missed the point again entirely that I was putting to him.

Mr. MAXEY. No, sir; one other point. It was charged that the democratic party had thrown its whole weight against the dissemination of education by public schools, and the action of the fourteenth Legislature was quoted, which expired before the last democratic convention was held in this present year in January; and the second clause of the democratic platform adopted by that convention is:

> The democratic party now and in the past, adhering to its policy of maintaining an efficient system of general education, declares it to be the duty of the Legislature of the State to speedily establish and make provision for the support and maintenance of public free-schools; and to this end to exercise the whole power with which it is invested.

Mr. EDMUNDS. Did the Legislature do it?

Mr. MAXEY. Since that time another Legislature, not the fourteenth to which the Senator referred but the fifteenth Legislature, is to-day in session. My own business here has occupied my whole time so that I have not had the means of keeping up with the senate and house journals; the general laws have not been published; and therefore I cannot say what has been done; but I do say that here was a solemn command given by the democratic party in a State convention, and the largest ever held in the State, to do all in their power to advance education and all that the constitution gives them the right to do.

Mr. EDMUNDS. I ask——

Mr. MAXEY. I will state now that I have occupied this much of the time of the Senator from Connecticut by his consent because the subject of my own State was up.

Mr. EDMUNDS. Will my friend from Connecticut allow me to ask the Senator from Texas one question?

Mr. EATON. I had rather my friend should state some one point, because this will be interminable if it goes on in this way. My friend and I may wish to get into a discussion.

Mr. EDMUNDS. I wish only to ask one question.

Mr. EATON. One; but I fear it will lead to another.

Mr. EDMUNDS. Then my friend declines to allow me to ask one question of the Senator from Texas on this very point.

Mr. EATON. No, I will not.

Mr. EDMUNDS. Then I will ask my friend from Texas, taking these two constitutions, the one of 1869 that was adopted and ratified by the Congress of the United States under this solemn and express stipulation that as to public schools it should stay as it was in substance, and the new one when the democratic party came into power in that State, the new one of 1874, whether in respect of the appropriation of the general revenues of the State that by the old constitution were to be employed to the extent of one quarter for public schools and the new one that they need not be employed at all unless the Legislature chooses to do it—my question is whether that is going forward or going back?

Mr. EATON. Mr. President, one moment. I beg in all kindness to say that the question is not a fair one.

Mr. EDMUNDS. Then decline to let it be answered and go ahead.

Mr. EATON. I will decline to let it be answered and I will go ahead.

Mr. EDMUNDS. That is right.

Mr. EATON. I decline because the gentleman put the same question the other day, precisely the same question to the Senator from Texas that he puts now again. If he has any question he desires to put to me——

Mr. EDMUNDS. May I ask the Senator from Connecticut, then?

Mr. EATON. Certainly.

Mr. EDMUNDS. Is the Senator from Connecticut the keeper of my friend from Texas, or ought my friend from Texas not be allowed to determine whether my question to him is a fair one or not?

Mr. EATON. Sir; I am no man's keeper.

Mr. EDMUNDS. Then you ought to let the Senator from Texas answer.

Mr. EATON. Nor are you the Senator to determine what I ought to do or not.

Mr. MAXEY. I should like the Senator to permit me——

Mr. EATON. It is not proper that the Senator from Vermont should tell me what is courteous or proper on this floor.

Mr. MAXEY. I will say that I do not regard the remark of the Senator from Vermont as at all courteous. It is not such a remark as I would make to him. No man is my keeper. I had the floor by courtesy, and having had the floor by courtesy——

Mr. EATON. I propose now to go on.

Mr. EDMUNDS. Will not the Senator from Connecticut allow me to say one word when I am accused of discourtesy? I wish to say to my good friend from Texas that I was not speaking to him or of him. The Senator from Connecticut had declined to allow the Senator from Texas to answer a plain, straight question that I put to him on the very point under discussion. Then I asked the Senator from Connecticut whether he was the keeper of the Senator from Texas and whether the Senator from Texas had not the right to determine whether the question was a fair one or not. He said that he would take care of that himself, substantially. So I hope my friend from Texas will not consider that I implied anything as to him, but I did impiy to my friend from Connecticut that he assumed to be the keeper of the Senator from Texas.

Mr. EATON. The time was mine; and when the Senator from Vermont asked from me as a courtesy to put a question to the Senator from Texas, and then reiterated the same question which he put himself in his own time the other day, I did not regard it as proper and do not now. The RECORD has that question and the RECORD has its answer.

Mr. EDMUNDS. And it has it now.

Mr. EATON. It may have it now. My position on this whole business is that the distinguished Senator from Vermont is no more the keeper of the State of Texas than he is of his brother-Senators on this floor; and when Texas determines to change her constitution it does not become him to stand up on the floor of this Senate and talk about the democratic majority being rebellion re-organized.

Mr. EDMUNDS. Not even if the compact says so?

Mr. EATON. Compact! Irrevocable compact! I do not wish to go through with that term "irrevocable." If the Senator had been in his seat he would have learned my opinion with regard to the term "irrevocable" when applied to human government, human compacts and agreements between States.

Mr. President, a great deal has been said during this discussion, both by the honorable Senator from Vermont and by the honorable Senator from Indiana, not now in his seat, that the design of the democratic party was to carry the presidential election in certain States in this Union by defending outrages. Sir, by what authority do either of these Senators make a charge of that character against the democratic party of the United States? The distinguished Senator from Indiana says it is so because he says that there is 30,000 majority in this State, 25,000 majority in that State, 40,000 majority in the other State, and by a system of terrorism, by a system of outrages, the democratic party intend to carry those States. O, Mr. President, how a little fact, how a little truth wipes away all trash and nonsense of this character. I hold in my hand a republican paper, not a democratic paper, but a republican paper published in this goodly city of Washington, called the National Republican. This paper was issued this morning, and—will you believe it, Mr. President—it says that the democratic party have carried Alabama by 30,000 majority. Will you believe another thing it says—let the honorable Senator from Indiana weep—not an outrage, not a trouble, not the slightest difficulty in the world, a fair election, a good election, an honest election—30,000 majority, all the members of Congress but one, and a large majority in both branches of the Legislature!

Mr. SPENCER. If the Senator will allow me to interrupt him?

Mr. EATON. When I make a statement myself and authorize it to be made from my own knowledge, I have no objection to being questioned about it. I said that a republican paper published in the city of Washington stated such facts; it does.

Mr. SPENCER. I was only going to state to the Senate that those are Associated Press dispatches; the paper does not hold itself responsible for them. It is true that yesterday the election went very largely democratic in the State of Alabama, and it is equally true that in many counties in Alabama the colored people are so intimidated that they did not dare to vote.

Mr. EATON. Well, I do not know that.

Mr. SPENCER. I do.

Mr. EATON. You believe it?

Mr. SPENCER. I believe it.

Mr. EATON. You do not know it, for you were not there.

Mr. SPENCER. I was not there yesterday, but was there on a previous occasion.

Mr. EATON. Then you do not know it. If a gentleman says he knows a thing, that is one thing; belief is one thing and knowledge another. The Associated Press is not under the control of the democratic party "by a long deal," as my good friend from Vermont is fond of saying.

Mr. PATTERSON. Will the Senator from Connecticut yield to me a moment?

Mr. EATON. Certainly.

Mr. PATTERSON. I understand the Senator from Connecticut to say that the Associated Press is not under the control of the democratic party in the South. That may be true; but every agent of the Associated Press in the South is a democrat. That is true.

Mr. EATON. I suppose they could not get anybody else there who could read and write. [Laughter.] It is necessary that they should be

democrats. I understand that the associated telegraphic dispatch company—if that be the term; I do not know what the term is; it is a matter of no consequence—is under the charge of a gentleman by the name of Orton, whom I have met and who I believe to be a very strong republican, I am sorry to say.

Mr. SPENCER. If the Senator will permit me to interrupt him again, I will state that the Associated Press is under the control, I believe, of Mr. Simonton, and that the Western Union Telegraph Company, of which Mr. Orton is the president, really has nothing to do with it. I ask the Senator from California [Mr. SARGENT] if I am not correct?

Mr. SARGENT. I did not hear the remark.

Mr. SPENCER. I say that the Associated Press is under the control of Mr. Simonton.

Mr. SARGENT. Yes, sir.

Mr. EATON. Very likely my friend is right. Is not that gentleman a good, fair, square republican too?

Mr. SPENCER. I should like to have the Senator from California state the fact.

Mr. SARGENT. My impression is that Mr. Simonton is a republican. I think he has that credit.

Mr. EATON. Very well. I do not say it is to his discredit, by any manner of means; and when you can point to one to whom it is a credit I shall be very willing to admit it, I assure you.

Mr. SARGENT. I am very glad the Senator will admit so much in favor of any republican.

Mr. EATON. I do. I have very many warm friends who are republicans. Some five hundred republicans voted for me the last time I was a candidate in my town. As I was saying, the Senator from Alabama believes, or he would not say so, that there was intimidation in his State yesterday at the election or previous to the election.

Mr. SPENCER. I will state, if the Senator will allow me, what I do believe. I believe that in a large number of counties in the State of Alabama the colored people were so intimidated that they did not dare to go to the polls and vote yesterday.

Mr. EATON. I give the Senator full credit for his belief, and now let me say to him that I do not believe any such thing. From what I hear from colored men from his own State and from colored men from other States, I do not believe any such thing. The time has about gone by when those men were to be cooped up, lashed, tied together, and forced to vote. Let me tell you what one of them told me in the State of Virginia on the eve of an election four years ago. I speak now whereof I know. I knew one of the candidates; he was a personal friend of mine; and I said to a black man who was brought in connection with me in performing some service about my person, "Are you going to vote for Colonel B.?" Said he, "No, I dare not; they would kill me if I did." There are two sides to this story. Gentlemen who have more knowledge than I have may correct me hereafter, but I know this much, that the black man has been controlled by his own fellows at the instigation of white men who band together and assume it to be a crime to vote the democratic ticket. That time is passing by. The election in Alabama yesterday shows it. The elections in all these States, I trust, will show it hereafter. Who finds any fault with the manner in which the elections are carried on in the Old Dominion close by us, across the river here? No one. Every man enjoys his right under the Constitution, no matter what his color, no matter what his previous condition, may be. So it is in Georgia; so it is everywhere where the democracy rules. We intend it to be so all over this country.

I dislike getting into this discussion. It is not to my taste to make a speech of this character, a speech that belongs more to the stump, if I may be allowed to use the expression, than it does to the Senate; but I could not sit here and hear the peer of any man living on God's footstool accused of dishonesty, accused of being opposed to the best interests of this common land of ours. I submit to no such imputation, and I rebuke it wherever I find it, whether in the Senate or in the church. I for one will not submit to have language of this character applied to my party, to its leaders and its purest men.

The honorable Senator from Vermont closed a somewhat lengthy speech with poetry. I find no fault with his poetry. It would not do him and some other Senators that I know any harm if they would read of peace every night before they go to bed and every morning before they read their prayers. It is well that there should be a feeling of brotherhood and love going out from our breasts toward all the people of this broad Union. We are one people and are destined to be one people, so far as human knowledge can see, forever; members of a common Union, always having the same thing at heart, the good of the country, the welfare of its citizens, and the purity of its Government. Every Senator, I hope and trust, entertains the same opinions that I know govern me. I hope this Union will exist forever. I might as well close upon this point also with a few lines. I would that this Union might exist forever:

> A giant oak uplifts its lofty form,
> Greens in the sun and strengthens in the storm;
> Long in its shade shall children's children come,
> And earth's poor traveler find a welcome home;
> Long shall it stand, and every blast defy,
> Till time's last whirlwind rends the sky.

Sir, I have nothing more to say upon this part of the subject. The fashion has been set me of talking about various things upon one bill, and as I said I would and this is as good a time to redeem my word as any other, I should like to say a word or two with regard to the figures which have been put before the people of this country by the honorable Senators from West Virginia, [Mr. DAVIS,] from Ohio, [Mr. SHERMAN,] and from Massachusetts, [Mr. BOUTWELL.] Neither of them do I see in his seat. I do not well see how I can go on without the Senator from Massachusetts. I should be glad, if he is in the Senate, if he would take his seat, for I have certain questions to put to him before I get through with the discussion of this matter. My friend, the Senator from West Virginia, has put before the Senate and before the country a condition of affairs in the Treasury Department that has been, in my judgment, entirely unanswerable. No results have been obtained by the resolution which he had the honor to introduce. The Senate sent the resolution to a committee overloaded with work, the Committee on Finance. The Committee on Finance, as I know from what members of that committee have said on the floor of the Senate, gave no attention to that matter. They simply addressed a communication to the Treasury Department. The answer to that communication was a set of figures which have been made a part of the speech of the Senator from Ohio and have gone out to the world as a part of his speech.

Mr. BOUTWELL entered the Chamber.

Mr. EATON. I say that, in my judgment, it was the duty of the Senate to have sent that resolution to a special committee. It is admitted here, if I am not mistaken, and if I am I will thank my friend from Massachusetts to correct me, that there has been a change in the statements amounting to over $200,000,000.

Mr. BOUTWELL. No, Mr. President, if the Senator will allow me——

Mr. EATON. Certainly; this is a matter of figures.

Mr. BOUTWELL. What I had to say in reply to the Senator from West Virginia related to his method of computation. As I understand, that difference of $200,000,000 is reached by this process: He takes ten years, between 1860 and 1870 and finds in each of those years a statement of the public debt by warrants, as it was made up previous to 1870, and the statement by receipts and expenditures which differs each year to a certain amount, some years more and some years less, and he adds together those differences for eight or ten years and realizes as the result the sum of something like $200,000,000. I do not understand the Senator from Connecticut to claim that there is any such difference in the sum for any one year.

Mr. EATON. I ascertained that matter before the Senator from West Virginia did. The greatest difference that I ascertained was about $90,000,000; a little less than $90,000,000, if I recollect aright.

Mr. BOUTWELL. I will say that that, I think, was in McCulloch's time, and I think the year that the statement was published he appended a note showing that there was this difference for that particular year, or something like that difference, between the statement of the public debt made up under warrants and as put in made up under receipts and expenditures; but I do think the honorable Senator from West Virginia and the honorable Senator from Connecticut will agree that those differences (they were not errors) through many years should not be aggregated and the statement made that the differences amounted to so much. I think that would be as incorrect as it would be for a man who has kept an account of his indebtedness and who should find at the end of each year that he was in debt a thousand dollars, when he had reached ten years would to aggregate his indebtedness and say it amounted to $10,000.

Mr. EATON. The honorable Senator has the advantage of his statement. What I say is this, and I desire it to go to the country, that the accountant does not live who can take the reports of the Treasury Department and the reports of the Register of the Treasury and make them agree. It cannot be done.

Mr. BOUTWELL. In answer to that——

Mr. EATON. I do not know that I care to be answered just now on that point.

Mr. BOUTWELL. I thought the proposition on which the Senator introduced me into the Senate was that if he was in error I should correct him. That is the invitation upon which I came.

Mr. EATON. I did not mean to introduce the honorable Senator from Massachusetts. I said that I did not care to go on in his absence.

Mr. BOUTWELL. In regard to the Senator's remark that there was not on the face of the earth an accountant who could reconcile the statements of the Treasury Department, I would simply answer that there have been four different sets of accountants who have done that particular thing. In 1869 and 1870 a set of accountants in the office of the Secretary of the Treasury did that thing, and the record remains to this day. In the year——

Mr. EATON. Wait one moment. I do not choose to be interrupted and unintentionally misrepresented. I did not say that no accountant in the United States could go into the Treasury Department and take its books and make them agree. What I say is this, and the gentleman may have time to answer, that no accountant or number of accountants in the United States can take the reports of the Treasury Department and the reports of the Register of the Treasury and balance the accounts. It cannot be done.

Mr. BOUTWELL. I agree exactly with what the honorable Senator from Connecticut says; but he will allow me to correct the error of his statement, which was, I believe, if the reporter were to copy

the words of the honorable Senator from Connecticut and read them to the Senate, that there was no accountant on the face of the earth who could reconcile the accounts of the Treasury Department——

Mr. EATON. The reporter may read what I did say, but I did not say any such thing. What I meant to say was this, and I will repeat what I intended to say, so that if I did not say it I will correct it now: that there was no accountant on the face of the earth who could take the reports of the Treasury Department and the reports of the Register of the Treasury and balance the accounts. That is what I meant to say.

Mr. BOUTWELL. If the Senator confines himself to the published reports, of course those reports do not furnish the materials by which any expert can ascertain whether the balance was correct or not; but that is true of the reports of every organization and of every institution in the country. It is true of the Senator's own bank account. If there were to be a public statement to-day of the balance of his account, either in black or red, upon the books of the bank, that statement would not furnish the means of ascertaining whether the balance was correct or not; but you must go to the institution itself, or to the records of the institution. What I say is that by the books of the Treasury Department the statements made to the public from 1870 forward have been reconciled and with the exception of a few errors found to agree with the statements made previous to 1870 by four sets of accountants; first, by accountants in the office of the Secretary of the Treasury in the year 1869–'70; secondly, by accountants in the Office of the Register of the Treasury in 1871; and thirdly and fourthly by separate sets of accountants working in the office of the Secretary of the Treasury and in the Office of the Register of the Treasury during the present session of Congress and since the resolution was introduced by the honorable Senator from West Virginia. These four examinations have corresponded not only to a dollar but to a cent; and if there can be any hard test of the truth of results, it can be no better ascertained than by four such independent investigations as have been made on this subject.

Mr. EATON. That may be so. That is something I have no knowledge of except the information which is tendered me by the Senator from Massachusetts; but I long ago learned one thing in the course of a not very short life, that if I had any doubt with regard to the accuracy of a public servant, I should not take the reports of that public servant in order to solve the question of accuracy. Take a great commercial house in New York which sells its fifty or seventy-five million dollars a year, for there are one or two such houses there. If a rumor is started that there is some difficulty in the accounts of the cashier, they would not set that cashier to examine his own accounts. They would look to men outside. Therefore it was proper that a resolution should be introduced; that resolution ought to have gone to a special committee, and that committee ought to have had the power to employ experts. There should have been a thorough examination of this whole business, for I beg to say that there is a feeling abroad that this matter is wrong.

The Senator from Massachusetts said in his place on the floor of the Senate the other day that there had not been a change in any of the figures of the books of the Department. There can be no figures when we speak of a Department. I do not mean loose paper, I mean Department accounts which are kept in books. That is what I understood the Senator from Massachusetts to say, and I understood the Senator from Ohio to echo the remark of the Senator from Massachusetts. Has the Senator from Massachusetts given the matter a personal examination? I beg to say here in putting this question to the Senator that under no circumstances—and he knows me well enough to know that not for one moment do I question the entire integrity of the Senator from Massachusetts when an active officer of the Treasury Department. He knows me well enough, too, to know that if I believed he was guilty of wrong there I shou'd state the fact to him and to the country also. Do I understand the Senator to mean the Senate to infer that he knows, not that he believes, not that he has been told, but does he know of his own knowledge that there have been no forced balances upon some of the books of the Treasury Department? Is he prepared to say to the Senate, with a full understanding of the import of the question, that he knows of his own knowledge that there have been no forced balances on any of the books of the Treasury Department proper or of the Register of the Treasury?

Mr. BOUTWELL. Of course I have not gone over all the books of the Treasury Department; but I no more believe that there have ever been alterations in the books of the Treasury than I believe that the records of the Senate have been altered. I never heard any such thing suggested inside of the Department, never heard it in my life until it was possibly inferred from the remarks made by the Senator from West Virginia. I have been told over and over again by the officers, and Mr. Bristow, the recent Secretary of the Treasury, who was in no way concerned in these transactions, in his letters to the Senate says that the books of the Department have never been changed. The simple truth was this, and nothing that can be suggested or stated or proved as having any foundation in fact will change the statement I make, which is that the books of the Treasury Department remain as they were previous to any time, so far as I have any knowledge or belief. I never heard the thing suggested by any one except the suggestions that have been made here on the floor of the Senate. The only thing that was done was that in 1869 and 1870, finding that there had been errors in previous statements, an investigation was undertaken and certain errors were found. The statements that had been made to the country previously remain, and after the discovery of those errors the statements that were subsequently made were made to correspond with what we believed to be the truth. After ascertaining the truth, it would, it seems to me, have been a greater offense to the country to have continued to restate the errors than by the statement of the truth to suggest that errors had been made in previous times. There was nothing for the Secretary to do except to do that. I wish to say again that nothing cast any imputation upon the integrity of those who had kept the accounts; that the country never lost a cent by the errors; and that the statements affected no financial fact, nor did they in any way affect the fortunes of the country.

Mr. EATON. I supposed I should get the answer which I have had from the honorable Senator from Massachusetts. From an examination which I under his lead conducted in that Department, I well knew it was not in his power or in the power of any living man to give a personal examination to those accounts. Secretary Bristow says the accounts are all right. What he means by it is that he believes they are all right, not that he has examined all the accounts in the Treasurer's Department and in the Office of the Register of the Treasury. Of course he has done no such thing. He believes in the integrity of the officials, and so does my friend from Massachusetts.

Mr. BOUTWELL. I wish to say to the Senator, and I think his experience in the Treasury Department will justify the remark I make, as I am sure that my experience justifies me in making the remark, that there could be no change in the books of the Treasury Department affecting a balance which could be made without the knowledge of at least twenty-five different persons who have charge of various books, the results of which have to be marshaled into various ledgers which are tested by comparison with books kept by other independent persons. It would be one of the most difficult things to change the books of the Department so as to affect a balance without the knowledge of the change being known to twenty-five or thirty persons; which is, in itself, pretty good security that the thing could not be done.

Mr. EATON. There is some force in the remark just made by the Senator from Massachusetts, and yet I learned enough while there to believe that two men could combine, three certainly to take a hundred million dollars from the Treasury.

Mr. BOUTWELL. O, no. If three persons, each of whom has an independent key to a separate lock in which the reserve is kept, which is the large body of the money, were to combine they might force it out of the Treasury; but when you come to change the books so as to force a balance you have not only got to deal with three persons, but with eight or ten times three, who must be in collusion, in conspiracy; and when the thing was done, there would be nothing in the world to reward them for it, because they have not the control of a cent of money and never can get it except by going into the office of the Treasurer and robbing precisely as some other persons might do. Therefore they would have no motive to change the books; they would get nothing for it.

Mr. EATON. I have no desire to go into the question with regard to what might be done or what might not be done as to the false issue of securities or the taking away of securities or anything else. It is not worth my while, nor do I care to alarm the feelings of the community upon a subject of that character; but I commend to my friend from Massachusetts the testimony given the other day by General Spinner before a House committee. I have not seen it, but I have heard statements of that testimony which place some of the actions of the Treasury officials in not a proper or a pleasant light. I do not know it to be true, but I have heard it said by competent accountants—and I should have gone into the inquiry myself if this resolution had gone to a special committee—that the interest account of the Treasury Department was from $1,500,000 to $2,500,000 wrong. That I have heard from a man who has long been an official in that Department, a man of great shrewdness and great worth.

Mr. BOUTWELL. Do I understand the Senator to say that the account is wrong from $1,500,000 to $2,500,000?

Mr. EATON. I do say just that.

Mr. BOUTWELL. I should like to have the Senator give some ground for the statement.

Mr. EATON. I do not know that I care for it now. It will be known if it is so; the country will demand to know it. The country will know certainly the whole history of the Treasury operations with regard to the interest, with regard to the syndicate, so called, and with regard to all the transactions of the Department. If there had been a proper committee instituted, it would have been known before now. In my judgment there will be found errors, to use a mild term, in the interest account of the United States. I am informed by men in whose character I have great confidence and place full reliance, in whose knowledge I have great confidence also, that there will be found gross errors in the interest account of the United States.

But that is not the subject to which I mainly intended to direct the attention of the Senator from Massachusetts. The Senator from Massachusetts presented certain tables here the other day with regard to the relative expenditures in 1860 and 1875. Two years were brought in juxtaposition to each other, and now I beg, if my friend will not consider it impertinent——

Mr. BOUTWELL. Before the Senator leaves the subject of the interest account, inasmuch as he has made a statement and it is upon the record, I should like to make a statement as to the mode of doing business in reference to the payment and the issue of bonds, which I think will satisfy most persons—I hope it will satisfy the honorable Senator from Connecticut—that such a condition of things is very impossible. I think it will be hardly necessary to say here that the Secretary of the Treasury never has a dollar of public money in his hands, and could not get a dollar by any other process than the Senator from Connecticut, or any other man could. He has no control over the money. Nothing comes into his hands, nothing passes through his hands, and he is only responsible for the mode of conducting the Department. The bonds which are issued to bear interest are issued under circumstances, I submit, affording the best possible security. If the mode of doing business in the Treasury Department in that particular can be placed against the mode of doing business in the Bank of England or in the Bank of France, it will be seen that the securities taken here are much greater than the securities taken elsewhere. In the first place, the paper made is of a peculiar sort. It is made under the direction of the Government and under the control of Government officers. Every sheet of paper is counted. It is cut at the mill of a particular size, destined for the issue of particular securities. The books of the Treasury Department show the number of sheets of paper manufactured of every size, the use for which it is to be put, and its destination. When it arrives at the Treasury Department, it is counted and put into the hands of the paper division, and it is turned over by installments as it is wanted for the Bureau of Engraving and Printing. It is subject to three separate impressions in three different places: one in New York, one under one superintendence in the Treasury, and a third under a third superintendence in the Treasury. The plates used by each of these divisions are engraved under separate authority and kept in the hands of separate custodians; and no security of the Government can be perfected except by the use of these three separate plates in the control of three separate and independent sets of men. When a bond is perfected in that way, it goes to the Office of the Register of the Treasury, and is there recorded, and the public debt of the country is charged with the nominal value of the bond. It is then sent to the Treasurer of the United States, and is there issued, and he is made accountable for the sum of money which he receives upon its issue by the books of the Register of the Treasury, and therefore he must account for every issue. In the Office of the Register of the Treasury is a ledger opened, in which the bonds are entered with reference to the payment of the interest. If you open one of these ledgers, you will see the number of the bond, the date of its issue, the act under which it was issued, and a square corresponding to each coupon on that bond. Whenever a coupon is returned by the Treasurer, it goes to the Register, and before the Treasurer is allowed in his account for the payment made on account of that coupon, the coupon itself is entered upon this ledger in the place assigned to it.

Therefore there never can be a second payment of interest upon any bond, nor can there be a payment of interest upon any bond not issued by the United States; because the coupon, its number, its date, and its reference must conform to the bond on which it was issued. Therefore the probability is so slight that there can be any interest paid by the Government of the United States which is not justly due that I think it cannot be taken into the account by any reasonable man.

Mr. EATON. There is one thing my friend can say, that he has had plenty of time to make his statement, although he has hardly touched the point.

Mr. DAVIS. Before my friend from Connecticut leaves the debt statement, there is one point which I have never been able to understand, and I have never asked the direct question of the ex-Secretary. I would be glad now, as the Senator from Massachusetts has made an explanation, to read the figures from two reports, that of 1869, which was during the Senator's administration, and that of 1871, which was also during his administration. I find that in 1871 the Secretary of the Treasury, Mr. BOUTWELL, in his statement as made up in his office and as since that time it has continued in the reports, stated that the public debt June 30, 1869, was $2,588,452,213.94. The Register reports for that same year the public indebtedness to have been $2,489,002,480.58, a difference of $99,000,000 between the statement as reported by the Register and as reported by the Secretary two years afterward.

Mr. BOUTWELL. That arises from two circumstances. In the first place, the Register's statement as made up did not include the interest accumulated; that is, the interest earned.

Mr. DAVIS. My friend will understand that the interest had been paid two years previous, and it is charged and reported to Congress.

Mr. BOUTWELL. It is true, the interest had been paid; but at the time the Register made up his statement for the year he did not include the interest which was earned upon the public debt, but which had not been paid. There is always a considerable amount.

Mr. DAVIS. Let me say to my friend that that could not have been, because the interest runs along regularly. The next year we find a difference in the public debt as reported of abont $75,000,000; that is, an increase of that amount when the Secretary's new table is made up for the next year instead of $99,000,000 which it would have continued as about the amount of interest. It is $75,000,000 the next year, and the next year after that there is hardly any difference. Therefore it could not have been the interest account. The ex-Secretary will at once see that.

Mr. BOUTWELL. What year is that?

Mr. DAVIS. I gave two years. The first was 1869.

Mr. BOUTWELL. Was the debt due that year?

Mr. DAVIS. The debt was due the 30th of June, 1869. By the table made up in the Secretary's office and reported to the country it was about $99,000,000 more than it was in the Register's report for the same year. That is, the table made up in 1871 by the Secretary for 1869 increased it $99,000,000. Let me say, as the Senator knows, that since 1869 the amount has been increased $99,000,000. It may throw some suggestion upon the answer if the Senator will look at the year 1862, when Mr. Chase reported the amount of the debt in round numbers at $514,000,000. It remained that sum in the reports from that time up to 1871, when this statement was remodeled, and then it was put down at $524,000,000. Fessenden, Chase, and McCulloch all reported $514,000,000, and it is now reported in the debt statement at $524,000,000, which is $10,000,000 above that sum.

Mr. BOUTWELL. Of course there could have been no particular motive for increasing the public debt or any statement concerning it. If I had any object about it, it would be to reduce the public debt; but I will explain that difference, although I have not before me the figures.

Mr. DAVIS. I will hand the books to the Senator.

Mr. BOUTWELL. I do not care about the books, because I understand the facts. It is due to one or both of two circumstances. One circumstance inevitably is to be considered in connection with those facts. The interest account, as I state, was included after the report of 1869; that is, beginning with 1870, I included the interest earned and not paid as a part of the public debt, which had not been included in the time previous. When I revised the statements for the previous years upon the basis of receipts and expenditures, that item was also included.

Mr. RANDOLPH. Am I to understand that it was the habit of the Register to include the interest account and the habit of the Secretary of the Treasury not to include the interest account?

Mr. BOUTWELL. It was the habit of the Secretary of the Treasury after I took charge of the Department to take into view the interest account; but the Register never did; he merely took the principal as it appeared in his books.

Mr. RANDOLPH. The habit of the Secretaries of the Treasury preceding your administration was not to consider it?

Mr. BOUTWELL. The whole of it is that previous to my time there was no check on the Register. He kept a set of books, and there were no means elsewhere in the Treasury Department for ascertaining whether his accounts were correct or not. Now, although I believe that I have had to defend myself more in reference to it than all things else, I thought it was in the public interest that there should be a check upon the Register, and I did therefore open in the office of the Secretary of the Treasury a new set of books, entirely independent of anything that had existed before, and opened those books upon the principle of ascertaining and keeping an account of the public indebtedness upon the basis of receipts and expenditures; and that led to this inquiry which resulted in showing that there had been some inaccuracies.

The account of the Register was kept upon warrants; and the effect of that will be seen from the statement which I will make. For example, if a bond were prepared for issue, it would go to the office of the Register, and it would be entered; and as soon as it was entered it was an item in the account of the debt of the United States. The debt of the United States was swollen just to the extent of the nominal value of that bond; but as a matter of fact the bond had not been issued from the Treasury Department, nothing had been received in exchange for it, and it was not until the bond went into the hands of the Treasurer and was sold and he received the money that it really became a debt of the United States.

The change which was made in the books kept in the office of the Secretary as distinguished from those kept in the Register's Office was that we entered that as a public debt when the bond was actually issued, not when it was registered in the Office of the Register. Then, on the other hand, in the redemption of bonds the Treasurer would pay for bonds due and redeemed or for bonds purchased, and he would claim an allowance on account of the redemption or the purchase of such bonds; but those bonds or his account of the purchase together with the bonds would go through the Office of the First Auditor and the First Comptroller and to the Register before the Register would charge off those bonds as paid. The consequence was that his account would be too large on both sides when there was business; when the Government was issuing new bonds, when it was redeeming old ones his account would be too large as representing the issue greater than it had been, and the books of his office would show that the redemptions were less than they actually had been at the Treasurer's Office. The books which were opened in the office of the Secretary of the Treasury were based upon receipts and expenditures. That is, we charged a bond when we got the money for it, we credited the loan account when we had paid for a bond and it was redeemed. The consequence was that these two accounts necessarily differed just to the extent of the amount of the bonds and notes of the United States that had been in the Register's Office and not issued or that had been

redeemed by the Treasurer and not entered upon the books of the Register of the Treasury. Therefore there would always be a difference; but at any day you could follow these bonds and these notes and ascertain the value of all those *in transitu*, and by deducting from one amount or adding to the other if everything was right the two accounts would agree. And that explains the difference or a large part of the difference to which the Senator from West Virginia has now called my attention.

Mr. DAVIS. I have listened with some degree of satisfaction to the Senator from Massachusetts, but the bond question according to my judgment cannot enter into an account that has been closed, fixed, determined, reported to Congress in some cases for thirty years and in some cases ten years and in some cases nine years. I can see that in the current accounts running along on the 30th of June there might be differences, as the Senator has explained; but bear in mind that there are six weeks allowed by law, and practice four months allowed to close up those accounts before they report to Congress. From June to November is always allowed for the purpose of correcting such errors as the Senator speaks of. The accounts are kept open, as the Senator knows better than I do, for four or five months.

Mr. BOUTWELL. But the accounts are kept open, not in reference to the loans and indebtedness of the country, but kept open so as to get the receipts of money actually paid on or before the 30th of June. The accounts of receipts are kept open for the purpose of showing in the following December the amount actually received during the last fiscal year; but it does not show the loan account. The loan account closes right down on the 30th of June.

Mr. DAVIS. The Senator will know that in 1870 or 1871 when these tables were remodeled and restated, according to what Secretary Bristow says, there were no bonds being issued, there were no bonds coming into the Treasury at that time?

Mr. BOUTWELL. We were always changing them.

Mr. DAVIS. You must issue new bonds in exchange for old bonds; but I cannot see—and I have given it all the thought possible—how it is that when you go back, as was done in 1870 and 1871, when the debt statement was remodeled, from 1836 down to 1870; and the restatement made a difference in some years of a million and in other years of nearly $100,000,000, and in the aggregate the total was decreased $247,000,000 from the previous statements. I can see very well on the bond question if one year it was too much and in others too little the result in the end would come out about balance; but how it is that the public indebtedness has increased in the aggregate over $200,000,000, I have not been able to see. Look at the other statements; take the expenditures, or take the revenue after it had gone into the Treasury, how was it got out and how it was reported afterward at different amounts. I know there will be a difference in the accounts between the Register and the Treasurer, but there should be no difference, if the books are kept properly, between the Register and the Secretary's office. How this great difference has come in different times I am unable to account for, and I have given it all the consideration I have been able to give it.

Mr. BOUTWELL. It would be difficult for me to explain it any further. If you take one year, the honorable Senator from West Virginia does not observe that when we went back and analyzed the statements of previous years, those statements having been made up and reported on the basis of warrants, the account was restated upon the basis of receipts and expenditures; and, therefore, there would be just the same difference if that account were restated ten years after the transaction had taken place as there would have been if the account had been stated at the time on that basis. That did not make any difference; it produced the same result.

Mr. DAVIS. The books had been regularly balanced every year and reports made to Congress, and there had been no difference in them.

Mr. BOUTWELL. Because they were stated on a different theory; that is on the theory of receipts and expenditures, and the original entries were made on the theory of warrants. Therefore, in each year there would be a difference depending upon the amount of business going on at the time. Now what is the point on which I should make complaint in regard to the theory of the Senator from West Virginia? He finds, as in 1865 perhaps, a difference of $10,000,000; that is, in 1865 he finds that the statement of the accounts on the basis of warrants and the statement of the accounts on receipts and expenditures differs $10,000,000, which could be explained, as the Senator from West Virginia can very well see, by the business *in transitu* between the Register's Office and the Office of Treasurer. Suppose in 1866 there are $10,000,000 difference also, the result of the same facts. I do not think that it is reasonable to add those two $10,000,000 together and say "there is a difference of $20,000,000." In that way, as I understand, the $20,000,000 of difference are arrived at.

Mr. DAVIS. If the Senator from Connecticut desires to go on, I will not interfere with him; but this is a point on which I desire information. I only want a moment longer, as I see the Senator from Massachusetts is willing to explain as far as he can these discrepancies, for there are great discrepancies in the reports to Congress. As to the books, I am not able to state. I understand, and the Senator knows better than I do whether it is a fact or not, that when this re-examination took place, though the Register is the official bookkeeper of the Government and his Office the final resting-place of all warrants on which money has been paid, there was no re-examination in that Office whatever of warrants or books, but a statement was made up in the Secretary's Office, sent from the Secretary's Office to the Register, and he directed to make his annual statement to Congress correspond with the sheet sent from the Secretary's Office, without regard to the facts or figures or warrants in his own Office. I understand that to be so. I do not state it for a fact; but it comes so straight to me that, unless the Senator says it is not so, I state it as a fact; I believe it to be a fact.

Mr. BOUTWELL. I have no doubt this is true, after the investigation was made in the Office of the Secretary of the Treasury, that with reference to future statements of the balances in previous years, the Register, either of his own motion or by some direction or understanding, made up his statement to correspond with the statement made in the Office of the Secretary of the Treasury. I have no doubt of that; but I read the other day in the presence of the Senate a letter from the Register of the Treasury directed to the Secretary of the Treasury, dated I think in 1871, in which he said that he had been over these accounts independently of the examination made in the Office of the Secretary of the Treasury and found that his results corresponded exactly with those attained in the Office of the Secretary, and he gave the tables showing the processes by which the result was reached.

Mr. DAVIS. I listened with some attention to the letter read and afterward read it, and I think the Senator from Massachusetts is probably mistaken as to what the Register says. I understand from that letter that there was no examination whatever in his Office. He is the official book-keeper of the Government and his Office is the final resting-place of all warrants and the only office from which a restatement of the accounts could be made. I understand that in that Office there was no re-examination; it was made in the Secretary's Office. I understand that if there had been such a re-examination, going back to 1836, forty years of time, it would have taken perhaps five years to have done it.

Mr. BOUTWELL. O, no.

Mr. DAVIS. Every warrant in that Office would have had to be re-examined so as to restate the account and I understand there were millions upon millions of them.

Mr. BOUTWELL. The exact fact, as I understand it, was that for the year 1870 the statements of the Register were based upon the examination made in the office of the Secretary of the Treasury. I have no doubt about that. His report for 1870 was based on the examinations made in the office of the Secretary; but that he then proceeded independently to an examination from 1836, when there was no public debt of any magnitude, and reached a result for himself, and that result corresponded exactly with the result previously reached in the office of the Secretary.

Mr. DAVIS. I understand exactly different. I think the Senator is mistaken, and I might say that I had a conversation with the Register, though not for two or three months past, and I asked the question, as I thought I had a right to do, whether or not the warrants in his Office since he had been there had ever been re-examined so as to make out the fact whether or not the statements as remodeled in the Secretary's office were true, and I understood that there had been no re-examination of warrants in that Office, and his statements were supposed to correspond with the reports to Congress at the time they were made. That is my understanding. I understand—the Senator can correct me if it is not so—that in that Office there has never been a re-examination of the accounts up to the present day.

Mr. BOUTWELL. I understand differently, that there has been a thorough examination and re-examination. There have been two examinations in the Register's Office.

Mr. DAVIS. Then it is unfortunate that the Committee on Finance, who had four or five months to examine and make the report as to whether or not the figures I had presented were correct, did not learn that fact. I understand that committee, though they attempt to explain them away, do not impeach a single figure. Every figure that I presented was taken from the official statements to Congress and is correct. I understand that that committee, as a committee, or perhaps as individuals, never asked a question in the Department as to whether or not there was a restatement made or how it was made or how it came to be made. The Senator himself was a member of that committee, and he knows whether or not the committee as a committee visited the Department and made any examination. I understand they did not.

Mr. BOUTWELL. I did not act with the committee at all. I never met with the committee or conversed with any member on the subject.

Mr. EATON. Mr. President, the Senator from Massachusetts did not say, as I was very certain he could not say, that there had been no forced balances, so called, in the Treasury Department. My friend from Georgia [Mr. GORDON] has placed in my hand testimony before the Committee on Expenditures in the Treasury Department, which is the testimony of General Spinner. I have not had the time nor has he to read it through, but I find this:

By Mr. WILSON:

Question. Was any part of that fund used to balance the public-debt statements, to your knowledge?

Answer. I cannot tell. The public-debt statement was a curious thing. I do not know how the law has been latterly, but when I first came into the Treasury the Treasurer was directed by law to publish weekly statements in one or two papers in the city of Washington. I found that they prepared a statement upstairs and

published it, to which my name was attached, and I objected to that. They did not want me to publish my statement.

Q. Who did not want you to publish your statement?

A. The Secretary of the Treasury or his assistant. That was Mr. Harrington, I think under Mr. Chase, and was early in the war. They would publish a statement that did not accord with my statement, and I would not permit my name to be signed to it, and so they used to publish a statement as the statement of the Treasurer of the United States, and they attached my name to it, but it did not emanate from my office.

Q. Did it differ materially from your statement?

A. I do not recollect. I remember that they forced balances in some way or other so that it did not accord with my statement. They pretended that they had done things up-stairs that I did not know any thing about, and I did not like it at the time. I afterward got the law changed in some way so that it became the duty of the Secretary to make the statements.

Q. And then you were not responsible in any way?

A. Then I was not responsible and knew nothing about the debt statements and rarely regarded them. I differed with all the Secretaries in that. They have a rule that nothing must be divulged that takes place in the Treasury. My idea was that a public officer should have no secrets; that the public had a right to know everything, and when I was asked questions, unless I was prevented from doing it, I always answered them.

That is not very full testimony; it is not explicit testimony; but it goes to substantiate what I have been informed and what I stated to the Senate. My information was that there had been forced balances in some of the departments of the Treasury, and here is a man who swears to it.

Mr. RANDOLPH. What officer?

Mr. EATON. The late Treasurer of the United States, General Spinner. He swears it was so. I have just had this put in my hands. I heard something about it yesterday.

Now, I say again that the resolution introduced by the Senator from West Virginia ought to have been the subject of inquiry by a special committee which should have had the power to summon experts and expend as much money as was necessary in order that they might make a thorough examination of the condition of the Treasury. I fear there is something wrong there. My friend from Massachusetts smiles. I will not quote from Shakspeare on that point. [Laughter.] I say I fear. I hope not; I pray not. If a committee had been instituted and that committee had ascertained that everything was entirely right and correct, I should have rejoiced. It is not for me to undertake to injure the good name of my country, not for me to undertake to injure the good name of the Government; but the testimony of this late officer of the Treasury Department seems to me to show, in the absence of absolute knowledge on the part of the Senator from Massachusetts, that there must have been a change in the figures, for there cannot be, my friend knows it as well as I do, a forced balance unless there be a change in the figures upon some of the books of some portion of the Department. That is the very meaning of the term "forced balance"—false balance, knowingly wrong. That is what this man testifies to. His testimony is before the Senate. I read precisely what it was and it may go for what it is worth before the country. I do not think the testimony of a public officer who for many years—I do not know how many——

Mr. BOUTWELL rose.

Mr. EATON. My friend has the right to reply; but I hardly think the explanation ought to be made in my speech. There is the testimony of the late Treasurer of the United States. If it can be explained, very well.

Mr. BOUTWELL. I do not propose to explain it away, because I do not know anything about it. I have only this to say, that his testimony as read relates to transactions that took place when Mr. Harrington was Assistant Secretary of the Treasury, in the administration of Governor Chase, and therefore I have really no means of knowing about it more than other persons unless it had come to me by tradition in the Treasury Department. I do not consider myself any more responsible for it——

Mr. EATON. O, you are not on trial.

Mr. BOUTWELL. Than for the administration of Albert Gallatin. I have only to say that I never heard of such a case. After I became the Secretary of the Treasury, by law and by usage, the statements of the public debt were issued by the Secretary of the Treasury, and I never had any interference with General Spinner in regard to that, except in so far as from his office the facts were furnished on which the statements were made.

Mr. EDMUNDS. What was the fund to which he referred, the naval pension money?

Mr. BOUTWELL. I do not know. I have not read it.

Mr. EATON. My friend from Massachusetts almost seems to take the ground that I have got him on trial.

Mr. BOUTWELL. Not at all; but there is this to be said: I have been made responsible, and from that responsibility I do not shrink, for having issued the statements of 1870 and 1871, and I mean to say that the utmost investigation in my judgment will show that those statements are correct and that the statements made in previous times were erroneous, but upon that point we cannot settle it here——

Mr. EATON. There may have been a great deal of stealing before you came in.

Mr. BOUTWELL. This was introduced in connection with the other matter, and I thought it proper to say that so far as the testimony showed they were transactions that occurred six or eight years before I had anything to do with the Treasury.

Mr. EATON. During the war.

Mr. EDMUNDS. I wish to call the attention of my friend from Connecticut, who does not intend to put this thing in a false light I am sure, to the fact that if he looks a little further back in this testimony of General Spinner, he will see, so far as I can now judge from a hasty perusal, that he was being inquired of about the naval pension fund, as there appears on the preceding page this question by Mr. Wilson:

Q. Was any part of this fund ever transferred to the naval pension fund?

A. I do not know. The naval pension fund was a very large fund, upon which the Treasury paid a low rate of interest—4 per cent., I think, though I do not recollect certainly. That fund was in the Treasury a long while, and I do not know but it is there yet.

Then the inquiries go on to know whether any part of this fund was transferred to Jay Cooke & Co., and he says he does not know, and then comes what my friend read. Now, it may turn out, and I suspect it probably will, that this supposed forcing of balances was a mere question whether the naval pension fund, which has sometimes been regarded as a separate trust, and at other times as belonging to the United States, was carried into the statements of the public debt.

Mr. EATON. I do not suppose this touches it at all. It was a balance, it was the public-debt statement about which he was speaking.

Mr. EDMUNDS. As affected by the naval-pension fund.

Mr. EATON. No matter what affected it; it was the public-debt statement he was speaking about, and that they forced balances in that public-debt statement. I do not think my friend from Vermont has bettered this thing any I certainly do not want anything added. I had not read it; I did not know to what it referred. It was put into my hands while I was conversing with my friend from Massachusetts, but I want it distinctly understood that I will make an examination into this testimony and ascertain hereafter. I only read it because it showed what I had been informed by another officer in the Department heretofore was true, that there had been forced balances in that Department. Now, Mr. President, I leave that.

Mr. DAVIS. Allow me to say that I believe the pension fund has never come up to $20,000,000. It has been about $14,000,000. The amount involved in a single year here is nearly $100,000,000 in some cases, so that it could not be the pension fund that caused the difference.

Mr. EDMUNDS. I am merely taking the testimony of the witnesses referred to.

Mr. EATON. Mr. President, I find certain tables published in the RECORD of the 24th of July, introduced by the honorable Senator from Massachusetts, and if he will permit me—if the question is an improper one he may decline to answer it, and he will pardon me for putting it—I should like to know if the Senator is responsible for the correctness of this statement?

Mr. BOUTWELL. No, sir; I am not. I am only responsible for this: that Mr. Conant, the present Assistant Secretary of the Treasury, under whose direction the tables were made, is an honest man; that he has honestly done his duty; that they have been honestly reported to him by his subordinates, and that he has reported honestly to the Senate. I presented the statement, taking that much responsibility.

Mr. EATON. Those tables are not true, and I did not suppose that the honorable Senator from Massachusetts was or would be responsible for statements that right on their face are manifestly false and incorrect; and if the Assistant Secretary of the Treasury, Mr. Conant, puts his name to statements of this character to go broadcast throughout this land he ought to be removed from his office, for he is not a fit man to occupy it. The statements are not true. I am not now talking about an opinion which Mr. Conant may have; I am not now talking about his judgment with regard to a matter; that is another thing; but he puts before the country what he as an accountant knows is not true; and I shall be soon done with this gentleman, for I would not dishonor this body nor disgrace myself by going through with this whole table before the Senate when I can cover it up with fraud in one minute.

Just see how this man makes out his statements. He is trying to show—this is pretty poor business he has got into—that it cost but a trifle more to support the Government of the United States in 1875 than it did in 1860, and he has produced a statement here—the honorable Senator from Massachusetts has put it before the Senate and it has gone to the people—and in order to reduce the expenditures in the year 1875 what has he done—not my friend, but Mr. Conant? He finds, after making deductions amounting to I believe $189,000,000 owing to the war, that the expenses of all the different Departments of the Government of the United States not increased by war expenditures were in 1875 $84,773,762.49. Now, what does he do to reduce it still further? He deducts $12\frac{67}{1000}$ per cent., the average premium on gold during the year, the expenditures here given being in currency, while those of 1860 were in gold—$10,745,074.40. He takes that from the $84,773,762.49, and that leaves as the expenses of the Government, taking out the war expenses, $74,028,688.09.

When I stamp a thing with fraud upon its very face in one respect, I do not take up the time of the Senate with the miserable conclusions of a miserable accountant. Just think of it one moment. In order to reduce the expenditures in the opinion of the people of the United States so as to bring them down to very nearly what they were fifteen years ago, he has taken out for the difference between gold and currency $10,745,074.40, being $12\frac{67}{1000}$ per cent. upon the gross amount of $84,000,000 and over. Now look at it, mark it, see the

fraud of this Assistant Secretary of the Treasury of the United States. I know what he meant perfectly well. It would be a matter of argument if it were true. It was as there was a difference of over 12¼ per cent. between the purchasing power of coin and paper, therefore it was proper to deduct that. My friend from Massachusetts bows his head as though that were correct. Now let us look at it for one moment. I will settle this question in one moment so that there will be no more attempts by anybody to sustain a set of tables of this character. What was the civil list? Fourteen million eight hundred and ninety-one thousand four hundred and forty dollars and one cent. What was the foreign list? One million two hundred and fourteen thousand eight hundred dollars and eighteen cents. What was the pay of the Army? Ten million eight hundred and seventy thousand seven hundred and sixty dollars and thirty-nine cents. What was the pay of the Navy and Marine Corps? Seven million seven hundred and eighteen thousand eight hundred and forty-seven dollars and four cents, making in all $34,695,853.62, which was paid in currency. The purchasing power of the currency had nothing to do with this amount. Suppose it had all been paid into my hands as for the civil list or the pay of the Army and the Navy, it is not for matters purchased for the Army or the Navy; it is the mere bills that were paid for the pay of the soldiers in the Army and the marines and sailors of the Navy. The amount with which he has gone to the people, which is entirely a fraud, was $4,400,000 in round numbers. There is $4,400,000 shown to be an absolute fraud in the very inception of this thing. Am I right? Who will dispute it? I do not say that the whole ten millions is a fraud. That is another matter. I say this, the expenses of the civil list were paid in currency. If any Senator will deny it I will give him the floor. The expenses of the Army, $10,870,760, were paid in currency. It is the pay-bill of the Army, not the beef and pork that are bought or the powder and shot. The pay of the Navy and Marine Corps was $7,718,847 and it was all paid in currency. And yet this Assistant Secretary of the Treasury of the United States has dared to say that there should be a deduction of $4,400,000 in favor of the expenses of the Government in 1875 on these items because of the difference between gold and currency. Sir, it is a fraud upon the people of the United States. I rejoice that my distinguished friend from Massachusetts did not back this fraud. That he had not examined it I know, for if he had he would not have presented it and had it go before the people of the United States.

I said I would not go through this, and I will not, because it would take me two hours; but I desire it to go upon the record and go before the country that this fraud is unmasked to the tune of over $4,000,000 in one item; and hereafter when we do go before the people we shall show that there are more than forty other millions in the same way. Sir, this Assistant Secretary of the Treasury of the United States undertakes to make figures to go forth to the people to be used as a campaign speech, and they are false. I pronounce them to be false. Any Senator who will look at them will know that they are false. I am not now talking—that is matter of argument—whether it would be a proper deduction because of the difference between the purchasing power of paper and gold. That is another question. But it was when paper was used that this Assistant Secretary of the Treasury has fraudulently said to the people of the United States that there should be a difference of over $4,000,000 made in these three items. I say here that when this whole matter is examined it will not be merely $4,000,000, but it will be $40,000,000. I do not like to find any fault with what my brethren do, but I must say that before tables of this character are spread upon the records and sent forth to the people of the United States great care ought to be taken to see that they are reasonably correct. Of the opinion of this man I have nothing to say. I would not give a rush for his opinion. He says there should be $28,000,000 taken from the expenses of the Government for miscellaneous matter because of the war. That is his opinion. I am not going into that at all. It is not worthy of my position, nor of the Senate. When I have unmasked the fraud of the man, I leave him to be dissected hereafter by others.

So I say, Mr. President, in regard to these tables that were presented here a few days ago, and have gone forth to the people probably to be used as a campaign speech, let this go forth also to show that there is fraud here, to show that one of the high officers of the Government has been guilty of this fraud, and he one of the men who are brought here to swear to the Committee on Finance that the accounts of the Government are correct. Sir, point me to a man who will put a table of this sort forth, that I know, and you know, and every man knows who will look at it, is a fraud, do not bring that man before this grave body in order to make the people believe that the accounts are right in the Treasury or any other Department.

Sir, what I say with regard to this paper, which was made by the Assistant Secretary of the Treasury, I ought to have said days and days ago, because I know that it has done harm. I know the newspapers have seized it, I know that speakers upon the stump have seized it in order to show that there was but little more cost in 1875 to the people of the United States in the maintenance of their Government than there was in 1860, and I should have made this explanation long, long ago.

Mr. President, I desire to say but one other thing, and then I trust it will be the last time I shall have occasion to engage in a discussion of this character on the floor of the Senate. I have not desired it. I regret that the honorable Senator from Massachusetts had not examined this table before he suffered it to be published in the RECORD, because whatever his opinion may be in regard to the propriety of making the difference between gold and paper, it is only when gold is used, not when paper is used. When paper is used to buy articles of commerce necessary to the Army and to the Navy, that is one thing; then it becomes a subject of argument; but when paper is used to pay the debts of the United States, to the soldier in the field, to the sailor on the ship, then it does not become a matter of argument. The honorable Senator from Massachusetts, not guilty of any improper act himself, will regret, in my judgment, as much as I do that this paper has been presented by him without a thorough examination.

Mr. BOUTWELL. I only desire to say in regard to the paper commented on, and especially in regard to Mr. Conant, that I venture to assert that I think the honorable Senator from Connecticut would not have used the word "fraud" once, much less frequently, in regard to Mr. Conant if he had considered that in this paper there was no concealment whatever. It is a statement of the expenditures for the year and a specific statement of the deductions made. There is nothing concealed. Mr. Conant deducted $12\frac{674}{1000}$ per cent. as the average premium on gold for the year 1875 upon the idea that as the expenditures for the year 1860 were in a gold currency and the expenditures of 1875 were in a paper currency, and that paper currency was depreciated to the extent of over 12¼ per cent. on the dollar, it was a reasonable thing in coming at the comparative statement of the expenses for the two years to equalize the currency and put the expenditures of both years in gold. That may be an error; it may not be wrong; but certainly even in the popular sense, to say nothing of legal sense, there was no fraud in it. There was a perfectly clear statement of the manner in which he had proceeded in the statement, and I should differ with the honorable Senator from Connecticut in regard to the propriety of that statement. For example, consider one item amounting to $10,000,000 and more, which he stated, the pay of the Army. It is very well known that we advanced the pay of the Army from thirteen to sixteen dollars a month, more than 20 per cent., on account of the depreciated value of the currency in which they were to be paid, and when Mr. Conant made his deduction of 12¼ per cent. he reduced the sum less than it had been increased by the legislation of Congress in regard to the pay of the Army. So as to the pay of the Navy, my recollection, not distinct, is that during the war and when our money was depreciated the pay of the Navy was increased. I think no person can come to any other conclusion than this, that when you undertake to ascertain the comparative expenses of the Government in two years the expenses should be stated in the same currency, whether it be coin or whether it be paper. But the facts are all upon the document. Every person, the Senator from Connecticut and everybody else, can form a judgment for himself whether the processes are right. There was no concealment as to what the processes were. I have only risen to say that I see no element of fraud in the statement so far as Mr. Conant is concerned, but only an opportunity for an honest difference of opinion as to whether he should have made a deduction on account of the payments being in paper in 1875 as against gold in 1860.

Mr. EATON. One moment.

Mr. PADDOCK. Mr. President, if the Senator from Connecticut will allow me, I desire to express my surprise that a Senator who ordinarily observes so carefully the amenities of official as well as social life should allow himself to employ such terms of opprobrium as those which he has directed against the Assistant Secretary of the Treasury in connection with the report to which he has referred. Passing by the merits of the question under discussion, I exceedingly regret that my friend should use such language toward an officer whose only offense is that he entertains and has expressed certain views and conclusions concerning which the Senator entertains a different opinion.

Mr. EATON. I accept the rebuke of the distinguished Senator from Nebraska in good temper, but I have no words to take back. I am only sorry that the Senator from Massachusetts proceeds to defend this man; that is all. That I regret. He proceeds to defend the Assistant Secretary in a transaction full of deceit, as is perfectly plain. He takes the entire expenditures after he has executed judgment upon one hundred millions more or less, and he proceeds then to deduct $12\frac{674}{1000}$ per cent. from the whole amount, and my friend from Massachusetts tries to excuse him on the ground that the Army pay was increased some time. Was the civil pay increased? Was everything increased enough to make up the forty-nine millions which I read? No, Mr. President, not so. It was an error. It was designed to deceive the people.

Mr. WALLACE obtained the floor.

Mr. PATTERSON. Mr. President——

Mr. WALLACE. I will yield for the present to the Senator from South Carolina.

Mr. PATTERSON. I am very much obliged to the Senator from Pennsylvania for yielding to me. I have been trying to get the floor all day.

Mr. President, the resolution of the Senator from Indiana proposes to print 10,000 copies of the President's message. Objection is made to that on the ground that the papers are *ex parte*. Let us inquire into the nature of these papers. The first paper is a letter of

Governor Chamberlain, of South Carolina, to the President. Governor Chamberlain is a man of ability, cool, clear-headed, and moderate in all his views and not likely to make any hasty statements. As an evidence that he has not made any rash statement, let us compare the date of his letter with the date of the transactions at Hamburgh. His letter is dated the 22d of July; the riot occurred at Hamburgh on the 8th of July. There were thus two full weeks. Hamburgh is only eighty miles from Columbia, the State capital of South Carolina, with which it has railroad and telegraph communication. Now, will any person believe that Governor Chamberlain wrote this letter without a full knowledge of all the facts, without every effort on his part to get all the information he could in regard to the transaction? Governor Chamberlain before he sends his letter to the President waits until he gets a report from his attorney-general; and let me say right here in regard to this letter of Governor Chamberlain that it has been published in the South Carolina papers, in democratic and in republican papers, and as far as I have noticed a majority of the democratic papers of the State have indorsed and joined in the statement of the facts as made by the governor in this letter. There are some newspapers representing a certain portion of the democratic party in South Carolina that do not approve of this letter. They charge Governor Chamberlain with going out of his way in writing; but I have not seen in any one of the papers an attempt to deny the facts as set forth by him.

Governor Chamberlain occupies this position in South Carolina: His administration has been so acceptable to the people of the whole State, to the people of all parties, that to-day the democratic party in South Carolina is divided upon the question whether they shall nominate a democratic candidate for governor on the 15th of August or whether they shall wait until the republicans make a nomination in September, and if they nominate Mr. Chamberlain, whether they (the democrats) will not accept him as their candidate for governor. This letter comes from a gentleman holding that position to both parties in South Carolina; and it is fair to presume, as he seems to have pleased both parties in his administration as governor, that he told as near the truth as he could get at the truth in writing his letter to the President.

The following is the entire text of the letter, of which only portions have been heretofore published here:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, July 22, 1876.

SIR: The recent massacre at Hamburgh, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it for the purpose of laying before you my views of its effect, and the measures which it may become necessary to adopt to prevent the recurrence of similar events.

It is, in the first place, manifestly impossible to determine with absolute certainty the motives of those who were engaged in perpetrating the massacre at Hamburgh. The demand which was made by the mob upon the militia company for the surrender of their arms, taken in connection with the fact that the militia are not shown to have committed or threatened any injury to any persons in that community, would seem to indicate a purpose to deprive the militia of their rights, on account of their race or political opinions. It seems impossible to find a rational or adequate cause for such a demand, except in the fact that the militia company was composed of negroes, or in the additional fact that they were, besides being negroes, members of the republican party. Those who made the demand were, on the other hand, white men, and members of the democratic party. The lines of race and political party were the lines which marked the respective parties to the affair at Hamburgh. I mention this as a fact, and as apparently the most trustworthy index of the motives and aims which inspired those who brought on this conflict.

As affecting the public peace, however, the *effect* of this massacre is more important than the motives which prompted it. Upon this point I can speak with more confidence. It is not to be doubted that the effect of this massacre has been to cause wide-spread terror and apprehension among the colored race and the republicans of this State. There is as little doubt, on the other hand, that a feeling of triumph and political elation has been caused by this massacre in the minds of many of the white people and democrats. The fears of the one side correspond with the hopes of the other side.

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers or otherwise here, on the white or democratic side, upon this matter, have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre, nor do I see any greater reason for believing that it will do so in the future. That class which now engage in this cruel work certainly disregard the expressed sentiments of those who assume to speak, for the most part, for their communities, and go forward without fear of public opinion or punishment.

It is sometimes asked, Why do not the colored race return this violence with violence? Why do they suffer themselves to be thus terrorized, when their numbers greatly exceed those of their enemies in the localities where many of these outrages occur? The answer is not difficult. The long habit of command and self-assertion on the part of the whites of these southern States; their superior intelligence as compared with the colored race; the fact that at least four-fifths of the property of these States are in their hands, are causes which contribute to give them an easy physical superiority thus far over the recently emancipated race, which still exhibit the effects of their long slavery in their habit of yielding to the more imperious and resolute will and the superior intelligence and material resources of the white men.

Add to this that in almost every southern community there may be found a considerable number of daring, lawless, reckless white men, accustomed to arms and deeds of violence, over whom the restraints of the sentiments of the better and more conservative classes of society have little, if any, power, who are inspired by an intense and brutal hatred of the negro as a free man, and more particularly as a voter and a republican, and you have the elements which would naturally give rise to, and in point of fact do give rise to, nearly all the scenes of bloody violence which occur in the Southern States. Besides all this, another fact must be noted here, a fact which, in my judgment, marks and explains the world-wide difference between the effects of such occurrences as this at Hamburgh upon the mass of the white people here and the effects of deeds of blood and violence upon the people of other sections of the country; namely, that such occurrences as this at Hamburgh have generally resulted in what is thought to be political advantage to the democratic party here. From this fact it results that the white people here are induced, to a considerable extent, to overlook the naked brutality of the occurrence and seek to find some excuse or explanation of conduct which ought to receive only unqualified abhorrence and condemnation, followed by speedy and adequate punishment. In this way it often happens that a few reckless men are permitted or encouraged to terrorize a whole community and destroy all freedom of action on the part of those who differ from them in political opinions. The more respectable portions of the white people here content themselves with verbal perfunctory denunciations and never adopt such measures or arouse such a public sentiment as would here, as well as elsewhere, put a stop to such occurrences.

In respect to the Hamburgh massacre, as I have said, the fact is unquestionable that it has resulted in great immediate alarm among the colored people and all republicans in that section of the State. Judging from past experience, they see in this occurrence a new evidence of a purpose to subject the majority of the voters in that vicinity to such a degree of fear as to keep them from the polls on election day, and thus reverse or stifle the true political voice of the majority of the people.

But the Hamburgh massacre has produced another effect. It has, as a matter of fact, caused a firm belief on the part of most republicans here that this affair at Hamburgh is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of this State. They see, therefore, in this event what foreshadows a campaign of blood and violence, such a campaign as is popularly known as a campaign conducted on the "Mississippi plan."

From what I have now said it will not be difficult to understand the feeling of a majority of the citizens in a considerable part of this State. It is one of intense solicitude for their lives and liberties. It is one of fear that, in the passion and excitement of the current political campaign, physical violence is to be used to overcome the political will of the people. I confine myself here to a statement of what I believe to be the facts of the present situation in this State as connected with the public peace and order, without any expression of my individual feelings and opinions. My first duty is to seek to restore and preserve public peace and order, to the end that every man in South Carolina may freely and safely enjoy all his civil rights and privileges, including the right to vote. It is to this end that I now call your attention to these matters. I shall go forward to do all in my power as governor to accomplish the ends above indicated, but I deem it important to advise you of the facts now stated, and to solicit from you some indication of your views upon the questions presented. To be more specific, will the General Government exert itself vigorously to repress violence in this State during the present political campaign on the part of persons belonging to either political party, whenever that violence shall be beyond the control of the State authorities? Will the General Government take such precautions as may be suitable, in view of the feeling of alarm already referred to, to restore confidence to the poor people of both races and political parties in this State, by such a distribution of the military forces now here as will render the intervention of the General Government prompt and effective, if it shall become necessary, in restoring peace and order?

It seems proper to add that I am moved to make this communication to you by no motive or feeling save such as should animate me as the chief executive of this State, bound to do justice to all and to oppress none. I venture to say that I have given sufficient evidence by my whole conduct in this office that, as governor, I am guided by my oath of office and my duty to all the people. I challenge any proof or indication, from any word or act of mine as governor, that I am capable of doing injustice, or denying justice, to any citizen of this State. But I do deem it my solemn duty to do my utmost to secure a fair and free election in this State; to protect every man in the free enjoyment of his political rights, and to see to it that no man or combination of men, of any political party, shall overawe or put in fear or danger any citizen of South Carolina in the exercise of his civil rights. In accomplishing these results, I now recognize, with deep regret, that there are many indications that it will be necessary for me to invoke the aid which, under the Constitution and laws, the authorities of the General Government may extend under certain circumstance.

And I trust you will permit me to add that I know no official duty more binding, in my judgment, on the Chief Executive of the United States than that of exercising the powers with which he is invested for the protection of the States against domestic violence and for the protection of the individual citizen in the exercise of his political rights, whenever a proper call is made upon him. I understand that an American citizen has a right to vote *as he pleases*; to vote one ticket as freely and safely as another; to vote wrong as freely and safely as to vote right; and I know that whenever, upon whatsoever pretext, large bodies of citizens can be coerced by force or fear into absenting themselves from the polls, or voting in a way contrary to their judgment or inclination, the foundation of every man's civil freedom is deeply, if not fatally, shaken.

I inclose for your information respecting the Hamburgh massacre the following documents: The report of Hon. William Stone, attorney-general of this State; the report of General H. W. Purvis, adjutant and inspector general; a copy of all the evidence taken before the coroner's jury; a copy of the printed statement of General M. C. Butler; a copy of a letter addressed by me to Hon. T. J. ROBERTSON; an address to the American people by the colored people of Charleston, and a similar address by a committee appointed at a convention of leading representatives of the colored people of this State, at Columbia, on the 20th instant.

I have the honor to be, your obedient servant,

D. H. CHAMBERLAIN,
Governor of South Carolina.

The PRESIDENT.

I now ask attention to the letter of the President in reply to the letter of Governor Chamberlain. I have been amazed, and I am sure the country will be no less so, to hear the criticisms of Senators on this letter. How the President could have said less I am at a loss to conceive, and in their cooler moments, when this subject is contemplated in the light of history, those Senators who have condemned the President will regret that their partisan feelings should have led them so far astray.

EXECUTIVE MANSION,
Washington, D. C., July 26, 1876.

DEAR SIR: I am in receipt of your letter of the 22d of July, and all the inclosures enumerated therein, giving an account of the late barbarous massacre of innocent men at the town of Hamburgh, South Carolina. The views which you express as to the duty you owe to your oath of office, and to the citizen, to secure to all their civil rights, including the right to vote according to the dictates of their own consciences, and the further duty of the Executive of the nation to give all needful aid, when properly called on to do so, to enable you to insure this inalienable right, I fully concur in. The scene at Hamburgh, as cruel, bloodthirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen through fraud and violence such as would scarcely be accredited to savages, much less to a civilized and Christian people. How long these things are to continue or what is to be the final remedy, the great Ruler of the universe only knows. But I have an abiding faith that the remedy will come, and come speedily, and earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South. Nothing is claimed for one State that is not freely accorded to all the others, unless it may be the right to kill negroes and republicans

without fear of punishment and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States.

I repeat again that I fully agree with you as to the measure of your duties in the present emergency, and as to my duties. Go on, and let every governor, where the same dangers threaten the peace of his State, go on in the conscientious performance of his duties to the humblest as well as the proudest citizen, and I will give every aid for which I can find law or constitutional power. Government that cannot give protection to the life, property, and all guaranteed civil rights (in this country the greatest is an untrameled ballot) to the citizen is in so far a failure, and every energy of the oppressed should be exerted (always within the law and by constitutional means) to regain lost privileges or protection. Too long denial of guaranteed rights is sure to lead to revolution, bloody resolution, where suffering must fall upon the guilty as well as the innocent. Expressing the hope that the better judgment and co-operation of the citizens of the State over which you have presided so ably may enable you to secure a fair trial and punishment of all offenders, without distinction of race, color, or previous condition of servitude, and without aid from the Federal Government, but with the promise of such aid on the conditions named in the foregoing, I subscribe myself, very respectfully, your obedient servant,

U. S. GRANT.

Hon. D. H. CHAMBERLAIN,
Governor of South Carolina.

But the governor waited until he could get further information. He sent Mr. Stone, his attorney-general, to Hamburgh to attend the investigation and inquire into the transaction and make a report to him. Now who is Mr. Stone? He is a young gentleman, well known as an upright lawyer of Charleston. He is a republican, but I have never known him to take any active part in politics. I can safely say he is respected by people of all classes. He goes to Hamburgh and makes this report to the governor of the State. The report of the attorney-general is inclosed by Governor Chamberlain to the President. It is as follows:

OFFICE OF ATTORNEY-GENERAL,
Columbia, South Carolina, July 12, 1876.

SIR: According to your request of Monday last, I have visited Hamburgh for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial Justice Rivers and from the testimony of persons who have been examined before the coroner's jury, now in session, and from those who received wounds from the armed body of white men who had taken them prisoners. From this information the following facts seem to be clearly established:

During the administration of Governor Scott a company of State militia was organized at Hamburgh, of which Prince Rivers was captain. This company was known as Company A, Ninth Regiment National Guard of the State of South Carolina. Arms were at that time furnished to it, and some ammunition.

This company, previous to May, 1876, had for some time but few names on its rolls, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburgh. The street on which they drilled was between one hundred and one hundred and fifty feet wide; but it was little used, and was overgrown with grass except in that portion which was used as a carriage-road. While the company was thus drilling Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage, and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seems to have angered Butler and Getzen, who made complaint before Trial Justice Rivers against the militia company for obstructing the highway. The trial justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. Butler, who had been employed by Robert J. Butler, father of the former, as their attorney, repaired to the office of the trial justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial justice was to hear the case as trial justice or in his official capacity of major-general of militia. To this the trial justice replied that he was to hear the case as a trial justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial. General Butler then stated that he thought the case might be arranged, and at his suggestion, time was given him to see the parties. After this the trial justice did not see General Butler at his office, but learned that he had gone over to Augusta. In the mean time the trial justice had been informed that some two or three hundred armed white men were in Hamburgh, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of Rivers's house; the two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up. Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor, to which General Butler replied that he would box them up and send them to the governor, and if he (the governor) should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and, turning to another person—I think R. J. Butler—asked if he wouldn't go on a bond also, to which he replied that he would. Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them unless General Butler showed some authority to take them. After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more, but the whole matter was in General Butler's hands. General Butler said that as the men would not meet him he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward. This statement is confirmed by S. P. Pixley.

While these negotiations were going on, the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing was begun it was returned by the militia, and one of the attacking party, McKee Merriwether, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta, and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under floors of adjacent buildings or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets. Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as they were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them. None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was told to turn round, and was then shot to death by the crowd. David Phillips was next taken out, and was similarly killed. Pompey Curry was next called out. He recognized among the by-standers Henry Getzen and Dr. Pierce Butler, and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward, Albert Myniart, Moses Parks, and Hampton Stephens were killed. Stephens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company. When he was arrested and taken to the spot where the other prisoners were, he recognized among the party two gentlemen of Augusta, named Twiggs and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. Butler asked if he was one of the d—d rascals. The reply was in the affirmative. He was then shot in the back. Messrs. Twiggs and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off, and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who at the time was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carnile and —— Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at, and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The men stated that John Swaringen, of Edgefield County, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing, and told him he would have enough of it before he got through. He was shot in the arm near the elbow when about twenty paces distant from the crowd. The ball is still in his arm, and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men hereinnamed, the party broke open several stores and houses, and, in some instances, robbed the inmates. They took from Mr. Charles Roll, the postmaster, and a very respectable white citizen, a gun which he had in his store, and his private property. From an old colored man named Jacob Samuels, in his employ, they took a watch and set fire to his house. They broke open the house of Trial Justice Rivers and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut, and some fences were torn down.

So far as I can learn, the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler (white) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them any way on the next day.

On Saturday rumors were abroad in Hamburgh that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburgh heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A. P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the storekeepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small-arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendant of Hamburgh, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial Justice Rivers is now holding an inquest and taking the testimony of witnesses. Until their verdict is rendered it will be impossible to tell who were engaged in the attack on the militia and the subsequent killing and wounding of the colored men.

It may be possible that a careful, judicial investigation may show some slight errors in some of the minor details stated in this report. But making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded. It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE,
Attorney-General South Carolina.

Hon. D. H. CHAMBERLAIN,
Governor.

Now, I should say that that was official. It may be *ex parte*, but it certainly is official. The letter of the governor of South Carolina is certainly official. I will grant that it may be *ex parte;* but it is an official document, and I will ask Senators this question: Under the

Constitution of the United States the governor has a right to call on the President of the United States for troops to suppress domestic violence. Does the Constitution require the governor before he makes that call to wait until the courts have examined the question? Does the Constitution of the United States require the governor to wait until he can get the whole testimony, until he can hear both sides? By no means. If a riot occurs in a State and there is domestic violence that he has not the power to suppress, he acts on the testimony that is before him, the best information he can get, and he makes his call on the President of the United States in conformity with the Constitution of the United States. Governor Chamberlain did not call on the President in this letter for troops exactly, but he makes suggestions as to what he deems necessary to be done in the way of sending troops already in the State to certain localities. It is an official document upon which the President had a right to act. The letter of the attorney-general to the governor is an official document, and upon that the governor had the right to act.

Now, we will go a little further. We also find the letter of the adjutant-general of the State. He is a State officer, and was sent to Hamburgh by order of the governor to investigate the transactions and he makes his report to the governor; the governor incloses that to the President. Is not that an official report? Is not that a report which the President of the United States is bound to take notice of, and on which he had a right to form his judgment and take action?

The following brief report of that officer tells its own story:

EXECUTIVE DEPARTMENT,
OFFICE OF ADJUTANT AND INSPECTOR GENERAL,
Columbia, South Carolina, July 12, 1876.

SIR: In compliance with your letter of instructions of the 10th instant, I at once proceeded to Hamburgh, Aiken County, South Carolina, where I arrived yesterday morning, the 11th instant, when I at once proceeded to examine into the cause of the recent disturbances at that place.

The town of Hamburgh presented just such an appearance as one would that was, after being raided upon by a hostile army, with but this difference, that the latter would not descend to robbery and plunder, as well as murder. Nearly every colored man's house in the town (and Louis Schiller's, white) was broken into, and plundered, furniture broken, bedding and clothing stolen, and a general scene of devastation prevailing everywhere.

From all I could ascertain, as well as from the testimony taken before the coroner's jury, (copy herewith transmitted,) General M. C. Butler is charged with being the sole cause of the trouble, and from conversation held with many citizens in Hamburgh, all agreed that had he, Butler, been so disposed, one word from him would have stopped the scene of carnage that ensued.

I respectfully invite the attention of your excellency to the testimony of P. R. Rivers, esq., trial justice at Hamburgh, marked "A," of John Gardener, esq., intendant of the town, marked "B," and also that of Alexander Grinage, page 10 of testimony taken before the coroner's jury.

H. W. PURVIS,
Adjutant and Inspector General, South Carolina.

His Excellency D. H. CHAMBERLAIN,
Governor and Commander-in-Chief.

Now we come to another paper; that is, the evidence taken before the coroner's jury investigating the facts relating to the massacre. It is among the documents inclosed by the President in his message to the Senate. It contains a list of the jurors (duly sworn) and the whole testimony taken before the jury. I wish I had time to read it. I know Senators are tired, but I should like every Senator in this body to hear that testimony read. I was surprised on Saturday when this matter was brought up to hear a Senator, one of the most distinguished on that side of the Chamber, [Mr. THURMAN] say that he had read and knew very little about the Hamburgh transaction. I wish that Senator was here and I had the time to have the Clerk read this testimony. I think that he would join with me, he would join with every man in South Carolina who deplores such outrages, in denouncing the men who commit them. It is a sad and sickening tale of "man's inhumanity to man."

The next is a "Statement of M. C. Butler, of South Carolina." General Butler, the gentleman referred to here, has been charged and returned by the coroner's inquest as one of the parties accessory to these murders before the fact.

I think the Senator from Connecticut said, what has the President to do with that? I give the President credit for sending in the letter of General M. C. Butler. General Butler sends a statement to the Register, a newspaper in the city of Columbia, in his own defense. Governor Chamberlain, I have no doubt, though I do not know the fact, inclosed that to the President. The President, to show his sense of right and his desire for fair play, his desire to see every man heard in his own defense, to give every man an opportunity to exonerate himself from these charges, incloses that letter to the Senate, so that it may be spread all over the country; and yet fault is found with the President for doing that which I call simple justice; and if General Butler was here to-day he would thank the President for giving him an opportunity to be heard in this high forum in his own defense.

But the President goes further than that. General Butler was not satisfied with his first statement in his own defense to the Columbia Register, but he wrote a letter to the editor of the Journal of Commerce in Charleston. I will tell you why he wrote the letter to that journal. It is because we have a curious state of affairs in South Carolina which the people at the North do not understand, but very well understood throughout the South. The President incloses that to the Senate, so that that will come before the public, and yet on the other side fault is found with the President because he has done that. I say the President should be entitled to credit for that, too.

The next is a letter from Governor Chamberlain to Hon. T. J. ROBERTSON.

Mr. ROBERTSON is a member of this body. He writes to the governor of the State for a statement of the facts in relation to the Hamburgh massacre. Governor Chamberlain sends a statement of the facts to my colleague and it is published in the New York Herald. The President incloses that for the information of the Senate. That is objected to.

Then we have an address to the American people by the colored citizens of Charleston.

The Senator from Connecticut wants to know what the President of the United States has to do with that. O, yes! Mr. President, the colored people of Charleston have dared to issue an address to the people of the United States asking their sympathy and protection, against what? Against murderers; murderers in the democratic party; every man of them a member of that party; every man of them if he is not hung before the election will vote the democratic ticket; and because the colored people of Charleston meet to present an address to the people of the United States asking for their protection against a band of democratic murderers the Senate of the United States and the people of the United States are asked by a Senator in this body, "What has the President of the United States to do with that?" I say to you that if the President of the United States had not sent that to the Senate and given it to the public and given it the force and the power of his sanction, he would have fallen short of his duty.

Among the documents is an address by a committee appointed at a convention of leading representatives of Columbia, the capital of the State.

The first address of colored citizens at Charleston was at a public meeting in the city of Charleston. This address is from the leading representatives of the colored people of the whole State assembled at Columbia, upon invitation of the chairman of the republican State committee. Senators may say in regard to these two documents that they are not official; I will grant that; that they are *ex parte;* I will grant that; but they come from the representatives of a race who are in danger, they come from the representatives of a race who are entitled to the protection of the President of the United States, and of this Senate, and of the people of the United States against murderers, no matter who they are or where they are, and they have a right to be heard here in this place and all over this broad country.

That is all that relate to the Hamburgh massacre.

No. 11, No. 12, and No. 13 relate to matters in Mississippi. I have no more to do with that than any other Senator, but feel a deep interest in the sad condition of affairs in all the southern States. I am not like the Senator from Connecticut. I do not know whether he has even read these papers, but he says he does not believe them. Let us briefly inquire into them. The district attorney of Mississippi writes to the Attorney-General of the United States. I should like to know what right the Senator from Connecticut has to dispute what the district attorney of Mississippi says to the Attorney-General of the United States? By what authority can he say that what this man says to his superior officer is not true? I do not know that it is true, but I presume it is true. But there is one thing that I do know, that I have no right to say it is false and I am just as confident that he has no right to say it is false.

So with the "copy of report of a grand jury lately in session in Oxford, Mississippi." That is a report of a grand jury, men who are sworn to do their duty, and I take it for granted that it is true; and, knowing the condition of affairs in that State, somewhat familiar with the election in Mississippi in 1875, I know the "ways that are dark" that are resorted to to carry elections in the South by our democratic friends; and I have no doubt about the truth of these documents.

I have referred to all the papers accompanying this message and all the papers that are proposed to be printed. The Senator from Delaware [Mr. SAULSBURY] on Saturday objected to the printing of those documents because they were *ex parte.* In my plain way, I have replied to that. But the Senator gave another reason for his objection to the printing of these documents. His other objection was the expense. Mr. President, the other branch of Congress this whole session has been engaged in investigating the doings and transactions of Federal officers. They have been on a grand and a wild hunt for republican thieves and they have caught some, and I am glad of it. If there is a thief in the republican party, I hope the democrats will find him and arrest him and punish him. I shall be the last man to attempt to protect republican thieves. There is not a republican Senator on this floor who has ever by implication or his vote attempted to protect republican thieves. But while they have been on this grand hunt for republican thieves, they have been so unfortunate as to catch a lot of democratic thieves. All the reports of those investigations are to be published to the world. It will cost thousands and thousands of dollars. Has any republican Senator risen in his place and objected to an appropriation to pay the expenses of the publication of the reports of those investigating committees? Never, that I have heard. I know I have not. I know I am prepared to vote to publish to the American people the evidence to convict the republican thieves whenever it is asked, I do not care what the amount is; the people are entitled to the information, no matter what it costs. But this resolution of the Senator from Indiana

calls upon the Senate to do what? To publish 10,000 extra copies of this message and the accompanying documents. It will cost probably $300. The Senator from Delaware objects. Now, I ask the Senator from Delaware why he objects to an appropriation of $300 to publish the evidence upon which we can convict democratic murderers? We have helped to expose the republican thieves, and you must not object when we ask you to publish evidence that will convict democratic murderers in South Carolina or elsewhere. No, Mr. President, let the truth be told. If the republican party is guilty of anything, let them be exposed; if the democratic party has been guilty of anything, let them be exposed. If there are members of the republican party who are thieves, let us expose them; if there are members of the democratic party who murder men for their opinion's sake and that alone—because the murders at Hamburgh were for nothing else; they were murders for opinion's sake—I say let them be exposed. Let the people of this country know who are guilty in both parties and who are responsible for these crimes.

Mr. President, I have referred to the papers accompanying the message sent to the President by Governor Chamberlain; they contain his view from his stand-point. I hold in my hand an account of the bloody work at Hamburgh, in the News and Courier of July 10, 1876. The News and Courier is a democratic newspaper, published in Charleston. It represents what is known in our politics in South Carolina as the fusion wing of the democratic party. As I remarked a few minutes ago, the democratic party in South Carolina is divided upon the question of accepting Mr. Chamberlain as their candidate or nominating a straight-out democratic candidate. This report does not vary from but confirms all the statements made by Governor Chamberlain.

I have here also an article from the Charleston Journal of Commerce, the other democratic paper published there representing what is known as the straight-out faction, and which considers itself democratic *par excellence*. The News and Courier calls it "the bloody work at Hamburgh," while the Journal of Commerce heads its article "A hullabaloo," with the hope of turning this dreadful massacre into ridicule. These two papers represent the two factions into which the democratic party in the State is divided; and neither of them pretend to dispute the facts in the case, but assign different causes for the occurrence and give different reasons for their disapproval. The Journal of Commerce is edited by R. Barnwell Rhett, jr., a national name well known in the history of the country, and represents what is understood to be the true chivalry of the State; the men of real worth and respectability in the democratic party, the men who believe in principle and will fight for it.

THE PARTIES IN THE HAMBURGH RIOT.

Mr. President, I come to a part of my remarks which I regret my duty compels me to make. Who is implicated in this Hamburgh massacre? The other day, in answer to the Senator from Texas, I had the names of the parties that are returned by the coroner's jury as implicated in these murders read; and I say here publicly before the Senate, as I will say in South Carolina when I go home from every stump where I expect to speak, that I am sorry to see in this list the names of certain gentlemen. I find here the names of over eighty persons, citizens of South Carolina and Georgia. I know some of these parties. The Georgians I do not know. The other day, in answer to the Senator from Texas, I said that these gentlemen represented the best families in South Carolina. I say so to-day; and I say for them, I say for their friends, that I regret to find them in this position. General M. C. Butler, who is charged in the coroner's return as being implicated in these murders before the fact, is the nephew of Senator Butler, who formerly represented South Carolina upon this floor. I have no hesitation at all in saying here that General M. C. Butler in South Carolina is considered a high-toned, honorable gentleman. He bears that reputation wherever he is known. He was a gallant soldier. No braver, no truer man ever drew a sword in the confederate army. His blade shone the brightest upon every battle-field, and he proved his devotion to the cause that he believed was right by leaving a leg upon the field. He always has been honored and respected by that portion of the people of South Carolina who desired to be considered the ruling class. In 1870 he was the reform candidate for lieutenant-governor. There has never been a convention of the democratic party in South Carolina since the war that he has not been a delegate. I see that he is a delegate to the democratic convention that meets in Columbia on the 15th of this month; yet he is included in the report of this coroner's inquest as one of the parties implicated. I have known General Butler ever since I have been in South Carolina. I have known him personally and favorably. I have received acts of kindness from him, and would be the last man to do him injustice. I respect him as a gentleman, and I pray God that he may be able to exonerate himself before the court and before a jury of his countrymen. If General Butler is guilty of the charge that is laid against him, let him be punished; but I shall rejoice as much as the wife of his bosom would rejoice if it shall be proven that he is innocent.

But somebody is guilty, Mr. President, of these murders at Hamburgh. The fact that the people were murdered, the fact that ten American citizens without cause or provocation were murdered in cold blood cannot be denied, and somebody is responsible; it is not for me to say who. Here is the list that has been returned by the coroner's inquest upon the testimony sworn to. I am not like the the Senator from Connecticut, and I will not say everything is "false." I know it is *ex parte* testimony, but it is the usual course. We have the same laws in South Carolina that you have in New York, Pennsylvania, or Connecticut, and other well-regulated States. We have our coroner's inquests, and we call before them such witnesses as the coroner thinks necessary and proper to give evidence, and that is the evidence upon which this return has been made.

Mr. LOGAN. Will the Senator allow me to interrupt him right there?

Mr. PATTERSON. Certainly.

Mr. LOGAN. I do so because I do not exactly understand a statement he has made. He speaks of General Butler as a high-minded honorable gentleman. That I have no right to controvert, and I do not desire to do so. He says he hopes he will be proved innocent. I hope everybody is innocent, but I want to ask the Senator if he believes the statements that are sworn to in reference to his conduct and the conduct of these others in regard to the murder of these negroes?

Mr. PATTERSON. Of course I believe them. I have no right to suppose that the persons that went before that coroner's inquest swore falsely. Of course I believe them; I have no right to disbelieve them; but I am sorry for the parties implicated, and when the trial comes off in the Aiken Court House I shall rejoice if General Butler and the other gentlemen named here, whom I know and for whom I have always had respect, and whose families I respect, can exonerate themselves. If the testimony should establish their guilt, then I say, while I regret it, yet like a good citizen I of course hope that they will be punished. That is what I say.

Mr. WEST. As it suits the convenience of the Senator from South Carolina and there are some matters of executive business that require attention, I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS. Does the Senator from South Carolina desire an adjournment?

Mr. WEST. The Senator from South Carolina yielded the floor temporarily.

Mr. PATTERSON. I will go on to-morrow morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were re-opened, and (at five o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

RESUMPTION OF SPECIE PAYMENTS.

Mr. HAMILTON, of Indiana. I rise to a question of privilege. I am reported in this morning's RECORD in reference to the vote on the passage of the bill to repeal the resumption-day clause of the act of January 14, 1875, as saying: "I desire to state that, if permitted, I should vote 'no.'" On the contrary, I stated most distinctly that if permitted I would vote "ay."

The SPEAKER *pro tempore*. The correction will be made accordingly.

DEATH OF GENERAL CUSTER.

Mr. MILLS. I ask unanimous consent to spread upon the records of the House of Representatives a joint resolution passed by the Legislature of Texas in reference to the death of General Custer.

There was no objection, and the resolution was read, as follows:

Joint resolution H. R. No. 395.

Whereas General G. A. Custer has endeared himself to the people of the frontier of Texas and elsewhere by his bold and dashing operations against the Indians; and whereas the news of his late sudden death while in discharge of his dangerous duties is received: Therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That we tender our sincere condolence to the family of the deceased and to the people of our suffering frontier, and that the governor be requested to forward a copy of this joint resolution to our Senators and Members of Congress, with the request that the same be spread upon the Journals of Congress, and a copy of the same be forwarded to the family of the deceased.

Approved July 28, 1876.

The joint resolution was laid on the table, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. LAWRENCE, by unanimous consent, introduced a joint resolution (H. R. No. 163) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LAWRENCE. I ask, by unanimous consent, that the resolution be printed.

There was no objection.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the several States of the Union as an amendment to the Constitution, namely:

ARTICLE XVI.

SECTION 1. No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof.

SEC. 2. No public property or money raised by taxation or from any public fund or property in any State or place subject to the legislative power of Congress shall ever be given to or be under the control of any religious sect or denomination.

SEC. 3. Congress shall have power to enforce this article by appropriate legislation.

REFUND TO NORTH CAROLINA.

Mr. BRIGHT, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1146) to refund to the State of North Carolina certain moneys therein named; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

E. J. GURLEY.

Mr. BRIGHT also, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 593) for the relief of E. G. Gurley, of McLennan County, Texas; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS M. HOWARD.

Mr. BRIGHT also, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3766) for the relief of Thomas M. Howard, of Lewis County, Missouri; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH W. PARRISH.

Mr. BRIGHT also, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (S. No. 830) for the relief of Joseph W. Parrish; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

D. W. PRICE AND THOMAS AKERS.

Mr. BRIGHT also, by unanimous consent, from the Committee of Claims, reported, as a substitute for House bill No. 1464, a bill (H. R. No. 4074) for the relief of D. W. Price and Thomas Akers; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER & CO.

Mr. BRIGHT also, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3161) for the relief of Alexander & Co. for the loss of whisky by the negligence of the Government; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

RAILROAD AND TELEGRAPH FROM THE MISSOURI TO THE PACIFIC.

Mr. McCRARY, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4075) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864; which was read a first and second time, recommitted to the Committee on the Judiciary, and, with the accompanying report, ordered to be printed.

Mr. RANDALL. Not to be brought back on a motion to reconsider?

Mr. McCRARY. Yes; not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. The Chair will state that it is a rule of the House that when the reference of a bill is made by unanimous consent it is made just as in the morning hour on Monday, with the understanding that the bill is not to be brought back on a motion to reconsider.

Mr. RANDALL. That is the rule, except as to reports of committees.

The SPEAKER *pro tempore*. The Chair supposed the gentleman from Iowa [Mr. McCRARY] was introducing a bill. He now understands it was a report from a committee.

Mr. WILSON, of Iowa. The Chair will remember that the rule only applies to bills, and it has been so held this session. I think that by parity of reasoning it ought also to cover resolutions, so that gentlemen asking unanimous consent to refer could not afterward by a motion to reconsider take advantage of the generosity of the House.

Mr. FRYE. Is it understood that this bill is not to be brought back on a motion to reconsider?

The SPEAKER *pro tempore*. It is distinctly understood that it is not to be brought back on a motion to reconsider. And the Chair thinks that that is the safer method as to reports from committees generally. As regards the introduction of bills there can be no question as to the rule.

L. H. FITZHUGH.

Mr. THROCKMORTON, by unanimous consent, introduced the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby, instructed to pay to L. H. Fitzhugh, late Doorkeeper, an amount equal to the salary of Doorkeeper from the date of the consolidation of the office of Doorkeeper with that of Sergeant-at-Arms, May 22 last, to the 1st day of August; the said Fitzhugh having been detained and engaged in settling his accounts to that date.

THEODORUS B. M. MASON.

Mr. BANKS. I ask unanimous consent to take from the Speaker's table for reference to the Committee on Foreign Affairs the joint resolution (S. No. 17) authorizing Lieutenant Theodorus B. M. Mason, of the United States Navy, to accept a silver medal from the King of Italy.

I will state to the House that the Committee on Foreign Affairs has reported adversely on all applications for leave to receive decorations from foreign governments. But this question relating to medals has not been presented to the committee, and I desire to have this bill referred that the question may be considered deliberately and formally reported upon.

There was no objection, and the joint resolution was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs.

APOLINE A. BLAIR.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 4076) granting a pension to Apoline A. Blair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. CHANEY.

Mr. LEVY, by unanimous consent, introduced a bill (H. R. No. 4077) for the relief of John F. Chaney, a resident of East Feliciana Parish, in the State of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPECIE CIRCULATION.

Mr. LANDERS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 4078) to secure the prompt resumption of specie circulation and par money; which was read a first and second time.

Mr. LANDERS, of Indiana. I move that the bill be referred to the Committee on Coinage, Weights, and Measures.

Mr. COX. I move to amend that motion so that the bill shall go to the Committee on Banking and Currency.

Mr. LANDERS, of Indiana. I move to lay that motion on the table.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Indiana that that would carry the bill to the table. The question is on the motion of the gentleman from New York [Mr. COX] to amend the motion of the gentleman from Indiana so as to refer the bill to the Committee on Banking and Currency instead of the Committee on Coinage, Weights, and Measures.

Mr. COX. All similar bills have gone to the Committee on Banking and Currency.

The question being taken on Mr. COX's amendment, there were—ayes 51, noes 21.

Mr. LANDERS, of Indiana. No quorum has voted.

The SPEAKER *pro tempore*. Then the Chair will appoint tellers.

Mr. COX. The House do not understand the question exactly.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Indiana, [Mr. LANDERS,] who introduced a bill for reference and moved that it be referred to the Committee on Coinage, Weights, and Measures, and the gentleman from New York [Mr. COX] moves to amend that motion so as to refer it to the Committee on Banking and Currency.

Mr. BANKS. It ought not to be referred to that committee, from the fact that they have reported adversely upon this subject. A traveling commission has already been appointed to inquire into this matter.

Mr. COX. There has been no bill reported to that committee providing for the appointment of such commission.

Mr. HURLBUT. Let the bill be read.

The Clerk read the bill, as follows:

A bill to secure the prompt resumption of specie circulation and par money.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, required to use the $10,000,000 in Treasury notes, made a special fund under the provisions of joint resolution for the issue of silver coin, substitute for House resolution No. 109 of the present Congress, in the purchase of silver bullion as rapidly as may be, and to coin the same into dollars of 412½ grains of standard silver, and said dollars shall be legal tender for all debts both public and private, and when said silver coin and bullion shall amount to the sum of $10,000,000 the Secretary of the Treasury shall exchange the said coined dollars for Treasury notes when presented at the Treasury in Washington in sums of $1,000 or over, and the notes thus received in exchange for dollars shall be used in the purchase of silver bullion for coining, and from and after the date of this offered exchange the Treasury notes of the United States shall be received by the Government which issued them for all dues, duties, and debts of every description.

SEC. 2. The Secretary of the Treasury shall also cause to be executed a new series of bonds of the Government, the expense of which shall be under the appro-

priation for the Treasury Department, in denominations of $50 and multiples, bearing interest at the rate of one cent a day in coin for each $100 and exchangeable at will of the holder with Treasury notes at the Treasury or any of the subtreasuries of the United States. These bonds shall be sold to our citizens at par for gold or silver bullion at the market price, provided such price be not above their minting value, and for Treasury notes dollar for dollar. All bullion received for these bonds shall be kept as a special fund separate and apart from other money in the Treasury, and when coined or made into standard bars shall be used only in the purchase or redemption of the coin interest-bearing securities of the Government earning a higher rate of interest than those herein authorized. And all Treasury notes received for these bonds shall be used in the purchase of bullion for this special bond-redemption fund, and while there be bonds subject to call this fund shall not be allowed to exceed the sum of $10,050,000; but when no bonds can be called it may accumulate until bonds mature, when they shall be called and paid to the full amount of the fund.

SEC. 3. All acts or resolutions or parts thereof in conflict with the provisions of this are hereby repealed.

Mr. COX. I understood the gentleman from Massachusetts [Mr. BANKS] to say that the Committee on Banking and Currency had already reported a resolution appointing a commission to which this subject should be referred. But the Senate have not agreed to that resolution. This bill should not be referred to the Committee on Coinage, Weights, and Measures, but to the Committee on Banking and Currency, which, under the rules and practice of the House, has had the consideration of these subjects.

Mr. BANKS. Not by the rules. The practice of the House requires that a bill of this kind shall be referred to a committee that is not unfriendly to it. So far as the Committee on Banking and Currency is concerned, it has prejudged this question; it has entered its judgment against it.

Mr. COX. The gentleman has no authority for saying that the matter has been prejudged. Where does the gentleman get his authority for saying we have prejudged it?

Mr. HOAR. I desire to enter my protest against the principle stated by my colleague, [Mr. BANKS,] that we should refuse to refer a bill except to a committee friendly to it. On the contrary, the rules of this House provide that all subjects of a certain character must be referred to certain named committees.

It is true when there is a doubt as to whether a measure is within the jurisdiction of a certain committee that doubt is solved by a direct vote in the House. It is also true that it never has been held by this House that we should not refer a matter to a committee that has it within its jurisdiction because it may have reported against other similar measures.

Suppose that the proposition was to refer a matter of amendment to the Constitution or of legislation to the Judiciary Committee. Does anybody suppose or will any one claim that it should go to the Committee on Rules, or to the Committee on Mines and Mining, because the Judiciary Committee has expressed at some time an adverse opinion upon the subject?

Mr. BANKS. My objection does not rest upon any old parliamentary law or rules, nor does the rule of the House rest upon any such principle as that. The rule of the House rests upon the principle of absolute and natural justice, that the reference of a subject to a committee is for the purpose of inquiry. Now if that committee has decided against the subject which it is proposed shall be referred to it, then it ought not to be referred to that committee, because it would not be inquired into. There is nothing in the rules which absolutely requires, against the judgment of the House, that a matter of this kind shall be referred to one particular committee; it may be referred to any one of many committees. Inasmuch as the Committee on Banking and Currency has decided and reported against measures of this kind, recommending that further inquiry shall be referred to a commission that is to hold its sessions after this session of Congress shall have closed, it is evident that no such measure as this should be now referred to that committee.

Mr. COX. I say again to the gentleman that we have come to no conclusion upon the subject.

Mr. LANDERS, of Indiana. I am somewhat surprised that the chairman of the Committee on Banking and Currency [Mr. COX] should desire that this bill to be referred to his committee, after having reported from that committee a resolution virtually admitting their inability to decide this question. They have reported here a concurrent resolution for the appointment of a joint commission to take charge of all these questions, thereby admitting their own inability to settle them. I would have no objection to that committee taking charge of this question if they would pledge themselves to report upon it, either for or against the proposition. But after the passage of the resolution reported from that committee the other day, authorizing the appointment of a commission for the avowed purpose of taking this great question of making the silver dollar a legal tender from before the House for the remainder of this session, I want this bill referred to a committee that will be likely to make a report upon it. If the gentleman from New York will pledge himself to make a report upon this bill, or have his committee do so, either for or against it, so that the question can come before the House, I will withdraw my objection and let the bill be referred to his committee.

Mr. BANKS. One remark to the gentleman from New York, [Mr. COX,] which I forgot to mention when I was up before. This is a bill concerning coins and it ought to go to the Committee on Coinage, Weights, and Measures. There is no reason whatever for referring it to a committee that has jurisdiction only of the subject of currency, and of a currency which, in the opinion if not of the gentleman from New York at least of many of his friends, is regarded as but worthless paper.

Mr. COX. There is such a thing as a metallic currency, and that is within the jurisdiction of the Committee on Banking and Currency, according to the rules and methods of procedure of this House.

The gentleman from Indiana [Mr. LANDERS] who brings in this bill really proposes to kill it by referring it to the Committee on Coinage, Weights, and Measures, for he knows that that committee cannot report at any time. If they should report during the morning hour, we have already had some illustration of the way they succeed in their endeavor to carry matters through this House.

The gentleman asks me to pledge myself to make a report upon this bill. I cannot pledge that my committee will act upon this matter. All that I can say is that hitherto we have refrained from discussing it, not having it strictly before us. I could not pledge my committee to report upon this subject; no member, either as chairman or otherwise, can pledge his committee to a particular course. This is too large a question to be pledged either *pro* or *con*. The gentleman from Indiana not only would require his bill to commit suicide at this time, but he would go further and claim that it should be referred to a committee already favorable to it, thereby himself prejudging the question. Therefore, I say this bill ought to go where similar bills have gone, to the proper organ of the House authorized under the rules to consider the subject.

Mr. MACDOUGALL. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MACDOUGALL. The gentleman from Indiana [Mr. LANDERS] having withdrawn his objection to the reference of this bill to the Committee on Banking and Currency, there is no question before the House upon which there is a division.

The SPEAKER *pro tempore*. The Chair did not so understand the gentleman.

Mr. LANDERS, of Indiana. I will withdraw my objection if the gentleman will pledge himself that his committee will report upon it.

Mr. COX. How can I pledge my committee to any particular course?

Mr. KASSON. I desire to call attention for one moment to two of the rules of the House bearing directly upon this subject. Rule 148 is as follows:

> An additional standing committee shall be appointed at the commencement of each Congress, whose duties shall continue until the first session of the ensuing Congress, to consist of seven members, to be entitled a "Committee on Coinage, Weights, and Measures;" and to this committee shall be referred all bills, resolutions, and communications to the House upon that subject.

Another committee, the Committee on Banking and Currency, by usage as well as because of the use of the word "currency" in the title of the committee, has taken jurisdiction to a certain extent of the subject of metallic currency. This bill also contains a proposition for the creation of a new interest-bearing security of the Government, a subject which belongs to the Committee of Ways and Means. The rule which defines the duties of the Committee on Mines and Mining limits the jurisdiction of that committee to subjects relating to mines and mining. Consequently it is evident that while one provision of the bill might justify us in referring it to the Committee of Ways and Means, while another relating to coinage might suggest its reference to the Committee on Coinage, Weights, and Measures, and while other provisions which relate to the currency might make the Committee on Banking and Currency a proper committee for its consideration, yet it contains no provisions relating to mines or mining; and consequently it does not, within the meaning of the rules, belong to that committee.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana [Mr. LANDERS] is to refer the bill to the Committee on Coinage, Weights, and Measures, which motion the gentleman from New York [Mr. COX] moves to amend by striking out "Coinage, Weights, and Measures" and inserting "Banking and Currency." Upon this question the Chair has appointed as tellers the gentleman from Indiana [Mr. LANDERS] and the gentleman from New York, [Mr. COX.]

The House divided; and there were—ayes 73, noes 80.

So the amendment of Mr. COX was not agreed to.

The question recurring on the motion of Mr. LANDERS, of Indiana, to refer the bill to the Committee on Coinage, Weights, and Measures, it was agreed to.

Mr. RANDALL. Let it be understood that this bill is not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. That will be understood.

Mr. BANKS. I rise to a parliamentary inquiry which is in the nature of a question of order relating to the vote just taken. I understood the gentleman from New York [Mr. COX] to say that the Committee on Banking and Currency would have authority to report upon this bill at any time. I inquire of the Chair whether the authority to report at any time, which was given to that committee, was not limited to the question of the repeal of the resumption act, and whether upon other questions that committee does not stand in the same position as other committees of the House?

The SPEAKER *pro tempore*. The Chair has not before him the rule referred to by the gentleman; but he understands it refers to the question of the currency generally.

SALE OF INDIAN RESERVATION.

Mr. PHILLIPS, of Kansas. I entered some time ago a motion to reconsider the vote on the report of the committee of conference upon the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

ORDER OF BUSINESS.

Mr. BANNING. I ask unanimous consent to have taken from the Speaker's table and put upon its passage now the bill (S. No. 1007) concerning the employment of Indian scouts.

Mr. BLAND. I call for the regular order.

Mr. HEREFORD. I rise to make a privileged report.

Mr. BANNING. I think if the gentleman from Missouri [Mr. BLAND] would allow me to make a statement he would withdraw his call for the regular order.

Mr. RANDALL. I call for the regular order.

Mr. BANNING. I think that if the gentleman from Pennsylvania [Mr. RANDALL] would hear me he would give way.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the unfinished business pending at the adjournment yesterday; but pending the demand for that, the gentleman from West Virginia [Mr. HEREFORD] rises to make a report from a committee of conference, which is privileged and will be received at this time.

Mr. HEREFORD. Mr. Speaker, the committee of conference upon the river and harbor bill——

Mr. RANDALL. I rise to a point of order. I submit that the papers connected with this bill are with the Senate; and until the report and papers come from the Senate this matter cannot be considered by the House.

The SPEAKER *pro tempore*. The Chair is not advised as to the facts. If the statement of the gentleman from Pennsylvania is correct, then the point of order is well taken.

Mr. HOLMAN. Let the gentleman from West Virginia state whether he has the papers.

Mr. HEREFORD. I have the floor, and desire to proceed.

The SPEAKER *pro tempore*. The gentleman will be kind enough to speak to the point which has been raised and the question of fact whether the papers are in the possession of the Senate or of the House.

Mr. HEREFORD. If I can be protected in my right to the floor, I wish to make a statement.

The SPEAKER *pro tempore*. The gentleman from West Virginia has the floor.

Mr. RANDALL. I raise the point of order that the papers are not here.

The SPEAKER *pro tempore*. The Chair has asked the gentleman from West Virginia to speak to that matter of fact. If the papers are not in the possession of the House the point is well taken, and the report cannot now be made.

Mr. KASSON. The Clerk is the officer to certify to that fact. The papers are in his possession if they are here.

The SPEAKER *pro tempore*. The Chair understands that the papers are not in the possession of the House.

Mr. HEREFORD. I have the floor, and I desire to proceed. The rules of the House declare that—

> In all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other; and of course the report must be first made to the House agreeing to the conference.

The committee of conference on the part of the Senate have made their report to that body.

Mr. RANDALL. But the Senate has not acted on it.

Mr. HEREFORD. And according to the rules, as I understand them, I have the right to make the report which I have sent to the Clerk.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the papers in this case, together with the bill, are in the possession of the Senate; that no message has been received from the Senate as to their action, and consequently in the absence of those papers the matter cannot be acted on in the House.

LEAVE OF ABSENCE.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the unfinished business at the adjournment yesterday. That unfinished business is the motion of the gentleman from Ohio [Mr. GARFIELD] that requests for leave of absence be granted. Pending that motion the House adjourned.

Mr. RANDALL. Let the list of requests be read.

The Clerk read as follows:

> To Mr. BELL for two weeks;
> To Mr. O'BRIEN indefinitely;
> To Mr. DURAND indefinitely from the 8th instant;
> To Mr. A. S. HEWITT——

Mr. CONGER. I suggest in reading the list that the reasons be given which are assigned for making the request.

Mr. CLARK, of Missouri. I do not care to hear the names read.

Mr. CONGER. Let us have the reason why the leave of absence is requested.

The SPEAKER *pro tempore*. The Chair understands that in each case some reason has been assigned for the request for leave of absence.

Mr. CONGER. Where request is made on account of sickness leave of absence should be granted.

The SPEAKER *pro tempore*. Some ask leave on account of sickness and some on account of important business. That is the usual form in which they are made.

Mr. CONGER. I withdraw my request.

Mr. LUTTRELL. Will it be in order to move that we all be excused?

Mr. GARFIELD. I demand the previous question.

Mr. DURAND. I withdraw my request for leave of absence.

Mr. McMAHON. I should like to know if there could not be separation as to those who ask leave of absence on account of sickness from those who ask leave of absence simply on account of business.

The SPEAKER *pro tempore*. The gentleman is entitled to a separate vote on each name if he desires it.

Mr. TURNEY. I also withdraw my request for leave of absence.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 66, noes 59.

Mr. RANDALL. Is that a quorum?

The SPEAKER *pro tempore*. It is not. The Chair appoints Mr. GARFIELD and Mr. RANDALL tellers.

Mr. RANDALL. I think we may as well have the yeas and nays. Such as are sick should be excused, of course.

Mr. HUBBELL. I have sent to the Speaker's desk a request for leave of absence, and I have done so because I have two sick children at home.

The SPEAKER *pro tempore*. If the gentleman sent his request this morning, it is not among these requests which were pending at the adjournment yesterday.

Mr. HUBBELL. I ask then that it be included in the list with the other names. I am obliged to go home at any rate. It takes nine days' travel for me to go home and return, and therefore I have asked indefinite leave of absence.

Mr. WILSON, of Iowa. I ask for a separate vote on the request of the gentleman from Michigan, for that request certainly should be granted.

Mr. SHEAKLEY. I withdraw my request for leave of absence.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania insist on his demand for the yeas and nays?

Mr. RANDALL. My motive was to find out such as ask for leave of absence on account of sickness, so that those requests may be granted. There is no reason, and certainly there is no propriety, where requests for leave of absence are made merely on account of business, that they should be granted. It may be that within a few days this session will close, and I think it not unreasonable that gentlemen who are well should stay here and attend to business with the rest of us.

The SPEAKER *pro tempore*. The Clerk will read the original applications for leave of absence.

The Clerk read as follows:

> Mr. BELL asks leave of absence for two weeks on account of illness;
> Mr. O'BRIEN asks indefinite leave of absence on account of sickness in his family;
> Mr. HEWITT, of New York, asks leave of absence for five days on account of sudden illness;
> Mr. COCHRANE, of Pennsylvania, asks leave of absence until Thursday morning next;
> Mr. GOODE, of Virginia, asks leave of absence for three days;
> Mr. CALDWELL, of Tennessee, asks leave of absence for two weeks;
> Mr. BROWN, of Kentucky, asks indefinite leave of absence;
> Mr. PHELPS asks leave of absence for ten days from to-morrow;
> Mr. GIBSON asks leave of absence for two days from the 8th instant;
> Mr. G. A. BAGLEY asks leave of absence for ten days from the 9th instant;
> Mr. CHITTENDEN asks indefinite leave of absence from Tuesday next;
> Mr. COLLINS asks leave of absence for five days;
> Mr. ADAMS asks leave of absence for ten days;
> Mr. DOBBINS asks leave of absence for one week;
> Mr. WALKER, of New York, asks leave of absence for two weeks from the 8th instant;
> Mr. PLATT asks leave of absence for four days from Tuesday next; and
> Mr. SOUTHARD asks leave of absence for four days.

Mr. RANDALL. My object is accomplished in giving notice to gentlemen who are not called away by sickness that they ought to remain here. I withdraw all opposition to granting leave of absence in those cases.

Mr. GARFIELD. If the gentleman in charge of the appropriation bills thinks that the granting of these requests for leave of absence will in any way endanger a quorum, I am bound as a matter of loyalty to the business of the House to say I think we ought not to grant the requests, and, so far as I am concerned, will withdraw my motion that they be granted.

Mr. RANDALL. In my judgment, a few days will bring us to the determination of this session.

Mr. GARFIELD. I have never known a leave of absence to be refused, and everybody understanding requests for leave of absence in this way are always granted, a large number of gentlemen whose names are upon the list have actually left the city, and it would embarrass them to have their names brought up in this public way and leave of absence refused.

It would put every one of them in an exceedingly embarrassing

position. I am sure their requests would not be refused unless the gentlemen in charge of the public business think that granting their requests would result in the loss of a quorum. If the gentleman takes that view, I will withdraw my motion.

Mr. RANDALL. I am apprised that nearly one hundred members are absent. This is not confined to this side of the House. There is about a relative proportion of absentees from each side of the House. We have constantly within a short time past found ourselves without a quorum. It has been difficult to keep a quorum; and in view of the fact that in all human probability we shall be able to adjourn in a very few days, I thought gentlemen who simply desired leave of absence on account of business would facilitate the public business by remaining those few days; and hence my opposition in the first instance to granting their request. I now withdraw it.

The SPEAKER *pro tempore*. Further count not being demanded, the motion of the gentleman from Ohio [Mr. GARFIELD] prevails, and the several requests for leave of absence are granted.

Mr. HUBBELL. I now ask that my application be acted upon.

Mr. HOAR. I wish to ask the Chair if it is in order to move that all the applications for leave which specify as the reason for the application the sickness of a member or of any member of his family or the death of a member of his family be granted?

The SPEAKER *pro tempore*. That could be done by unanimous consent.

Mr. HOAR. Then I will make that motion.

Mr. CONGER. I would suggest to the gentleman from Massachusetts that all the applications for leave of absence have already been granted.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Massachusetts as wanting to establish a rule for the future. The various requests for leave of absence which were on the Speaker's table have now been granted.

Mr. HOAR. I do not insist on my motion.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HUBBELL] asks for leave of absence indefinitely on account of sickness in his family. Is there objection?

There was no objection, and leave of absence was granted.

HEIRS OF FIDELIO S. HUNT.

Mr. TUCKER, by unanimous consent, from the Committee on Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 3750) for the relief of the heirs of Fidelio S. Hunt, late collector of internal revenue of the second district of Mississippi; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. HURLBUT moved to reconsider the vote by which the bill was referred to the Committee of the Whole; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURTS IN COLORADO.

Mr. MACDOUGALL, by unanimous consent, introduced (by request) a bill (H. R. No. 4079) providing for a district and circuit court of the United States in the State of Colorado, and for the appointment of district judge, attorney, and marshal; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be prinetd.

BALTIMORE AND POTOMAC RAILROAD.

Mr. MACDOUGALL also, by unanimous consent, introduced (by request) a bill (H. R. No. 4080) repealing so much of the act of May 21, 1872, as authorizes the Baltimore and Potomac Railroad Company to run across the public reservation to their depot on Sixth street; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN T. ARMSTRONG.

Mr. CABELL, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 4081) for the relief of John T. Armstrong, of Alexandria, Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. A. G. TEBAULT.

Mr. CABELL also, by unanimous consent, introduced a bill (H. R. No. 4082) for the relief of Dr. A. G. Tebault, of Princess Anne County, Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. WADDELL. I ask unanimous consent to take from the Speaker's table and put on its passage the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships. This is a matter of great importance to a large portion of the people of this country.

Mr. BLAND. I think I must call for the regular order.

Mr. WADDELL. Will the gentleman allow me to state what the object of the bill is?

Mr. BLAND. I cannot yield for action on any bill.

Mr. LUTTRELL. This will not take more than a single moment, and it is very important that the bill should pass.

Mr. WADDELL. I desire to state to the House that this bill is unanimously approved by the Committees on the Post-Office and Post-Roads of both branches and has just passed the Senate. It will not take more than a moment to pass it.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read for information. It authorizes the Postmaster-General to accept from the Pacific Mail Steamship Company, for service in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; said iron steamships to be substituted for any wooden side-wheel steamers now lawfully doing service under the act of Congress of February 7, 1865; provided that nothing contained in the bill shall be construed as creating, reviving, or recognizing any claim now pending, or as a basis of any claim which may hereafter be preferred against the United States by said steamship company growing out of any existing law or contract whatever, except such as may lawfully exist under the law of February 7, 1865.

Mr. HOLMAN. I must object to the present consideration of this bill. The last clause in it ought to be considered carefully.

Mr. WADDELL. As I have already stated, the bill has been carefully considered and approved by the Committees on the Post-Office and Post-Roads of both Houses.

The SPEAKER *pro tempore*. Argument is not in order. The gentleman from Indiana objects.

Mr. HOLMAN. I ask that the last clause be again reported.

The Clerk again read the proviso of the bill.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at the present time?

Mr. HOLMAN. It seems to me that the language of the last clause is very ambiguous.

Mr. WADDELL. It is the most carefully guarded language that the best lawyers could use to cover the avoidance of responsibility on the part of the Government.

Mr. BLAND. I must object.

ROCKY MOUNTAIN LOCUSTS, ETC.

Mr. STRAIT, by unanimous consent, introduced a bill (H. R. No. 4083) to authorize the appointment of a commission to investigate and gather information relative to the Rocky Mountain locust (or grasshopper) and other injurious insects; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CAPTAIN THOMAS B. HUNT.

Mr. STRAIT also, by unanimous consent, introduced a bill (H. R. No. 4084) for the relief and re-appointment of Captain Thomas B. Hunt, assistant quartermaster in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, informing the House that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California;

The bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building;

The bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

The bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood; and

The bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra.

The message also informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 1915) to change the name of the steamboat Robert Ross.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation;

A bill (S. No. 788) for the relief of Robert N. Eddy;

A bill (S. No. 840) for the relief of Norman H. Ryan; and

A bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. WILLARD. I ask unanimous consent to introduce a bill for consideration at this time.

The SPEAKER *pro tempore*. The bill will be read, after which objections will be in order.

The bill repeals all that part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, which provides that said pavement shall be fully completed and ready for use December 1, 1876.

There being no objection, the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, was received and read a first and second time.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. MORGAN, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 4086) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES B. VARNEY.

Mr. GOODIN, by unanimous consent, reported back from the Committee on Public Lands the bill (S. No. 808) for the relief of Charles B. Varney, of Portland, Maine, and moved that the committee be discharged from its further consideration and that it be referred to the Committee of Claims.

The motion was agreed to.

PAY OF COMMITTEE CLERK.

Mr. POWELL, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the pay of the clerk of the Committee on Expenditures in the Interior Department be, and is hereby, increased $1 per day, said increase to date from day of appointment.

ORDER OF BUSINESS.

Mr. SMITH, of Pennsylvania. I ask unanimous consent to report a bill for reference to the Committee of the Whole on the Private Calendar.

Mr. BLAND. I cannot yield any further. I demand the regular order of business.

Mr. HALE. I move to reconsider all the votes taken this morning upon the various reports of committees and bills for reference; and also move that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore*. The Chair will state that all bills introduced and referred by unanimous consent cannot under the rule be brought back on motions to reconsider. And in this case the same order will be entered in regard to each one of the reports of the committees.

Mr. HALE. That should be done.

Mr. CONGER. I ask the gentleman from Missouri [Mr. BLAND] to allow some bills to be reported and referred to the Committee of the Whole on the Private Calendar.

Mr. BLAND. I cannot yield any longer, and must demand the regular order.

SILVER AND GOLD COINAGE.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin at twenty minutes past one o'clock. Reports of a public nature are now in order from committees. The unfinished business coming over from the last morning hour is the bill (H. R. No. 3635) to utilize the products of silver and gold mines, and for other purposes, reported by the gentleman from Missouri [Mr. BLAND] from the Committee on Mines and Mining. The pending question is upon the call for the previous question.

Mr. BLAND. As the session is so near its close, I must insist upon the demand for the previous question without any further debate upon this bill.

Mr. ODELL. I move that the House now adjourn.

Mr. HALE. On that motion I call for tellers.

Tellers were not ordered; there being 16 in the affirmative, not one-fifth of a quorum.

Mr. PIERCE. I call for the yeas and nays on the motion to adjourn; and pending that motion I move that when the House adjourns to-day it be to meet on Thursday next.

The question was taken upon the motion of Mr. PIERCE; and upon a division there were—ayes 15, noes 55.

Before the result of the vote was announced,

Mr. PIERCE called for the yeas and nays.

The yeas and nays were ordered; there being upon a division—ayes 25, noes 77; more than one-fifth voting in the affirmative.

The question was taken; and there were—yea 1, nays 184, not voting 100; as follows:

YEA—Mr. Frye—1.

NAYS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Beebe, Blackburn, Blair, Bland, Boone, Bradford, Bright, William R. Brown, Horatio C. Burchard, Burleigh, Cabell, John H. Caldwell, Campbell, Cannon, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Conger, Cook, Cox, Crounse, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Douglas, Durand, Durham, Eames, Eden, Egbert, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Garfield, Gause, Gibson, Goodin, Gunter, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hopkins, House, Hubbell, Hunton, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, King, Knott, Lane, Lapham, Lawrence, Levy, Lewis, Lord, Luttrell, Lynch, Lynde, Mackey, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Meade, Metcalfe, Miller, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, New, Norton, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Plaisted, Platt, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Savage, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Erastus Wells, White, Whitthorne, Wigginton, Willard, James Williams, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, James Wilson, Woodburn, Yeates, and Young—184.

NOT VOTING—Messrs. Abbott, John H. Bagley, jr., Banning, Bass, Bell, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Candler, Cason, Chapin, Chittenden, Cochrane, Collins, Cowan, Crapo, Culberson, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Fuller, Glover, Goode, Hale, Robert Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Hartzell, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Holman, Hoskins, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Lamar, Franklin Landers, George M. Landers, Leavenworth, Le Moyne, Milliken, Money, Neal, O'Brien, Odell, Oliver, Phelps, John F. Philips, Pratt, Purman, James B. Reilly, Sobieski Ross, Sampson, Sayler, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Tarbox, Martin I. Townsend, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Warren, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, and Woodworth—100.

So the motion was not agreed to.

The question then recurred on the call of Mr. PIERCE for the yeas and nays upon the motion of Mr. ODELL that the House adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 167, not voting 116; as follows:

YEAS—Messrs. Douglas and Frye—2.

NAYS—Messrs. Adams, Ainsworth, Anderson, Ashe, George A. Bagley, Ballou, Banks, Beebe, Blackburn, Blair, Bland, Boone, Bradford, Bright, William R. Brown, Horatio C. Burchard, Burleigh, Cabell, John H. Caldwell, Campbell, Cannon, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cox, Crounse, Cutler, Danford, Davis, Dibrell, Durand, Durham, Eames, Eden, Egbert, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Garfield, Gause, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Hoar, Hopkins, House, Hubbell, Hunton, Hurd, Hurlbut, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, Knott, Lane, Lapham, Lawrence, Levy, Lewis, Lord, Lynch, Lynde, Mackey, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, New, Norton, O'Neill, Page, Payne, Pierce, Piper, Platt, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Miles Ross, Savage, Scales, Schleicher, Sheakley, Singleton, Slemons, Smalls, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thomas, Thompson, Thornburgh, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Ward, Erastus Wells, White, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Yeates, and Young—167.

NOT VOTING—Messrs. Abbott, Atkins, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bass, Bell, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Candler, Cason, Chapin, Chittenden, Collins, Cowan, Crapo, Culberson, Darrall, Davy, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Fuller, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hartzell, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Holman, Hooker, Hoskins, Hunter, Hyman, Jenks, Frank Jones, Kelley, King, Lamar, Franklin Landers, George M. Landers, Leavenworth, Le Moyne, Luttrell, Meade, Miller, Milliken, Money, Neal, O'Brien, Odell, Oliver, Packer, Phelps, John F. Philips, William A. Phillips, Plaisted, Pratt, Purman, James B. Reilly, John Robbins, Sobieski Ross, Rusk, Sampson, Sayler, Schumaker, Seelye, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks, Stowell, Swann, Tarbox, Throckmorton, Martin I. Townsend, Robert B. Vance, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Warren, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, William B. Williams, Willis, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—116.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. HOUSE. My colleague, Mr. ATKINS, has been called away from the House on account of sickness.

Mr. HARTRIDGE. My colleague, Mr. SMITH, of Georgia, is absent on account of sickness in his family. If he were here he would vote "no."

Mr. CONGER. My colleague, Mr. WALDRON, is absent by leave of the House. If present he would vote "no," I think.

The result of the vote was announced as above stated.

Mr. KASSON. I desire to ask the gentleman from Missouri [Mr. BLAND] whether he still insists on refusing to allow amendments to be offered?

Mr. BLAND. There are two amendments pending; one is to strike out the fourth section; and the other to strike out that provision of the bill which proposes to make silver coin a legal tender for duties on imports. On the bill with those amendments I demand the previous question.

Mr. KASSON. I still ask the gentleman whether he will allow us to offer amendments?

Mr. BLAND. I did make such an offer, but——

Mr. PIERCE. I rise to a privileged question. I move to reconsider the vote by which the House refused to agree that when it adjourns it will adjourn to meet on Thursday next.

Mr. KASSON. That is right. If we can have no opportunity for amendment, we cannot consent to have this bill acted on.

The question being taken on the motion of Mr. PIERCE, there were—ayes 33, noes 43; no quorum voting.

Tellers were ordered; and Mr. PIERCE and Mr. BLAND were appointed.

Mr. BLAND. I ask unanimous consent to make a statement. I will yield for any amendment which the gentleman from Iowa [Mr. KASSON] desires to offer. [Cries of "Regular order."] I want it understood that I will yield to allow the gentleman from Iowa to offer amendments.

Mr. KASSON. I am asking for the right of all members of the minority to offer amendments.

Many MEMBERS. ["Regular order!"]

Mr. BLAND. I will say that I am willing to yield for amendments——

The SPEAKER *pro tempore*, (Mr. CLYMER.) The regular order is called for; and the gentleman from Missouri [Mr. BLAND] will take his place as a teller.

The House divided; and the tellers reported—ayes 11, noes 66; no quorum voting.

Mr. SAVAGE. I move a call of the House.

Mr. BLAND. I ask unanimous consent to make a statement. [Cries of "Regular order!"]

The question being taken on the motion of Mr. SAVAGE, there were—ayes 23, noes 37.

Several MEMBERS. "Further count!"

Tellers were ordered; and Mr. SAVAGE and Mr. PIERCE were appointed.

The House divided; and the tellers reported—ayes 23, noes 49.

So the motion for a call of the House was not agreed to.

Mr. KASSON. Mr. Speaker, has the morning hour expired?

Mr. BLAND. I wish to state that I am willing to allow such amendments to the bill as gentlemen may desire to offer.

The SPEAKER *pro tempore*. Upon the point made by the gentleman from Iowa [Mr. KASSON] it is the duty of the Chair to announce that the morning hour has expired.

Mr. SAVAGE. I make the point that, without regard to the lapse of sixty minutes, the morning hour does not expire till some business of higher privilege intervenes.

The SPEAKER *pro tempore*. The point taken by the gentleman from Ohio [Mr. SAVAGE] is sustained by the Chair, that the intervention of some business of higher privilege is necessary to terminate the morning hour.

Mr. BLAND. As I have said, I am willing that gentlemen shall offer such amendments as they desire to this bill.

Mr. KASSON. I demand the regular order.

The SPEAKER *pro tempore*, (Mr. SAYLER in the chair.) There is no regular order, unless some superior motion is made.

Mr. GARFIELD. I move that the House proceed to the consideration of the business on the Speaker's table.

Mr. BLAND. I do not yield to any such motion. I am willing to yield to allow gentlemen to offer all the amendments they want to.

The SPEAKER *pro tempore*. The motion of the gentleman from Ohio is that the House proceed to the business on the Speaker's table.

Mr. BLAND. Does the motion to go to the business on the Speaker's table take me off the floor?

The SPEAKER *pro tempore*. The morning hour has terminated by the motion to go to business on the Speaker's table. It is a superior motion and is in order at this time.

Mr. BLAND. Have I not the right to raise the question of consideration?

The SPEAKER *pro tempore*. The only question before the House is the motion to go to the business upon the Speaker's table.

Mr. BLAND. I hope that motion will be voted down.

The SPEAKER *pro tempore*. The House can vote it down if it wants to.

The motion was disagreed to.

Mr. BLAND. I insist on my motion for the previous question on the silver bill.

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. WHITE. I ask unanimous consent to take up the following bill for consideration and put it on its passage at this time——

Mr. BLAND. Is that of any higher privilege than my demand for the previous question?

The SPEAKER *pro tempore*. Certainly not; but the Chair will state to the gentleman from Missouri that the morning hour has expired, that it necessarily expired on the making of the motion to go to business on the Speaker's table. The morning hour having expired, the gentleman cannot get back to the morning hour to-day in any way the Chair knows of.

Mr. HOLMAN. I demand the regular order of business.

The SPEAKER *pro tempore*. What is the regular order of business.

Mr. HOLMAN. It is the gentleman's bill.

The SPEAKER *pro tempore*. No, for that is in the morning hour, and the morning hour has expired.

Mr. CLYMER. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. WHITE. I am sure there will be no objection to the bill I ask be put upon its passage if it is properly understood. There was only one objection made to it on the Private Calendar, and the gentleman who made that objection now withdraws it, as it was made by him under misapprehension.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole on the state of the Union, and that motion must be put to the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HALE. I call up the motion to reconsider the vote by which the President's message was referred to the Committee on Appropriations and ordered to be printed, and upon that I wish to be heard. Before I go on, however, I give notice that before the end of the hour I will, by arrangement, yield to the gentleman from Pennsylvania, [Mr. RANDALL,] who will afterward take charge of the motion as the chairman of the Committee on Appropriations.

Mr. HOLMAN. Is this the regular order of business?

The SPEAKER *pro tempore*. It is a privileged motion.

Mr. YEATES. What is the motion?

The SPEAKER *pro tempore*. The gentleman from Maine calls up the motion to reconsider the vote by which the President's message was referred to the Committee on Appropriations and ordered to be printed, and is entitled to the floor for one hour.

Mr. HALE. Let me say to gentlemen of the House, while there was anything seemingly important pending, while there was any actual business, I did not seek to obtrude this matter. Having charge of it all the time, I deem this the most suitable time to call it up, and I propose now to proceed with what I have to say.

Mr. BANNING. Will the gentleman yield to me?

Mr. HALE. My friend from Massachusetts asked me to yield to him.

Mr. BANNING. I ask the gentleman to yield to me in reference to important business. If he will let me state it he will see that it is important. It is in reference to supplying scouts——

Mr. CLARK, of Missouri. I ask the gentleman to yield to me a moment.

Mr. WHITE. I hope the gentleman from Maine will not take me off the floor until I have finished my explanation.

Mr. HALE. I see I shall have to yield my whole time if I yield to one, and therefore I must go on.

Mr. RANDALL. I hope the gentleman from Maine will be allowed to proceed without interruption.

The SPEAKER *pro tempore*. The gentleman from Maine is entitled to the floor on the motion to reconsider, and will proceed.

Mr. HALE. Mr. Speaker, I propose, as certain short-comings of this House have been referred to in the message of the President, to review some of the incidents and events of this session of the House of Representatives. I am all the more inclined to this duty, sir, because upon Tuesday last the gentleman from Mississippi [Mr. LAMAR] declared that there is a wide and general dissatisfaction with the republican party throughout the country, and that the people demanded a change. While listening to that declaration, I thought of the counter-blast of Carl Schurz, who says lately that whatever may be the errors of the republican party, it is very clear that democracy affords no relief. Luckily the present House of Representatives gives us the chance to judge of democracy, not by its promises, but by its performances.

That party carried the country in the half revolution which swept over the country in 1874. To all appearance it had the popular voice behind it. It secured almost two-thirds of the members upon this floor, thus giving to it almost irresistible power to drive through any needed and justly desired reform, should it take upon its shoulders any such measure. It had to all appearance, I say, the popular voice to sustain it. Democracy was here in such strength that whatever wise measures it should propose for actual relief to any suffering interest, there never has been a time when it could not against all objections in other quarters drive both the Senate and the Executive into consonant action. For, Mr. Speaker, it has never been, and I venture to predict will never be the case, that the popular branch of the American Congress, when it is committed to any just measure of reform, any wide-reaching policy that meets with approval from the people, can be stayed either by the Senate or by the Executive. In that regard, whenever that question and that time shall be reached, American history will duplicate English history, and it will be found, as it should be found, that with the House arrayed for the right, and the Senate or the Executive arrayed for the wrong, the Senate or the Executive must and will yield.

The dominant party in the House of Representatives had such an opportunity afforded it when it assembled on the first Monday of December last as no party has ever had. The whole country was intent upon the action of that party for the coming session. It had been sent here upon certain promises of reform in directions that affected the living interests of the people—the question of civil service reform, the question of relief from taxation, the question of finance and the currency, and other broad general questions—upon none of which that party failed to promise largely in the canvass, that resulted in its success. In December last its promises matured, and it was confronted with pay-day.

Now, Mr. Speaker, I have no time to speak at length of the spectacle that Washington City presented to the country at the date of the assembling of this Congress. There were to be distributed by the dominant party in the House in all perhaps three hundred offices, reckoning from the page upon the floor and the folder below up to

the Speakership and Clerkship of the House. And every gentleman here remembers that the city was crowded in its streets, that the hotels and the corridors of the House were thronged, and that for every place a hundred hungry applicants presented themselves here clamoring and scrambling for the good places and, failing in them, for the small places. The House was organized and the work of the headsman began at once. Now, I appeal to any member upon this floor who was here in the last Congress to look over the places attached to this House, and which fell under the control of democracy under the promise of a civil-service reform, and see how many familiar faces he discovers, faces that were here in the last Congress. Two or three only arrest my attention. One gentleman in the Clerk's office is allowed to remain there because of his familiarity with certain financial details and the difficulty of filling his place. The paying-teller, in the Sergeant-at-Arms's office, is left, and here and there is spared, as a monument of the past, an old soldier attending our doors. All of the rest have been ruthlessly submitted to the ax of the headsman, have been turned out and others put in their places.

Mr. SPRINGER. There are more Union soldiers in the employ of this House than were in the employ of the last House.

Mr. HALE. I have heard that statement before. I do not accept it as true; my figures are different now.

Mr. RUSK. Soldiers of which army?

Mr. SPRINGER. Soldiers who were in the Union service.

Mr. HALE. This was a specimen of civil-service reform with a vengeance. But it had one advantage, and my friends on the other side were entitled to that advantage. It disembarrassed the party in control. It left the House in the hands of its friends. And looking on and remembering how his party promised reform in political methods and moderation whenever it should be placed in power, it may be that Governor Tilden interpreted the action of his party as the fulfillment of its promises, and therefore in his letter of acceptance encourages the faithful followers of civil-service reform in these ingenious words:

> The public interest in an honest, skillful performance of official trust must not be sacrificed to the usufruct of the incumbents.

I fancy that we are likely to hear something of the "usufruct of the incumbents" as a political evil should the presidential election go democratic.

But I must follow the course of the House. The Speaker was elected and appointed his committees, and just here was a most serious outcropping of what might be expected in the future if the elections of 1874 be repeated in 1876. It had been predicted, it had been feared, that a democratic triumph meant the restoration to power of that element in the democratic party which carried the country into civil war and maintained that war for four cruel, tragic, desolating years. There was throughout the country a growing suspicion that this was a threatening danger. The democratic leaders knew this feeling of apprehension in the country; they have always denied it, and there have been here and elsewhere many protestations of modesty from gentlemen representing that element in the democratic party, that with them there was no existing intent of gaining the control of the Government through the control of the democratic party.

The gentleman from Mississippi [Mr. LAMAR] in his speech declared—I do not use his exact words—that if any man believed that there was any danger of the South getting control of the democratic party or the country, it was a hallucination which observation and a little experience would surely dispel. I do not quote his language, but the spirit of his statement.

Now, the Speaker of this House sat in that chair, the representative of the whole party that had made him Speaker. He it was who could feel his party's pulse and measure its demands. As I have always believed, he is a very fair man; a man who will endeavor under any circumstances to do what he believes is right, withal an intense party man, and one who, instead of setting himself in the way of a pronounced demand by his party, would seek to answer that demand.

His first duty was to organize the committees of this House and to appoint their chairmen. This is one of the most delicate duties intrusted to the Speaker of the House. The legislation of the country is shaped in the committee-rooms. The voice of the committee is uttered by its chairman. His influence is largely potential; he represents the essential interests committed to his committee, and aside from his membership is looked upon by the country, if he be a man of prominence, as the indication of the policy to be pursued by the committee on matters submitted to it. These chairmanships are the highest honors that the Speaker can confer. They are greatly desired by the ablest men in the House.

Now I have here a list of the committees of the Forty-fourth Congress, with the chairman of each and the section and State from which he comes. I have taken the thirty-three old standing committees of the House, who do its work, who shape legislation, who give tone and character to all that we do here.

Committees of the Forty-fourth Congress with southern chairmen.

Elections, Mr. Harris, of Virginia.
Pacific Railroad, Mr. Lamar, of Mississippi.
Claims, Mr. Bright, of Tennessee.
Commerce, Mr. Hereford, of West Virginia.
Post-Office and Post-Roads, Mr. Clark, of Missouri.
District of Columbia, Mr. Buckner, of Missouri.
Judiciary, Mr. Knott, of Kentucky.
Public Expenditures, Mr. Milliken, of Kentucky.
Private Land Claims, Mr. Gunter, of Arkansas.
Manufactures, Mr. Stone, of Missouri.
Agriculture, Mr. Caldwell, of Alabama.
Indian Affairs, Mr. Scales, of North Carolina.
Naval Affairs, Mr. Whitthorne, of Tennessee.
Foreign Affairs, Mr. Swann, of Maryland.
Revolutionary Pensions, Mr. Hunton, of Virginia.
Railways and Canals, Mr. Jones, of Kentucky.
Mines and Mining, Mr. Bland, of Missouri.
Education and Labor, Mr. Walker, of Virginia.
Revision of the Laws, Mr. Durham, of Kentucky.
Coinage, Weights, and Measures, Mr. Stephens, of Georgia.
Patents, Mr. Vance, of North Carolina.

Committees with northern chairmen.

Ways and Means, Mr. Morrison, of Illinois.
Appropriations, Mr. Randall, of Pennsylvania.
Banking and Currency, Mr. Cox, of New York.
Public Lands, Mr. Sayler, of Ohio.
War Claims, Mr. Eden, of Illinois.
Military Affairs, Mr. Banning, of Ohio.
Militia, Mr. Cowan, of Ohio.
Territories, Mr. Southard, of Ohio.
Invalid Pensions, Mr. Jenks, of Pennsylvania.
Public Buildings and Grounds, Mr. Holman, of Indiana.
Accounts, Mr. Williams, of Indiana.
Library, Mr. Clymer, of Pennsylvania.

In this list I have not taken into account either the small and heretofore unknown committee on expenditures of the different Departments nor the special committees. I take the old standing committees, who always have done and will do the important work of the House of Representatives.

Here it is seen that of these thirty-three committees organized by the Speaker in the first month of this session, twenty-one are put into the hands of gentlemen from the section lately hostile to the Government, and which it is claimed is not seeking to arrogate power in the democratic party; while upon the other side are but twelve committees given to the entire Northern States.

And these twenty-one committees that are so intrusted are not obscure committees. I find among them the Committee of Elections, the first on the list, a committee that largely controls and shapes the membership of this House. The Committee of Claims, with all of the responsibility of dealing justly with good claims and yet of protecting the Treasury from bad ones, is in the list. The important Committee on Commerce, treating some of the largest subjects that the American people deal with. The Committee for the District of Columbia; the Committee on the Judiciary, the great law committee of the House; the Committee on Private Land Claims; the Committee on Manufactures; the Committees on Indian Affairs, on Naval Affairs, on Foreign Affairs, on Railways and Canals, on Mines and Mining, on Education and Labor, and other committees are intrusted to southern men.

And in this first act of the democratic party through its Speaker, indicating where in the future power must be lodged if that party obtains control of the Government, I find that the section of the country from which I come, New England, although she felt the revulsion in 1874 and elected a large delegation of democrats to this Congress, was not awarded a single chairmanship; while Kentucky has four, Missouri as many, Virginia three, and other southern States several each.

I have here an old Directory of Congress in the days before the war, and I have looked it over to see how committees were apportioned then, and I do not find the South more strongly intrenched than now under the Speaker of this House acting at the dictation of his party at the beginning of the Forty-fourth Congress. Yet we are to be lulled by the talk which we hear that there is no danger of the southern element in the democratic party controlling and dictating its course in the future. Bearing upon this and showing how closely most of these prominent gentlemen were connected with the "lost cause," I give a list of the members of this Congress who were in some way associated with the "confederacy." The list has been made up from the Congressional Directory.

Rebel officers in Congress.

Names.	States.	Rank.
SENATORS.		
1. Goldthwaite	Alabama	Adjutant-general.
2. Jones	Florida	Brigadier-general.
3. Gordon	Georgia	Major-general.
4. Alcorn	Mississippi	Brigadier-general.
5. Cockrell	Missouri	Major-general.
6. Ransom	North Carolina	Major-general.
7. Key	Tennessee	Lieutenant-colonel.
8. Maxey	Texas	Major-general and superintendent Indian affairs.
9. Withers	Virginia	Colonel.

Rebel officers in Congress—Continued.

Names.	States.	Rank.
REPRESENTATIVES.		
10. Williams	Alabama	Major.
11. Bradford	Alabama	Colonel.
12. Hayes	Alabama	Brigadier-general.
13. Hewitt	Alabama	Colonel.
14. Forney	Alabama	Brigadier-general.
15. Lewis	Alabama	Colonel.
16. Gause	Arkansas	Colonel.
17. Slemons	Arkansas	Brigadier-general.
18. Gunter	Arkansas	Colonel.
19. Smith	Georgia	Captain.
20. Hartridge	Georgia	Colonel.
21. Cook	Georgia	Major-general.
22. Hill	Georgia	Colonel recruiting service.
23. Blackburn	Kentucky	Lieutenant-colonel.
24. Gibson	Louisiana	Brigadier general.
25. Ellis	Louisiana	Captain.
26. Levy	Louisiana	Colonel.
27. Lamar	Mississippi	Col. and minister to Russia.
28. Hooker	Mississippi	Colonel.
29. Franklin	Missouri	Captain.
30. Clark	Missouri	Brigadier-general.
31. Yeates	North Carolina	Major.
32. Waddell	North Carolina	Lieutenant-colonel.
33. Davis	North Carolina	Captain.
34. Scales	North Carolina	Brigadier-general.
35. Robbins	North Carolina	Colonel.
36. Vance	North Carolina	Brigadier-general.
37. Dibrell	Tennessee	Brigadier-general.
38. Whitthorne	Tennessee	Adjutant-general.
39. Atkins	Tennessee	Colonel.
40. Young	Tennessee	Colonel.
41. Culberson	Texas	Colonel.
42. Throckmorton	Texas	Brigadier-general.
43. Douglas	Virginia	Major.
44. Cabell	Virginia	Colonel.
45. Tucker	Virginia	Captain.
46. Hunton	Virginia	Brigadier-general.
47. Ferry	Virginia	Brigadier-general.
48. Faulkner	West Virginia	Adjutant-general and minister to France.
49. Reagan	Texas	Brigadier-general and postmaster-general.
50. Goode	Virginia	Colonel.
51. Hatcher	Missouri	Colonel.
52. Singleton	Mississippi	Inspector-general.
53. House	Tennessee	Major.
EX-MEMBERS OF REBEL GOVERNMENT.		
54. Stephens	Georgia	Vice-president.
Reagan	Texas	Postmaster-general.
Hill	Georgia	Senator.
55. Caperton	West Virginia	Senator.
56. Ashe	North Carolina	Senator.
House	Tennessee	Representative.
Goode	Virginia	Representative.
57. Smith	Georgia	Representative.
Hatcher	Missouri	Representative.
Singleton	Mississippi	Representative.
58. Caldwell	Alabama	Solicitor-general.
59. Norwood	Georgia	State Legislature.
60. Candler	Georgia	State Legislature.
Tucker	Virginia	Attorney-general.
Culberson	Texas	State Legislature.
61. Harris	Georgia	State Legislature.
Slemons	Arkansas	State Legislature.
Gunter	Arkansas	State Legislature.
Lamar	Mississippi	Minister to Russia.
Dibrell	Tennessee	State Legislature.
Hunton	Virginia	State Legislature.
Faulkner	West Virginia	Minister to France.
Harris	West Virginia	State Legislature.
Maxey	Texas	Supt. Indian affairs.
MEMBERS OF CONGRESS BEFORE REBELLION.		
Stephens	Georgia	Thirty-sixth Congress.
Lamar	Mississippi	Thirty-sixth Congress.
Singleton	Mississippi	Thirty-sixth Congress.
Scales	North Carolina	Thirty-fifth Congress.
Atkins	Tennessee	Thirty-fifth Congress.
Reagan	Texas	Thirty-sixth Congress.
Faulkner	West Virginia	Thirty-second to Thirty-sixth Congresses.
Harris	Virginia	Thirty-sixth Congress.

In the same direction was the course pursued in the various offices about the House.

Perhaps there is nothing that illustrates these two propositions, first, the promise of civil-service reform, and then the denial that the South is gradually absorbing the democratic party, than that presented by the post-office of this House, where a clean sweep was made.

In the Forty-third Congress the Postmaster was a Union soldier, who had lost a leg at Kenesaw.

But I will give the lists for both the Forty-third and Forty-fourth Congresses:

Henry Sherwood, Postmaster, entered the service in the Second Michigan Cavalry early in the war. He was in all the battles in the West, from Perryaville to the battle of Kenesaw Mountain, in 1864, and lost a leg at the fight at Lattimer's Mill, on the left of Kenesaw.

Joseph F. Wilson, assistant postmaster, entered the service from Illinois, and in one of the battles of the war had his lower jaw entirely shot away.

Francis A. Wardell entered the service in 1861, in a Massachusetts regiment, and was totally disabled by wounds received at the battle of Winchester, Virginia, September 19, 1864.

J. H. Paine entered the Army from Ohio, and served honorably during the war.

R. S. Bishop served in a Michigan regiment during the war, and had his arm shot away by a rebel bullet.

R. S. McMichael, while in service in a Wisconsin regiment, nearly lost his eyesight in the honorable discharge of his duty.

D. B. Bradley enlisted in a Wisconsin regiment in 1861, and was honorably discharged November, 1864.

A. M. Legg, from New York, served during the war in our Navy.

C. M. Thomas, Iowa; J. H. Lytle and W. B. Sessions, New York; J. D. Serun and D. F. Bishop, Pennsylvania; and Cripti Palmoni, District of Columbia, were appointed from civil life.

The employés of the Forty-fourth Congress are as follows:

James M. Stewart, Postmaster, from Virginia, was captain in the rebel army, and served with J. E. B. Stuart's raiding cavalry.

Edgar Snowden, assistant postmaster, from Virginia, was a press correspondent in the rebel army.

G. W. Rock, Virginia, served in the rebel army.

G. W. Kennedy, Virginia, served in the rebel army.

A. W. C. Nowlin, Virginia, served in the rebel army.

W. H. Robertson, Virginia, served in the rebel army.

J. R. Fisher, Virginia, served in the rebel army.

W. B. Lowry, Virginia, served in the rebel army.

E. C. Glass, Virginia, served in the rebel army.

The other employés are Richard Allen, Virginia; Edward Estes, New York, who took the modified oath.

I must touch lightly upon this matter of the outside organization of the House.

Here and there individual cases attract attention and deserve mention, both as showing removals without cause and also showing the very superior order of merit introduced by the party just taking possession of the House. For instance we had an old journal clerk, a venerable and accomplished man, who had sat at that desk for thirty years, who had been adopted by a republican administration sixteen years ago, who had sat there as a come-over from a democratic administration. He is a marvel to-day of intelligence and accuracy upon parliamentary law, and was never more needed in this House in the interests of correct legislation than at a time when new hands took the reins. I refer of course to Mr. Barclay. But short shrift was given to him; and there was substituted for him a pronounced democrat; and in a little while my friends on the other side found as one result of their "civil-service reform" in displacing this veteran that the new incumbent was thriftily putting himself in a position to make merchandise of the important place that he held here.

Mr. HARRISON. Will the gentleman allow me a single moment?

Mr. HALE. I find that my time is being consumed so fast that I am afraid I shall not be able to yield any time to the gentleman from Illinois.

Mr. HARRISON. Mr. Barclay resigned.

Mr. HALE. We all know about his resignation.

Mr. HARRISON. Why did you not state it?

Mr. HALE. I will state it.

Mr. FRANKLIN. You said he was displaced.

Mr. HALE. I say again that he was displaced. When Mr. Barclay found that such was the clamor and push for office upon the Clerk of this House for his place as well as all others, and that his removal was imminent, he resigned, and that will not be denied.

Mr. HARRISON. It is denied.

Mr. HALE. He resigned in order that he might show his own self-respect, as it was very proper he should do.

Mr. HARRISON. It is positively denied.

Mr. RANDALL. I wish to correct one statement of the gentleman. Mr. Barclay resigned of his own voluntary accord; and I think I am authorized to say that the Clerk of the House never had any disposition to remove him.

Mr. WHITE. May I ask the gentleman from Pennsylvania——

Mr. HALE. I cannot yield further. It was well understood at the time why Mr. Barclay resigned. I wish to do no injustice to our Clerk who has these subordinate officers in charge. The general system of removals showed that nobody would be spared. Mr. Barclay was intimately associated with certain gentlemen at the Clerk's desk whom he wished to remain if he remained and so stated his desire, as I understand, to Mr. Adams, the Clerk. He felt that assurances had been given to him in authoritative quarters that these gentlemen should be retained, and when they were all removed both the desire to remain was gone and also any confidence as to his own much further retention. The way is not important. The journal clerk went out under the system followed here.

The new journal clerk who had been put in by this "reform" House was not a great success. He had borne a good reputation, I learn, before he came into office, but before many weeks it was found that, important and delicate as were his duties, he having in charge the Journal of the House which records our legislation, he had put himself in communication with claims and claim agents throughout the country and proposed to make profit of his position by getting control of certain claims which were before this House and which depended upon the passage of certain legislation. So my friends on the other side were not able to keep him.

Mr. HARRISON. And he was from a State bordering upon that of the gentleman from Maine.

Mr. HALE. He was from a State that had a strong and belliger-

ent democracy, which claimed him as their representative and sent him here to fill an important office.

The following memorandum has been given to me as to the assistant journal clerk whom our reforming friends put into Mr. Clayton's place:

Flanagan, assistant journal clerk, legislated out June 30, was tried by court-martial, of which Governor Hayes was president, in 1864, for resisting draft and encouraging desertion, as editor of an Ohio paper, found guilty, sent to Fort Delaware; which decision was affirmed by General Hooker; and when the war closed he was serving out his sentence.

Here are some of the other officers who in a few weeks were proven unfit. I notice them because of the claim that bad men are to be put out of office and good men put in:

The clerk of the Committee on Military Affairs.

The clerk of the Committee of Ways and Means.

The Doorkeeper of the House.

There were other lesser offices, but I give no time to them.

The clerk of the Committee of Ways and Means was the now rather notorious James P. Hambleton. The place is very important. The clerk possesses all the secrets of this most important committee; secrets sometimes worth hundreds of thousands of dollars to desperate men interested upon the subjects considered in the committee, which reverses and re-arranges our tariff laws and all revenue laws at its pleasure. Mr. Hambleton was, I think, forced upon the chairman of the committee by other influence. He had been a lobbyist here for some years, and, it was charged, had been a blackmailer on northern merchants before the war. But a well-proved act of his showing pronounced sympathy with the most lamentable and tragic act in our history, the assassination of Abraham Lincoln, aroused the newspaper press and particularly the New York Tribune, and my friend from Illinois, [Mr. MORRISON,] the chairman of the committee, removed him, and removed him, I have no doubt, willingly on learning all the facts. To show something of the character of the parties I will have read the following from the New York Tribune:

TURN BACK THE HANDS.—MR. HAMBLETON DEMANDS PROOFS.—A LETTER FROM THE DEMOCRATIC CLERK OF THE WAYS AND MEANS COMMITTEE.

To the editor of the Tribune:

SIR: Judging from your article of this date, you seem determined not to receive any statement or explanation as satisfactory. It sometimes happens that "a man convinced against his will is of the same opinion still." In reply to your first onslaught I authorized your chief correspondent in this city to say that I never had a child or anything else named "John Wilkes Booth." That dispatch appeared in the Tribune as my authorized statement, and the Tribune also, in the same issue, made editorially (in minion type) a quasi retraction. Since that date the Tribune reiterates the charge, but presents no proofs. I now say for the last time that the allegation is false and malicious, and if the Tribune has or can get any proof that I, or any member of my family, ever named a child John Wilkes Booth, we say give it to the public without delay. Who are your witnesses and what are they? It is an easy matter for an editor—especially one who fought four years to save the Union—in his retiracy—glowing with patriotic ardor, to indite gushing philippics over the grave of a dead infant. But it is another thing to produce facts that sustain such a course. This crusade of the anti-democratic press against the clerk of the Committee of Ways and Means is not only unfounded in truth, but it is partisan and malicious, and is the smallest and most contemp'ible episode in the history of American politics. The Tribune has been imposed upon by the envious and the malignant; its patriotic indignation has been lashed into a rage at the sight of a Quaker gun—nothing more, nothing less.

The Tribune may also be gratified to know that the clerkship of the Committee of Ways and Means is a matter of small consideration to its present incumbent. The clerk was appointed on the sole recommendation of prominent democrats who had served long and faithfully on this committee, and while the chairman is not responsible for my appointment yet my resignation has always been subject to his will and pleasure. Will the Tribune suggest to the chairman of the Committee of Ways and Means some suitable gentleman for his clerk, after learning that he has a family and what he has named his children? No mistakes should be made. In conclusion, we ask the Tribune if there is anything in either of the new amendments of the Constitution, the reconstruction acts, acts of Congress, proclamations, or military orders that prohibits a man from naming a child anything he chooses? "We are in our father's house," and will never knowingly violate any law or anything done in pursuance thereof. We shall never invade, under any pretext, the domestic circle or the graves of innocents.

JAMES P. HAMBLETON,
Clerk of Committee of Ways and Means.

WASHINGTON, D. C., *February* 8, 1876.

P. S.—If there is any additional statement you desire to make, please prepare it, and inclose it to your regular Washington correspondent, that I may comply, if possible, with your patriotic demands.

J. P. H.

MR. HAMBLETON ACCOMMODATED.

[From the Washington Patriot, Monday, July 8, 1872.]

DIED.

HAMBLETON.—At the Exchange Hotel, Washington, D. C., on the morning of July 3, 1872, at 10 minutes past seven, of inflammation of the brain, John W. B. Hambleton, aged 6 years, 3 months, and 17 days, youngest son of James P. and Martha L. Hambleton, of Atlanta, Ga.

The case of Doorkeeper Fitzhugh is so well known that I need not give it much time. He was the "bigger man" than Grant. He had been brought here before the democratic caucus because he had been either doorkeeper or sergeant-at-arms of the confederate house of representatives during the war, and that was not a claim to be disregarded. That was a claim with my friends on the other side so overtowering that it was not asked, "Is he honest?" it was not asked, "Can he spell?" it was not asked, "Can he write?" it was not asked, "Is he fitted by attainments and experience for this important place?" But because of his "war record," I suppose, he distanced all competitors in the caucus.

Mr. HARRISON. As soon as we found he was unfitted for the place, we dismissed him.

Mr. HALE. Yes; he was turned out. My friend should not be uneasy.

Mr. FRYE. Cannot the gentleman from Illinois be kept quiet?

Mr. HALE. But I must come to weightier matters. The House was confronted with the condition of the country. The majority had the country before it, in whatever condition it was, in whatever condition of depression were all the industries of the country, with all needed reforms to be set on foot. The South claimed that the whole republican policy there was wrong, that grievous errors and sins and crimes were the accompaniments of that policy, and that a drastic change was demanded. Here was an opening for some broad plan of legislation that the House at least might send to the country. But on the day that the House assembled we witnessed the faculty and the power of the democracy to grapple with a great subject; for it was deliberately proposed here upon the question of swearing in a member of this House to open what is one of the wisest things in the record of the republican party, the adjustment of the Louisiana difficulty—the Wheeler compromise—which had given to New Orleans and the State of Louisiana a peace which she had not known for years. I am glad to say that my almost always wise friend from Indiana [Mr. HOLMAN] was not in accord with the movement and opposed it. But it was urged by almost all the leaders of his party that this beneficent measure of settlement should be thrown open, and it was voted down only by the solid strength of this side of the House, with the careful and moderate men, few in number, on the other side under the lead of Mr. HOLMAN. So disastrous was that experiment, so pronounced was the defeat, that from that day to this there has been no plan nor suggestion as to southern measures reported from any committee that I have ever heard of.

Other questions confronted us. The question of finance was upon every man's mind, and almost upon every man's tongue.

American commerce, Mr. Speaker, it was claimed upon that side, languished, as it undoubtedly does languish, largely from causes that are world-wide, and not influenced by legislation in this Hall. But it was claimed there that it languished because it suffocated in the grasp of an incompetent party; and the country looked to see what measure would be attempted by the dominant party in this House upon that great interest. The questions, too, of currency—its uses, its medium, its kind, its limitation—were all before the House when it assembled.

The House left all of these questions. It trod them under foot. It ignored them as of little account or confessed its incompetency by refusing to deal with them, and embarked in a wild crusade of investigation. Now here with a party in power during four presidential terms there was an opportunity undoubtedly for some good to be done. It was by no means new ground. No republican Congress had for the last ten years failed to investigate when real evils appeared and to censure and punish both friend and foe alike. But there was yet some opportunity for improvement, and when the crusade was started the country looked for some good out of the effort.

But, Mr. Speaker, while the House sent thirty-three committees into investigating duties, which monopolized their time and drove out all other subjects, yet the method and manner was such that from the beginning the whole movement was paralyzed. Then first was adopted as the almost unvarying policy—I believe the Committee on Ways and Means was the only exception at first—what had only been in rare cases ever attempted before, the sitting of these committees in secret; investigations conducted with closed doors. Parties who were investigated found, months after secret investigation had been set afoot, for the first time that they were under accusation. The minority members of the different committees had the padlock of secrecy put upon them, because of a false notion of the honor due to the committee by them as members.

Secret meetings of the members of the majority upon the committees were frequently held, and one result of all this was that when any facts were brought out that affected any prominent member of the party of the majority in the House the investigation was suppressed. No committee cared to follow up the claim of the Kentucky Railroad which had been forced through one of the Departments when it was learned that a leading democratic aspirant for the Presidency was implicated. When it found that John Roach had contributed money to the election of a democratic member upon this floor no attention was called to it. When Contractor Swift told the committee that his largest contribution had been in aid of democratic elections the committee felt that they had heard enough. And Mr. Commissioner Davenport opened up the condition of the elections in New York City under democratic rule so effectually that another committee, like the California hunter, drew off from the trail because "it was getting altogether too fresh." But whenever any slur could be put upon the hitherto fair reputation of a prominent republican the committees were eager and anxious to bring it forth.

Let me give an instance or two of these investigations and of the manner in which the democratic party conducted them. It has been the party that heretofore has set up loud claims of devotion to the individual and private rights of the citizen. One of the first things that one of the committees of this House did under the general authority given it to investigate everything was to send to the paper-mills where a mass of telegrams from the telegraph offices had been sent

and to secure them for the use of the committee. Why, Mr. Speaker, one cause of the success of the electric telegraph has been the fidelity of its employés to the citizen who commits his most secret communications to the companies. This confidence is a thing that ramifies all business and social life. But the investigating committees of this House broke through all that, seized the dispatches, and spent their time searching for private messages that had been brought from the vats of the paper-makers.

Why, Mr. Speaker, the secrets, captured the information there gained, these committees had no more right to, as a matter of property, than they have to a gentleman's purse. They gained them in no better way than if they had stolen into a gentleman's house and had hidden behind his door or under his bed, and had listened to all the confidences and secrecies of his household. Let me give an instance of the craze that followed this hunting up of private records. A Cabinet minister, whose wife was at the seaside, received a dispatch something like this: "Arrived safely; baby well. You must decide about the cook." To the committee this was a vastly mysterious dispatch, and the Cabinet minister received from the chairman of the investigating committee a curt note, copying the dispatch and calling upon him to furnish the cipher for its interpretation. Think of the gross maladministration [laughter] concealed under this dispatch, and how the chairman of the committee must have racked his brain to gather its true and hidden meaning.

Can any craze go further than this? Why, sir, the famous absurdity of Sergeant Buzz-Fuzz—"Mutton Chops and Tomato Sauce"—is common sense compared with this committee investigating a Department of the Government.

But we have gone on far enough to ascertain that one result followed from all this. It was a thing that my friends on the other side hated to look in the face at first, hated to provide for in appropriation bills. But it soon became evident that the bills for all this had to be paid. The city of Washington was full of men who had been summoned here as witnesses from every corner in the land, some of whom wanted to testify and return to their homes, while others preferred to wait while their fee-bills rolled up. The Sergeant-at-Arms had sent his messengers out in all directions. The Government Printing Office had from the beginning a surfeit of matter thrust upon it for printing. The committees had to be given clerks and their salaries had to be raised. This very day, on a report from the Committee on Accounts, the salary of the clerk of one of these committes was raised.

Now, I wonder if gentlemen know, with all their claim of economy, how they have illustrated it in this House, where they have had full swing. I had the figures made up for me four days ago, and I found that there were then thirty-three clerks of committees of this House under pay, while never in the time of republican administration were there ever more than twenty-nine. And since that list was made up for me two more have been added.

The democratic party has been, and is now, running the most expensive session of Congress that the American Republic has ever seen. I have here a list of a few of the items of expense in some of the committees, only including fees, mileage, and per diem pay of witnesses. It is only a small part of the investigating bills:

Ways and Means	$307 60
Pacific Railroad	132 90
Commerce	259 16
Post Office and Post-Roads	2,361 21
District of Columbia	1,472 90
Judiciary	4,174 28
Indian Affairs	5,801 50
Military Affairs	290 10
Naval Affairs	5,602 17
Foreign Affairs	669 87
Invalid Pensions	81 70
Public Buildings and Grounds	286 10
Printing	928 74
Expenditures:	
State Department	325 47
Treasury Department	2,081 07
War Department	8,203 74
Navy Department	535 98
Post-Office Department	936 60
Interior Department	4,509 58
Public Buildings	45 86
Department of Justice	1,788 74
Reform in Civil Service	2,630 05
Rules	10 00
Select committees:	
Texas Frontier	1,410 72
Freedman's Bank	1,027 28
Real-Estate Pool	1,377 39
Whisky Frauds	3,261 15
Federal Offices in Louisiana	9,000 00
Charges against Judge Wylie	218 95
Charges against Clerk Adams	16 00
Impeachment of Belknap	316 90
Total	69,104 66

It does not include any of the largest items of these expenditures; it does not include anything for printing the testimony. It includes nothing for stenographers, clerks, stationery. It undoubtedly does not cover one-tenth part of the additional expenditures imposed on the country by the action of this House.

Why, sir, ordinarily we employ but two stenographers to report for our committees We have paid this session (I counted them up the other day) seventeen. The appropriation bill for the sundry civil expenses of the Government has several pages decorated with items to pay for services upon these committees. I venture to say, and I measure my words, that the additional expenses of this House over and above the ordinary expenses of years immediately preceding, when they are all in for the entire session, will aggregate in the neighborhood of $1,000,000. A very large item of this is of course the printing, the cost of which cannot now be told.

Had great results been reached all this money might be well afforded. But setting aside the result of the War Department investigation where republicans contributed to the end as freely as democrats, the outcome of the investigations is a mass of partisan reports to be used for campaign purposes, and while no money of the Government is shown to have been stolen by officials, it is proved that the defalcations and losses are smaller than at any period in our history.

The democratic party claims, and that is about all that is left to it out of this session, that it has reduced the general expenditures of the Government. Now that is, if true, a claim that should be admitted, and our friends on the other side should be given due credit. I wish that I had more time to give than I have now; but I cannot pass it by without noticing it, although my hour is waning.

Now, what does that claim amount to in truth? Reckoning from the last year's appropriations, the reductions made in the appropriation bills of this session, when it shall have drawn its long length to an end, will perhaps amount to not far from $25,000,000. To do this the consular system has been put in peril, the Navy and the Army have been put upon short rations, laborers upon Government works have been cut off, and small salaries have been reduced. In a few days almost a thousand helpless men and women in Washington will be turned upon the streets.

Now the Committee on Appropriations and my friend the chairman of that committee [Mr. RANDALL] will claim that I have admitted that the democratic party in this House has reduced the people's burdens by the amount of $25,000,000. Sir, I do no such thing. I start with this as my cardinal proposition; no man can tell what credit should be given to this House of Representatives until the closing day of its term on the 4th day of March, 1877. It is no new thing that the good which has been done in the first session of a Congress has been undone in its second session.

The American people will wait before this House is given credit for a reduction of $25,000,000 in expenditures until it sees the waning, dying days of this Congress; so first, as entering into this discussion of the actual amount of appropriations, are all the subjects of appropriation that have been postponed. There have been some reductions, some advisable, desirable reductions, which I am glad that I have helped to make. But when it is found how much of this $25,000,000 is simply a postponement of needed and necessary expenditures, then some correct rule can be adopted in awarding credit to this House.

But there is another matter that will have to be considered; not in this session, but in the next, in order to determine the question of what this House shall have credit for. I refer to the immense mass of southern claims, private and public, that are lodged in the committee-rooms of this House, as my friend from Ohio [Mr. GARFIELD] said the other day, to be launched upon this House after the elections.

My friend from Mississippi, [Mr. SINGLETON,] a member, along with myself, of the Committee on Appropriations, brought out in the early part of the session, in a colloquy upon this floor, what was intended upon that side of the House. It covered the Southern Pacific Railroad and the levees of the Mississippi; and he only fought shy, on monition from wiser members of his party, when I taxed him with complicity in the scheme for having the cotton tax refunded out of the Treasury.

Mr. SINGLETON. Will the gentleman allow me a single word?

Mr. HALE. I cannot yield now, because I have so little time. The gentleman will have ample opportunity for reply.

Mr. SINGLETON. I only want to say——

Mr. HALE. I cannot yield. I will put into my speech the colloquy with the gentleman from Mississippi as it appears in the RECORD, so that the gentleman shall not be misquoted:

[From the Congressional Record, February 4, 1876.]

Mr. SINGLETON. * * * Now, sir, let us be done with this. I came here as your brother; I came here as your friend; I came here with the purpose of promoting the interests of my own people and yours. I shall strive in all my acts to build up the ruined South. I want you before this Congress adjourns to assist me in two or three schemes directed to that end, which I believe you will do, because your own interests imperatively demand such a course. I want to build up the Mississippi levees and reclaim its alluvial soil, which will prove a more fruitful source of wealth to the United States than the Black Hills of the Territories or the ruines of California, because it is from this inexhaustible soil of the delta of the Mississippi River that we can raise 7,000,000 bales of cotton a year if properly protected from overflow. We expect to ask a small sum for this work that will develop this alluvial basin and enable us to purchase from you the goods we formerly purchased and contribute largely to the expenses of the Government.

Mr. HALE. Will the gentleman state what the other schemes are that people desire?

Mr. SINGLETON. I will. I am not afraid to tell it anywhere. Another one is a Pacific railroad.

Mr. HALE. The Southern Pacific Railroad?

Mr. SINGLETON. Yes; and then again I want the jetty system carried out at New Orleans which promises to admit vessels of the largest tonnage up to the wharves in that city. And if we can get these things accomplished you will find the South blossoming like the rose. You will find sources of wealth to you and the whole country that you never dreamed of.

Mr. HALE. Is not the refunding of the cotton tax another object which the gentleman desires?

Mr. SINGLETON. Well, I do not propose to discuss that now. When the proposition comes before the House I will give my views upon it.

Mr. WILLIS. I would like to suggest to the gentleman from Maine that the democratic party do not propose to help the South by building a Pacific railroad. The republican party may do so if they feel disposed; but, so far as we are concerned, we do not intend to indulge in any subsidies, the republican example to the contrary notwithstanding.

Mr. HALE. I wanted the gentleman to state as a representative of the southern democracy what the democratic party, of which it constitutes a large portion, expect to carry before Congress adjourns. I thank him for the candor with which he has answered my question and the monition he has given the country.

Mr. SINGLETON. I stated that I had three schemes in view.

Mr. DOUGLAS. I would inquire of the gentleman from Maine by what authority he says that the gentleman from Mississippi is the representative of the southern democracy here?

Mr. HALE. I did it because it was not an assumption on the part of the gentleman from Mississippi, for he is not an assuming man, but he claims to state for the southern people as their representative, speaking distinctly for them, complaining of the republican party, that they required certain "schemes," and I use his words, that the South wished to accomplish before Congress adjourns. I wished to know what they were, and I thank the gentleman again for the monition he has given to the country, and especially does the gentleman from Mississippi represent the southern people, because he has been selected as one of their representatives on the Money Committee of the House.

Mr. Speaker, I have here a carefully compiled list of southern claims now suspended in the committees of this House. They cover every imaginable variety of subjects from a claim for the price of a single mule up to the destruction of iron manufactories that were engaged in furnishing materials of war for the rebel armies. They come from every southern State and almost every county of every southern State. There is no member from the South, so far as I know, who has not introduced such claims here; and the important point is that all these bills are introduced because the member introducing them, whether he believes them right or wrong, is pushed and driven by his constituents.

Mr. EDEN. I would like to ask the gentleman a question on this subject.

Mr. HALE. I must decline to yield. Mr. Speaker, when the day comes that it will be safe to vote for these bills, the same influence that has driven these members will drive them to vote for their passage. It is an inevitable law which will dominate that side of the House, and after a little while, when the public mind shall have become gradually familiarized with the concession, as in the old times it did with certain exactions of the South, the northern democracy will become acquiescent and, provided the party gains power, will consent to the passage of these bills. They aggregate about $160,000,000 of those that are already here. Does anybody believe that the South has not an interest in these claims being paid? Does anybody believe that if it has control of the Government through the democratic party it will allow its members to rest day or night on this floor until these bills are passed?

Mr. LAWRENCE. And many of these are simply test claims, which if allowed will be followed by others to a vast amount.

Mr. HALE. Of course, as my friend from Ohio suggests, many of these are simply representative claims, and if one passes, it involves the payment of twenty or fifty times as much more, which will be covered by the same principle. These are only the courier, the advance-guard, the feeler, the skirmisher that is sent out to feel the line, and find whether it can be broken. Five hundred millions of dollars, Mr. Speaker, will not meet all these claims when we begin to pay them.

Mr. LAWRENCE. Five hundred million dollars would not cover the total amount of these claims, without reference to the claims for emancipated slaves.

Mr. HALE. Mr. Speaker, he who lives long enough—provided always that the democratic party gets control of all the branches of the Government—will see what I here predict come to pass. If anybody doubts, let him wait and see for himself.

I cannot give a full list of their claims, because it would occupy whole pages of the RECORD. Here are some of them:

One of them, introduced in the Senate by Mr. JOHNSTON, of Virginia, appropriates $199,228.24 to pay certain "loyal" citizens of Loudoun County, Virginia, two hundred and six in number, "in consideration of their property destroyed by fire by the military authority of the United States in conformity with an order of Major-General Sheridan, dated November 27, 1864." This is the famous order in which Sheridan, after directing General Merritt to operate with his division of cavalry against the guerrillas in a certain district of country, says:

"This section has been the hot-bed of lawless bands who have from time to time depredated upon small parties on the line of army communication, on safeguards left at houses, and on troops. Their real object is plunder and highway robbery. To clear the country of these parties that are bringing destruction upon the innocent as well as their guilty supporters by their cowardly acts, you will consume and destroy all forage and subsistence, burn all barns and mills and their contents, and drive off all stock. This order must be literally executed, bearing in mind, however, that no dwellings are to be burned and that no personal violence be offered the citizens. The ultimate result of the guerrilla system of warfare is the total destruction of all private rights in the country occupied by such parties. This destruction may as well commence at once, and the responsibility of it must rest upon the authorities at Richmond, who have acknowledged the legitimacy of guerrilla bands."

By Mr. FAULKNER, of West Virginia: A bill to pay Abram H. Herr $21,067.51 for the use of land and buildings on the island of Virginius, in the Shenandoah River at Harper's Ferry, by the Quartermaster's Department, from February 26, 1864, to February 1, 1866.

By the same member: A bill to pay Wildey Lodge, I. O. O. F., of Charlestown, West Virginia, $3,547.50 for the destruction of buildings, furniture, and regalia by fire.

By the same member: A bill to pay the German Evangelical church of Martinsburgh, West Virginia, $2,500 for the destruction of the building and furniture by fire "through the carelessness of the military forces of the United States."

By the same member: A bill to pay Abijah Daily, of Grant County, West Virginia, $2,453.87, for losses in property sustained by him during the war.

By Mr. REAGAN, of Texas: A bill to pay J. A. Warren, of Tyler County, Texas, $3,170 for eight mules and three horses taken from him by order of General Laila.

By Mr. PHILIPS, of Missouri: A bill to pay Thomas Plant, of Booneville, Missouri, $902 for boots, shoes, leather, and tools taken from his shop by United States troops.

By Mr. WHITTHORNE, of Tennessee: A bill to pay John E. Tulloss $12,982.04 for the burning of his buildings and destruction of property near Franklin, Tennessee, [a battle field] by United States troops.

By Senator JOHNSTON, of Virginia: A bill to pay Peters & Reed $15,170.89, balances due them for labor and material furnished by them as contractors at the Norfolk navy-yard in 1860. (This bill was passed by the House last session, but was not reached in season for consideration by the Senate.)

By Mr. HUNTON, of Virginia: A bill to pay James Green, of Alexandria, $37,750. (No consideration mentioned.)

By the same member: A bill directing the auditing and payment of the claim of R. B. Hackey for carrying mails in 1861. (Amount not stated.)

By Mr. WHITTHORNE, of Tennessee: A bill to pay the officers and men of the First Regiment and of the Ninth Battalion of Tennessee Cavalry, Confederate States army, for their horses which, by the terms of surrender to General Sherman in North Carolina, they were allowed to retain, but were taken from them on their way home, at Strawberry Plains, Tennessee, by General Stoneman.

By the same member: A bill to pay $42,271.34 to certain mail contractors in Tennessee for services up to June 8, 1861. [A claim long pending.] The second section of this bill contains the following sweeping provision: "That all laws conflicting with the payment of these claims, and which payment is hereby directed to be made, be, and the same are hereby, repealed."

By Mr. HOUSE, of Tennessee: A bill to pay James M. Hinton, of Davidson County, Tennessee, $2,508 for "board, and so forth" of certain colored men who were taken from his custody when sheriff and employed on the fortifications of the Federal Army near Nashville, in 1862.

By Mr. ATKINS, of Tennessee: A bill to pay $13,000 to Bethel College, Tennessee, for occupation of and injury done to the college buildings and property by Federal troops.

It is noticeable that in only two out of the twenty-five cases is it even claimed that the parties interested were loyal citizens during the war.

Next comes an exceedingly important class of bills—those relating to cotton claims—of which five have been introduced. First is the old bill to refund the taxes on raw cotton, involving an appropriation of $68,074,388.79.

Four bills have been introduced—one by Senator MERRIMON, of North Carolina, two by Mr. VANCE, of North Carolina, and one by Mr. HANCOCK, of Texas—restoring to the pension-rolls all persons whose names were stricken therefrom for disloyalty, under the act of February 4, 1862. One of Mr. VANCE's bills goes much further, and repeals not only the act of February 4, 1862, but the statute prohibiting the payment of claims of disloyal persons [section 3480, Revised Statutes] "*and all other laws of similar character and purport.*" In the same bills occurs the remarkable phrase, "the war between the States, generally called the rebellion." If it was simply a war "between the States," by what rule of law or logic can the United States be held liable to pay such claims as VANCE's bill proposes to admit; to repeal the statute prohibiting certain payments to disloyal persons; to restore to the 1812 pension roll the names of persons stricken off for disloyalty; and for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States? The most important among the more recent measures proposed is a bill introduced by JOHN RANDOLPH TUCKER to repeal the section of the Revised Statutes which prohibits the appointment to any position in the Army of persons who have served in any capacity in the military, naval, or civil service of the confederate government or of any of the States in insurrection.

I select these as my eye runs hurriedly down the long list. It is a fearful account that these gentlemen mean that we shall settle some day.

In looking over the record of this session, I discover many things in which the party in power here has departed from its old traditions and principles. It stood for years as the advocate of the rights of the citizen, as the defender of the powers of the courts, the sanctity of the writ of *habeas corpus*. But this winter, with power unbridled and uncontrolled, the writ of *habeas corpus* has been cast into contempt and the adjudication of a high court has been disputed and sought to be nullified.

Mr. Hallet Kilbourn, of whom I know nothing except that he is an American citizen, came into conflict with one of the investigating committees upon some question as to disclosing names and producing private books and papers. He was committed for contempt by the order of this House, and resorted, as any citizen may do, to the intervention of the courts. The House disputed every step and employed counsel to represent it. Both upon the return and upon the final question of discharge under the writ of *habeas corpus* which had been invoked the petitioner was sustained and released. It had been a fair trial and the House had been beaten. But Mr. Kilbourn, having established the strength of the process and having no desire to withhold proper testimony, then communicated to the House his willingness to testify, and the gentleman from Mississippi [Mr. WELLS] sought to bring him before the proper committee with the result shown by this extract from the report of proceedings in the House of Representatives, May 2, 1876:

HALLET KILBOURN.

Mr. WELLS, of Mississippi. I ask unanimous consent to offer the following resolution:

"*Resolved*, That the Committee on the Real-Estate Pool be directed to accept the offer of Hallet Kilbourn to appear before that committee to answer any inquiries relating to such real-estate pool and to furnish such information to said committee as the books in his possession may contain, and the said committee are directed to examine said Hallet Kilbourn and his books."

Mr. RANDALL. I move that that resolution be laid on the table; that is the right way to treat it.

Mr. WELLS, of Mississippi. I call for the yeas and nays on that motion.

Mr. HOLMAN. I rise to a question of order. I did not yield the floor for the purpose of the introduction of anything for action. The gentleman from Mississippi [Mr. WELLS] did not certainly understand that I yielded the floor when about to make a motion to go into Committee of the Whole on the state of the Union on the appropriation bill, to allow him to have the yeas and nays on a proposition like this.

Mr. WELLS, of Mississippi. The point of order comes certainly too late.

The SPEAKER *pro tempore*. The gentleman from Indiana did not make his objection in time.

Mr. HOLMAN. The gentleman from Mississippi certainly understood that I yielded the floor simply for the introduction of measures for reference, and not for action.

Mr. WELLS, of Mississippi. I understood that I had the floor to offer the resolution. I did offer it; and a motion has been made to lay it on the table, and on that question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. RANDALL. The right way to treat it is to treat it with contempt.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the call of the roll.

Mr. LANDERS, of Indiana. I want to make an inquiry of the Chair. Can this resolution come before this body without unanimous consent?

The SPEAKER *pro tempore*. The Chair understood that unanimous consent was given, because no one objected when he put the question, and the Chair put the question distinctly to the House.

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] objected. I heard him.

Mr. HOLMAN. I tried to object.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman, although he was waiting for objections.

[Cries of "Regular order!"]

The question was taken on Mr. RANDALL's motion; and there were—yeas 138, nays 84, not voting 68; as follows:

* * * * * * *

Mr. Speaker, I might cite instance after instance where the dominant party here has sought to override rights heretofore respected and unquestioned. It has conducted its investigations in secret, and has ordered the head of a Department to communicate all facts known to him, without regard to the importance of secrecy in detective operations against knaves and thieves. It has demanded the custody of departmental papers, sometimes if given up to be put in charge of discharged incompetent employés who had been adopted by the committees as clerks or messengers. In its demands upon Cabinet ministers and their subordinates it has been exacting, imperious, and not infrequently rude and insolent. I commend to its consideration the letter of President Jackson to Henry S. Foote, formerly chairman of the committee to investigate general charges of abuse against the executive department as applicable to the present methods of democratic inquiries. The following sentences will indicate its character:

The heads of Departments may answer such requests as they please, provided they do not withhold their own time and that of the officers under their direction from public business to the injury thereof to that business. I shall direct them to devote themselves to their duties in preference to any illegal and unconstitutional call for information, no matter from what source it may come, and however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice as well as of the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish inquisition. If, after all the severe accusations contained in various speeches of yourself and your associates, you are unwilling of your own accord to bring specific charges, then I request your committee to call yourself and your associates and every other member of Congress who made general charge of corruption to testify before God and the country whether you or they knew of any specific corruption or abuse of trust in the Executive Departments, and, if so, what it was. If you are able to point to any case where there is the slightest reason to suspect corruption and abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the Departments will be opened to you, and every facility furnished for this purpose. I shall, on the one hand, cause every possible facility consistent with law and justice to be given to the investigation of specific tangible charges; and, on the other, shall repudiate all attempts to invade the just rights of the Executive Departments and of the individuals composing the same. If, after all your clamor, you will make no specific charges, or bring no proof of such as are made, you and your associates must be regarded by the good people of the United States as the authors of unfounded calumnies, and the public servants you have assailed will, in the estimation of all honorable men, stand fully acquitted.

If I had more time, Mr. Speaker, I should be glad to go into the account of the repeated assaults made upon the national credit in the seven different attempts, under the lead of prominent democrats upon this floor, to repeal or nullify the policy of an early resumption of specie payments, to which this Administration is committed. They culminated on Saturday last in a bill which repeals the date fixed for resumption by the act of January, 1875; and so much time had already been consumed in doing nothing for eight long months that to this important measure but two hours of debate was allowed, and it was then pushed through under the lash of the previous question.

In the mean time all the material interests of the country are left neglected. A tariff bill reducing taxation has been reported, but the chairman of the Committee of Ways and Means lets it sleep in the Committee of the Whole. Mr. Bristow's recommendation for refunding the nation al debt, by which at least $17,000,000 yearly in interest paid can be saved, is passed by unheeded. An Indian war of such magnitude as has not been seen for a generation breaks out at the time when the House of Representatives is reducing the Army and crippling the whole Indian service. The amendment to the Constitution offered by my former colleague, [Mr. Blaine,] relating to sectarian schools, remained until in the last week it was brought up and passed without debate, no interchange of views being allowed, because it had been determined that no expression of hostility should be permitted from the democratic side of the House.

The last days of this session, Mr. Speaker, are upon us. Your party has had its day in court. For nearly nine months the American people have looked upon this body as it has drifted and hopelessly struggled on with elements in it which, while useless for any present good, have sounded a constant alarm of future dangers.

CANADIAN RECIPROCITY TREATY.

Mr. COX obtained the floor and said: I yield for a moment to my colleague, [Mr. WARD.]

Mr. WARD. The joint resolution (H. R. No. 14) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Great Britian on behalf of the Dominion of Canada can be arranged was made a special order for the third Tuesday in May last after the morning hour and from day to day thereafter until disposed of, not to interfere with regular appropriation bills.

Mr. CONGER. Before any privilege is gained in reference to this matter, I reserve the right to object.

Mr. WARD. The debate on the consideration of the resolution began on the 18th of May last, and since that time has been suspended by appropriation bills and other important measures. The near approach of the end of the session, the absence of many members who desire to participate in the discussion, and the indisposition to take up at this stage of the session a question of such great importance, I am induced to ask that the further consideration of the joint resolution be postponed until the second Tuesday in December next, and made a special order for that day, and from day to day until disposed of.

Mr. WILSON, of Iowa. I object.

Mr. CONGER. I object to it as a continuing special order from day to day. I have no objection to it being assigned for one particular day.

Mr. WARD. I hope the gentleman will not object. It is now a special order, and I wish merely to fix a definite time when it is to be taken up for consideration.

Mr. CONGER. I have no objection to fixing a definite time, but I do object to making it a continuing special order from day to day until disposed of.

Mr. WARD. But it is now a special order from day to day until disposed of.

The SPEAKER *pro tempore*. No new rights would be acquired by the gentleman from New York under this motion; for, as he has already stated, it is now a continuing special order from day to day until disposed of.

Mr. CONGER. Being desirous of defeating every possible measure looking to this end, I wish to give it no new life and no new place.

Mr. WARD. It gets no new life, but I propose merely to designate a certain day next session, so that all may be advised when it is to come up.

The SPEAKER *pro tempore*. It merely fixes the day when the proposition is to be called up.

Mr. CONGER. I do not object to a certain day being fixed for taking it up, but I do object to making it a continuing order from that day.

Mr. WARD. Do I understand the gentleman from Michigan to insist on his objection?

Mr. CONGER. I do. The time is past for renewing the special order, and the gentleman has no remedy except by consent.

Mr. WARD. I can let it stand as it is and it will come up as the special order, to continue from day to day until disposed of. My only object is that gentlemen who wish to participate in the debate may know exactly when the bill is to be called up for action. As objection is insisted upon, I will let it stand as it is. I have only desired to oblige those gentlemen who wished to be heard on the question.

Mr. COX. I do not yield to any discussion.

Mr. WARD. Does the gentleman still insist on his objection?

Mr. CONGER. I do.

Mr. WARD. Then I will let the order stand as it is. It is now a special order from day to day until disposed of; and I give notice I shall call it up at the proper time.

SUNDRY CIVIL BILL.

The House resumed the consideration of the motion of Mr. HALE to reconsider the vote by which the message of the President on the sundry civil bill was referred and ordered to be printed.

Mr. COX. Mr. Speaker, I could not in five minutes, as I hoped, reply to such a magnificent and hefty speech as that just made by the gentleman from Maine, [Mr. HALE.] [Laughter.] In the history of our Government, from its beginning down, have we ever seen such a collection of particular and minute things which make up so little in the aggregate? [Laughter.] The gentleman did not refer to the whales, but to the minnows. [Laughter.] Why did he not refer to the unloading of General Grant and his administration and to the various frauds connected with the Executive Departments? That was not in his line; but he charged upon this House that it had actually, in some small instances, reformed itself. Did he not charge that one committee with the aid of its chairman, my distinguished friend from Illinois, [Mr. MORRISON,] had dismissed its clerk, and that the Committee on Rules had dismissed two men, one a journal clerk and the other a doorkeeper, for certain improprieties? No thievery was charged on these men, and no thievery proved, and no one believed that they were thieves.

ORGANIZATION OF COMMITTEES.

If the worst that can be said of this House and its organization is that the committees were made badly and sectionally against the North by our absent, lamented, and distinguished Speaker, then the opposition is most unhappy. I cannot compare our incomparable Speaker and the committees made by him with Mr. Ex-Speaker Blaine, of Maine, and his committees. But I will say that in the last Congress, out of thirty-seven chairmanships, only seven were given to the South

and those very inconsequential; so that now if the South has a fair share of chairmen, it is but a compensation for the past.

Mr. DURHAM. Just one moment. Out of forty-four only seven were given to the South.

Mr. COX. I am corrected. Out of forty-four only seven were given to the South by the Speaker from Maine, [Mr. Blaine.] Of course my friend from Maine [Mr. HALE] would not or did not look that up. But mere chairmanships of committees are not important, for I have been a chairman myself. [Laughter.] The point is, how are committees made as to majorities and business. That is the point. From it is seen the patriotic or partisan animus.

The fact is that my friend's theory about the making up of committees in this Congress by Mr. Speaker KERR is not borne out by the facts. You must look not to the chairman, but to the majority of a committee, to find the essential elements and voice of a committee which direct both the action of the committee and to a great extent that of the House.

But I arose, sir, principally for the purpose of calling attention to the unsectional and fair constitution of the committees of this Congress, so as to repel the aspersions of the gentleman from Maine. And how are they?

The Committee of Elections have a majority from the North; the Committee of Ways and Means have also a majority of one from the North; the Committee on Appropriations have seven from the North to four from the South. I wish the House would notice that by the North I mean above Mason and Dixon's line, and how badly the gentleman from Maine has interpreted the unsectional action of Mr. Speaker KERR. The Committee on Banking and Currency have nine from the North to two from the South; the Committee on the Pacific Railroads, which was mentioned by the gentleman [Mr. HALE] in a peculiar way, have seven from the North to four from the South; the Committee of Claims have seven from the North to four from the South; and, by the way, most of these war claims, of which they have jurisdiction and to which sinister reference was made, are owned by northern men; four-fifths of them.

A MEMBER. All of them loyal men.

Mr. COX. Yes, speculators who bought them up; and, gentlemen on the other side, you know it. [Laughter.] I do not know a man from New England who has not a little speculative turn. [Laughter.] The Committee on Commerce have seven from the North to four from the South. My friend from Maine is interested in commerce and shipping, and the committee on that subject have seven from the North and four from the South. He cannot complain of this arrangement. We have not revived shipping yet, because we have not passed our reform tariff bill to take the tax off of certain articles which enter into a ship. But some day or other, when Governor Tilden is President, we will revive shipping in Maine and elsewhere, in spite of the exacting and destructive policies of the republican party.

I am going over the committees in their order. Upon the Committee on the Public Lands there are nine North to two South. On the Committee on the Post-Office and Post-Roads they are six North to five South. On the Committee for the District of Columbia they are eight to three. On the important Committee on the Judiciary they are eight to three. On the Committee on War Claims, let it be remembered that there are seven North to four South. On the Committee on Public Expenditures they are six to five. On the Committee on Private Land Claims they are five to four.

Here let me pause on the next. It is the Committee on Manufactures. Well, what do they do? Have they ever met or reported? What are they constituted for? The Speaker of our House has actually given a majority of one to the South on that committee! No, I beg pardon; he has made them even, five to five. That is the only lead I have struck as yet where there is not a majority of northern men. Why should not the North, which has predominance in population and interests, have a predominant voice on the committees?

Upon the Committee on Agriculture there are six North to five South; and yet the fruits of the soil, cotton, grain, &c., are not all North. Upon the Committee on Indian Affairs they are as seven to five. Upon the Committee on Military Affairs there are seven to four. Upon the Committee on the Militia, six to five; upon the Committee on Naval Affairs, seven to four; upon the Committee on Foreign Affairs they are eight to three; upon the Committee on the Territories they are nine to three; upon the Committee on Revolutionary Pensions they are seven to four; upon the Committee on Invalid Pensions there are six North to five South; upon the Committee on Railways and Canals they are six to five; upon the Committee on Mines and Mining they are eight to three.

The next is the Committee on Education and Labor. Now, if I had been the Speaker of this House I think I would have given a majority to the South on that committee; and would not my friend from Maine have done so? Why? Because we are trying to educate the "wards of the nation," by the help of the Peabody fund and public lands. We have bills to donate Federal property for a noble, educational, and humanitarian purpose. My friend from Virginia [Mr. WALKER] has reported such a bill. Well, sir, that committee is the first I have met, upon which there is a majority of southern men. They are five North to six South! Is this any wonderful goodness in our Speaker! The distinguished ex-governor of Virginia, born in the North, is the chairman of the committee. Who can complain of his designation as chairman? He has reported from that committee a measure designed to promote the education of the colored children of the nation. He has placed it on the basis of illiteracy, and in spite of northern prejudices. I think you cannot complain of the constitution of that committee, on the ground that it is sectionally southern and African. It ought to be southern; and so it is made.

Upon the Committee on the Revision of the Laws of the United States there are nine North to two South. The Committee on Coinage, Weights, and Measures are seven to three. The Committee on Patents are six to five. The Committee on Public Buildings and Grounds, seven to four. The North still predominates.

COST AND UTILITY OF INVESTIGATIONS.

Upon the Committee of Accounts they are four North to one South. And what a splendid Committee of Accounts we have in this House! [Laughter.] How the chairman of that committee will carry out economies when he becomes governor of the State of Indiana! [Laughter.] I challenge my friend from Maine when he goes to Indiana to stump for Governor Hayes to take up and scrutinize the accounts of this Congress under the auspices and vigilance of our chairman of accounts. He says that they will amount to a million dollars. He will find that under the management of our blue-jean governor they have been well expended, just and fair. When the gentleman complains that we have been expensive this session he must remember the great expense that has been incurred in investigations. He says $1,000,000. He must remember who caused the investigations. It is a mere guess as to the amount, however. Why, sir, suppose the amount true; it would pay us if we spent five millions. We need it as an example to future Houses and future officers in the conduct of the public business. We need to spend much as a preventive of fraud. Shall we not examine into and develop fraud because it costs money? Why, my friend from Tennessee, the chairman of the Naval Committee, [Mr. WHITTHORNE,] while making an examination about naval affairs, struck an account of $23,000 with Donald McKay, in Boston, which has been refunded to the Treasury because of this very committee of investigation finding out the mistake. The investigation paid for itself and more. Altogether, I believe, there have been thus far only $116,000 charged against investigations. If the truth were known, sir, that amount has already been paid up in full by results, and ten times over. Besides, I am informed that the Printing Committee discovered one item of over a thousand dollars due from one firm and caused its collection, and thus more than paying all expenses of that peculiar investigation. So that directly, not to say indirectly, the discovery of wrongs is useful even in a pecuniary sense.

Mr. Speaker, I was simply going over the list of committees to show the proportion of northern to southern men upon them. I desire thus to repel the attack upon Mr. Speaker KERR, who formed them.

The next is the Committee on Mileage, on which there are three northern men to one from the South; Joint Committee on Printing, two to one; Joint Committee on Enrolled Bills, four to one; Joint Committee on the Library, two to one; Committee on Expenditures in the State Department, four to one; Committee on Expenditures in the Treasury Department, seven to two; Committee on Expenditures in the War Department, three to two; Committee on Expenditures in the Navy Department, four to one; Committee on Expenditures in the Post-Office Department, two to three. I hardly see how that happened. Perhaps the Speaker thought he had been leaning too much in favor of the North and wildly changed the proportion here! The criticism the gentleman from Maine intended has on this little committee missed its mark. The Committee on Expenditures in the Interior Department has four to one; Committee on Expenditures on Public Buildings, six to one; Committee on Expenditures in the Department of Justice, six to three. Yet how useful have we made all these heretofore useless committees on expenditures. They became active instruments of honesty. There was a reason for it. But does it detract from the utility because northern members predominate? The truth is, our honored Speaker only thought of honest men, and not of sections, in forming his committees.

The next is the Committee on Reform in the Civil Service. Here there are eight North to three South. God knows there is a great necessity for such a committee, as well for a reform in the civil service—not in this House and its constitution so much as all through the country, from Alaska to Georgia, from Galveston to Penobscot, or whatever part of the world the gentleman from Maine may live in. [Laughter.] Now the Committee on Mississippi Levees are four North to seven South. This, Mr. Speaker, is the third committee where there is a majority of southern men. If the gentleman from Maine himself were Speaker would he not give a majority of that committee to the South? No? Then I take him to be less fair than I always thought him to be. Why should not southern men have the Mississippi levees in their own charge for report and legislation? They were so given in the appointment of the committee by Mr. Speaker KERR; four northern men to seven southern men. Is it not their peculiar interest? They were appointed to take care of their interests just as the western men are placed on certain committees to care for territories and lands. The Committee on Rules are three to the North—four including Mr. Speaker KERR, *ex officio* a member. There is nobody on that committee except northern men. The Committee on the Centennial Celebration are eight to three; Committee on the Texas Frontier Troubles, three to two. There is a majority from the North even on a committee about Texas affairs and its troublous border.

FREEDMEN AND THEIR ROBBERS.

Do you desire further rehearsal? The next is the Committee on the Freedman's Bank. Now I favor giving to the Freedman's Bank and its rascals a committee with a majority from the South. That is the fourth committee where the South have a prevailing majority; the members being two northern to five southern men. Why should it not be so? Who robbed the freedmen? Was it northern men? Was it New England men? They might have had their hand in it, [Laughter] but those robbed are the laboring people South whose representatives, white and black, are here. It was right that the affairs of the Freedman's Bank should be looked into by southern men. So the chairman is Mr. DOUGLAS, of Virginia; and there are associated with him Mr. BRADFORD of Alabama, Mr. RIDDLE of Tennessee, Mr. HOOKER of Mississippi, Mr. BLISS of New York, and Mr. RAINEY of South Carolina. The latter is a good, noble, kindly colored gentleman. How could this committee have been made better? and especially may I not say so in view of the fact that there was an entire unanimity in the committee upon the subject of their report and upon the necessity of punishing the despoilers of the simple freedmen?

Then there is the Committee on Real-Estate Pool and Jay Cooke Indebtedness; the members of that committee stand two North to three South. Mr. GLOVER, of Missouri, is chairman. Is it so terrible to have him as chairman? I believe he was connected with some similar committee in a previous Congress. This is the fourth among forty-odd committees where the South predominates. Besides Mr. GLOVER, there are, Mr. LEWIS of Alabama, Mr. PRATT of Iowa, Mr. SMITH of Pennsylvania, and Mr. CULBERSON, of Texas. Now no one can object to the *personnel* of a committee of investigation like this; nor because they are composed of three southern and two northern members. So it seems, sir, that out of some forty committees four or five have a majority of members from the South! Is not this horribly sectional?

WHISKY AND ITS CROOKEDNESS.

Then there is the Committee on Whisky Trials in Saint Louis. Has my friend from Maine ever read the history of these whisky trials? What a trial it is to go through such crookedness! Have you read Bluford Wilson's testimony? Do you know where it strikes? It is worse than Jersey lightning when it strikes. [Laughter.] Would you have that committee made up entirely of northern men? Well, here you have it! Here are the names: Mr. KNOTT of Kentucky, Mr. PHELPS of Connecticut, Mr. GLOVER of Missouri, Mr. COCHRANE of Pennsylvania, Mr. MACMAHON of Ohio, Mr. MCCRARY of Iowa, and Mr. PLAISTED of Maine. On the minority of the committee is perhaps the best lawyer on your side of the House, Mr. MCCRARY. How can you complain of that as sectional? Your complaint, if any, ought to be in another direction.

Then we come to the Committee on Federal Offices in Louisiana. I think I helped to appoint that committee as Speaker *pro tempore*. It might be thought that on that committee there should be a majority of southern members. But no, the proportion of northern to southern members on that committee is six to three, and upon it is the distinguished, pertinacious, and irascible person from Michigan, Mr. CONGER. [Laughter.]

Mr. CONGER. I ask that the words of the gentleman be taken down. [Laughter.]

Mr. COX. I will ask that the gentleman himself may be taken down. [Laughter.] I said nothing but what was honorable to him.

Mr. CONGER. I think it would take the whole force of the democratic party to do it.

Mr. COX. The democratic party will not exert itself in that direction very much. [Laughter.] Then there is the committee on charges against Judge Wylie which I appointed. It has five northern members and two southern members. Last, there is the committee on charges against the Clerk of the House, with four northern members and one southern member. So that of all these several committees, except four or five, the majority of their members have been chosen from the North.

Mr. HALE. Will the gentleman yield to me for a moment?

Mr. COX. With the greatest delight.

Mr. HALE. In making up this majority the gentleman of course includes the republican members, who are almost entirely from the North.

Mr. COX. Did not the gentleman know that when I was going over the committees?

Mr. HALE. How is it with the gentleman's political friends? Do not the members from the South constitute the majority of the democratic members on most of the committees?

Mr. COX. I think perhaps the majority of the members on the democratic side of the House are from the South, and perhaps happily for the country, in its sectional emergency.

Mr. HALE. Happily for the country?

A MEMBER. The democratic majority has the greater number from the North.

Mr. COX. That may be so. But is it anything against a man that he comes from the South, if he is a good and honest committee-man and investigator?

Mr. HALE. My point was that the high places in this House were given to these gentlemen from the South.

IS THE SOUTH IN THE UNION?

Mr. COX. I have an idea that the South is inside of the Union now. I have an idea that they intend to stay. I have an idea that they should be treated fairly. If there is to be any criticism at all made upon this list of committees, it is that our Speaker has leaned rather against the South in making up the body of the committees, and in favor of the North. Yes, it is so; do not shake your head; there is nothing in it, unless I make a mistake. [Laughter.]

Now, the gentleman from Maine [Mr. HALE] made an elaborate and, as I have already said, a "hefty" speech on this subject, and there is no other way to answer it except by giving these simple facts.

NOW LET US CARRY THE WAR INTO AFRICA.

The Cincinnati platform says:

The national administration merits commendation for its honorable work in the management of our domestic and foreign affairs, and President Grant deserves the continued and hearty gratitude of the American people for his patriotism and immense services in war and in peace.

If that is the case, why did the distinguished ex-colleague of my friend from Maine, Mr. Blaine, speak in the way he did about such a good man as General Grant and his associates as rogues? Why did your party at Cincinnati unload him? Why are you all the time unloading? You unloaded a candidate for governor in Indiana the other day. What for? What had he done? Does no one answer? Why did you unload Ex-Secretary Bristow?

Mr. HALE. I suppose the republican party in Indiana followed the precedent of the democratic party, which had unloaded their judicial ticket.

Mr. ROBINSON. We unloaded one, and you unloaded four. Your men stole $37,000, and your party admitted it, and unloaded them. We unloaded one, and are now 10,000 votes ahead.

Mr. COX. You see we never defend our rascals; you defend yours when they are prosecuted.

Mr. ROBINSON. You do not know how to defend them.

Mr. COX. Do not interrupt me again.

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) The gentleman from New York [Mr. COX] has the floor.

Mr. COX. Certainly I have. I do not want to get up any feeling on the part of the gentleman from Indiana and the gentleman from Maine. The speech of the latter was not worth answering. It was too small, too microscopic in its fault-finding with this House. Yet I felt bound to do so in defense of our Speaker, who is ill and absent. I would not do so if he were here, and in health to defend himself on the floor from this attack. I feel bound to justify him in this House for the unsectional course he pursued in making up the committees of the House and in the general justice of his life and character.

Mr. HALE. I made no personal reflection on the Speaker. I only claimed that he was impelled by his party.

Mr. COX. Well, now, sit down and you will feel better after that remark. [Laughter.]

Mr. HALE. Does the gentleman feel any better for drawing it out?

Mr. COX. Now, you know you would not allow any interruption yourself; but I allowed you to come in whenever you pleased, because it does not hurt any one. [Laughter.]

In conclusion, and in answer to the remarkable speech which we have heard, and which may be called an incarnate ineptitude, [laughter,] I say that this House cannot be reproached this session with any culpability. It is not amenable to attack for anything except the indiscretion and impropriety of some two or three of its appointees. These we promptly removed.

PUBLIC PRINTER DEFENDED.

Do you not remember that upon a resolution introduced by myself the Committee on Printing made an inquiry into the conduct of the Government Printing Office? That committee convicted your Congressional Printer; and he was discharged. Who re-appointed him? President Grant, whom you indorse in your platform. Do you indorse Mr. Clapp's administration as Printer? You were very prompt to get up a while ago. Do you indorse the appointment of Mr. Clapp as Printer to the House and Senate?

Mr. HALE. Does the gentleman want an answer? He seems to invite one.

Mr. COX. Yes, sir.

Mr. HALE. According to the information I have received from members of the minority who took part in that investigation, I understand that it was conducted entirely in an unfair, partisan manner, and that there was really nothing in the facts which warranted the removal of Mr. Clapp.

Mr. COX. Did not the Senate and the House, by a legislative act, agree that he ought to go out?

Mr. HALE. The House did.

Mr. COX. And the Senate concurred by its conferees. You cannot deny it.

Mr. HALE. Does the gentleman mean to say that the Senate acceded to the position taken by the House upon that report of the committee that conducted the printing investigation?

Mr. COX. I did not say that. I say that on the sundry civil bill both Houses agreed that Mr. Clapp should go out.

Mr. HALE. The Senate agreed that this office should be filled by presidential appointment; and I believe it should. I voted for that

principle in the committee of conference, as I would again; and the President has re-appointed the same man.

Mr. COX. You approve of that appointment, do you? Do you indorse the appointment of Mr. Clapp?

Mr. HALE. Certainly I do.

Mr. COX. You do?

Mr. HALE. Certainly.

Mr. COX. Well, that is the last feather on the camel's back. You are not the man to have made the speech you did. I might read upon you the report of the Committee on Printing and convince you that you indorse that which is very, very wrong. You ought to know better, if you have read the reports.

Mr. HALE. What does the minority report hold?

Mr. COX. O, well, we have had all that thoroughly discussed. The Senate and the House acted on it. The President has re-appointed your man; and now you indorse the Executive in putting this printing business again in his charge after the exposures made in this House.

Mr. BALLOU. The gentleman from New York has asked why Mr. Clapp was re-appointed.

Mr. COX. I cannot yield further.

Mr. BALLOU. I say that there is not a particle of evidence from the beginning of that examination to the end to show that the Public Printer was not an honest, faithful officer.

Mr. COX. How often must I try to speak without being interrupted? I have not interrupted any gentleman on the other side.

The SPEAKER *pro tempore*. The gentleman from New York will proceed.

Mr. VANCE, of Ohio. I would like to say one word, if the gentleman from New York will allow me.

Mr. COX. With the greatest pleasure.

Mr. VANCE, of Ohio. If the evidence of Mr. Clapp, the Congressional Printer, and that of one man from New York, Mr. Garner, be taken side by side they will be found to substantiate the very material charge made in the report of the majority of the Committee on Printing. To establish the majority of those charges nothing more is necessary than the testimony of Mr. Clapp himself, and that of the man in New York, from whom he made his purchases. I need not refer to the recent editorial comments of the New York Times and other leading newspapers of the country, East as well as West, and the Chronicle, of this city.

Mr. BALLOU. I wish to say there is no foundation for the statement just made by the gentleman from Ohio; there is no evidence to sustain it.

Mr. COX. I have been in this House sixteen years and have never had a chance to close a debate until this session. I have never had a chance to speak without interruption, though I scarcely ever interrupt anybody.

DISMISSAL OF COMMISSIONER PRATT AND HIS SUCCESSOR.

What I want next to say is this: Mr. Pratt was dismissed as Commissioner of Internal Revenue, was he not? At least indirectly? Am I right?

A MEMBER. He resigned.

A MEMBER. Do not interrupt him.

Mr. COX. Why don't you come forward, if you want to? [Laughter.] Who was put in his place? A General Boum. [Laughter.]

A MEMBER. No, Raum, of Illinois.

Mr. COX. Well, Mr. Raum, of Illinois, was put in his place. What is he known for? For sending a dispatch about the whisky trials. That is all I can recollect about him, except that he was in one of our Congresses, which was not very creditable. [Laughter.]

Mr. CONGER. The gentleman has been here sixteen years and ought to remember his colleagues.

Mr. COX. Can I not have my chance on the floor without interruption?

Mr. CONGER. He has been with the gentleman on this floor and he ought to remember him.

Mr. COX. I was not in that Congress and do not know anything about him. All I know of him is the fact that he did congratulate the men who were engaged in crooked matters in Saint Louis. Do you approve of putting him in and turning such a man as Judge Pratt out? Do you suppose the people of Indiana who know Judge Pratt approve of that? Everybody in Indiana who knows Judge Pratt, respects him as an honest man. I have known him myself to act in relations of private trust. He is known as the honest man. Almost singular in that State, and in that respect, is he thus known. But you could not stand him in that very remarkable Department. [Laughter.] Why?

GENERAL RAUM AND THE CROOKED DISPATCH.

Mr. CONGER. Will the gentleman permit me to ask him if he knows anything in the world in the character or reputation of Mr. Raum that is not that of a high-minded, honorable, and honest man?

Mr. COX. I have said that all I know of him in the world is a printed dispatch in relation to these whisky trials which he sent as a congratulation.

Mr. BURCHARD, of Illinois. The gentleman must remember that he was a gallant officer in the Union Army.

Mr. GARFIELD. The gentleman from New York ought to remember that he served in Congress with us.

Mr. COX. He may have been a good member of Congress, though I think I never served with him. But I have known good members of Congress turn out afterward to be very bad men. [Laughter.] I do not say he was not a good member of Congress, but I do say that all I know about him is the congratulations to the crooked people at Saint Louis. [Laughter.]

Mr. BURCHARD, of Illinois. He was in the Union Army.

Mr. COX. He may have been a good soldier. I do not say anything against the soldier. What I say is that Judge Pratt was somehow turned out and another gentleman put in his place, and all I know of the man put in his place is that he sent this congratulatory telegraphic dispatch. [Laughter.]

Mr. CANNON, of Illinois. Will the gentleman from New York yield to me in that connection and for this reason——

Mr. COX. To vindicate anything personal, I will.

Mr. CANNON, of Illinois. Not at all; but General Raum is from my State.

Mr. COX. Yes, sir; I know that.

Mr. CANNON, of Illinois. I merely wish to say this: He is well known in my State, and there is not a man in Illinois who has a better reputation as an honest man and an able man than General Raum.

Mr. COX. But is it not so of Judge Pratt, of Indiana?

Mr. CANNON, of Illinois. I understand so.

Mr. COX. Then why is one put out and the other put in? [Laughter.]

Mr. CANNON, of Illinois. I am not speaking of that matter. I am only speaking as a citizen of Illinois and as a Representative of Illinois, and defending General Raum against the imputation the gentleman makes against his character.

Mr. COX. I did not make any imputation, sir; I know nothing of him, except so far as that dispatch is concerned.

Mr. CANNON, of Illinois. Then I have nothing to say.

Mr. COX. Of course you have nothing to say. [Laughter.]

Mr. CANNON, of Illinois. I have only defended him.

AN UNUSUAL ARRANGEMENT FOR INTERPELLATIONS.

Mr. COX. Don't you shake your finger at me that way. [Laughter.] I will get scared if you do. [Laughter.]

Mr. CANNON, of Illinois. With the permission of the gentleman——

The SPEAKER *pro tempore*. The gentleman from New York has the floor and will proceed without interruption.

Mr. COX. If the gentleman will agree to put his hands in his pockets, he can go on. [Great laughter.]

The SPEAKER *pro tempore*. The gentleman has the floor, and will proceed.

Mr. CANNON, of Illinois, rose.

Mr. COX. My friend must speak, if at all, by following my request and condition, and putting his hands in his pocket. [Laughter.]

Mr. CANNON, of Illinois. I have both my hands in my pockets now. [Laughter.] And I only want to say——

The SPEAKER *pro tempore*. The gentleman from New York has the floor.

Mr. COX. I will yield for one remark only.

Mr. CANNON, of Illinois. I wish to say this: I did not seek to interrupt the gentleman to make any point or to attempt to make any point, if I were capable of doing so. I do not often interrupt gentlemen on the floor of this House; but when the gentleman makes a remark by innuendo——

THE ARRANGEMENT BROKEN.

Mr. COX. The gentleman has his hand out of his pocket and is shaking his finger at me again. [Great laughter.]

The SPEAKER *pro tempore*. The gentleman from New York has the floor and must not be interrupted. The Chair will not permit it any longer.

Mr. CANNON, of Illinois. Now, if the gentleman thinks that is very courteous or smart——

Mr. COX. I claim the floor after that remark. [Laughter.]

Mr. CANNON, of Illinois. The gentleman ought not to cut me off that way, although he has the right to do it.

Mr. COX. When you abuse my courtesy I want you to be quietly seated while I proceed with my remarks.

Mr. CANNON, of Illinois. Very well, if you decline to yield further——

Mr. COX. I have yielded to you more than I ever did to any man for the same amount of frivolous idea.

Mr. CANNON, of Illinois. Thank you.

WHY GOVERNOR JEWELL WENT OUT.

Mr. COX. Now, again, I want to know why Governor Jewell of Connecticut was compelled to resign. What was that for? Because he said the country would not stand these strange removals and this curious conduct; nothing else. And yet the gentleman from Illinois and others defend the administration of General Grant. Not one of them dare to go back upon the resolution of indorsement of General Grant at Cincinnati. Not one of the whole of that side of the House has yet been heard to take back one word of that platform eulogy touching General Grant——

Mr. WELLS, of Mississippi, rose.

Mr. COX. And his services in peace as well as in war. A gentleman over there shakes his head. He does not believe in the Administration?

Mr. WELLS, of Mississippi. I do. I do not take back one word.

THE ADMINISTRATION INDORSED.

Mr. COX. Then you come within my category. Not a man on that side has failed to defend the Administration. Not one. That was my remark. You all stand by it. And thereby you stand by the removal of Pratt; you stand by the removal of the collector at Philadelphia who bore the same relation as Bristow and Wilson, and the appointment of another in his place who bore a different relation. You stand by the accepted resignation and acquittal of Belknap. You stand by the enforced resignation of Bristow. You stand by the removal of Jewell. You stand by the removal of Bluford Wilson; of Yaryan, [laughter;] of all that class of men who were trying to punish the guilty and uphold the laws. Is there any one to challenge this remark? You have favored to-day the retention of General Babcock in office, as well as in your platform, by the indorsement of the Administration. You have to-day on the floor showed yourselves in favor of the retention of the Public Printer, Mr. Clapp, who has been recommended for indictment. All through this beautiful civil-service business, from one end of it to the other, you have manfully stood up for the Cincinnati platform indorsing the Administration. I honor you for it. Why should you not? General Grant is your representative man. Babcock and Belknap are your representative men. Bristow is not your representative man, or he would not have been discarded here and at Cincinnati.

When you say it has cost a million dollars for investigation this session you thereby give that amount of credit to the democratic party and to this side of the House for undertaking with all the energy of Hercules to clean out the Augean stables.

Now, sir, why is it when we are closing up the session you filibuster, as on yesterday, again and again, to prevent a full and prompt report of these investigations? Why is it that, failing to stop these reports, you try to make up to-day for your gross delinquencies as public servants by trivial excuses and small assaults on the constitution and conduct of this body? Why does the gentleman from Maine make that sort of a speech which Mirabeau once designated when he described hasty will-making—"*Ab irato, ab imbecilli, a territo, a deliraute.*"

Mr. HOLMAN. Give us the translation.

Mr. COX. A speech angry, imbecile, fearful, and crazy. With that classic remark I conclude.

Mr. RANDALL. I move that the House adjourn.

Mr. HOAR. Mr. Speaker——

Many members called for the regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the question is on the motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. WIGGINTON: The petition of the several clerks of the committees of the House of Representatives, for an equalization of the pay of committee clerks, to the Committee of Accounts.

IN SENATE.

WEDNESDAY, *August* 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Alexander Moffit, Theodore F. Wilson, James M. Thompson, and 22 other citizens of the District of Columbia, praying for the appointment of a joint committee of three, one from the Senate and two from the House, to continue and finish the investigation of the charges made against the management of the Government Hospital for the Insane, the same having been partially considered and some proofs taken; which was referred to the Committee on the District of Columbia.

WILLIAM H. FRENCH, JR.

Mr. OGLESBY. The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota, have had the same under consideration and instruct me to report it without amendment. There are several papers from the Department upon the subject. The bill is not one appropriating any money, but simply is to settle the accounts of this man. His accounts have been waiting at the Treasury for a long time to be settled, and it would be very agreeable to me to have the Senate take up the bill and pass it now. It is a matter taking no money out of the Treasury, but simply settles an account.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It is an authority to the proper accounting officer of the Treasury to adjust and settle the property accounts of William H. French, jr., late Indian agent at Crow Creek, Dakota Territory; and if it shall be made clearly to appear that John A. Morrow, who was a contractor for furnishing supplies of beef-cattle to the Indian agencies, has delivered to Henry F. Livingston, agent at Crow Creek, beef-cattle in lieu of 422,100 pounds, which he delivered to William H. French, agent, on 9th November, 1870, at Crow Creek, and for which Morrow afterward got receipts from Livingston, and collected from the Government on both, then the accounting officer shall be authorized to give French credit in his settlement accordingly.

Mr. SARGENT. Is there a report in this case?

The PRESIDENT *pro tempore*. There is no report accompanying the bill.

Mr. OGLESBY. The facts are these: French, the agent, was about going out of his department. The man Morrow delivered four hundred and twenty-one cattle, and French gave him a memorandum of the fact merely. Morrow collected from the Department the value of the cattle on that memorandum. Livingston came in immediately after French, and the cattle were delivered to Livingston. Livingston gave Morrow another receipt. Morrow collected on both receipts. Afterward Morrow agreed with the Department to deliver a second lot of 421,000 pounds of beef-cattle on the foot. The Department accepted the offer; the cattle were delivered and, as the papers show, received by Livingston and reported to the Bureau. The second lot was delivered as the first lot, but French in the mean time had been charged on his memorandum and is still charged in the Treasury Department. All his other accounts have been settled, as the second lot had been delivered in fulfillment of the receipts, and the account completed. This bill simply authorizes the Treasury Department to give French credit for the charge against him on the first receipt or memorandum.

Mr. SARGENT. It involves no expenditure, I understand?

Mr. OGLESBY. Not a dollar.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That John H. Russell have leave to withdraw the papers in the matter of his claim against the United States for the destruction of the steamboat J. H. Russell while, as alleged, in the military service of the United States.

THE CALENDAR.

Mr. CONKLING. I move that the Senate proceed now under the Anthony rule to consider the unobjected cases on the Calendar.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Calendar will be resumed at the point where its consideration was last suspended.

The CHIEF CLERK. The first business on the Calendar is the resolution instructing the Committee on Commerce to inquire what legislation is necessary to regulate the immigration into the United States of persons from foreign countries and to prevent the introduction of pauperism and immorality into the ports of the United States.

Mr. INGALLS. As the Senator from Vermont [Mr. EDMUNDS] is not in his seat, I suggest that that go over.

The PRESIDENT *pro tempore*. The resolution will go over.

MOSES MARSHALL.

The next bill on the Calendar was the bill (S. No. 795) to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for improvement in knitting-machines; which was read the second time and considered as in Committee of the Whole. It gives leave to Moses Marshall, of Lowell, Massachusetts, to make application to the Commissioner of Patents for an extension of the letters-patent granted to him for an improvement in knitting-machines, dated the 15th day of March, 1853, for the term of seven years from and after the date of the extension by the Commissioner of Patents; the application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the original term of the patent; and upon such application so filed the Commissioner of Patents is to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law and as if the original term of the patent had not expired; but no person is to be held liable for the infringement of the lettters-patent, if extended, for making use of the invention since the expiration of the original term of the letters-patent and prior to the date of the extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore* put the question upon the passage of the bill, and declared that the noes appeared to prevail.

Mr. WADLEIGH. I ask that the vote be taken again. This is a very meritorious case, one that was agreed upon unanimously by the committee. It has been reported by two committees of the Senate unanimously.

The bill was passed.

SHELDON S. HARTSHORN.

The next bill on the Calendar was the bill (S. No. 796) for the relief of the heirs of Sheldon S. Hartshorn; which was read the second time and considered as in Committee of the Whole. It authorizes the

Commissioner of Patents to hear and determine the petition or application of the heirs of Sheldon S. Hartshorn for an extension of letters-patent for an improvement in buckles, No. 13218, for the term of seven years from and after the 10th of July, 1876, when the letters-patent expired; and upon due notice to the public, according to the practice of the Patent Office in cases of extension, the Commissioner shall have full power and authority to hear and determine the same; and after such hearing, if the Commissioner shall decide that the petition or application ought to be granted, he is authorized and empowered to extend the letters-patent for seven years from and after the 10th of July, 1876, to the heirs of Shelton S. Hartshorn.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. WITHERS. I should like to hear the circumstances of this case. Here are two or three bills extending patents, which I am on principle opposed to.

Mr. WADLEIGH. It is a meritorious case.

Mr. CONKLING. Do the whole committee say that it is a meritorious case?

Mr. WADLEIGH. Yes; the committee were unanimous in the report.

The PRESIDENT *pro tempore*. Does the Senator insist upon the report being read?

Mr. WITHERS. Yes; or a statement by the chairman of the committee.

Mr. WADLEIGH. The report is very short; let it be read.

The Secretary read the following report, submitted by Mr. WADLEIGH, from the Committee on Patents, May 2:

The Committee on Patents, to whom was referred the petition of the heirs of Sheldon S. Hartshorn for extension of patent, report:

The petitioners, six in number, are the children of Hartshorn, the inventor. The invention was for an improved buckle, which has been valuable to the public, as it has reduced the price from $1.25 to thirty cents per gross, besides furnishing a much superior article. Very little was realized by the inventor during the first term of the patent, owing to his want of means to promote the business. He died, leaving very little property, and the children received only $500 each for their interest in this and two other patents. All that the inventor and his children have ever received for the whole term of this patent will not exceed $3,500. In view of the benefits received by the public by having a much superior article for one-fourth the former cost, the committee are of opinion that a fair remuneration has not been received for the invention, and recommend the passage of a bill authorizing the Commissioner of Patents to hear said case, and to decide upon the same according to the practice of the Patent Office in cases of extension, due notice having been given to the public, as in other cases of extension.

Mr. BOGY. I will not consume the time of the Senate in saying anything in opposition to the extension of this patent; I will satisfy myself by calling for the yeas and nays. I am opposed to the extension of patents as a general proposition. There may now and then be a case where it is a matter of absolute right; but as a general proposition, I am entirely opposed to the extension of patents. The reasons given in this report are the stereotyped reasons given in every case, that for the want of means or from some other cause the inventor has not been sufficiently remunerated. I do know the facts to be, and we feel it in my section of the country perhaps more than any other section, where we are annoyed with an endless multiplicity of patents for everything. The farmer can use no implement of husbandry but what it is patented. We can have no machinery introduced upon any of our steamboats, from the boiler to the upper-deck, but what is patented. There is an annoyance in that way, and it is attended also with enormous expense and cost. I do know that the farming interest of my section of the country is borne down by patents applicable to agricultural implements.

For these reasons, stated briefly, I am opposed to the extension of this patent, as I am opposed to the extension of patents as a general proposition, saying at the same time that there may now and then be a case where an extension is a matter of justice. I will not consume any time. I shall be satisfied with calling for the yeas and nays and having my vote recorded in opposition to this extension.

Mr. CONKLING. I sympathize with everything my friend says; so do the Senate, and I think the Committee on Patents governs itself accordingly for it reports only exceptional cases. I rose, however, to ask the Senator not to call at this moment for the yeas and nays. He will understand why I make that suggestion. We want to get along with the Calendar if we can; and in the interest of the Calendar, I ask him not to insist on the yeas and nays, for if it turns out that the Senate finds itself without a quorum we defeat the morning hour for this purpose. I am told this is a matter about a suspender-buckle which a very credible man explained to me who told me the facts in regard to it. Taking the facts as stated, I hardly think the Senator would consider this a case which should not fall within the exception to the rule.

Mr. BOGY. I am not disposed to resist the application made by the Senator from New York. I have explained my view and the view I believe of every Senator from my section of the country. I therefore will not insist upon the yeas and nays for the reason suggested by the Senator from New York.

Mr. WADLEIGH. I will state that the views expressed by the Senator from Missouri are the views of every member of the committee; but they found that this was a case which was an exception.

Mr. WITHERS. So far as I understand the reading of the report, the only exceptional ground on which this application is based is that sufficient remuneration has not been paid to the patentee. It seems to me that the patent having been once extended and ample facilities and every opportunity given to the patentee to realize a profit from it, if it is used as extensively as is indicated, the patentee must have realized a considerable profit from it, unless he assigned his interest in the patent away. I know that that is a very ordinary way of procedure in such cases. The patentee parts with his patent, some company gets it and makes a large amount of money out of it, and then about the time the patent expires and it becomes necessary that it should be extended again, an arrangement is made with the original patentee to come forward and state that he has only received a small sum of money, not sufficient to remunerate him for the time and labor expended in getting up the patent. He is the ostensible applicant, and if the patent is extended the same company that has previously enjoyed the monopoly of the business takes it again and makes money out of it. I am opposed myself to this kind of thing. I believe that legislation ought not to be as liberal as it has been in that direction, and therefore I cannot regard this as an exceptional case to what I regard as a good rule.

Mr. WADLEIGH. The Committee on Patents as now constituted certainly would not recommend the passage of a bill in any such case as the Senator from Virginia supposes. This is not such a case.

Mr. WITHERS. I am perfectly aware that the Committee on Patents would not knowingly do it, but it seems to me it is almost impossible to know whether such an arrangement exists or not.

Mr. WADLEIGH. There has been no case before the committee where they have not specially investigated that very thing, and applications have been refused again and again on the ground that the public had paid enough. In this case there has been no amount of any consequence realized from this invention, which is a valuable one to American manufacturers, and which has enabled our manufacturers to outsell those of foreign countries in their own market. There is no reason why in this case there should not be this encouragement and this compensation given to these poor children.

Mr. WITHERS. I ask whether the patentee has sold or parted with his patent?

Mr. WADLEIGH. He has not. The committee certainly would not have recommended the passage of this bill in that case.

Mr. WITHERS. If it is used so extensively it seems to me he ought to have realized considerable profit.

Mr. WADLEIGH. It is only recently that it has come into such use. There has been no case reported by this committee where there were not special circumstances which justified the passage of the bill. I will agree to every word the Senator from Virginia has said and that the Senator from Missouri has said. With every word of theirs the committee fully agree, and they have acted upon those principles.

Mr. COCKRELL. I voted against the bill which has just passed to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for an improvement in knitting-machines, and I shall certainly vote against this, and I vote against this not in consequence of any wrong-doing on the part of the committee; I vote against this extension and against this bill on the report of the committee just as the report has been made and read here to the Senate. Taking every word they have said in the report, I think it makes no case whatever authorizing Congress to extend this patent-right. It is just precisely the case which every patentee can make and will make before the Committee on Patents.

The parties have received $3,500 for this patent-right for suspender-buckles, the distinguished Senator from New York said, I believe; and the committee say they do not think this enough pay for that patent-right for buckles. It has simply come to a question of remuneration. If a patentee in his first seventeen years now, or fourteen then, does not make a fortune out of his patent-right, Congress extends it. It just simply is a question whether he makes much money or makes little out of his patent right. I think there is no occasion in the world for passing this bill and granting the relief prayed for here.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

LANDS IN KLAMATH INDIAN RESERVATION.

The next bill on the Calender was the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

Mr. CONKLING. That will lead to debate.

Mr. EDMUNDS. That is not a short case; of course it involves long debate.

The PRESIDENT *pro tempore*. The bill will go over.

PROOFS IN HOMESTEAD ENTRIES.

The next bill on the Calendar was the bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

Mr. CONKLING. I understand the Senator having that bill in charge has no objection to its going over.

Mr. KELLY. No; this is a House bill that I desire to have passed.

Mr. CONKLING. Will it not lead to debate?

Mr. KELLY. Not at all.

Mr. CONKLING. I reserve the right to object if it shall lead to debate.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

Mr. BOUTWELL. I think that bill cannot be understood in all its bearings without debate. I must therefore object to its consideration.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. KELLY. I submit that it is too late to object.

The PRESIDENT *pro tempore*. The Senator from New York reserved the right to object.

Mr. KELLY. but not for the Senator from Massachusetts; only for himself. I will say that this is a very important bill. It was prepared because the Legislature of Iowa instructed its Senators and Representatives to urge it. It is a very important bill.

Mr. ALLISON. I trust the Senator from Massachusetts will not insist on his objection. This is a bill simply authorizing homestead settlers to go before the judge of the proper court and make their proof and transmit it to the registers and receivers, instead of traveling, as they are obliged to do, two or three or four hundred miles to make this proof before the receiver. That is all there is in the bill.

Mr. BOUTWELL. So I understand; but I think the Senate cannot pass upon the bill without some debate. I do not know that I shall be opposed to the bill; and yet I fear that I shall be.

Mr. ALLISON. I do not think the Senator would be opposed to it if he understood it.

Mr. HARVEY. The bill was carefully considered in the Committee on Public Lands and I assure the Senator from Massachusetts that nothing is in the bill but what the Senator from Iowa states. I am satisfied all the people of the States and Territories where there are public lands desire its passage.

Mr. BOUTWELL. I will withdraw the objection and let the bill be considered.

The bill was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in line 11, of section 1, after the word "State," to insert the words "or Territory;" in line 13, after the word "made" to strike out "at" and insert "before the register or receiver of;" so as to make the section read:

That the proof of residence, occupation, or cultivation, the affidavit of non-alienation and the oath of allegiance required to be made by section 2291 of the Revised Statutes may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him.

The amendment was agreed to.

The next amendment was in section 2, line 3, after the word "register," to strike out the words "with his official seal attached;" so as to make the section read:

That said proof, affidavits, and oaths shall be properly filed in the land office by the register; and copies thereof certified to by the register shall be evidence of their contents in the courts of any State or of the United States.

The amendment was agreed to.

Mr. KELLY. I move a further amendment to be added to the first section:

And the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for the same service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. KELLY, the title was amended so as to read: "A bill to amend section 2291 of the Revised Statutes of the United States in relation to the proof required in homestead entries."

OTOE AND MISSOURIA INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

Mr. PADDOCK. I move that the House amendments be concurred in by the Senate.

The PRESIDENT *pro tempore*. The amendments will be reported.

The CHIEF CLERK. The House amendments are in section 3, line 3, after the word "offer," to insert:

One hundred and twenty thousand acres from the western side of.

In section 4, line 3, after the words "per annum," to strike out the following words:

Except such portion thereof as the Secretary of the Interior, with the approval of the President, may deem necessary to be immediately expended in removing said Indians to the Indian Territory, procuring a reservation for their use, and providing thereon homes and means of support.

And in lieu therefor to insert:

Which income shall be expended for the benefit of said tribes under the direction of the Secretary of the Interior.

Add to the bill:

SEC. 7. That whenever the Sacs and Foxes of the Missouri tribe of Indians shall, in open council, in the usual manner, express their consent thereto, the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding sections of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land, to be taken from the western portion thereof; and the proceeds arising therefrom shall be used for the benefit of said tribes, as the Secretary of the Interior may direct.

Mr. CONKLING. May I inquire for what purpose is this bill taken up?

The PRESIDENT *pro tempore*. For the purpose of concurring in the amendments of the House.

Mr. CONKLING. We are proceeding under the order of the Senate with the Calendar.

Mr. PADDOCK. This is a conference report.

Mr. CONKLING. I beg pardon, a conference report is not a matter of privilege in the Senate. I shall not object to it if it will take no time; but I do insist on the regular order being observed.

Mr. PADDOCK. This will take no time.

Mr. CONKLING. Very well. I reserve my right to object to it if it does take time.

Mr. ALLISON. I ask the Senator from Nebraska to state the effect of this agreement.

Mr. PADDOCK. All the difference there is between the bill passed by the Senate and the bill as amended by the House is this: the Senate bill provided for the sale of the entire Otoe reservation, embracing about one hundred and sixty thousand acres. The Quakers who have charge of that reservation and the Indians upon it advised the House not to grant the right to sell the whole reservation, but to reserve 40,000 acres, upon which the improvements of the Indians are, in order that the Indians might remain there and not be removed. It was the wish of the Quakers and of the Indian Office that the bill should be passed in its present form, and so I think it best to accede to their wish.

Mr. ALLISON. I have only to say that we ought not to accede to their request. This Indian reservation ought to be sold and these Indians removed to the Indian Territory, as the Senate bill provides.

Mr. PADDOCK. If it was practicable to pass the bill in that form and to accomplish the result that my friend speaks of and that he desires, I should infinitely prefer that it should be done; but the whole question is left at any rate to the Indians to determine in open council whether they will accept the proposition at all, and the influence I speak of being always exercised to the end that I have spoken of, which is the end the House has in view, I think it would result in absolute failure. I hope my friend will withdraw his objection.

Mr. ALLISON. I do not insist.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska that the Senate concur in the amendments of the House to the bill.

The amendments were concurred in.

GEORGE E. PAYNE.

Mr. CONKLING. I call for the regular order.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 809) referring the claim of George E. Payne to the Court of Claims.

Mr. BOUTWELL. I object to the present consideration of that bill.

Mr. WEST. I ask the Senator from Massachusetts to withdraw his objection to the consideration of the bill. I have not asked the attention of the Senate to the consideration of any business out of the regular order. I have waited patiently to get the opportunity to bring this case before the Senate. It is now here, and no better time to consider it can be offered than the present moment. It is the result of a ten years' examination and solicitation on the part of this claimant to get his right before Congress and before the law, and I trust the Senator will not interpose a technical objection to its consideration.

Mr. BOUTWELL. I have some knowledge of this claim, having had occasion to investigate it several years ago; but I will withdraw the objection and allow it to be considered, and if the Senate agree to pass it, very well.

The bill was read the second time and considered as in Committee of the Whole. By its terms the claim of George E. Payne, for the wrongful seizure and detention of his sugar plantation and other property by military orders of the United States in 1862, with his petition and all the papers relating thereto, are referred to the Court of Claims, and the court is authorized and empowered to adjudge and determine, after hearing all evidence, what amount of damages, if any, are legally due to the claimant by reason of the seizure and detention of his property, and to render judgment therefor.

Mr. BOUTWELL. Is there any report with the bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. BOUTWELL. Let it be read.

Mr. WEST. The reading of the report, the Senator is aware, will take half an hour.

Mr. BOUTWELL. Very likely it may. It is a claim made by a

man who was in Louisiana during the war who was involved in the rebellion, who claimed for mules and slaves that were taken by General BANKS's army, I think, and for one I am perfectly well satisfied that he is not entitled to any remuneration under that claim and that it ought not to be referred to any tribunal. If I have made any mistake, it is in allowing it to be considered.

Mr. WEST. The Senator from Massachusetts is scarcely correct in saying that this is a claim for slaves, because the Senator knows and he should know that no such claim could receive under the Constitution any consideration by a committee of this body.

Mr. BOUTWELL. I say the claim was for slaves and mules.

Mr. WEST. The Senator is entirely mistaken.

Mr. BOUTWELL. Not at all. I recollect very well the claim made by Mr. Payne was for slaves and mules taken away before the emancipation of the slaves. I am not in error about that. It was before the Committee on Claims years ago in that form.

Mr. WEST. If Mr. Payne ever made a claim for slaves, certainly that claim is not before the Senate now for consideration. Here is a claim passed upon by the Committee on Claims of this body, reported by the Senator from Oregon, [Mr. MITCHELL,] and undoubtedly meeting the sanction and the unanimous sanction of that committee. The character of the claim is this: The claimant's plantation was taken possession of by the United States Government in the year 1862 and was run by the Government; the profits derived from it and all the property upon it sequestered for the use of the Government; and subsequently this claimant, in making his claim to the Treasury, was allowed a certain amount, but not the full amount that he claimed. Now he wishes to submit whatever he has a right to go to the Court of Claims, and this is simply a bill to allow him, as has been allowed in other cases over and over again in favor of loyal people, to take his case to the Court of Claims, and of course, if it is necessary, to the Supreme Court of the United States to be adjudicated on. Cannot this Congress trust its courts, cannot this Congress trust its Court of Claims and the Supreme Court of the United States to do justice between a claimant and the United States? When this man has been debarred by your statutes from any other recourse, shut out from the Court of Claims by your own statutes, shut out from any recourse upon the officers making the aggression and the trespass on his property by your own statutes, and he appeals to your own courts for a justification of his rights, is he to be shut out on any technical pretext that at some time or other somebody else or perhaps himself made a claim for slaves?

This man has been before Congress, to my certain knowledge, for ten years. He is testified to by the highest and most unquestioned authority, both in respect to his integrity and to his loyalty. Three times this case has been before various Congresses. Three times has it been submitted and twice has it been partially and once completely acted upon by the Committee on Claims. Can you do any wrong in submitting to your own arbitration whether he has any right or not and whether the Government of the United States should pay him for the wrongs that have been done him? I think not. I think to reject this case now as it stands is to virtually acknowledge that you have no confidence in your courts even up to the supremest tribunal of the land.

Mr. MITCHELL. Mr. President, this is not a claim for slaves. Certainly a claim of that kind would have received no consideration at the hands of the Committee on Claims. There is nothing in the papers from beginning to end, whether in the memorial or in any of the papers filed from the Department, and I have examined them all, that makes any kind of reference to slaves or a claim for slaves. Nothing of that kind. The claim received the careful consideration of the Committee on Claims and the report made, I may be permitted to say, received the unanimous approval of that committee. It is a very lengthy story and one that cannot be told in the morning hour.

The sum and substance of the whole thing, however, is that in 1862 Mr. Payne's plantation, lying in the State of Louisiana, was seized under military order and turned over to the officers of the Government, first to the agents of the Treasury Department, then to the Freedmen's Bureau, part of the time it was in the possession of the quartermaster's agents, and so on and so forth. His property was held and managed by these several agents of different Departments of the Government for several years, they receiving all the proceeds of the plantation, a part of which was put into the Treasury of the United States and part of that paid into the Treasury has been paid to Mr. Payne. Some six thousand and odd dollars, as shown from the records of the Treasury Department received by that Department as part of the proceeds of the plantation, has never yet been paid to Mr. Payne and is in the Treasury of the United States to-day. That is one question.

This bill, reported by the committee, proposed to submit the whole question to the Court of Claims in order that that court may investigate the matter and if they find under the law and under the facts that anything is due Mr. Payne, to award it to him.

As was stated by the Senator from Louisiana, [Mr. WEST,] this certainly can work no injustice to the Government. We ought to be willing to trust our courts, and it does seem to me, if any case ought to be submitted to the consideration of that tribunal, this is one. Mr. Payne comes here with a very high character, indorsed by our present Secretary of State in the following language in a letter I find among the papers, written not recently:

NEW YORK, *April* 27, 1864.

MY DEAR SIR: Permit me to introduce George E. Payne, esq., of Louisiana, a gentleman whom I have known for nearly twenty years and for whom I have ever entertained high respect. He is a gentleman of character and entitled to confidence.

With great respect, your obedient servant,

HAMILTON FISH.

Hon. W. H. SEWARD,
Secretary of State.

Numerous other testimonies of equally high character are among papers, from the State of New York, from San Francisco, where Mr. Payne lived for a number of years, and also from the State of Louisiana. It appears from the testimony on file that Mr. Payne was a loyal man in the fullest sense of the term during the war; that when an order was issued directing that all bells, for instance plantation bells, should be sent to New Orleans to be run into rebel cannon-balls, Mr. Payne declined to conform to the order and suffered persecution in various ways from the confederate authorities. I will state also that this plantation was, as I claim after a full investigation of the whole case, not liable to seizure at all; and that is one question to be submitted to the court. He was temporarily absent from his plantation at the time of its seizure for the purpose of paying a debt of over $26,000 that he was then owing to a northern creditor, and that, too, in the direct face of the confederate act of congress prohibiting all that kind of business. It was to me one of the very highest evidences of the mind of this man upon the great questions then agitating the country. That he was a loyal man there can be no doubt. He did pay this debt amounting to very many thousand dollars, while the war was going on, and as I say in the face of the confederate act of congress prohibiting it.

Mr. HOWE. Has this claim been before the claims commission?

Mr. MITCHELL. It has not. It cannot go there. It is one they have no jurisdiction over.

Mr. HOWE. What is the fact in the case that bars it from that commission?

Mr. MITCHELL. It is not a claim for quartermaster stores and does not come within any clause of their jurisdiction. As I said, it would be a very long story to go into the facts of this case, to argue them, or even to present them fully to the Senate. I have stated in brief the general character of the case; and as I hope a vote will be had before the morning hour is over, and that that vote will be in accordance with the recommendation of the committee to submit it to the Court of Claims, I shall not occupy the attention of the Senate further at this time.

Mr. BOUTWELL. I suppose this is a long story; indeed, I know it is——

Mr. MORRILL. Let the bill go over.

Mr. WEST. It cannot be objected to now; it is up.

Mr. BOUTWELL. This bill, to say nothing of the merits of the claim, is drawn in such a manner that I think the court will take for granted various things which ought to be proved, especially the question of loyalty under the circumstances which then existed. When this claim was presented years ago, I recollect very distinctly that Mr. Payne set forth that in 1862 his slaves and mules were driven away from his plantation by the Army of the United States, and although, perhaps, he did not make a claim for the slaves, he set up that as one fact in the history of the case. About that there is no mistake.

Mr. MITCHELL. That was probably true.

Mr. BOUTWELL. Now then the record shows a fact or two to which I wish to call the attention of the Senate. At the time the order was issued, November 9, 1862, under which Mr. Payne's property was taken by the military authorities of the country, Major Joseph M. Bell was provost judge and president of the board to which by order of the commanding general all questions of loyalty were referred. I happened to know Mr. Joseph M. Bell. He is not now living. He was the son of the Hon. Joseph Bell, of New Hampshire, and he was of his age then already an eminent lawyer although a young man, and of the highest promise, I may say, of any practitioner at the Suffolk bar in the State of Massachusetts. He went into the Army and died in consequence of injuries that he received there. But his opinions and judgments are entitled to the highest consideration by the Senate. If the Senate will listen to the order, it will be seen that Mr. Payne had ample opportunity at the time these transactions occurred in the vicinity where he resided when he could command the testimony of witnesses and when the Government could command the testimony of witnesses to have the question of his loyalty fully investigated, and if it were so investigated and it turned out in the judgment of this court that he was loyal, by the terms of the order of sequestration his property would have been restored to him; and that it was not done is evidence of one of two things, either that he did not make application to this court or that making application his request was denied.

Mr. MITCHELL. If the Senator will allow me, the papers show that he did make some two or three different applications.

Mr. BOUTWELL. That I know.

Mr. MITCHELL. And the record further shows that that board never reported at all on the question one way or the other.

Mr. BOUTWELL. Major Joseph M. Bell was provost judge and made president of this board. The order is:

[General Order No. 91.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, November 9, 1862.

The commanding general being informed, and believing, that the district west of the Mississippi River, lately taken possession of by the United States troops, is most largely occupied by persons disloyal to the United States, and whose property has become liable to confiscation under the acts of Congress and the proclamation of the President, and that sales and transfers of said property are being made for the purpose of depriving the Government of the same, has determined, in order to secure the rights of all persons as well as those of the Government, and for the purpose of enabling the crops now growing to be taken care of and secured, and the unemployed laborers to be set at work and provision made for the payment of their labor—

To order as follows:

1. * * *
2. * * *
3. * * *

4. Every loyal citizen or neutral foreigner who shall be found in actual possession and ownership of any property in said district, not having acquired the same by any title since the 18th day of September last—

And Mr. Payne had not acquired title to his property "since the 18th day of September last," as I very well recollect—

may have his property returned or delivered to him without sale, upon establishing his condition to the judgment of the commission.

That one fact is to my mind conclusive proof that Mr. Payne himself was conscious at that time that he could not establish his loyalty and bring himself within the equitable and legal provisions of this order, or else that making the effort he failed, and if he failed in making that effort, he failed because the judgment of Judge Bell was against him; and I know of no lawyer within my acquaintance upon whose judgment I should rely with more confidence that he would be governed by principles of law and guided by rules of equity in a case of this sort.

Mr. MITCHELL. The honorable Senator will agree with me that the Treasury Department as a rule is very careful on the question of loyalty, and I would offset what the Senator has stated by this fact, that on the 6th day of July, 1865, the Treasury Department paid Mr. Payne $17,010.83, money received from his plantation, and kept back other moneys that were afterward received, some $6,000, not on a question of loyalty, but on an entirely different question.

Mr. BOUTWELL. I am not going to indorse the Treasury Department about it; I am indorsing Mr. Bell; and I am asking the Senate to consider whether, on this simple statement of facts, there is not found reason for believing with a degree of certainty that amounts for our purposes to a conclusion, that Mr. Payne at the time these proceedings were going on did not establish his loyaly by witnesses who could have been taken from the vicinage where he lived; and whether we ought now, after thirteen years and after he had an opportunity to establish his loyalty in a proper tribunal and failed, to send him with this broad bill into the Court of Claims to recover whatever they may think he is legally entitled to without any regard to what he did in the State of Louisiana when these transactions occurred?

I have not had time to look at this report. I see that it is very favorable to Mr. Payne; but it is not in the main in accord with the impressions I received when I investigated the subject. I do not recollect whether there was a report made to the Senate at that time or not. There was a report prepared, but I do not know that it was ever passed upon by a committee.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WEST. Let us vote. There will be no further debate. The Senator from Massachusetts, I think, will yield to take a vote on this bill.

Mr. HOWE. I want to know upon what ground it was that the Treasury paid this claimant a part of the moneys which had been received from his estate and declined to pay the balance?

Mr. MITCHELL. I will state, as I stated before, that this plantation was in the hands of different Departments of the Government at different times. At one time, for instance, it was in the hands of the Quartermaster's Department, and they received certain moneys; at another time it was in the hands of the special agents of the Treasury Department; at another time in the hands of the Freedmen's Bureau. Seventeen thousand and odd dollars, if I remember, was the amount paid in by one Department at one time. The amount that has not been refunded was paid in by a different agent of the Government.

Mr. FRELINGHUYSEN. Was that the whole of his claim, $17,000?

Mr. BOUTWELL. O, no. If the Senator from Oregon will allow me, the $17,000 was paid as the net result of crops when the plantation was worked by some of the Government agents years afterward. He could not get his plantation returned to him, and it was worked by Government agents and the proceeds paid into the Treasury, and that money was re-imbursed to him; but he claims $30,000 for example for the value of the growing crops in 1862 when the Army swept them off.

Mr. MITCHELL. I am now ready to answer the question of the Senator from Wisconsin more distinctly. The $17,010.83 item arises from the following statement of account which I will read from the report:

Another statement, of date July 17, 1864, gives as total sales of same amount of sugar and molasses, evidently the same, with this different result: gross sales, $36,929.46; gross expenses of sales, $3,102.97; net proceeds of products from the Payne plantation, ——. This last statement, however adds the enormous sum of $16,809.66 "as expenses of working the plantation," and showing a net profit to the Government of $17,010.83.

That amount was paid to Mr. Payne. That was money paid in through the special agents of the Treasury Department. There was another account with the Quartermaster's Department of the War Department:

It further appears that on settlement of accounts by the sequestration commission with the Quartermaster's Department the sum of $14,286.70 is reported by that commission as the amount of the gross sales of the crop taken by Woodward—

He was special agent—

and the net amount placed to the credit of claimant's plantation March 31, 1863, was $6,688.13, and which was received by the Quartermaster's Department and by it used in its operations for and on account of the Government, and no part of which the claimant has ever received.

Now, I will state to the Senator from Wisconsin, because it comes back to my recollection——

Mr. HOWE. That was not received into the Treasury at all?

Mr. MITCHELL. That was not paid into the Treasury, but is in possession of the War Department, and the reason that amount was not paid was because the Judge-Advocate-General of the Army in an opinion delivered by him decided that inasmuch as this plantation was sequestered or seized by virtue of a military order of the general commanding the department, therefore, and for no other reason if I recollect aright, the Government was entitled to the use of the plantation and to all the money that might arise from that use, and upon that ground the Secretary of War declined to make any restitution. I understand that opinion of the Judge-Advocate-General to be in direct conflict with several decisions of the Supreme Court of the United States.

Mr. HOWE. The Senator has answered the question that I asked. I thought it very peculiar that the Treasury should have paid a part of the money in its vaults and refused to pay another part.

Mr. MITCHELL. It did not pay what another Department held.

Mr. HOWE. What another Department of the Government had had and used. I remember this case. It was before the committee for a good many years when I was a member of the committee. I never examined it very thoroughly.

Mr. GORDON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HOWE. If the Senator desires me to do so.

Mr. GORDON. I wish to suggest, with the permission of my friend, that while I am not prepared to say whether I shall vote against or for this bill I hardly think we are proceeding under the agreement made by the Senate that we would only take up those bills to which there was no objection. This bill seems to be one to which there is objection.

Mr. HOWE. I was not a party to the agreement nor a party to taking it up, and I do not want to be a party to the violation of it. I was only going to state, as the claimant seems to be here——

The PRESIDENT *pro tempore*. The Senator from Wisconsin will allow the Chair to call the attention of the Senator from Georgia to the ruling of the Chair, that if there is no objection at the time a bill is called up, when the Chair puts the question whether there is an objection or not, an objection cannot lie after that time. But if the Senate desire, for the purpose of economizing time, that an objection shall lie at each stage during the whole progress of the case, the Chair will so rule, and will now submit it to the Senate.

Mr. WEST. We are operating under another rule, and I do not want a different rule applied to this case. The rule has been interpreted by the Chair that unless objection is raised when a bill is taken up for consideration no objection can be made at a subsequent stage of the consideration of the bill. I ask that that rule be applied to this case.

Mr. SARGENT. I know that was the ruling of the Chair yesterday, but it was the pioneer ruling in that direction. Senators will remember that ever since we have adopted the Anthony rule it has been held that an objection would prevent the further consideration of a bill in exactly the same way that where a Senator is proceeding by unanimous consent an objection made by a single Senator stops him. Although the Senate unanimously allow a Senator to go on he is arrested by a single objection, and we have applied the very principle of that to the interpretation of the Anthony rule, and for a great many reasons. It is an exceptional rule. The new ruling entirely abolishes the effect of the rule. In the absence of the Anthony rule, when we went to the Calendar, bills were taken up, and considered, and debated at length, if necessary. Under the Anthony rule it was held that those bills were to be considered which did not lead to debate; in other words, those bills which were not objectionable. Debate is objection, the objection is stated by debating the question and making delay. In other words, it was held that such bills should be taken up as should not lead to delay. I believe I am taking up the time of my friend from Wisconsin.

Mr. HOWE. The Senator is taking up the time of the Senate.

Mr. SARGENT. I am taking it up for a useful purpose, if I am not incommoding my friend from Wisconsin.

Mr. HOWE. Not at all.

Mr. SARGENT. I have less solicitude with reference to the time of the Senate.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from California and to the Senate that he is advised by the Secretary that an objection, in order to lie, must be raised at the time the bill is presented, and when objection is called for and no objection is made it will not lie after the matter has once been admitted, just as the Chair has ruled.

Mr. SARGENT. Very well; we shall have to invent another Anthony rule; for my recollection is, and I speak with some confidence on this point, that up to yesterday it has always been held that an objection would lie at any stage of a bill considered under the Anthony rule. I myself have frequently objected after the debate commenced. If the Senate is satisfied to have the Anthony rule whittled away and to have no provision against long debates which are sprung in this way upon the Senate, that is to say, without the Senate knowing that such a debate is going to occur, without the power of the Senate to stop it, then I of course can stand it as well as any Senator. A bill comparatively harmless is read, containing ten lines perhaps. Nobody supposes that it will lead to debate; nobody has any particular hostility to it; and no one objects; but it is found in two or three minutes that a debate is springing up on that unimportant bill that will probably run the whole day. Has the Senate no power to arrest it? The Anthony rule was intended to arrest such a debate.

Mr. WEST. Does the Senator take an appeal from the decision of the Chair?

Mr. SARGENT. I am discussing it as other Senators have done. I do not know that it would be worth while to take an appeal from the decision of the Chair if the minds of Senators are all made up. I think it might be well to hold to the rule as we have heretofore done. Now, in order to terminate an almost hopeless debate, if I do not incommode my friend from Wisconsin, I desire to call for the regular order.

Mr. FRELINGHUYSEN. I will suggest to the Senator from California that it seems to me the rule as he states it amounts to the passage of a bill only by unanimous consent, for if any one is opposed to a bill he can defeat its passage by an objection.

Mr. SARGENT. Certainly; and that is the Anthony rule; it applies to bills to which there is no objection. What is meant by a bill to which there is no objection? That there shall be no objection at any stage to the bill.

Mr. FRELINGHUYSEN. No objection to taking it up.

Mr. SARGENT. No, sir; no objection to the bill.

Mr. HOWE. I think I will contribute one fact which will have some influence on the judgment of my friend from California on this point, and that is that when the Chair propounded to the Senate the question whether there was any objection to proceeding to the consideration of this bill, it was announced by a friend here on my right that it would lead to debate, and he at first objected, but as he was quite as ready for the debate at this time as he cared to be, he withdrew his objection, and there was no other Senator to interpose an objection to the consideration of the bill at this time.

Mr. SARGENT. Let me make a suggestion to my friend. It very frequently happens that a debate is conversational among Senators, a little knot of four or five among themselves which the other Senators cannot hear, but the moment we observe that it is leading to a debate we desire to object; and it was in order to facilitate business in such cases that the operation of the Anthony rule is effective.

Mr. MITCHELL. I call for the regular order.

Mr. WEST. There can be no objection to that, but I should like to have the ruling of the Chair now upon this point. Under our rule of procedure this case will come up to-morrow as unfinished business, and will the objection of any Senator carry it over again?

The PRESIDENT *pro tempore*. There cannot be unfinished business within the morning hour. This bill has been considered during the morning hour.

Mr. WEST. Will the question then be on proceeding to the consideration of this bill?

The PRESIDENT *pro tempore*. The first case on the Calendar will have to be taken up.

Mr. WEST. And will an objection carry it over?

Mr. CONKLING. That question can be settled when it arises.

Mr. GORDON. Is there any objection to reading the Anthony rule? I should like to have it read.

Mr. SHERMAN. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The Chair will lay before the Senate the unfinished business, which is the resolution of the Senator from Indiana, [Mr. MORTON.]

JOHN R. HARRINGTON.

Mr. CONKLING. I wish to ask every Senator who is on the floor—and I see there are several, and some Senators who are waiting for the floor—to give me, after I make a request, unanimous consent to do a thing. I have objected to no bill; I have moved for a long time to take up no bill. There is a little bill on the Calendar which has passed this body several times, and which has passed the House several times, the party interested in which is a man entirely blind. He has been here at other sessions with somebody to lead him. He is here at this session with a friend to lead him about and to inquire betimes of me why it is that his bill, to which nobody objects, cannot at some time be taken up. It stands here on the Calendar, page 23, order of business No. 586, an act for the relief of John R. Harrington, reported by Mr. WADLEIGH from the Committee on Patents, without amendment. It concerns a matter about carpets, and after I repeat, each House heretofore has acted upon it, I think nobody will object to it. If the Senator from Minnesota, [Mr. WINDOM]—I am sure I shall not appeal to him in vain—who is about to take the floor, will allow the bill to be read, if nobody objects to it, I will ask to put it on its passage. If anybody wants to debate it or it takes a moment, I will hide my diminished head and sit down with that confusion which will then belong to me.

Mr. HOWE. What is it?

Mr. CONKLING. It is a little bill. My friend has been attending to other business here. It is on page 23 of the Calendar, order of business No. 586, House bill No. 3392, for the relief of John R. Harrington, reported August 1, 1876, by Mr. WADLEIGH from the Committee on Patents without amendment, Report No. 508. Does the Senator want any other information?

Mr. HOWE. In addition to that, I have learned one other particular, and that is that Mr. Harrington is blind and is led about.

Mr. CONKLING. That does not appear on the record.

Mr. HOWE. But it appears by the very succinct and touching statement of the Senator from New York. Will the Senator be just good enough to tell us what Mr. Harrington wants us to do?

Mr. CONKLING. Mr. Harrington wants the honorable Senator from Wisconsin to make no objection, and when the proper time comes to vote "ay" on a little bill which is to allow him to go to the Patent Office and have a little matter straightened touching an invention he thinks he has about the manufacture of carpets, or words to that effect.

Mr. SHERMAN. Let us have the bill read.

Mr. HOWE. With that clear statement of the case, if the Senator from New York will be good enough to let me have twenty-four hours to think of it, I will tell Mr. Harrington whether I will object or not.

Mr. CONKLING. If the Senator will hear the bill read he may want thirty-six hours, and therefore I ask to have it read for information. Twenty-four hours may not be enough.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HOWE. Subject to objection.

Mr. CONKLING. Of course.

The Chief Clerk read the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3392) for the relief of John R. Harrington. It gives him leave to make application to the Commissioner of Patents for an extension of letters-patent granted April 1, 1856, as re-issued December 11, 1866, for improvements in carpet-lining, for the term of seven years; and upon the application so filed, the Commissioner of Patents shall be authorized to consider and determine it in the same manner and upon giving the same notice as if the application had been duly filed within the time prescribed by law; but such application to the Commissioner of Patents is to be made within ninety days; and no person shall be held liable for the infringement of the patent, if extended, for making use of this invention since the expiration of the original term of the patent, and prior to the date of extension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITION.

Mr. STEVENSON presented the petition of William O. Newman, of Metcalfe County, Kentucky, praying payment of certain claims against the Government for supplies and stores furnished the United States; which was referred to the Committee on Claims.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The regular order is before the Senate, on which the Senator from South Carolina [Mr. PATTERSON] is entitled to the floor.

Mr. PATTERSON. I yield to the Senator from Minnesota, [Mr. WINDOM,] but when he is through I will take the floor.

The PRESIDENT *pro tempore*. The Senator from South Carolina yields to the Senator from Minnesota for a specific purpose.

Mr. WINDOM. I present the report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

WM. WINDOM,
W. B. ALLISON,
T. F. BAYARD,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. R. MORRISON,
Managers on the part of the House.

Mr. WINDOM. I will make a very brief explanation of the position of this bill. On the 7th day of July last, the third or fourth committee of conference was appointed. Since that time the committee

have been in session, night and day, almost constantly, and have earnestly endeavored to reach a conclusion which should bring the two Houses together. They have failed to do so. It is proper for me to say, however, that I am satisfied the committee can substantially agree on all of the provisions of the bill except that relating to the compensation of Senators and Members of Congress and of the President of the United States. In reaching such agreement the committee on the part of the Senate will be compelled to yield on some points much further than their judgment approves. Believing, however, that on appropriations which are discretionary it is the duty of each House to yield as far as possible in order to meet the views of the other, the committee of the Senate feel that they can reach an agreement.

With reference to the two points about which at present there is the greatest difficulty, namely, that of the compensation of Senators and Members of Congress and of the President, I desire to say that the committee, if they shall be re-appointed, desire to be instructed by the Senate. I think the same is true of the committee on the part of the House of Representatives. Or, if not formally instructed, they wish the question put in such form as shall test the sense of the Senate upon the points in controversy.

We have exhausted all the ingenuity we could command in our endeavors to compromise. With reference to the salaries of members of Congress and Senators we have proposed to strike from the bill all provisions relating to compensation, in order that by eliminating from it all questions of an individual character appropriations indispensable to the maintenance of the public service might not be further delayed.

With reference to the President's salary we have offered to agree to an appropriation to the 4th of March, and to leave the question open for future action. I wish to state, because I do not desire to avoid responsibility on this point, precisely what my own position is on both of these questions. I wish to say also, on behalf of the Senate committee, that we have not brought this question here because we desire to shirk any responsibility. I think I can say for both my colleagues on this conference that they are ready here and now to express their views with reference to it, and I believe that mine fully coincides with theirs.

I am opposed to a reduction of the salaries of Members and Senators because I believe they are not too high. I am opposed to yielding to the demand of the House upon that question for another reason. The law has fixed those salaries. The demand made upon us during a long and weary month has been that we shall abdicate our constitutional rights and duties as a co-ordinate branch of the national Legislature. The condition thus far has been constantly and persistently presented to us that we must agree to changes in existing laws which we do not approve as the consideration for securing the necessary appropriations for the support of the Government.

Therefore, even if my judgment were not thoroughly convinced that the salaries are fair and reasonable, I would not under coercion yield what I believe to be the constitutional rights of the Senate as a co-ordinate branch of this Government. But I do not put it wholly upon that ground. I do not wish to evade any responsibility by even stating that point; I stand squarely upon the ground that should I vote to reduce congressional salaries it would be an act of sheer demagogism of which I will not be guilty. Believing that the salary is not one dollar too high to-day, I am ready to go home and answer to my constituents for my vote. I would quite as leave carry a five-hundred-dollar bill around the State and promise to donate it to the people in consideration of a re-election as to reduce salaries $500 when they and I know there is no other motive for doing it than to purchase a little cheap popularity. The one thing which an honest people hate above all others is an attempt to deceive. The things they most approve are honesty and courage.

There is another reason which influences me somewhat in this matter. The salaries of Members and Senators have already been reduced. In 1874 they were reduced from $7,500 to $5,000, and it was expressly stated in that act that the salaries of members of Congress should be *fixed* at $5,000. I am not willing to disturb that settlement. The people passed upon that question. They disapproved of the act raising the salaries to $7,500, more, I think, on account of the manner in which it was done than on account of the increased compensation. I never yet have heard from any part of the country one word of complaint of the final adjustment at $5,000. For one, I regard that as final, and do not wish to disturb it. Whether there be others who would like to cut off $500 now, and when the election shall have passed come back here and insist upon a re-adjustment by raising it to $7,500 again, I do not know. It is, however, a somewhat remarkable fact that those who are now apparently most anxious to re-open the question, which everybody considers settled, were among the most active promoters of the scheme to raise salaries three years ago. Believing the salary as now fixed to be about right, I will not re-open the question, for I do not wish to see repeated the performance of three years ago.

But again, we have actually reduced our salaries below $5,000. I think it is safe to say that salaries which prior to the increase were $5,000 are not now more than $4,500. At that time we had the franking privilege. The act increasing the salaries repealed it; but the act repealing the increase did not re-instate the franking privilege. It is not too much to say that taking into account postage on correspondence and public documents the increased expense of our postage will not fall short of $500.

The question with reference to the salary of the President of the United States is somewhat different from that of members of Congress. It was not reduced when all the others were. I do not believe it is higher than the President of the United States should receive. But I will not argue that question. I have heretofore put myself upon the record against the reduction of the President's salary, and see no reason for changing that vote. Both Houses having passed a bill to reduce the salary of the President and having sent it to him as required by the Constitution for his approval, and he having vetoed it as he had a perfect right to do, it does not seem to be a proper thing to attempt to coerce him by inserting it in an appropriation bill, and thereby compel him to approve the reduction or veto a measure indispensable to the maintenance of the public service. It is simply an effort to do by a majority vote that which the Constitution says shall require two-thirds. It is an attempt to deprive a co-ordinate branch of the Government to do that which he has informed us does not meet the approval of his judgment. If the measure ought to pass at all it ought to pass by the means provided in the Constitution. If it cannot be passed by the constitutional method it should not pass at all. The veto message has been sent to Congress and no action yet taken. If we have the power to pass it by a two-thirds vote, let it be taken up and acted upon, but while insisting upon our own constitutional rights let us not invade the rights of the President. I think he was right in vetoing the bill reducing the salary of his successors, and he would certainly be justified in vetoing an appropriation bill if it contain this objectionable feature.

Mr. President, I move that the Senate further insist upon its disagreeing votes and ask another committee of conference. I will not now go into the details of the bill nor attempt to state the changes which have been made in the committee of conference. It will be time enough to do that when the final agreement shall be reached. I will only say that if the Senate shall further insist upon its amendments and the present committee shall be re-appointed they will regard it as an expression of the sense of the Senate that we insist upon our disagreeing votes upon the two points which I have named.

Mr. WEST. The Senator had better include that in his motion.

Mr. WINDOM. I do not desire, as suggested by the Senator from Louisiana, to include that in my motion, for I think that would make a trammeled conference; but we will regard it as an expression of the sense of the Senate upon that subject. Unless some Senator desires further information as to the details of what we have done I will not take the time of the Senate further.

Mr. BAYARD. Mr. President, a month ago I was assigned by the Senate to a place upon this conference committee, and I can well confirm the statement of the honorable Senator from Minnesota, the chairman of the committee, that that month has been a period of constant, unremitting, patient labor upon the part of the members of this conference in order to bring the matters in issue between them to just results.

I was not unmindful, and perhaps it would be well for me to remind the Senate, that this is the first session in fifteen years in which the conference committees of the two Houses have met with their respective majorities differing as to their party affiliation. It is a fact that should be noted, because we all know the practical influence which such a state of things exerts. The country recognizes it, and every practical man will also recognize it. I fully did, and I think I could appeal, if it were necessary, to my colleagues on this committee to bear witness to the fact that I have sought to elevate the consideration of all the questions involved to the high plane of the good of the country, without reference to mere personal or party results. Such has been my intention; such, I believe, has been my course of action, and I contribute my judgment to the Senate in favor of the proposition made by the Senator from Minnesota, [Mr. WINDOM,] after these four weeks of long, careful, and laborious investigation. I must, however, differ with him in this respect: that I do not understand and have not understood the attitude of the House of Representatives to be that of unconditional insistence of the Senate's yielding to their views at the cost of totally withholding appropriations. Sir, the very agreements that we have made, the mutual concessions which fill this report, will show that the Senator is in error in supposing that the House of Representatives has attempted to stand upon any such ground, which in my opinion would be untenable. It has been, however, the proposition to bring forward, according to our invariable custom of legislation in the last sixteen years, measures in the appropriation bills which ought to be treated according to their respective merits, and so we have endeavored to treat them, and in that spirit have made accommodations and concessions mutually, until, upon this great bill to provide money for the expenses of the Government, there stand but two points upon which the conferees have been unwilling to sign one and the same report of agreement. Those two points are the proposed reduction of the compensation of the President of the United States and the proposed reduction of the compensation of Senators and of Members of Congress. Let us dispose of each in its order.

It was perfectly competent and regular that a bill should be introduced to reduce the compensation of the President of the United States after the expiration of the term of the present incumbent, the Constitution forbidding the reduction of his pay during his term

after it had been once fixed by law. That bill came before this body. On that I voted and voted in the negative, believing that the pay was not in excess and that it should not be reduced. For that I have given my reasons three years ago. I did not care to repeat them at the time the bill was last before the Senate. They will stand upon the record to be judged according to their proper weight and merit.

But, sir, the bill passed the Senate; it also passed the House; it went to the President. He vetoed it. There can be no question of two things: that it was his constitutional right and duty to consider the measure according to his conscience; and there can be no doubt, if I may be pardoned for making reference to the fact, that he did so with entire disinterestedness, as the proposed reduction applied not to him but to a successor not yet chosen. That bill stands to-day in the Senate with the power of this body, should the proposition command the approval of two-thirds, to pass it, and, with a like concurrent majority of the House, to make it law despite the interposition of the executive veto. The two Houses can make that a law under the terms of the Constitution despite the withholding of the President's assent. That assent has been withheld under his constitutional power, and I never will consent to invade that right and duty of the executive branch any more than I should permit him to invade a right and duty of the legislative branch.

I hold, Senators, that we have no right by combining this measure, which we have ourselves elected to treat as a separate measure, which stands before the country upon our votes given according to our individual responsibility—we have no right to relegate that to association with other measures and compel the President to inconvenience the country possibly, or to seem to inconvenience it, by withholding his assent from an appropriation bill, and so by a species of moral duress to lessen his constitutional prerogatives. I never will do it. I never would do it. I have in other days criticised with denunciation parties that sought to enforce upon another President of the United State his consent and wring from him his assent to measures he disapproved by combining them in appropriation bills with the supply of moneys necessary for the support of the Government, measures to which he would have refused his assent if they had been presented separately and made a vote of two-thirds requisite for their passage. I will not do that by a President of your choice which I would not have you do by a President of my choice, and were I the President of the United States I would veto this appropriation bill if it came to me under the same terms in which the House has proposed to send it to him, having previously vetoed a separate measure to the same effect and not having changed my views as to the impolicy of the proposition.

I stand here upon a principle. I believe in the mutual independence of the branches of this Government. I believe our Government is to be maintained only by preserving that independence, and where an officer of the Government, charged with a constitutional duty, has exercised it in his own sense of responsibility before the people, I never will irregularly extort or by any indirection coerce from him a consent that it was his right under the Constitution on his oath and conscience to withhold.

Therefore it is I trust that, whatever may be the opinions of gentlemen of this body—and I know a majority have differed with me and have thought this compensation should be reduced when I thought it should not be, and, if the President assents, I should yield with the utmost composure and readiness—they will consider that there is a principle in this quite independent of their views as to the expediency of paying $25,000 or $50,000 salary to the President of the United States.

Now I pass to the question of the pay of Senators and Members of Congress. It is a simple question of money in one point of view, but it is not so in another. I hold that ours is a representative Government of the people. It is intended that that representation should not be abridged or denied by the poverty or the riches of the man who may ask or may be desired as a representative. It is not a simple question of mere compensation by weighing the faculties and services of each individual on one side as you may on a mere ministerial officer, and weighing in the other his capacity to perform them. It cannot be treated upon so narrow a basis. Consider, Senators, what would be the result of abolishing pay entirely for members of Congress. Should it come to that, there would be a short-sighted and absurd economy that experience would brush away in one short session. You would leave the choice of Representatives open to the people to be filled by but one of two classes, either the merely rich, who came here without regard to the expense, or those who came here penniless to grow rich upon legislation. One of the two classes would exist. Either would, in my opinion, be hurtful to the interest of this country.

Legislation could not safely be committed to the hands of a Congress, both Houses of which were composed solely of rich men and capitalists, nor, on the other hand, would the country feel safe in the hands of two bodies composed of needy men whose daily wants, being unsupplied, would subject them every day to sore temptation. Nor would a combination of these two classes lessen the public dangers arising from a loss of personal independence on the part of legislators.

What, then, is the reasonable ground upon which we should stand? That such a sum shall be given by way of compensation, not sufficient to induce a man to come here to obtain the money, but not small enough to prevent him from coming here should his talents and the disposition of his people render it desirable that he should enter the public service. Sir, it will be a sad day for this country when men fit and competent to legislate upon the great questions presented for our consideration shall not be able to come here because prevented by their poverty. It is the duty of the people to say that poverty shall not prevent the man of intellect and character from coming here to do his country service, and the question is broadly what amount shall be provided by general law which shall enable a man to leave his home and come here to devote his abilities to the public service? Upon that point there is some difficulty. Nay, sir, there is another element that touches us all. We are speaking upon a subject that at present affects ourselves pecuniarily. There is a sentiment of delicacy appealing to every man who has this question to decide, for he is passing in some degree upon his own interests, but nevertheless it is our duty. We must meet it manfully and frankly, and treat it in a high spirit worthy of the positions we occupy.

On this subject I can give my judgment, and I was sent here to give my judgment; I was sent here not to yield to fears of ignorant and evanescent popular displeasure against my reason and my sense of right and justice. I was sent here to do that which is best in my judgment for the interests of the country; and I here do say to the people of the United States that it is doubtful whether the compensation to-day allowed to members of Congress does not exclude men of capacity and ability who find that pecuniary reward for industry elsewhere in private pursuits which they cannot find by the most assiduous attention to the labors of Congress. I know that as our life here in Washington compels us all to maintain two establishments, the one at home and the one here—for our stay here is uncertain—we cannot fix this question from month to month or day to day, but are compelled in great degree to have two homes while we are serving in Congress. A stranger is always at a disadvantage as compared with the man who lives at home; and here in Washington are mere sojourners and strangers swept in or out by the tides of political opinion. The expenses of our living, therefore, are of a necessity increased. There are also thrown upon us, as representative men, visits, most agreeable and welcome, from our constituents and from strangers who come here on visits of business or pleasure to the seat of Government of the Union, and, therefore, there is a wider field of necessary hospitality, however plain and simple, which must be exercised by representative men in Washington, which in the seclusion of their own homes could be avoided. Therefore the expense of living is increased. I will frankly say that, without other aid than that which I obtain from the pay I draw as a member of Congress, I must either have resigned my place or have given up the associations of my family; either of which would have been to me a painful trial, and it is not necessary for me to say which I would have chosen. But in this connection let me remark in all earnestness that I hold it to be of the highest use to the people of this country that home life and home influences should surround the men who make their laws; and this is a truth that had as well be told to-day as at any other time, and which I commend to the consideration of all legislative reformers and economists. If this salary shall exclude, as I know it does often exclude, men with families to rear and educate, men who are called upon to live upon a certain scale, not of lavish indulgence, but a certain scale of liberality, who shall not be called upon to question whether they can possibly screw from their narrow salaries the money to ask their constituents to break bread with them freely in their houses, there must be something wider and broader than this or else the office will undoubtedly sink, not simply in the estimation of the people but sink in the estimation of those who hold it, and be shunned by those men who by the highest public interest should be invited to accept and hold it.

I do not believe that a man with a family of the average size, a wife and three or four children, can come to Washington to reside and remain here during the long session of Congress and live with that degree of comfort and respectability which any constituency would desire and demand of their representatives upon one dollar less than the pay now fixed by law. On the contrary, I believe there are but few Members of Congress, few Senators, who are not compelled largely to draw from their private means to meet the expenses of maintaining themselves here. This is a very restrained and moderate statement of the history of living in Washington as verified by my own experience and that of a large circle of congressional acquaintance.

It has been truly stated by the honorable Senator from Minnesota that this rate of compensation was fixed in 1866. At that time there was what was termed the "franking privilege," a privilege that I always considered to be much more that of the constituent than of the Senator and Representative who wrote his name upon the mail matter because it permitted letters to come to him freely as well as go from him freely, and as the mass of his correspondence would be of an official character, of course, the gain was to those who were represented, and not to the person who represented them. Yet, nevertheless, by the abolition of the franking privilege the cost of postage is now paid out of the private moneys of the Member or the Senator. In addition to that there are many public documents for which I, in common with every member of the two Houses, have frequent applications, and which, when we are asked to send, cost us not an im-

moderate rate of postage, but an amount which, in the aggregate, is quite a serious sum. I think the Senator from Minnesota was very moderate when he estimated the loss in money by the abolition of the franking privilege—that is to say, the increased cost—I will not say the loss in money, but the increased cost to the individual Senator or Representative of the abolition of the franking privilege, at at least $500 per annum. That is including the postage which he is now called upon to pay upon public documents, as well as the postage which he pays on letter correspondence. That has been diminished since 1873. I believe it was in 1873 this abolition of the franking system was made. So that, virtually, we stand to-day in 1876 with a salary although equal to what it was in 1866, yet a privilege of franking which then existed having been taken away, the office leaves at least $500 less for the use of the occupant than it did before. I mention that because it is a fact that will show the unreasonableness of a reduction in these offices greater than that which is attempted on other positions. More than that the chief advance in the salaries of executive officers has taken place since 1870. I think I am right in that, and the greatest advance took place under what was known as the Kellogg bill in 1875. So that since the fixing of the salaries of members of Congress you have had two alterations and advances in the general scale of executive salaries which has not touched congressional pay at all.

Even on the mere money basis, therefore, treating the office of Senator or Representative as a merely ministerial office to be measured by days or hours of work and the power of writing so many pages of manuscript mechanically, the reduction already has been greater than on any other and unaccompanied by any of the advances which have been made upon all or nearly all the offices within the Executive Departments during the past six years. Therefore, sir, I feel perfectly justified, nay more than justified, I feel compelled in exercising my judgment, to say that there is not the reason for the reduction of the pay of this class of officials which has been applied, or may reasonably be applied, to the executive officials, simply upon the mere criterion of money value for ministerial work, that there has been a reduction in the first class, and not only no reduction but actual advancement in the second class. But I prefer not to leave this question upon so narrow a basis. The question is a broad one. It affects deeply, in my judgment, the practicability of our form of government. We may take illustrations from other governments and cannot fail to recognize how important the question would be there. For instance, in the Parliament of Great Britain, either the Commons or Lords, there is no pay whatever. What is the result? That no poor man, that no workingman, no man of the unmoneyed class can afford to take a seat in the British Parliament. What is the result? That property controls the representation there. Let them reduce as they please their basis of suffrage from ten pounds to five pounds, from five pounds to mere lodgers, and still they have at the end that, vote as they may, they *must* vote for a man of independent pecuniary means, because their government supplies no means from its treasury to sustain any other class. Why, sir, is it too much to say that if you were to establish the system of compensation for members of the British House of Commons you would revolutionize the government of that country in one short year.

Therefore, taking a broader and a higher view of this question applied to our own land where the case is different, where we have no privileged classes, where property *qua* property has no voice, and by the structure of the Federal Government was intended to have no voice; it was intended to be the government of equal rights, it was intended to be the government in which the vote should be given freely; not only that a man should be capable of voting, but that he should be competent to be voted for. How do you make him competent to be voted for? By giving him the means to live in office when you select him for it, because it were an idle thing to say "I choose you for the place; I send you to be minister at Great Britain and give you a dollar and a half a day to live on."

This would be turning our theory and form of government to a mockery.

I have stated, Mr. President, my mind freely on the subject. The people of this country are entitled to the judgment of their representative men. If those sincere judgments be withheld from them, where shall they look for truth? How can they judge for themselves of things when we withhold our fair, clear judgments from them? We have opportunities which they have not; we have responsibilities which they have not, and it has been an endeavor to fill that responsibility to-day that has caused me to say as much as I have on this subject of congressional pay.

I trust, therefore, that these long labors, which I think I may justly call patriotic labors, on the part of this committee to endeavor to bring the minds of these two Houses into harmony that provision may be made for the supply of money adequate for the actual wants of our Government; whatever the differences of opinion as to expediency, there must be a concession upon both sides. This must be so; and perhaps there is no wisdom so great as that which teaches men moderation. The agreement so far reached by the two Houses on this appropriation bill indicates that they have not been unmindful of this truth. Therefore I hope that the suggestion of the Senator from Minnesota may be approved by the Senate and that the opportunity will be given by the expression of the Senate's opinion upon these two points, having heard what your committee of conference think upon these two points, and that the House may be informed of the judgment of the Senate thus given, I trust calmly, and I know sincerely.

Mr. CONKLING. Mr. President, I should like to know one or two things about this disagreement which have not been stated in my hearing. Shall we understand that the two committees have virtually agreed upon reductions to be made in the clerical force?

Mr. WINDOM. In answer to the Senator from New York, I will say that they have virtually agreed upon that reduction.

Mr. CONKLING. A reduction in the clerical force of the Departments of how many?

Mr. WINDOM. Not in the clerical force alone, but in all the employés of the Departments, seven hundred and sixty-five.

Mr. CONKLING. The Senator has not the clerical force separated?

Mr. WINDOM. No, sir.

Mr. CONKLING. Seven hundred and sixty-five. Has the Senator a table showing the quota of each Department in that reduction?

Mr. WINDOM. I have in the committee-room and can present it in a few moments.

Mr. CONKLING. Where does the reduction chiefly fall?

Mr. WINDOM. Chiefly upon the Treasury.

Mr. CONKLING. What is the reduction there?

Mr. WINDOM. The total reduction is estimated at four hundred and ninety-one; but in making that estimate seventy-five are added for the $60,000 that has hitherto been appropriated to be used for cases of emergency or exigency. Four hundred and nineteen would be the actual reduction estimated without taking into account the $60,000.

Mr. CONKLING. Sixty thousand dollars has heretofore been reposed on the Secretary as a fund that he might use to employ temporary clerks. It is proposed to continue that $60,000 now just as it was before.

Mr. WINDOM. It is.

Mr. CONKLING. And continuing that, saying nothing about that, what is to be the reduction in the Treasury Department?

Mr. WINDOM. Four hundred and nineteen employés, I believe.

Mr. CONKLING. Four hundred and nineteen, giving the $60,000 besides.

Mr. WINDOM. No; four hundred and ninety-one would be the estimate if the $60,000 were not allowed; but the conference committee propose to allow the $60,000; so that the real reduction is four hundred and nineteen.

Mr. CONKLING. The $60,000 was allowed before, and is for temporary or occasional service—that continues; but how many persons it employés is always beforehand uncertain; that depends upon contingencies. I ask for the actual reduction. The $60,000 is not disturbed. Now, apart from that, saying nothing about that, what is the reduction?

Mr. WINDOM. Four hundred and nineteen, I think. The paper will be here in a moment, and I will give it to the Senator, showing it exactly. That is very near it.

Mr. CONKLING. I inferred from another statement that the actual reduction was four hundred and ninety-one, and that the $60,000 was allowed to continue as it had been heretofore for whatever it might supply.

Mr. WINDOM. Four hundred and nineteen, leaving out of account the $60,000 altogether. I have the table now.

Mr. CONKLING. The managers on the part of the Senate having virtually agreed to this reduction, shall I understand that they mean to advise the Senate that the Treasury Department can get along, can manage, with this reduction of four hundred and nineteen or four hundred and ninety-one, depending upon which way you state it in reference to the $60,000 for temporary service?

Mr. WINDOM. The managers on the part of the Senate believe that the Treasury can get along or they would not have agreed to it; but they believe, as stated by Mr. Morrill, that it will be very embarrassing if not disastrous.

Mr. CONKLING. I ask the question for two or three reasons, one of which is this: It is clear to me that if the Treasury Department can get on—get on in any business-like sense with a reduction of four hundred and ninety-one in its force, it could clearly get on very well with the reduction of only a part of that force. I know the Treasury Department is a great establishment; but I know also that four hundred and ninety-one persons, most of them skilled persons, withdrawn from even a large establishment, is a great subtraction from its force and equipment. Therefore, I repeat that if it be true that the Treasury Department can proceed even economically, even inconveniently, when four hundred and ninety-one persons of its skilled force have been withdrawn, it must be true that that Department could proceed very well and could have proceeded very well with a considerable part of that four hundred and nineteen or four hundred and ninety-one withdrawn.

Now, when we remember the ability with which we are assured the Treasury Department has been of late administered, when we remember the high reformatory aim of that administration, when we remember the assurance which all must have that the Treasury Department has recently been administered with skill, with an eye single to economy, with an earnest effort for retrenchment, with a persistent and able endeavor in that direction, it is very difficult to

accept as fact the statement that four hundred and ninety-one persons can summarily be withdrawn from the working force that mans and operates that Department, and not utterly cripple it. I have no right to ask any Senator, for it would give some Senator trouble that I ought to take myself; but I should like to ask what the percentage of this reduction would be, and the percentage we should have if we saw the total of the force heretofore employed in the Department. My honorable friend from Minnesota, familiar with the subject perhaps can give it, but we must all see that it is a very large percentage. What is the total?

Mr. WINDOM. About twenty-five hundred.

Mr. CONKLING. The reduction there is about one-fifth of the entire force. I am told by the honorable Senator that twenty-five hundred is the total of the force as it has been. Here is a reduction of four hundred and ninety-one. For convenience I will add nine and make it a round five hundred, that is one-fifth exactly. It is proposed to withdraw from the Treasury Department one man in every five, and one woman in every five of those who have heretofore been employed to carry on its business in the city of Washington in one building. Consider such a thing in reference to a bank or a great commercial house in Chicago or New York; consider it in reference to the retail establishment of the late Mr. A. T. Stewart, an immense bazar employing I know not how many, but a large number of salesmen, clerks, and others.

Mr. MORRILL. About one thousand.

Mr. CONKLING. About one thousand, my honorable friend says, in the up-town establishment at Tenth street. Suppose we were told that after Mr. Stewart disappeared from his business, it turned out on investigation by six gentlemen, whether Senators or others, that one man and one woman in every five in that establishment, two hundred in all, could be withdrawn, withdrawn with impunity—I do not stop to inquire with what exact convenience—and still the establishment proceed, still execute its functions, still sustain itself, still perform its daily routine of transactions and details with any degree of success which any three members of this body would pronounce fit to be accepted by those concerned, would it not be an extraordinary statement? Would it not compel every listener either to disbelieve it, or to conclude that the establishment had previously been conducted with a surplus force, with prodigal and unnecessary equipment, with, if not literally one-fifth of all its expenses unnecessary, at least virtually and substantially one-fifth?

Mr. President, such a statement is evidence to my mind of one of two things. It is evidence that a reduction of four hundred and ninety-one will not only cripple the operations of the Treasury Department but so essentially, so perniciously, so inadvisedly, cripple the operations of the Treasury Department, that managers on the part of the Senate ought to agree to it; or else if the statement be believed it proves that the Treasury Department as it stands now, the Treasury Department as it stood last winter, the Treasury Department as it stood any time within the last year has been not only by law permitted to employ and pay for needless service, but that in fact there have been put into the Treasury Department and kept in the Treasury Department, and are now in the Treasury Department in this city several hundred employés whose services are not and have not been necessary and whose appointment and continuance cannot be justified. I do not assert how this is; I pronounce no opinion upon it; but I say that it cannot be true that we can properly and excusably vote such a reduction, if it be true that the force thus to be reduced has been properly or justifiably maintained. It is proposed, as I understand,—and if I am wrong I will thank one of the members of the committee to correct me,—to make the whole reduction presently.

Mr. ALLISON. I do not see the chairman, and in his absence I will say that it is proposed to reduce one-third of it on the 10th of September, one-third of it on the 10th of October, and the remaining one-third on the 10th of November.

Mr. CONKLING. When I said "presently" I might have been more accurate. It is intended to take three months to do it. It is to be done in one-quarter of the fiscal year. I do not mean that they are all to be sent out on the same day, but I mean that it is a thing which is to occur as an entirety and the last of the dismissed are to go within the next three months. This may not be a time or a place to interpose in behalf of those who are thus to suffer. We all know the suffering which will be inflicted on those thus suddenly turned out; but if their services are unnecessary, the Congress of the United States is not a benevolent institution; Senators are not almoners to provide for the wants of others.

There is connected with it, however, another consideration more immediately in point. If this reduction be indeed feasible, and if during the last year, as place after place became vacant, (and in a large establishment like this vacancies always occur,) those vacancies had not been filled, had the force been allowed by degrees and by natural process to drop down to the proposed point, it would not only have saved us the contemplation of so grievous and afflictive a measure but would have reconciled somewhat the improbabilities and inconsistencies before us. But the statement shows us not only that by law all these places existed which are now to be treated as supernumerary places, places which can be vacated without serious detriment to the public service, but that in fact they were kept full. That I understand to be the meaning of it, and the Senator from Iowa nods his head, to indicate that I am right. So that now a given force having been maintained up to the 9th day of August, or the 8th, whenever this statement was made, the information given us is that we may properly so legislate that four hundred and ninety-one persons shall all be dismissed within the next three months. I will inquire of the Senator from Iowa, who seems to be intelligent on this subject, is there anything he knows which has reduced the work to be done, the business to be transacted in the Treasury Department, and made it less now than it was three months or six months or nine months ago?

Mr. ALLISON. I do not know of any material change in the work of the Treasury Department within the last nine months.

Mr. CONKLING. The Senator knows of no material change in that respect?

Mr. ALLISON. I know of no material change.

Mr. CONKLING. The statement then proceeds on the idea that, either necessarily or unnecessarily, this working force has been maintained up to this time, that the same necessity exists for it now which existed any time within a year, and that we are to turn around and say that four hundred and ninety-one of these people are supernumeraries, and lag "superfluous * * * on the stage."

Mr. CRAGIN. Will the Senator from New York allow me to make a suggestion?

Mr. CONKLING. Certainly.

Mr. CRAGIN. The Senator from New York and other Senators must be aware that within less than a year the printing of fractional currency has entirely ceased; and as that currency was counted in three different Bureaus in the Treasury Department there can be a large reduction in that way. It is well known that the counting of fractional currency took place in the Secretary's office, in the Treasurer's office, and in the Register's office; and if that currency is not to be counted at all, and it is not now or hereafter, there can be a large reduction. So when the old currency comes in it is then counted three times over. Of course some little of that old currency is still coming in, but comparatively very little; so that there can a large reduction take place.

Mr. CONKLING. I am very glad the Senator from New Hampshire calls attention to this, for perhaps it will aid us to see how much we know and in how many respects we are mistaken. The counting out of fractional currency ceased about six months ago.

Mr. CRAGIN. Five months.

Mr. CONKLING. As I always want to agree, I will take five months in place of six—the fact, be the time a month more or less, is equally instructive. The fractional currency is counted three times; it is counted out and it is counted in. The only reduction that has taken place so far, is in omitting to count out the fractional currency, and the counting out ceased it is said five months ago. If this fact makes a difference, the difference occurred five months ago, not now. If the Senator is right in his understanding, for the last five months there has been maintained unreduced a force which he says was rendered necessary in part by counting fractional currency and that counting ceased five months ago. What other counting of fractional currency is there? There is the counting in of fractional currency, and that goes on still, and that is to continue hereafter.

Mr. CRAGIN. On inquiry I find that the silver bill, so called, authorizing the Secretary of the Treasury to issue subsidiary coin, was passed in April. It was at that time the printing of fractional currency ceased.

Mr. CONKLING. That is four months ago. The Senator forgets that when fractional currency does not go out silver goes out.

Mr. CRAGIN. But it does not require a force of two or three hundred employés in the Treasury to count it.

Mr. CONKLING. No, it does not require a force of two hundred or three hundred to count it. It does require force enough, however, to keep the accounts and make the transactions; and my point is that the business of counting out fractional currency having ceased months ago, it does not seem to me a very good reason for reducing the force when and not until this bill shall take effect, nor does it explain why the force has been kept up during these months past.

Mr. CRAGIN. There has been a reduction already.

Mr. CONKLING. I am very glad to hear that the force has not all been kept—that there has been a reduction. The difficulty is that this statement is a present statement and it is based upon the present force, the force that is there to-day, and the statement is of what reduction is to take place on that present force. That is what we are talking about. I say if four hundred and ninety-one men can be withdrawn from that Department, and it still go safely on, it is perfectly manifest that the number there now, and the number that has been in the Treasury Department for weeks and months all the time is a number to be justified only by showing that there was some business or labor in the Treasury Department continuing, not up to six months or four months ago, but up to this day, which hereafter need not be done. When you show that, and not till you show that, you show every business man in his own business sense exactly how he could dispense with part of his force. If he had been building two railroads and one of them was completed, we see how he could dismiss the men that manned the finished job, and with the residue go on with the other. But if the falling off in the requirement of the De-

partment was six months ago or four months ago and the force has been continued up to this day, I submit, according to any business principles or arithmetic, that a reduction now cannot be so explained.

Now I should like to ask another question of the honorable Senator from Minnesota. In this proposed reduction, as I understand, the subtreasury and its force and salaries is reduced. Am I right in that?

Mr. WINDOM. I think not.

Mr. CONKLING. I wish the Senator would look at the subtreasury in the city of New York; and I will say to him while he is looking that I am told that although the compensation for men conducting the subtreasury in the city of New York is cut down, the same officers in the city of Philadelphia and elsewhere have not been disturbed.

Mr. WINDOM. The reduction of seven hundred and sixty-five does not touch the New York office nor the subtreasury.

Mr. CONKLING. Is the Senator quite sure of that?

Mr. WINDOM. I am quite sure.

Mr. CONKLING. I should like to inquire of the Senator from Iowa because I have been very much misinformed, not by Senators but by others, if this is so as to salaries or compensation. I have understood for some days that this *projet* of reduction did cut down the subtreasurer's establishment in the city of New York in respect of salary. Take for example the coin teller.

Mr. ALLISON. It cuts down the salaries in a few instances, but not the number.

Mr. CONKLING. Now I inquire whether the salary of the coin teller in Philadelphia is cut down?

Mr. ALLISON. I will ascertain in a moment.

Mr. WINDOM. I know there were some slight reductions of the New York officers. They were higher than the Philadelphia officers.

Mr. CONKLING. Yes; put so by law and for reasons.

Mr. ALLISON. There is no proposed change in the Philadelphia office. There are proposed changes in the New York office, but none in Philadelphia or any of the other subtreasuries except New York.

Mr. CONKLING. I have this to say about it: The compensation of these men in the city of New York was fixed in reference to them and their duties, not in reference to other men and other duties. The salary of the coin-teller, for example, in New York was graduated and fixed by the facts in that case. Of course, among those facts were the enormous amounts of money, the almost fabulous sums which in the course of a year pass through that office, the responsibilities for which bonds are given, the various other elements entering into the modes of estimating salaries. The same thing was done in the case of Philadelphia and those salaries were fixed upon the same principles, and fixed as they ought to be. Now I understand that this *projet* of agreement cuts down the compensation of these officers in New York, passes over the same officers in Philadelphia whose salaries although at a different amount were for different service and fixed at a different sum because of the merits of the case, leaving them to stand untouched.

Perhaps I ought not to detain the Senate upon a matter of this sort; but it is a circumstance which fell under my observation and I call attention to it, and I think it might be well in dealing with this bill, particularly in standing by the idea that Senators ought to receive $5,000 a year nominally at least because it is right in fact, to consider whether these officers in the city of New York ought to receive one salary or another because it is right in fact, and not level it down in order that salaries somewhere else may stand untouched.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota that the Senate insist on its disagreeing vote and ask another committee of conference.

Mr. WINDOM. I am very reluctant to detain the Senate a moment longer, but the statements of the honorable Senator from New York I think require a brief answer.

The committee of conference on the part of the Senate in agreeing to this reduction of force do not by any means assent—at least a majority of them do not—to the inferences which the Senator from New York would draw. They do not believe that the sweeping reduction which has been agreed to is justified by the business of the Departments. I will state to the Senate why the number seven hundred and sixty-five was suggested. The House bill as it came to us reduced the employés of the various Departments one thousand and twelve. The Senate reduced them three hundred and eighteen on its own motion, upon the recommendation of the Senate Committee on Appropriations. The committee of conference, after very much labor on this question and many trials and tribulations, finally suggested as a compromise a division of the difference, provided, upon a reference of the question to the Departments, it could be ascertained that that number could by any possibility be dispensed with. That is as to all the Departments. I will send to the Secretary two letters which I ask to have read on that subject. But before they are read I will state that in submitting this proposition to the Secretary of the Treasury and requesting him to confer with other heads of the Executive Departments on the subject, the committee on the part of the Senate suggested it rather for the purpose of obtaining information than otherwise. The letter addressed by myself as chairman of the Senate managers will explain the proposition as submitted to the Secretary of the Treasury, and his answer will show the opinion of the heads of the Executive Departments as to the effect of this reduction.

The Chief Clerk read as follows:

SENATE CHAMBER,
Washington, July 22, 1876.

DEAR SIR: I am requested by the committees of conference on the legislative bill to ask that you will, in connection with the other heads of Departments, consider the proposition to reduce the number of employés in said Department seven hundred and sixty-five, and that you will suggest to said committees how said reduction can be made with least detriment to the service. It is desirable that the diminution of expense should be as nearly as possible in proportion to the reduction in number of employés. Please advise me at your earliest convenience whether this is practicable, and make such suggestions as you may deem important in the premises.

I have the honor to be, very respectfully,

WM. WINDOM,
Chairman Senate Conferees.

Hon. LOT M. MORRILL,
Secretary of the Treasury.

TREASURY DEPARTMENT, *July 28, 1876.*

DEAR SIR: Your note of the 22d instant on behalf of the committees of conference on the legislative bill, in regard to the reduction of the number of employes in the Executive Departments of the Government seven hundred and sixty-five was duly received.

The proposition submitted for the consideration of the Executive Departments is understood to be that of a reduction of the civil list for those Departments by the number of seven hundred and sixty-five on the basis of the Senate bill, which was forty-nine hundred and ninety-one; but, as no account is taken of the temporary force usually provided for by an appropriation to be used at the discretion of the Secretary, equal to an additional force of seventy-five employés or clerks, the proposition really is for the reduction of eight hundred and forty instead of the number mentioned, unless the usual appropriation should be made for temporary clerks, which is not understood to be included in the proposition submitted.

If the heads of Departments are to regard the proposed reduction as the legislative *ultimatum*, it remains only to make such reduction with reference to the efficiency of the service, in which case the accompanying tables furnish the distribution of the civil force in these Departments believed to be most advantageous to the service therein.

That there should be no misapprehension as to the views of the heads of Departments in relation to the matter of reduction proposed, it is proper to say that it is believed such reduction will essentially cripple the public service to a greater or less extent in most of these Departments, and that a reduction so large as that necessitated in the Treasury Department, to wit, four hundred and ninety-one, would be little less than disastrous.

Very respectfully,

LOT M. MORRILL,
Secretary Treasury.

Hon. WILLIAM WINDOM,
Chairman Committee on Appropriations United States Senate.

Mr. WINDOM. It will be seen that this very large reduction is not made with the assent and concurrence of the heads of Departments; but Mr. Secretary Morrill, for himself and representing them, as I understand, states that, regarding this number as the legislative *ultimatum*, they proceed to adjust the force upon that basis, and he concludes his letter by stating that the proposed "reduction will essentially cripple the public service to a greater or less extent in most of these Departments, and that a reduction so large as that necessitated in the Treasury Department, to wit, four hundred and ninety-one, would be little less than disastrous."

Mr. CONKLING. May I ask one question there?

Mr. WINDOM. Certainly.

Mr. CONKLING. Does the Senator and do his associates rest their agreement to that reduction upon the idea that it will be little less than disastrous?

Mr. WINDOM. I believe that it will very seriously embarrass the Department. I do not know that I would be willing to use quite so strong terms as to say "disastrous," for in the manner in which it has been made there will be but a short time between the final dismissal of this force and the next session of Congress. And further, the $50,000 which we have allowed for temporary clerks in case of emergency will to some extent relieve or prevent the embarrassments that would otherwise be inevitable. I do believe, however, that in some Bureaus the reduction will cause serious delays, and greatly impair the efficiency of the service. The Adjutant-General's Office, the Surgeon-General's Office, the Pension Bureau, and some others will be crippled and embarrassed, and the public interests will suffer. I may be asked, "Then, why do you agree to it? I will answer. This is one of the questions on which I understand the House has precisely the same right to its judgment as the Senate has. The House in the exercise of its discretion said that twelve hundred and twelve employés should be dismissed. The Senate in the exercise of its best judgment said three hundred and eighteen. If the House chose to insist that they would not appropriate for more than one-half the clerical force actually required, I know no power in the Senate to compel them to appropriate. They must act upon their own responsibility and we upon ours. Both are responsible to the people. So far as that class of questions is concerned we must accept what they are willing to appropriate. They must take the responsibility of crippling and embarrassing the civil service of the country. That being in our judgment the position of the question, the Senate managers thought that for the present it was judicious to accept the proposition to divide the difference by two, making the reduction one-half the difference between the two Houses.

Mr. DAWES. I wish to inquire of the Senator if the basis of the committee does not relieve this statement of the Secretary to the extent of $50,000?

Mr. WINDOM. It does. It makes the reduction four hundred and nineteen in the Treasury Department and seven hundred and sixty-five in all. The Secretary of the Treasury, it will be observed, says that if the $50,000 be not appropriated the reduction will be equal to

eight hundred and forty. The reduction is to take place one-third on the 10th day of September, one-third on the 10th of October, and one-third on the 10th of November, so that if it shall be found that so large a reduction is likely to prove disastrous to the service Congress will be in session within two or three weeks after the final dismissal and can supply the deficiency. These were the arguments which induced the committee to agree to this proposition. We by no means agreed that this force has been as surperabundant as the remarks of the Senator from New York would indicate.

The Senate Committee on Appropriations when examining this bill before it was reported to the Senate took great care to ascertain how great a reduction could be safely made. Thorough investigations were made in all the Departments to ascertain how many could be reduced without detriment to the service. In the Treasury Department, for instance, Mr. Secretary Bristow caused an investigation to be made of every Bureau, and reported to the committee certain reductions upon which the Committee on Appropriations and the Senate acted. The Secretary of War made a similar investigation; and I happen to know that in that a commission, consisting of three of the most experienced men in the Department, was appointed, who spent twenty days in examining the War Department, going to every Bureau and desk in it, for the purpose of ascertaining the largest possible reduction that could safely be effected. Similar investigations extended throughout the other Departments, and upon reports made to them from those Departments the Senate Committee on Appropriations recommended a reduction of three hundred and eighteen, to which the Senate agreed. Applying to all the Departments the severest rules of judicious retrenchment, they were unable to make a larger reduction. I believe that all above that is an unsafe reduction, and to that extent is a crippling of the service; but I do not know any power we have, or that anybody else has, to compel either House to appropriate more money for such purpose than its own judgment or even its inclination may approve.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota [Mr. WINDOM] that the Senate insist upon its amendments and ask a committee of conference.

The motion was agreed to.

Mr. WINDOM. I intended to have withdrawn my motion in order to offer another. I ask leave to reconsider the vote just taken.

The PRESIDENT *pro tempore*. Is there objection to reconsidering the vote just taken? The Chair hears none.

Mr. WINDOM. If in order, I move that the bill be recommitted to the present committee of conference, and that the vote shall be understood to be a test vote upon the two questions I have mentioned, namely, the salary of the President and the compensation of members of Congress.

Mr. SARGENT. I should like to ask my colleague on the Committee on Appropriations if the same end exactly is not accomplished by his original motion? It is the understanding of the Senate. There is no dissent on either side of the Chamber to the action of the Senate in still further insisting and appointing the same conferees. They certainly will be appointed again, and this action is a sanction of their course. It seems to me that it would be better to agree to the original motion than to raise a doubtful parliamentary question by recommitting the report to a committee which is dissolved.

Mr. WINDOM. It is not dissolved.

Mr. SARGENT. It is dissolved by this report. It seems to me the conferees may consider themselves as receiving the sanction of the Senate by the original motion.

Mr. DAWES. I suggest to the Senator from Minnesota that his present motion would require precisely such a vote in the House as he calls on the Senate to make. The House would be called upon to recommit the report to this same committee. Let the House act independently and the Senate independently.

Mr. SARGENT. I think we had better not recommit it.

Mr. DAWES. Not a Senator indicated a desire for a different course.

Mr. SAULSBURY. I shall vote for the motion of the Senator from Minnesota; but as it happens to be inconsistent with the vote which I have frequently given upon a question involved, I desire to make an explanation of my vote. In reference to the salary of the President of the United States, I originally opposed the increase from $25,000 to $50,000, and I voted for the bill, which is now before the Senate with the veto message of the President, decreasing the salary of the next incumbent of the presidential office to $25,000. I shall vote for a separate independent proposition of that kind again to make a reduction of $25,000; but I do not believe that it is proper to put such a provision upon an appropriation bill. Therefore in voting for the motion of the Senator from Minnesota, I do not wish to be understood at all as favoring, as an abstract question, the increase which was made to the salary of the President. I vote for this proposition because, while we have a bill before us reducing the salary of the President, which it is in our power to take up and pass over his veto, I do not think it is proper to put a provision of that kind upon an appropriation bill. Whenever the proposition is made to take up the measure which has been vetoed, I will vote to pass it over the veto.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist upon his motion?

Mr. WINDOM. There seems to be some objection to the second motion which I made, and with the consent of the Senate I will withdraw it and renew the first motion.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the motion is withdrawn. The question recurs on the motion of the Senator from Minnesota that the Senate insist upon its disagreement and ask for a further committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the resolution of the Senate to print extra copies of the report of the special committee to investigate the late election in Mississippi, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had appointed Mr. HENRY B. BANNING, of Ohio, and Mr. STEPHEN A. HURLBUT, of Illinois, members of the commission on the part of the House on the subject of the reform and re-organization of the Army.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3964) granting a pension to Annie Gibson Yates; and

A joint resolution (H. R. No. 161) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century.

BILL INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1038) for the relief of George E. Hasie, late inspector of cigars and snuff in and for the second internal-revenue collection district in the State of Mississippi; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. JONES, of Nevada. Senate bill No. 1021, allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, has been returned from the House with an amendment. The House amends the bill as passed by the Senate in a very important particular, and I do not think the Senate ought to agree to the amendment. To state what the amendment is will, I think, be sufficient to make the Senate agree to non-concur. The bill is very short, and I will read it with the permission of the Senate:

That the Postmaster-General be, and he is hereby, authorized to accept from the Pacific Mail Steamship Company, for service in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; said iron steamships to be substituted for any wooden side wheel steamers now lawfully doing service under the act of Congress of February 17, 1865: *Provided*, That nothing herein contained shall be construed as creating, reviving, or recognizing any claim now pending or as a basis of any claim which may hereafter be preferred against the United States by said steamship company, growing out of any law or contract whatever, except such as may lawfully exist under the law of February 17, 1865, above referred to.

The law of February 17, 1865, is a law making the contract with them, and agreeing to pay them a certain amount for carrying the mails, but by striking out "excepting the law of February 7, 1865, above referred to," as the House has done, the result is to deprive the Pacific Mail Steamship Company of the right of demanding pay for the service of carrying the mail. It expressly says that no claim shall be recognized, not even the claim arising under the law of February 17, 1865, which I am sure the House could not have intended to do. I hope the Senate will at once non-concur.

The amendment was non-concurred in.

Mr. JONES, of Nevada. Now I move that the Senate ask for a conference on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee on the part of the Senate.

Mr. JONES of Nevada, Mr. DAWES, and Mr. KEY were appointed the conferees on the part of the Senate.

THE HAMBURGH RIOTS.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 2d instant:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

Mr. PATTERSON. Mr. President, yesterday when I yielded the floor I was referring to the parties implicated in the recent murders at Hamburgh, South Carolina. I was speaking of the character that these parties bore in the community in which they live. I have no desire to misrepresent any person connected with this transaction. What I have said about these parties is I believe true. My object in stating this to the Senate and to the country is to controvert the idea that is spread abroad whenever reports of outrages come up from the South. Senators on this floor, newspapers and public men, all join

in deploring these outrages. They all say they regret them; but at the same time we hear from all of them, or nearly all, some kind of an excuse. They say that the negroes were insolent, that the negroes were turbulent, that they were the cause of these riots, and that the authors of these crimes were low, reckless, and irresponsible men in the community. My object in speaking of the character of the parties implicated in these transactions is to show that that is not true. These murders have been committed. Whether the parties mentioned in the reports of the coroner's inquest are the parties really guilty, I do not know. They are charged with it upon the oaths of citizens of South Carolina; and if they are the guilty parties, I have this to say, that they are persons who are recognized in their communities as gentlemen and the best people in their community. I want to hold the real parties responsible for these outrages. I do not want the responsibility shifted onto people who are not responsible and who have no position in society. That is all I ask. I think it fair, and no man can complain of it. I know no man in South Carolina will object to that. It is all very well for Senators to talk about the authors of these crimes in the South being "spewed up" by the war, and all that sort of thing; but Senators know better than that; newspaper men know better than that; public men know better than that.

DEMOCRATIC EXCUSES FOR THE RIOT.

I want to read from an article the Charleston News and Courier in regard to this outrage. This paper deplores these outrages. It goes further than that; it denounces them. Let me read to you the object of their denunciation. This is the Charleston News and Courier of July 13, only five days after the occurrence:

The northern newspapers, even those most friendly to the South, are loud in their denunciation of the Hamburgh slaughter. They regard it as doing good work for Hayes and Wheeler, and predict that a few more outbreaks of the same sort will insure the defeat of Tilden. Is it not horrible that a band of regulators should have the power to destroy, by their inexcusable violence, the prospects of the party which, if successful, will restore constitutional rule to the whole people?

There is the reason given for denouncing these outrages. There is nothing in that paper of regret for the death of these poor people, but they put it upon the ground that it will hurt the election of Mr. Tilden. Why do they put it on that ground? Because they know that the North will never consent to the election of Mr. Tilden unless Mr. Tilden's friends in the South will quit killing negroes and radicals. They know as well as we know that that sort of thing will not do any longer. They know the people of the North are getting tired of this violence, and they say to their bad men, "Halt." I wish their bad men would listen to that advice. If the election of Mr. Tilden will soften the hearts of the southern democratic leaders; if it will stop the murders of colored people and radicals in the South, stop these murders for opinion's sake, I do not know but that I will be willing to say that I would consent to his election. Human life is more important than the question of who shall be elected President of the United States. What I plead for is for these poor people in the South who have no protection, these poor people who are being murdered because they are republicans, and murdered, too, by democrats in every instance.

I have read the opinion of one newspaper. Here is the opinion of another democratic newspaper, the Journal of Commerce, which takes the opposite ground, and I am sorry for it:

The village of Hamburgh, South Carolina, opposite to Augusta, Georgia, is beyond its police jurisdiction, and has latterly become the nest and harbor of negro marauders, incendiaries, and cut-throats. The turbulent, malignant, and criminally intent, here dwelling within easy reach of the Georgia line, in full accord with their own local authorities, civil and military, armed with rifles and organized, have felt strong in the ability to annoy, injure, and endanger the white people of Aiken and Edgefield Counties.

The coroner was willing (I have no doubt) to call any person before the inquest the parties implicated in this trial asked, and there is not one word of evidence in this coroner's inquest that goes to sustain that charge. Why does that paper make such a charge? Simply because it represents a certain sentiment; simply because it speaks for that class of southern people who look upon outrages of this kind with, I will not say consent, but with quite too much kindness.

It is not long since another militia company of negroes in Edgefield, under Tennent, was disarmed by the State authorities and United States troops for drilling nightly with the intention to attack the whites.

The truth about that story is simply this, that a difficulty occurred two years ago in regard to a militia company in Edgefield County. The difficulty commenced at the Pine House, and the result of investigation proved that a white man was the aggressor. After months of excitement, in which both races were concerned and liable to a bloody collision at any time, the difficulty was settled by the arms being taken from the militia company by the State authorities for the sake of peace after three or four persons had been killed.

For some years now the population of Hamburg have been practicing a system of insulting and outraging the people of the neighboring counties. On the 5th of July it seems their militia company stopped the buggy of Messrs. R. Butler and H. Getzen in the public road, abused them, and threatened to make them prisoners for the night.

All the papers join in testifying to the fact that this militia company were parading in the streets of Hamburgh on the 5th of July, as they had a right to do. The street is about one hundred and forty feet wide, and this militia company was marching four abreast. These two young men came along in a buggy and they ordered the militia company to give way and let them pass, and because they refused to do it they had some harsh words, but for the sake of peace the militia company opened column and let these two young men ride through in their buggy. What right had they to order the milita company to do that? But the captain of the company for the sake of peace and to avoid a disturbance, to prevent the charge being made that the militia, the colored militia, were obstructing the highway, opened column and let these two young bloods pass through. I ask Senators to suppose that there was a volunteer company, a military organization of this District, marching up Pennsylvania avenue; would any Senator upon this floor, would the President of the Senate, have any right to stop that company and demand that they should open column and let him pass through? Is there any man in the Senate or any man in Washington who would ask such an unreasonable thing? Yet because these two young men were refused the right to go on the highway where they pleased, they stopped the company and got up this disturbance, but finally were permitted to pass through. That should have been the end of it. There it should have stopped. The militia company had yielded more than was reasonable. These two young men obtained more than any citizen had a right to ask.

For this wrong these men sought redress before Prince Rivers, of Hamburgh, trial justice and major-general of militia, a negro. The case was set for the 9th, and meantime the negro militia swore they would submit to no punishment from the officer of the law, and were loud and threatening in their views. They threatened to lynch Messrs. R. Butler and H. Getzen if they were not convicted.

Now, I ask Senators in all candor, where was the wrong to these two young men? If there was any wrong in it, the wrong was to the militia company and not to these two young men.

Convicted of what? There is no evidence of that kind.

Information of these threats reached the neighborhood of these men, and their friends and neighbors mounted their horses and went to Hamburgh at the time appointed to defend and protect them from violence, and to support the law and its officers in the prosecution of justice.

Great God! justice! I ask what justice did these young men want? Who had been outraged? Their friends resorted to Hamburgh. Yes, I understand all about this friend business. They did not go there like they would go to church. They came there mounted, with their rifles, their revolvers, and their shot-guns. Friends on an errand of friendship do not generally go with that kind of equipments. They went there to get up a row; they went there to get up a fight. That was the object.

Doc Adams, the captain of the company, when summoned for trial, attempted to bully the court—

The evidence shows he was not near the court—

and when served with an arrest, defied the officer of the law and assembled his company in the street, armed and supplied with ball-cartridges, to make good his defiance. He and his militia command now occupied the attitude of outlaws or rioters toward the trial justice, and of mutineers toward the major-general of militia. Five efforts were made to bring them to their senses and to induce them to give up the arms they were using to violate "the awful majesty of the law," and to let the people of the county have peace. But all efforts failed. They intended to fight.

Who intended to fight? Nobody was talking about fighting except these people who came in there.

They occupied the second story of a brick building in which they were wont to drill, set up a yell, and opened fire on the friends of R. Butler and H. Getzen from the windows with their Springfield rifles. Soon after they had opened fire they killed, by a shot from the window, Mr. Merriweather, an estimable young man.

When ruffianism is rampant and lynching is threatened white men who seek legal redress, by a band of organized negroes, with the best weapons in their hands, and when the officers of the law are defied and white men are shot dead, the blood of white friends will get up, even in meek and down-trodden Carolina. And when those engaged in this high-handed and criminal business are overpowered, it is not likely they will be treated as prisoners of honorable warfare and according to the laws of nations.

That is the other democratic account of this transaction. That account is written and published in a paper that represents the true sentiment of the white democracy of South Carolina. There is not a line to condemn the murder, not one line of sympathy for the poor men who were murdered, but denunciation and misrepresentation all through to excuse the perpetrators of this crime. I read this to show to the Senate and to the country that a newspaper published in South Carolina and spreading all over the State will dare to utter such sentiments, and no one will rebuke it. When newspapers by such explanations, by such excuses, by such palliation will justify a murder and outrage of this kind, is it any wonder that they so frequently occur?

THE MILITIA ORGANIZATION OF A STATE.

Mr. President, one word before I get on to the cause of all this trouble. It is said that this militia company is not a legal organization. The evidence before the coroner's inquest shows that the militia company was regularly organized and recognized by the colonel of the regiment and the major-general of the military division. In addition to that, the evidence shows that the military company was organized under the act of incorporation. They were a regularly, legally constituted body of militia. They had the right to parade on the 4th of July or any other time that they saw proper. It has been said upon this floor that all the militia of South Carolina are colored people. That is true, but it is not the fault of the colored people and it is not the fault of the State government. The white democrats of South Carolina refused to come in under the militia law to organize companies and make themselves responsible to the State officers. No person quarrels with them about it. In order to

gratify their military taste they have military organizations of their own. They are organized under incorporation acts. They go to the clerk of the court and get an act of incorporation on the payment of a small fee of two dollars or two dollars and a half, and they organize companies. They call themselves "rifle clubs" and "saber clubs." We have them in every county in South Carolina and in some counties we have several. They are not an illegal organization. There is nothing in the law to forbid it and nobody objects to it. By common consent they are allowed to exist, owing to the peculiar state of feeling which we have in the State between the races. By common consent, by consent of the State officers, by consent of all parties, these military organizations, because of the refusal of the white people to go into an organization with the colored people, are allowed to exist. They arm themselves and equip themselves at their own expense. I am informed by one of the members of the House that there are two of these rifle clubs in Charleston and one in Chester which have been armed with State arms; and I take it for granted that the statement is correct. It may be said that white people are refused arms from the State. I do not think that ever the State authorities have refused to give arms to a white company if they were willing to come in under the State military law. I have never heard it charged, and I think I am safe in making the statement that that has never been done.

That disposes of the militia question. But with regard to these rifle clubs I desire to say that they were organized some two or three years ago, and during all that time and up to this time they have conducted themselves with order and decorum. I have never heard any complaint of their behavior. I have never heard any threat made by any person representing the rifle clubs, who was authorized to speak for them. I will say that to their credit. I know that there is an impression among the colored people that these rifle clubs are gotten up with a view to their injury. When they were first organized they created a very considerable alarm among the colored people, and to-day there is a feeling of uneasiness among the colored people that these rifle clubs might at some time be used to their personal injury. I do not say that that impression is correct. I know some three or four officers of these rifle clubs. I know the captains of two of them in the city of Columbia, and they are both very excellent citizens and clever gentlemen. I do not think that either of those gentlemen would be a party to a wrong upon the colored people in their capacity as officers of a military company. What may happen in the future I do not know. I am speaking of the behavior of those companies in the past.

I should like to read some of this testimony taken before the trial justice, but there is so much of it and it is so long that I forbear.

Mr. CONKLING. Is the Senator willing to have it go into the RECORD without actually reading it?

Mr. PATTERSON. Yes, sir.

Mr. CONKLING. I suppose if the Senator wants to read it as part of his remarks no Senator will insist upon actually hearing it read. If it does not inconvenience the Senator at all, I suggest that nobody will object to putting it in the RECORD, if that is his purpose, without reading it all here. He will judge of that himself, I suppose.

Mr. PATTERSON. I do not care to have it read.

Mr. CONKLING. Then I suggest that it had better be printed in the RECORD than to hear it read. Is it in print?

Mr. PATTERSON. It is in print.

Mr. CONKLING. I think there will be no objection to its being put into the RECORD rather than having it read.

The PRESIDING OFFICER, (Mr. CHRISTIANCY in the chair.) The Chair hears no objection, and the matter will be printed in the RECORD.

THE REAL CAUSES OF THE TROUBLE.

Mr. PATTERSON. Now, Mr. President, I have given both sides of this question, and tried to do justice to all parties. I want both sides to be heard. I now come to what I think is the real cause of these difficulties. That there is a false sentiment existing among the democratic party in the South in regard to the colored man no one will deny. They are determined he shall not hold office and rule. Right here I want to say a word in regard to the southern people. I have no malice toward the southern white people. I went among them a stranger, and I say to the Senate and to the country that so far as my personal relations with that people are concerned they have always treated me kindly and respectfully, and I have nothing for them but the kindest feeling in the world. I will defend them as faithfully and as promptly against a false imputation as if I had been born among them; but there is a class of people in the South that I do quarrel with. I have no quarrel with the great body of the southern people. The great body of the southern people are brave and generous and want to do what is right, and if the democratic leaders would let them alone they would do what is right. If it had not been for the democratic leaders in 1860 the people of the South would never have gone into secession and rebellion. It is a fact that is recorded in history, and the man is a fool who rises in his place, in the Senate or elsewhere, and attempts to deny that the South was dragged out of the Union in 1860 by their leaders, and that their leaders were all democrats. State after State was dragged out. When the people got a chance to vote they voted down secession, but through the manipulation of these leaders the States were dragged out. Governor ORR told me before his death that in 1860 there were not 10,000 secessionists in the State of South Carolina, and yet these few violent, bold, daring, arrogant democratic leaders dragged that State out. They forced the people out of the Union. What I complain of in the southern people is that they allowed themselves to be used by these leaders. They are intelligent; they are men; they were born under the American flag; they have as much interest in the country as those who live in Massachusetts or Pennsylvania or New York or Ohio; but I do find fault with them for allowing themselves to be used by these bold and bad and wicked rulers. Senators may argue that there is no such sentiment in the South. I am speaking particularly of South Carolina; but the case of South Carolina is the case of the whole South. South Carolina is not an exceptional State. Because she was the "first in the fray," is that any reason why the other southern States are not responsible? They were of age; they acted for themselves. The history of South Carolina, the action of South Carolina, represents the action of all of them, and the feeling of the white people of South Carolina represents the feeling of the white people of the whole South. I do not think any one will dare to deny that unless he is very reckless.

THE INFAMOUS BLACK CODE.

I hold in my hand the laws of the Legislature of South Carolina passed in the session of 1865-'66. This was after the war, and after South Carolina had passed into the hands of her old rulers. Under the Administration of President Johnson Governor Perry was appointed provisional governor and a Legislature was chosen composed of the old leaders. If they had this spirit in 1860 and during the war, this record shows that they had not forgotten it years afterwards. This record shows that they had not abandoned one iota of that spirit towards their colored fellow-citizens, because the black man then was their fellow-citizen. The black man was a free man then. It is true he had not the right to vote, but he was a free man. That Legislature met in Columbia, the State capital, and proceeded to general legislation. But among the very first acts that they passed was the act which is known all over this country and all over the world as the "black code" of South Carolina, a code that should disgrace every one of its authors, and every man who voted for it should be ashamed to show his face among an intelligent, an enlightened, and a civilized people. And yet these same people are claiming that they alone are fit to rule in South Carolina and should be put into power, and think it a great hardship that the negro will not consent to let them rule over him again and pass such laws. I will trespass upon your time in order to give the Senate an idea of this code, because I do not presume that many Senators have ever read it. So many things have happened in the last ten or fifteen years, events have crowded themselves upon us so rapidly, we have made history so fast, that a great many important events which the statesman should take notice of, ay, which the voter should take notice of, have passed from memory. This is a law to amend the criminal code:

SEC. 10. A person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, peas, wheat, or other grain; any flour, cotton, fodder, hay, bacon, fresh meat of any kind, poultry of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product.

Then it goes on to prescribe the punishment for that offense. That law is to apply to the laborer, it is to apply to the man who tills the soil, the poor man now free, the man who before the law is the equal of the proudest man in South Carolina; yet they passed a law and imposed a heavy penalty upon him if he dared to sell any product of his farm without the written consent of his master. This word "master" may sound very strange. People will argue perhaps that slavery was over, and there were no masters. As I read further in this book I will show you that by this law they provided that the employer should be known as master and the employé should be known as the servant, and yet it was not in the days of slavery; this was in the days of freedom. This was after the war, after we had what they called peace, and after the adoption of the thirteenth amendment abolishing slavery; and yet this law was to apply to the man of color, (and not the white man,) the man who had fought for and helped to preserve the life of the nation.

SEC. 11. It shall be a misdemeanor for any person not authorized to write or give to a person of color a writing which professes to show evidence, &c.

If any white man should give a colored man a permission of that kind he is fined. Here is section 13, which provides—

Persons of color constitute no part of the militia of the State.

When they had the authority in the Legislature, when they ruled after the war was over, and they pretended to accept the logical results of the war, they took good care to pass laws that the colored people should not serve in the militia. When the colored people got into power in South Carolina, what did they do? Did they pass such a law as that, providing that white men should not serve in the militia? No; they passed a militia law that white men and colored men, democrats and republicans, all, could avail themselves of, if they chose. Is not that a shame that the white democratic leaders of South Carolina should make a record like that, which shows so much illiberality, when three years afterward another law is on the statute-book which says, "No, we do not pass any such illiberal laws; we negroes pass a law that civilized nations can recognize and be proud of; we will open the militia organization to all classes and all colors

and to all people." This is the spirit of the legislation since reconstruction.

SEC. 14. It shall not be lawful for a person of color to be the owner, in whole or in part, of any distillery.

They were careful they should not have distilleries. I think that was a pretty good idea.

SEC. 22. No person of color shall migrate into and reside in this State unless within twenty days after his arrival within the same he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of the district court or a magistrate.

That is, no man of color shall dare to go into South Carolina unless in twenty days he give bonds to be approved of by the judge of the district court. And who is he? Of course he is a democrat. Of course that was the only kind they elected in those days. That's what's the matter; they do not get them elected now.

If he failed to give bonds, as provided in the statute, he must leave the State, and if he refused he was to be whipped by order of court, and, if still refusing for fifteen days, he should be kept at hard labor (virtually sold) for five years.

Mr. MITCHELL. Is that the law now?

Mr. PATTERSON. O, no; that is not the law now. The negroes do not pass such laws to apply to white people, but white people pass such laws to apply to negroes. They had not learned down there that the war was over; that was the trouble. Here is another:

Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

I ask northern democratic Senators, Would you like to vote for a law of that kind to apply to the poor white man of the North? Is there a democratic Senator on this floor from the North who would dare to vote for such a law? Yet this law was passed to apply to free colored men in South Carolina by your democratic friends. If that law was in force in South Carolina, the democrats could carry the election without any trouble by as large majority as that by which they carried Alabama the other day, because the colored people, if this law was in force, could not leave the plantation; no man could go there to see them; and of course we should have democratic majorities; but it is not in force, thank God, and I do not think it will be soon.

When the servant shall depart from the service of the master without good cause he shall forfeit the wages due to him. The servant shall obey all orders of the master or his agent, and shall be honest.

That is a very good idea.

For any acts or things herein declared to be causes for the discharge of a servant or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the district judge or one of the magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict or cause to be inflicted on the servant suitable corporal punishment.

I need not explain that; everybody understands what that is. The whipping-post had not been cut down yet in South Carolina, and this by a Christian, civilized people:

The contract for service shall not be terminated by the death of the master, without the assent of the servant.

* * * * * * *

The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties. * * *

The master shall have the right to inflict upon the servant such corporal punishment as he may think proper.

He may think very severe punishment proper to inflict on these free citizens of America. Here is a section in regard to "mechanics, artisans, and shop-keepers:"

No person of color——

That does not say "no person," but

No person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business (besides that of husbandry or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor.

Then it prescribes what he shall pay for the license.

All persons of color who have not some fixed and known place of abode and some lawful and reputable employment, &c., may be arrested as vagrants, and, by order of the district judge, be fined and hired out.

In other words sold into slavery again.

I have read these extracts to show the spirit that actuated the Legislature of 1865, a Legislature that met after the war; to show that the same spirit prevailed as during slavery: that these people were unwilling to accord to the colored man, although free, the rights that had been secured to him by the war.

Mr. President, I will not take the time of the Senate in reviewing the history of the Ku-Klux in South Carolina. It is well known that there were Ku-Klux in other States. The ku-klux organization existed in nearly every State in the South, and I will not weary the attention of the Senate by referring to it, but I will read for the information of the Senate an extract from the speech of Reverdy Johnson, who was employed by friends of the parties charged with ku-kluxing in South Carolina before the United States court to defend them. You all know who the late Reverdy Johnson was. I merely read this to get his testimony as to the facts in regard to these trials. I have heard Senators on this floor referring to the ku-klux outrages in South Carolina deplore them very much, but I have heard them deplore in much stronger terms the manner of the arrests that were made of the parties who committed those horrible outrages. If they did not express sympathy for these parties who were implicated, they certainly did not express any condemnation of these crimes. I will ask the Clerk to read this.

The Chief Clerk read as follows:

I have listened with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity; they admit of neither excuse nor justification; they violate every obligation which law and nature impose upon man; they show that the parties engaged were brutes, insensible to the obligations of humanity and religion. The day will come, however, if it has not already arrived, when they will deeply lament it. Even if justice shall not overtake them, there is one tribunal from which there is no hope. It is their own judgment; that tribunal which sits in the breast of every living man; that small, still voice that thrills through the heart, the soul of the mind, and as it speaks gives happiness or torture: the voice of conscience, the voice of God. If it has not already spoken to them in tones which have startled them to the enormity of their conduct, I trust, in the mercy of heaven, that that voice will speak before they shall be called above to account for the transactions of this world. That it will so speak as to make them penitent, and that, trusting in the dispensations of heaven, whose justice is dispensed with mercy, when they shall be brought before the bar of their great tribunal, so to speak, that incomprehensible tribunal, there will be found in the fact of their penitence or in their previous lives some grounds upon which God may say, pardon.—*Columbia Union*, September 2.

Mr. PATTERSON. That is stronger testimony than I could give. Mr. Johnson certainly believed everything he said, or he would not have given that testimony against the very clients he was there to defend.

Mr. President, I have attempted to show that the parties implicated in the Hamburgh massacre were not low people; that they were the respectable people of that community. The history of the Ku-Klux trials shows that the parties implicated in those crimes were not low, irresponsible, and ignorant people. The testimony goes to show that the whole community, if they were not implicated as members of this organization, countenanced it. I remember an instance that occurred in Judge Bond's court. A young man was called up for sentence. He had been indicted and pleaded guilty. He was a fine looking young fellow, twenty-one or twenty-two years of age. Judge Bond called him up and asked him his name and where he lived. He said he lived in Spartanburgh. He asked him if he had been a member of the order of the Ku-Klux. He said he had been. He asked him why he joined. He said, "They said they would kill me if I did not join." "Who would kill you?" "My neighbors." "Why would they do it?" asked the judge. "Why," said he, "they said they all belonged to it and every man in the community must join." This transpired in court. The judge asked him if he had been on any raids. He said yes, he had been on one or two raids where there had been one or two negroes hung. He asked if he did not think it was wrong to hang negroes without trial and without any cause. "Why, no," he said; "they said it was not wrong; no harm in killing negroes if they were radicals." That young man believed that; he believed it religiously. The judge said now, "Why did you not tell your father when they threatened to kill you if you did not join the organization?" "Why," said he, "he belonged." He asked him if there was any county officer or township officer at hand. He said "O, yes, there were." "Why did you not tell them?" "Why," said he, "they belonged." He asked him if they had any churches in that township—Limestone Township. "O, yes." He asked him did he ever go to church. He did. He asked him if they had any elders in the church, any ruling men in the church. "Yes." "Why did you not go and tell these elders that these neighbors threatened to kill you if you did not join this order?" "Why," said he, "they belonged." "Well," the judge asked, "is there a preacher there?" "Yes." "Why did you not go and tell the preacher?" "Why," he said, "the preacher belonged too; for he was there at a meeting of the order the last night I was."

I only give this as an instance to show the condition of society, to show how these outrages and these crimes are participated in. That young man was honest; that young man was in earnest. The whole secret of this thing, the whole cause of this spirit is because of the education that the democratic leaders in the South have instilled into the minds of the people. That is the cause of this trouble. The young men in Edgefield and Aiken and from Augusta, Georgia, who were engaged in the Hamburgh riot have been taught from their infancy that slavery was right, that secession was right, and that rebellion was the remedy. They have been taught to believe that negroes had no rights that white men were bound to respect, and they associate the white radical with the negro, whether he is a native or a northern man. They believe that. They have been taught to believe that the killing of negroes because they will not vote the democratic ticket or because they insist upon voting the republican ticket or because they will hold office is not wrong. Let any Senator go from this place to-day to Edgefield County and ask if the gentlemen charged in this return of the coroner's jury have lost caste in Edgefield or Aiken County or in Augusta, Georgia, for their participation in these crimes and the answer will be "no." Not one of them loses caste. The neighbors respect him as much as before these outrages. That is a fact that no man will deny. It shows a vitiated public sentiment, and it is all traceable to, and the parties responsible for it are, the democratic leaders of the South.

I do not say this in any unkindness toward the people of the South. I say the people of the South should inform themselves; they should resist such counsel from their democratic leaders. If they are bound

by the chains of such a prejudice, if they hold human life so cheap, if they believe that a man should be killed and murdered or knocked on the head because he seeks to vote as he pleases, I say it is their duty as American citizens to correct that impression and the sooner the better. Why, Mr. President, if Samuel J. Tilden was to go to Edgefield County to-morrow and be received by the democracy of Edgefield County, the chances are that M. C. Butler would be the chairman of the committee to receive him; he certainly would be on the committee, and he certainly would meet Mr. Tilden and meet him as his equal.

MR. TILDEN'S SYMPATHIES WITH THE WRONG.

It is well for the New York Herald to come out and say to Tilden that he must come out and denounce these outrages. Mr. Tilden did not do so. My able and distinguished and amiable friend from Connecticut [Mr. EATON] yesterday said that Mr. Tilden had nothing to do with such things—nothing to do with the interests, the lives, and liberties of five millions of his fellow-citizens! I say that Mr. Tilden, a man who aspires to the Presidency of the United States, should be ready to use his power and his influence and his voice at any time and at all times, before his election and after, to prevent the murder of American citizens. It is his duty; and if he had written one line in his letter of acceptance of the nomination by the democratic party for President that would have stopped these murderers, that would have stopped this violence, that would have stopped the shedding of human blood for opinion's sake in the South. It was his duty to do it, and if it lost him democratic votes he should have been man enough to have said "I do not want a democrat's vote who wants to vote for me because he thinks I sympathize with murder." Great God! Do you want to elect Samuel J. Tilden by such means? Cannot he be elected without the votes of all the murderers in the United States? Is he to be the candidate of all the murderers in the United States? I hope not. I have too much respect for him. Let Samuel J. Tilden be elected President of the United States by the votes of the honest people of the country and every man will say amen; but for the sake of the country, for the sake of the nation, for the sake of civilization, do not let it go abroad that Samuel J. Tilden cannot be elected unless he gets the votes of all the murderers in the country. I want to see Hayes and Wheeler elected; but if they must be elected by the vote of one murderer I pray God that they may be defeated. Now let the democrats join with me in that about Tilden.

THE STATE AUTHORITIES.

Mr. President, early in the discussion of this question it was said, Let the State authorities of South Carolina do their duty and bring these guilty parties to justice. The State authorities of South Carolina are trying to bring these people to justice. They have had them arrested and I want to show you what they are doing about it. The warrants were placed in the hands of the sheriff of Aiken County. These are no common fellows, I want you to understand; these are gentlemen. They are not the kind of men whom you can send the sheriff after and catch by the collar as you would a common fellow. He dare not do that. The sentiment of that community would not tolerate it. These gentlemen meet at the office of Mr. Butler—not M. C. Butler, but a namesake—and they surrender themselves to the sheriff, and make an arrangement to be at the Aiken court-house on a certain day to give bail, and the entire bar of Aiken has volunteered to defend the accused. Every lawyer in Edgefield County has volunteer to defend the accused. The democratic county convention of Edgefield met since this transaction, and they passed a resolution extending their "aid and sympathy to all the parties who may be arrested for complicity in the transaction at Hamburgh." That is a formal, solemn resolution of the democratic county convention of the County of Edgefield, in which so many of these unfortunate gentlemen reside; because they *are* unfortunate. I always have sympathy for any person who is guilty of such crimes. I have no love for human misery; I want to see no one of my neighbors in trouble; but this resolution extends their aid and sympathy to these people. The judge of that district is a democrat. He was elected by a republican Legislature; but as far as I have heard about him he is an honest man, a good judge, and I think he will do his duty.

In South Carolina our jury law provides that the juries shall be drawn from the taxables, not from the voters. The jury-list is made up from the list of taxables. With such a sentiment in Edgefield County, with such a sentiment in Aiken County, with the manner of making up the juries, I ask what the chance is for a conviction? These people do not care any more about going before that court, not half as much as I do about standing here and making a speech, for of all things in the world that I dislike it is that of making a speech.

Mr. CONKLING. You are doing very well and making a good speech.

PUBLIC SENTIMENT DEFEATS THE COURTS.

Mr. PATTERSON. Thank you. These people have no fears of the State courts. They know they are in accord with the sentiment of the white democrats in the whole county, they know they have got a sentiment in the whole State to surround them and to protect them. Senators may think it is very harsh for me to speak in this way of the State I have the honor in part to represent on this floor. I am not responsible for this sentiment. I am not responsible for this feeling. In all the speeches I have ever made in South Carolina I have advised the colored people to be law-abiding, to give unto others the same rights that they ask for themselves, and I have tried to inculcate upon them the same principles that govern citizens in Pennsylvania, and I have no desire except for the very best interests of the State of South Carolina. I am only speaking of facts; I am speaking of what does exist, and I do not think there is a democratic Senator on this floor who will deny the existence of this feeling. Why, Mr. President, the people of the South are not singular in this respect. They may be just now; but let us go back a few years. How many years has it been since there was the same feeling in the Northern States? Less than forty years ago Lloyd Garrison was mobbed in the streets of Boston and a rope tied around his neck and he was marched through the streets of Boston, by whom? Was it by the low people, was it by the blackguards? No, by the best people in the city of Boston, because they were in favor of slavery and they were opposed to abolition, and this man was a vile abolitionist, a pestilential fellow. Why was that done? Why was it tolerated? Why were not the parties punished? Because behind the action of that mob was the public sentiment that was depraved and vitiated just as this public sentiment of the South in regard to violations of the rights of colored people and radicals, as they are called; for we never hear the word republican there at all; we never hear anybody called republican in the South; it is radical, and radical "means nigger." That is what they say. Forty years have passed, and Boston has got rid of that sentiment. I am not a very old man, but I remember very well in Pennsylvania when an abolitionist was a despised and hated man. I know when we organized the republican party in 1855 in Pennsylvania they called us "nigger-heads" and "woolly-heads," the mildest phrase was "black republicans," and when we went out to make speeches they would throw rotten eggs at us. Who did that? The democrats in Pennsylvania.

The time was—my good friend from Pennsylvania [Mr. WALLACE] knows it—when it would have been very unsafe for an abolitionist to have gone up into the county where he lives and made a speech. He knows it and I know it. Within forty years Pennsylvania Hall was burned in Philadelphia because the abolitionists held meetings there. Public sentiment in Pennsylvania has been changed since then; more enlightened and more civilized ideas prevail there. Now I ask that the people of the South shall educate themselves. I am not here to ask the North to pass judgment upon the people of the South. I am not here to ask you to send armies down there again to inflict woes and horrors upon the people of the South because they have this spirit. I ask you to forbear, to give the people of the South an opportunity to recover from this nightmare, as you have done at the North; give the people of the South an opportunity to get educated up to the idea that the American citizen is an American citizen, and is entitled to the same rights everywhere. They will learn it. The time will come, and it will come in Georgia, and it will come in Texas, and it will come everywhere, that an American citizen will be as safe there as he is in Pennsylvania or in Massachusetts; but it has not come yet, and many, many will be the victims who must lose their lives before they learn that lesson. It is in behalf of these victims that I plead. I ask in their name, in the name of these innocent people that a party that has the power will use it to stay the hand of this violence. In the name of God and in the name of humanity, raise your hand to save the lives of these poor, innocent, and unoffending men; and when that is done this long-continuing Iliad of our woes will cease, and peace and concord will prevail throughout the land.

USE OF UNITED STATES TROOPS.

It is said the Government of the United States has been called upon for troops. I want the trials to go on in the courts. I want the State authorities to exhaust all their power. I know that in the South the presence of United States troops is offensive to our democratic friends, and I am such a good-natured man that I do not want to offend anybody. I know they do not like the presence of the bluecoats there, and why I cannot understand. I do not see what harm they do there. I say right here that since I have been in South Carolina—eight years—the United States troops have been there all that time, and I challenge any citizen of South Carolina, no matter who he is, to show the time and the place when the United States troops were used to interfere with the right of the voter, or used for any other purpose than to protect the life of the citizen, except once, and that is the only instance in South Carolina since reconstruction, and I am going to speak of that for the benefit of our democratic friends; for it is a case in point, as the lawyers would call it.

I have here the New York Sun of July 31, 1876, and that is a Tilden paper. I am going to read this. I state the fact on my own responsibility and knowledge, and I want to show that somebody else has heard of this. This is a democratic paper—the New York Sun—that flies the names of "Tilden and Hendricks." It refers to what occurred in 1871, when Mr. Wagener was the democratic candidate for mayor of Charleston:

> During the election of Mayor Wagener the negroes openly avowed their purpose of winning the election, as they had done before, by clubs and stones. The whites, though thoroughly prepared, shrank from the conflict to which they had been invited by the turbulent wretches, and called in the United States soldiers to protect them in the exercise of their suffrages. Even the soldiers at the polls could not repress the turbulence of the aggressive negroes, and it was not until several had been knocked down and one or two shot that they were quelled.

I was there and know all about it. General Wagener was a candidate for election to the mayoralty. The republicans had an honest

majority in the city of Charleston of about twelve hundred at that time. They have more now, as the population has increased; but at that time they had twelve hundred. Efforts had been made on both sides. The democratic city committee of Charleston went to the commandant of the troops at the arsenal and asked him to place troops at the election polls of the city of Charleston; and that was the first time in the history of South Carolina and the only instance where troops ever were placed at the election polls, and I defy and I challenge any man to contradict that statement. The only time that ever the United States troops were present at the polls, the only time that ever they were used at the polls was at the instance and request of the democratic city committee of the city of Charleston. The result of it was that the negroes were driven away from the polls; one negro was shot by the soldiers, another was wounded so that he died, and the democrats carried the election by seven hundred or eight hundred, and of course they were happy, because they are always happy when they carry elections, it does not make any difference how. That is the only case when the troops were present at the election polls, and the democrats asked it. We hear about the United States troops being sent south; we hear about their interfering with the rights of voters. I challenge any man to show me an instance in South Carolina that there was anything like that, and all the republicans protested against it. If we cannot carry South Carolina at the coming election without troops being stationed at the polls we do not want to carry it.

MARTIAL LAW IMPRACTICABLE.

The troops are in South Carolina to suppress domestic violence if it occurs. The New York Herald says, "Why does not Governor Chamberlain march a regiment of colored militia over to Hamburgh, declare martial law, and hang these people?" Let me ask southern Senators if Governor Chamberlain dare do such a thing as march a regiment of colored troops over to Hamburgh and to declare martial law and commence hanging these people? I ask the Senator from Georgia, I ask the Senator from Florida, I ask the Senator from Texas, as good citizens, if they would advise Governor Chamberlain to do so rash a thing? How little the man knew who wrote that editorial about the condition of affairs at the South when he advised the Governor of South Carolina to march a regiment of colored soldiers into any county of the State and declare martial law and commence hanging white democrats. He would inaugurate a war of races that would involve the whole country in bloodshed, and bring shame and sorrow upon the entire nation. Every southern Senator knows that is true. It would be the act of a madman for him to attempt any such thing. It is not in his power to do it; he dare not do it; and he would be false to his duty if he were to attempt to do it, because he knows that it would inaugurate a war of races, and no man could imagine where it would end. With the militia on the one side that he dare not use, and the rifle clubs on the other side over which he has no control, his only resort is to the courts; and if they fail, all the governor can do is to call upon the President of the United States that troops shall be stationed in these counties to prevent further violence and outrage and murder; and that is all he proposes to do, and that is all, as I understand, the Constitution authorizes the President to do.

SOCIAL OSTRACISM.

Now, Mr. President, there is one subject that I want to say a word about in regard to the South. The republicans charge that there is social ostracism at the South. The democratic party down there deny that. In regard to this social question I have this to say: I never quarrel with any man because he does not invite me to his house, and I do not like any man to quarrel with me because I do not invite him to my house; but for a man to say that there is no social ostracism of radicals at the South I think is not correct. In all the years that I have lived there I have heard complaint made, made more particularly by the native republicans than by the northern men. Northern men do not care anything about it. Native republicans have told me the story of their ostracism; how their families have separated from them; how their friends have refused to unite with them. Why? Because they left the democratic party and joined the republican party; in the language that they have expressed it, "gone back on your own people." I want the southern people to get over that prejudice. Let the southern people understand that a man should exercise a freedom of opinion, and if his neighbor who was once a democrat with him chooses to become a republican, let him do it. It is not so in the North. There was a time when it was so. There was a time in the North when if a man became an abolitionist he was hooted at. In the South that time is to-day. If he becomes a republican, his neighbors distrust him, they ostracize him.

CARPET BAGGER.

Now a word about the carpet-bagger. I belong to that distinguished class of individuals. I was born in Pennsylvania, and I am proud of it. There I learned the very essential doctrine of true Christianity, "Love thy neighbor as thyself." That doctrine I carried with me to South Carolina. I have tried to practice upon it and I hope I shall continue to practice that doctrine so long as I live. But it will not do to say that there is no proscription because a man is not born in the South. I will grant that a northern man may go south, go into business, keep quiet, vote the democratic ticket, and I do not think anybody will knock him in the head; but the man who goes south, carries with him his principles, carries with him his manhood, a man who lives in a community, pays his taxes, becomes a citizen, and attempts to exercise the same rights that the man in Ohio or Pennsylvania does, is at once called a carpet-bagger and is set upon by these people, and when he goes out to address an audience of colored people and make speeches, everything he says is incendiary. I never made a speech in South Carolina that this News and Courier did not come out and say that PATTERSON was making another incendiary speech. I never said anything in South Carolina except what I am saying here, and I submit to the judgment of every candid man if I have made any unfair statement.

WHY REPUBLICANS IN THE SOUTH ARE UNABLE TO MAINTAIN THEMSELVES.

Here I want to call the attention of the North to this idea. The people of the North say, "Why do not republicans in the South maintain themselves better?" O, my northern friend, you have not studied this question as we who live in the South have. When the war closed you had in the Grand Army a million of men fighting for the idea of freedom. You had all along the line that separates loyalty from disloyalty more than a million of men fighting for what? The Union? No; it was the grand idea of American freedom that they were battling for; the Union was only an incident. It was the grand principles of the Declaration of Independence they were fighting for. To save them you had to save the Union. The war closed; the mailed hand that struck at the life of the Republic was stricken down, and you withdrew your armies; but ideas are not controlled by armies. Ideas roll on, roll on. They may be a thousand years in their journey, but roll they will and armies cannot stop them. It was the idea of American citizenship, the idea of true American freedom that you were fighting for, and you turned that battle over to the poor bondmen, and the native white and the northern man who joined in with him.

I ask the northern people if it was a fair fight. Did you not hand over to us a conflict that tried your strongest and your last energy, and yet you turn the battle for that great idea over to four million bondmen just emerged from a bondage of two hundred years and a few native white men who had the courage to come out and say, "We will accept this new gospel, we will accept the logical consequences of the war, and we will join this republican party and the few northern men who went down there." And what has been the result? That struggle has been going on day after day, year after year, in State after State; an unequal struggle. We had the old enemy to fight, an enemy that you had to fight, an enemy that met you and made you pour out all your treasure and the best blood of the North upon a thousand battle-fields. We had that enemy to meet. They had brains; they had wealth; they had experience; they had military prowess; they had numbers; they had all the property in the South; they had all these advantages in this conflict, and we had nothing except our lives.

The cry of "nigger" was sent up North and northern republicans took it up, and, to their shame be it said, they believed too much of these slanders and these lies that were sent North purposely to poison the public mind. They believed too much of them. The word "scalawag" was coined for that purpose. The cry of "carpet-bagger" was sent up from the South all over the North and a great many good people at the North were made to believe that every northern man who went South was a thief. The southern people know better than that. There are democratic thieves down there and republican thieves, and white thieves and black thieves, and native thieves and northern thieves. The thieving is not confined to the carpet-begger by a long deal. No, Mr. President, this cry of "carpet-bagger" is like the old cry of "abolitionist." Before the war the cry was "the abolitionists are trying to steal our slaves." Now the cry is "the carpet-bagger is trying to steal our money," the same spirit and uttered by the same men; it was democrat then, it is democrat now; and why is it that the people of the North do not understand this cry? South Carolina they say is a "nigger" State. I believe in the doctrine that the majority should rule. That is claimed to be democratic doctrine, and I want them to act upon it. South Carolina has thirty-six thousand colored majority in her population, as appears by the census of 1875; and yet democrats get mad there because the negroes do not elect them to office; and why should they elect them to office? They know what they were before the war. Nobody wants to repeat that history. After the war was over here is the kind of laws in this black code that they passed for the negro as soon as they got power; and yet they turn around and damn the "nigger" because he will not vote for them and put them in office. I say if the negro does that, he ought to be damned, and I tell them that on every stump in South Carolina, and I will do it again.

A FREQUENT QUESTION—SUPPOSE REPUBLICANS HAD RULED IN SOUTH CAROLINA IN 1860?

Mr. President, let me ask the people of the North this question: Suppose the negro, the scalawag, and the carpet-bagger had ruled in South Carolina in 1860? I ask is not that a pregnant question? That question gives rise to a train of thought that would occupy the mind indefinitely. It requires no imagination to point out what would have been and what has been; volumes could be written upon that idea. If the negro and the scalawag and the carpet-bagger had ruled in South Carolina in 1860, how vast would have been the change in the history of this country. Would you have had any war? Would this mountain of debt have ever been dreamed of? O, Mr. President, that is not the sad part of it. The six hundred thousand lives that

were sacrificed in this war would not to-day be charged against the democratic leaders of this country. No, sir; if South Carolina had been republican in 1860 we should have had no war; the democratic politicians could not have dragged South Carolina out. The democratic politicians cannot drag South Carolina out to-day. There are quite too many of these objectionable classes there, as they call us.

THE NEW DANGER.

South Carolina was the Pandora box from which proceeded all our ills. From it proceeded all the woes the country has been suffering. It was the first to secede. The first gun that was fired at Fort Sumter involved this country in a war and roused this people to a sense of their danger. Now, as a South Carolinian, (for I claim to be that,) as a representative of South Carolina, I stand here to-day to speak of a new danger. If any man will ask me if I believe the southern people contemplate another secession, I tell him no; they do not think of such a thing; but there is a sentiment abroad in the whole South that these democratic politicians understand. No English-speaking people ever made such sacrifices in defense of an idea as the southern people did in defense of "the lost cause." They believed they were fighting for their liberty; they believed they were attempting to relieve themselves from an oppression as intolerable and unbearable as the oppression that our forefathers attempted, and did successfully relieve themselves from in the contest with Great Britain. They believed it then; they believe it to-day.

Have you ever heard a democratic Senator on this floor get up and say that he believed the lost cause was wrong? No; it is the boast of these people that they fought honestly because they believed they were right. History never deceives any person. History will repeat itself. These people in the South believe that their liberties were stricken down at Appomattox. That flag of the stars and the bars represents a principle dearer to them than life, and they sacrificed their lives freely and cheerfully in defense of that principle. They were conquered, but the spirit of liberty never has been driven out of any people. It may be stricken down, but it has never been in the history of the world forgotten by a people. They may be overcome, they may be held within the power of a stronger nation; but they never forget an idea that they once fought for, and that idea with the Southern people is that they were fighting for their liberty.

I do not wish to be misunderstood upon this point, because I say nothing here that I do not believe. I say that South Carolina was the Pandora box of all our ills; she was the first to strike; she led the southern column; she inaugurated secession and rebellion by her bold and able leaders. I say that South Carolina to-day has the whole question in her power: she is to-day the key of the situation. South Carolina is the only State in the South that the republicans have any certain prospect of carrying. South Carolina is the only State that is to-day certainly a republican State. But let this spirit of Hamburgh, let this spirit of Ku-Klux, let this spirit of violence, let this spirit of murder go on, and let South Carolina be swept into the vortex of democracy, and you have a united South, and I say to the people of the South in all kindness—my home is there, all that I have in the world is in South Carolina, my interests are their interests, the evil that overcomes them overcomes me—and I say to the people of South Carolina that when they consent to have that State swept into this vortex, they may make up their minds to prepare for a new horror. A united South just as truly means a united North in the future as it did in 1860. Unite the South and you unite the North; you array one section against the other section and it means war.

Senators may say that this idea is an air-drawn dagger, the creation of my own heated imagination. No; my friends, in behalf of the people of the South, I say no. This new horror will be visited upon the people among whom I live just as certain as God rules above. Let this thing go on, let the South unite, and you will unite the North, section against section. It means a quarrel; the rule of the stronger, and that means oppression of the weaker, and the time will come when the wise counsel and the clear head of the statesman will not solve this question. The last resort will be the only arbiter. God forbid that I should do anything in my place here in this Senate to bring about this new horror for these people. The South has suffered enough; the South has lost enough of blood and treasure; and I say to the democratic politicians of the South and the democratic politicians of the North, do not bring about this new danger.

THE SOUTH NOT ALONE RESPONSIBLE.

Now, Mr. President, the South is not alone responsible for this spirit; the democratic party of the North is responsible for it. Up to 1860 was not the democratic party of the North in accord with the democratic party in the South on the question of slavery? Did they not say that Judge Taney's decision was right in the Dred Scott case? They encouraged this spirit; they had it themselves years before. That is history. The democratic party of the North kept abreast with the democratic party in the South, and in 1860 they charged along the whole line against the column of freedom. They charged up until when? The whole line charged until the first fire, and then the left wing of the army of slavery that was in the North fell back, and the right wing of the army of slavery met the army of freedom boldly and manfully and fought it out, and their friends in the North, the left wing, sneaked off. There is not a democrat in the South to-day but has contempt for them. I have heard thousands of them say that they had contempt for the democratic party of the North, because they encouraged them to go into the rebellion, and, when the first gun was fired, they sneaked back. That is true. If the democratic party of the North had kept their pledges to the democratic party of the South, the North never could have whipped the South. They promised to do it or the South never would have gone to war, never would have gone into rebellion.

JUSTICE TO THE WAR DEMOCRATS.

Right here I want to say, in justice to the thousands and hundreds of thousands of brave and true and gallant democrats who went into the Army, that I do not include them in this left wing of the rebellion whose ranks they left to fight treason. They accepted the new gospel. I know plenty of men in Pennsylvania, democrats, who before the war said, "Before you fellows go down there to whip the South you have got to march over our dead bodies," and who when the war came, when Fort Sumter was fired on, when the integrity of the Union was in danger, went into the ranks and fought like brave and gallant men, and thousands and thousands of them lost their lives on the battle-field. I say that much to the credit of the northern democrats who went into the Union Army. I thank God for another thing, that we find very few northern democrats who went into the Union Army who are democrats to-day. There was a class of democrats all over the North during the war, the rear-guard of the confederate army, who believed everything that my friend from North Carolina [Mr. RANSOM] was fighting for; they believed everything that the gallant soldier from Georgia [Mr. GORDON] was fighting for; but, unlike them, they had not the courage, they had not the manhood to fight it out on the battle-field, but they staid at home sneaking and voting and declaring "this war is a failure."

THE DEMOCRATIC PARTY—BOURBANISM.

The democratic party is like the Bourbon party in France. They never learn anything and never have forgotten anything. They neither know how to rule nor to fight. They have always been on the side of aristocracy, caste, and oppression. For forty years they have opposed progress and fought stubbornly every advance made by the nation in the cause of human rights. The great truths of free speech, freedom of the citizen, and universal suffrage have found in this party constant, violent, and bitter opposition. And when their resistance was no longer heeded they closed a career of infamy by rebellion and an attempt to overthrow the temple of liberty they had so long polluted with their presence. They are correctly described by Tennyson:

They are the ancients of the earth
And in the morning of the times.

In the South they raise the cry of white man against the black man, and upon this color line appeal carry the elections, thus arraying race against race, and to prove that they, the white democrats, will not consent to let the negro rule over them even where the negroes have overwhelming majorities in number. This spirit governs and controls the white democrat, and is the true cause for the violence constantly occurring in political campaigns in the South.

Now, a word about southern democracy. Bad as it is, illiberal as they are, sometimes I do think that I should rather live among the southern democracy than among this northern democracy; one we understand and the other we do not understand, and they do not understand themselves. One is an open enemy to republican ideas, the other is as hostile, but low and cowardly. That mob that went howling through Hamburgh, South Carolina, on that night were insane. They were insane because of their education, because of their association, because of their teaching; but it was not a mob of ignorant men; it was a mob of men who claim to be intelligent, men who hold high positions in society. The cried "shoot the nigger;" and shoot him they did. That is not the only mob of men who have gone through a city at night uttering the cry of shoot and crucify. We read about another mob away back in the olden time, a mob that went howling through the streets of Jerusalem, crying, "Crucify him, crucify him." Was that mob a mob of ignorant men? No. That was a mob of the best people in Jerusalem, as the account tells us, sent out by the high priest and elders. Their cry was "crucify him." They were the gentlemen of Jerusalem. I do not know whether they were democrats or not. [Laughter.] I suppose if some democratic editor should get it into his head that that mob in Jerusalem that night that went through the streets howling "crucify him" were democrats, and that the chief priest and elders were democrats, it would shake the faith of my friend from Connecticut, [Mr. EATON,] because he could not possibly believe that any but the rabble could have been engaged in that dreadful work; and if Christ had been crucified by democrats of his class, it would, in his estimation, of necessity have been a proper thing to do. He would say he did not believe it. If the democrats get the idea into their heads that that story is not true, that these fellows who went through the streets were democrats, I am afraid it would shake the faith of the whole democratic party; and, with their bad politics and no religion, God only knows what would become of them. Why, Mr. President, if there had been a democratic newspaper published in Jerusalem at that time, and an election pending for president and vice-president of the province of Palestine, Dana would have done very well to have been the publisher of that paper. The very first thing the editor would have done the morning after the crucifixion would have been to run up the name of that high priest, Caiaphas, for presi-

dent, and Pontius Pilate for vice-president. Why should they not run up the name of Caiaphas? Did not Caiaphas proclaim before the Sanhedrim that this new religion of this man Jesus of Nazareth was a failure; that by it no man could be saved. Now, of course, he is a fit democratic candidate for President. Did not Samuel J. Tilden, in 1864, in the democratic Sanhedrim at Chicago, as a member of the committee on resolutions, solemnly declare to the people of America and the world that the war for the Union was a failure and by it the Union could not be saved? Is not one the prototype of the other? It is the most fortunate thing for Samuel J. Tilden that this high priest Caiaphas is not alive to-day, or he would have beaten him to death for the nomination at the Saint Louis convention.

RECONSTRUCTION ACTS—RADICAL RULE.

Mr. President, I have wandered off on to national politics; but I want to talk a little more about South Carolina before I conclude. It is charged that all the woes, all the distress, all the misery, all the bankruptcy experienced by the people of South Carolina have been brought upon them by the reconstruction acts and by radical rule. Sir, I deny this charge. It is politically convenient, but historically false. The democratic party and the democratic leaders North and South are mainly, if not wholly, responsible for the disasters that have overtaken that section in the present decade. I am astounded at the mental and moral blindness to current facts that can exempt those leaders and that party from its due share of responsibility in the premises. Their demands, however, bold and unblushing as they are, are not without precedent. The guilty Macbeth whose bloody instructions drove the dagger to the heart of the gentle Banquo also denied his guilt; ay more, he made this denial face to face with the pale specter of his murdered victim who rose before him clad in the petrifying garments of the grave. He lied in the presence of death when he exclaimed:

> Thou canst not say I did it; never shake
> Thy gory locks at me.

Mr. President, that quaint and sterling old English writer, William Wootten, when asked to define the word "ambassador" answered, "An ambassador is an honest man sent abroad to lie for the benefit of the commonwealth." It appears now that the democratic leaders are in many instances sent away from home and democratic papers are paid that a similar service may be rendered to the democratic party. But it is due to the truth of history and to the American people that we should present the facts as they are in regard to the reconstructed States. I shrink from no responsibility which those facts rightly interpreted impose upon the republican party of this nation. To this end I invite the attention of the Senate to a brief review of the condition of the South prior to the passage of the reconstruction acts, and before the advent of the republican party to power in the Southern States; and since we may best judge of the virtue of any system, political or otherwise, by contemplating its effects in that sphere in which it has had its widest and most extreme application, I shall, therefore, cite South Carolina, the State which I have the honor in part to represent on this floor, as the typical State of the South in exemplifying its general condition so far as affected by the reconstruction acts of Congress. The fairness of this test will not be questioned by our opponents, since the proportion of colored or republican voters is larger in my own State than any other State, with the exception perhaps of Mississippi.

Let South Carolina itself furnish the crucial test of the charges made against the republican party. South Carolina, where the institution of slavery crowned its rulers with its richest diadems, jeweled with the tears of eight generations of suffering bondmen, arrogantly and defiantly challenged this great Republic to armed conflict and declared open war against its just authority. She was the first in the fray, the last on the field, and may well exemplify the condition of her sister-States under a system applicable by like agencies equally to all.

CONDITION OF THE SOUTH.

Let us inquire into the condition of the people and the State before the advent of the radicals to power. It will not be claimed that the people of that State were oppressed, robbed, plundered, and beggared (to repeat language used upon this floor) by the radicals until they got into power, which was in 1868. Yet, Mr. President, all these evils had been visited upon that people before that to a degree almost beyond conception and human endurance; and I ask by whom? Will any one dare to say by the negro they so unjustly assail? Who plunged that once prosperous State into the throes of secession and rebellion and overwhelmed life and property in a common ruin? Was the negro or poor white, who composed four-fifths of the population, consulted? No, sir! The few *oppressed* the many and one of the fairest States of this Union, its blood, and its treasure were offered up as a sacrifice to the mad folly of a few wicked rulers. That was *oppression* followed by *plunder*, *robbery*, and *beggary*. Yet democratic Senators have no terms of censure for such as these. Had their madness involved only themselves in ruin, the history would have been sad enough, but the precious blood poured out on a thousand battlefields, the suffering of the wounded, the waste and destruction of property, the mountain of debt, and the disgrace to the nation were the sacrifices required to atone for the great folly of a few mad men in South Carolina.

But the heart sickens in dwelling upon the picture, and I pass to the date of the provisional government for the State under Johnson's administration. Governor Perry was appointed in 1865, and was succeeded by Governor Orr, who was elected and took office that year. He held office until 1868, and during all that time the former rulers, the men who had plunged the State into secession and ruin, were in power and enjoyed the offices of honor and profit. No negro voted before 1868, and there was no radical party there before that date. The Government said to the colored people who had just emerged from a cruel bondage of two hundred years, "You are no longer slaves, but we deny you the attributes and defenses of freemen," thus making their condition worse than when enduring slavery. During the whole war they had been loyal to the Union and patiently waiting for the year of jubilee, which their faith assured them would come. He (the negro) scorned to obtain, during such a time, his liberty by servile insurrection, and, like the Sepoy, imbrue his hands in the blood of innocent women and children. Up to that time (1868) the Government gave him his liberty only; and now let us inquire how the democratic politicians requited his long years of unrewarded toil and devotion and kindness to them and their families during their years of peril. I challenge democratic Senators to point to the erection of one school-house or one church, or the passage of one act of legislation for their improvement or benefit by the politicians now restored to power through the magnanimity of a generous Government.

In passing here I may add that we can point in sorrow to the fact that school-houses were burned by these men that were erected through the contributions of northern people. And they went further than that. The school-master and the school-mistress were driven from their homes, maltreated, and in some instances murdered because they came down there to spread intelligence and teach the people this new gospel; they came there to enlighten the people of South Carolina as the people of Massachusetts were enlightened forty years ago and get out of their minds this old prejudice.

The Legislature of that State in 1865 was composed of the chivalry, the heroes of the late war, the gentlemen for whom democratic Senators so eloquently plead, who again attempted to fasten the chains of slavery upon the black man, violated the civilization of the age, requited the charity and magnanimity of the loyal North to whom they were indebted for their lives and property, rewarded the forbearance and devotion of the former slave, and outraged all decency by passing the

BLACK CODE

by a vote of 103 to 21 in the house and but 1 vote in the negative by the senate, (Winsmith,)—a statute, the spirit born of slavery alone could have concocted, its very horrors bringing down upon its authors a shocked and indignant North, and which should have covered them with shame.

Senators have no language of censure for that Legislature and its shameless act, but grow eloquent in denouncing a legislature of radicals for paying rewards of $35,000 for the arrest of murderers and outlaws, who in palliation of their offenses plead that their victims were radicals, victims for opinion's sake, and that too in free America. No, sir, what we cannot and dare not defend, and we *do not wish* to censure, we in charity will cover with the mantle of silence.

A fellow-feeling makes us wondrous kind.

This was the love of these democratic politicians for the freed slave which we hear them prate so much about when they ask his vote to return them to power. Such love is like the instrument of torture, which invites the victim to its polished and luxurious seat but to inclose him in its deadly embrace. Their treatment of the former slave when he was in their power again was illustrated by the maxim "that we learn to hate those we have injured." The policy of thus giving power to the former democratic politician who had ruined the State and denying it to the loyal freed slave was a sad and fatal mistake, and was atoned for by the loss of thousands of lives in the South. The result soon proved that, and Congress so declared it, over the will of a faithless Executive. I refer especially to this infamous black code of South Carolina, to which I have frequently alluded, as evidence of the malice shown by the democratic politicians for the freedman, and ask their apologists to show any act of legislation since the freedman assumed power at the command of the Government and in obedience to that good old democratic doctrine that the "*majority must rule*" which showed any resentment, which was for the benefit of one class against another, and that was not for the benefit of all.

But I do not wish to anticipate. I have shown that the power of the State was up to 1868 in the hands of the democratic politicians and former masters; you all know no colored man voted up to that time. But for two years a struggle had been going on between President Johnson and Congress. It was feared the negro would be allowed to vote and the negro would assume power, and thus the necessity that the "bland and child-like" manners of the heroic order of the Ku-Klux should be taught to the radicals of the State. But in order to take time by the forelock, as the evidence before the ku-klux committee proves, these angels of light commenced their visits to fallen man early in 1866; and yet there could be no *oppression*, no robbery, plundering, or beggary of the people by the negro until his advent to power in 1868. Yet murders and whippings had been committed upon these defenseless people for two years by a *hidden hand*,

and no effort made to bring them to justice by the then rulers. The lamented Randolph had been killed in 1868 in cold blood, in daylight, as he stepped on the platform at Cokesbury depot; a man of ability, character, and pure patriotism, chairman of the republican State committee, and killed because he was a black man and radical. Yet white democrats were present with eyes open and did not see who did it. Now I ask who was oppressed, robbed, plundered, and beggared up to this time, 1868? Not the white democrat, but the loyal black man. Ay, more, he had been murdered and whipped, and no protection offered him. He had cause for resistance, for ku-kluxing, for murdering his oppressors; but he patiently submitted to this new tyranny, although the law made him free. It was a sad mockery on freedom, and cost the lives of multitudes of its votaries.

These democratic politicians then in power refused to accept your constitutional amendments, and Congress at last, backed by the North, determined to enfranchise the negro; and in 1868 he assumed power, and from that date he is responsible for its use.

The administration of Governor Scott went into power in 1868, with a large radical majority in the Legislature, and nearly all the offices in the State were filled by men of the same party. Some of the judges and others during the next two years, who professed republicanism to secure office, fell by the way-side and smote the hand that fed them. During his first administration the taxes were very low. No class legislation was enacted. Wholesome and beneficent laws were passed for the benefit of the rich and poor alike; the school system was organized, and from that time dates the revival of business and the renewed prosperity of the people.

These democratic politicans, by secession and rebellion, by laws like the black code, failure to do justice to the colored man, and refusal to accept the logical results of the war, had oppressed and ruined and plundered the people and bankrupted the State, and when they turned over the Government to these radical successors in 1868, the condition of things was worse than at any time during or since the war. They left but $45 in the treasury, the interest on the public debt unpaid for years, an immense floating debt of past-due obligations, and State credit gone, old bonds selling at twenty cents, the credit of the State having been blown away by the first gun fired at Fort Sumter. With the bitter hostility of the former ruling classes, and under such discouraging circumstances, the new administration went into office; and the wonder is not that they succeeded so well, but that they succeeded at all.

PROSPERITY OF THE STATE RESTORED BY THE COLORED MAN.

I say the colored man found the State impoverished and the people suffering for food and they have given them plenty and prosperity. The Legislature at once settled the labor question; the laborer, confident that his rights would be protected and that he would now be paid for his labor, went to work, for there was no pay under the democratic rule. In 1868 the first good crop was made. The owners of the soil were at once benefited, and since then annually they have had good crops, labor has been rewarded, capital has been repaid, and the general prosperity of the people has increased as rapidly as that of any other State east of the Blue Ridge range. In eight years the banking capital has increased threefold, almost every important town now has its bank, and all from the surplus of the country. People do not start banks unless there is business to do and they have the capital upon which to establish them.

The railroads then were dilapidated and embarrassed with debt; now they are in good condition, well stocked, and doing a profitable business, all showing receipts double and treble what they were in 1868. Nothing more surely indicates the growth of a country than constantly increasing trade and travel on railroads. The products of the State for sale and export in 1874-'75 amounted to $35,000,000, consisting of cotton, rice, naval stores, lumber, &c. Virginia and North Carolina cannot make such an exhibit. The crops of cotton are greater than before the war and the price more remunerative. The State debt has been funded into a new bond, and when it is all funded the debt will be $6,000,000. The floating debt has been provided for in other ways, and will certainly be paid off. Expenses of the State government and the taxes have been largely reduced, and the people of the State have full confidence that a few more years of such prosperity will relieve the State from its financial troubles.

The State census taken in 1875 shows the total population of the State to be 923,000, while in 1870 it was only 705,000. The cities and towns have increased in population, while the rate of improvement in the way of new buildings has been surprising. Charleston has a greater population than ever in her history and is rapidly regaining that commercial supremacy to which her fine harbor, central location, and superior facilities entitle her. And all this prosperity under radical rule.

I invite attention to the following statement of the debt and wealth of the State at different times:

1860.	
Debt	$12,027,090 16
Property	489,319,128 00
Value of slaves	211,203,000 00
Balance without slaves	278,116,128 00
1865.	
Debt	15,892,946 39
1866.	
Property	$90,888,436 00
Loss by the war	388,430,692 00
1866.	
Debt	14,896,040 10
1875.	
Debt, when all funded	6,000,000 00
Property	175,000,000 00

But it is charged the Legislature has been reckless and the expenditure largely increased from what it was under democratic rule. I admit there has been extravagance and the taxes have been too high. Is it not true of all the States and of the General Government that the expenditures since the war have greatly increased and the cry of economy and retrenchment is heard beyond the limits of South Carolina? But the case of that State is an exceptional one. Under democratic rule, the legislation and expenditures of the State were for the benefit alone of less than three hundred thousand white people, while the interests of over four hundred thousand (free but) colored people were entirely ignored. True, they were asked to perform all the labor, thus paying the taxes for themselves and their employers, but not one dollar of the revenue was ever applied for their benefit. They were not a part of the body-politic, and were only counted as so many "beasts of burden" and *that* too without owners.

Under the new order of things and enfranchisement of the negro, the population had suddenly swelled to over nine hundred thousand free citizens. The machinery of the old government was so rude, unjust, and unfair it had to be abandoned and a new system of government had to be established, "a government of the people, for the people, and by the people;" one that would foster, protect, and cherish the rich and poor, white and colored, all alike.

Now, Mr. President, I have briefly and frankly reviewed the history of South Carolina under the rule of the democratic politicians and that of the republican party, and I submit to every candid man if under the former the people were not oppressed, robbed, plundered, and beggared, and the prosperity of the State utterly destroyed; and is it not true that under the radical rule the prosperity of the State has been restored?

LABOR QUESTION.

It is true that up to 1868 the labor question gave great trouble, and prevented the making of crops, but whose fault was it? The negro, it was said, was lazy and would not work. No law but his own interest and necessity could compel him, and unless he was interested it was folly to expect him to work for the white man. When he was paid he worked faithfully, but refused to work unrewarded. Laws like the black code and compulsory contracts forbidding him from leaving the plantation without his employer's permission were well calculated to disturb the kind relation which should exist between employé and employer. He was forbidden to attend political meetings and to vote, when at last the franchise was given him by Congress. Why should the colored man work for nothing for the white man any more than the white man for him? This was one reason of the sad condition of the State until 1868, when the radicals got power and gave confidence to labor of full protection. From that time up to this date all the labor in South Carolina has been done by the colored people, and to them they are indebted for their rapidly increasing prosperity. They found the State poor, and its people, because of bad laws and wicked rulers, suffering for actual necessaries of life; and to-day, after eight years of their rule, the people exhibit to the world evidence of their prosperity in many ways and count the increase of their wealth by millions.

POSITION OF THE NEGRO—HIS LOYALTY AND IMPROVEMENT.

Labor in South Carolina is to this day considered dishonorable, and white men do not and will not work as colored people there do, and as millions of white men do at the North. Slavery crushed out the manhood of the slave and left him no hope this side of the grave. It is gone, but still casts its dark shadow across his path. The love of liberty is as strong with the negro as the white man, while his desire for learning and information is wonderful. He is patient, without resentment, peaceable and moderate in the use of his newly acquired power. He is loyal to the Union, and carried your flag through the late war, although to him for generations it had not been a flag of stars, but of stripes only. Two hundred thousand negroes were borne on the rolls of your Army, and 30,000 sealed their devotion to the cause with their lives. Not one armed negro ever was found in the confederate ranks. He was ever the devoted friend, the trusty guide, and tender nurse of the Union soldier, who always knew that in the slave he had a friend. Napoleon, the great master of the military art, laid it down as a cardinal maxim that "in war nothing must be regarded as done while anything remains to be done." All history demonstrates that in every emergency the adequate policy is the best. For governments, as for individuals, the path of duty is the path of safety, and this nation must insist that every right guaranteed by the Constitution to the colored man shall be enjoyed by him freely and peaceably.

THE SOUTH CAROLINA LEGISLATURE.

The other day a Senator on this floor [Mr. THURMAN]—I wish he was present—attempted to sneer at the South Carolina Legislature. A majority of the House is colored, but in the Senate the proportion

of colored and white is about equal. On the democratic side in the house we have Mr. Trenholm. If our northern democratic Senators do not know him the southern democratic Senators do. He was the Confederate States secretary of the treasury, and is an able and intelligent man. We have Chancellor Johnson in the house, an exchancellor of the State, and we have Mr. Crittenden, Mr. Barnwell, and several of the ablest lawyers and representatives of the democratic party in the State. Upon the other side there is the speaker of the house of representatives, a colored man, Hon. R. B. Elliott. He presides over that house with as much ability and dignity as any man I ever saw in a speaker's chair. He was a member of the other House of Congress, and while there he met one of the most distinguished representatives of the South in debate on the civil-rights question. He made a speech in that debate in answer to Mr. Stephens, of Georgia, and I have never heard that Mr. Stephens or any one else ever attempted to answer it. He is to-day the peer of any man in that Legislature. There is no democrat upon that floor who will say that he considers Mr. Elliott in point of ability beneath him. But he is not the only one. There are a dozen able colored men upon that floor, Curtis, Simons, Banfield, Hamilton, Thomas, Humbert, Miller, Boston, T. A. Davis, Spencer, Freeman, Hayne, and others that I could name, who would do honor and credit to any legislative body; but because they are colored they must be sneered at. Why cannot democratic Senators be frank enough, and honest enough, and American enough to do justice to every American citizen, white or black.

Take the senate. We have the representatives of the bar of South Carolina in the senate—men sent from counties where there are democratic majorities. In the State senate Lieutenant-Governor Gleaves, colored, presides with grace and ability. General Swails, also colored, is president *pro tempore*, and has no superior as a presiding officer. Nash, Jones, Warley, Johnson, Clinton, Maxwell, Cain, Carter White, Green, Myers, Jervey, and Gilliard, all of whom are senators, I will mention. I know that I am not making a statement that any man will contradict in South Carolina when I say that there is not a white democratic senator upon that floor who claims that he is the superior in point of ability or fitness for the place of any of these colored senators whom I have named. The legislation of South Carolina is as wise, as beneficent, and as creditable to the Legislature of that State and as useful to the people as the legislation of any State of this Union. I will compare the Legislature of South Carolina with the Legislature of any southern State.

You need not go to the Legislature of South Carolina to find colored men who cannot spell. You can find white men in this Capitol who cannot spell who are holding high positions and representing the democratic party. O, no; democrats cannot all read and write. A great many of them cannot read and write. I see my good-looking friend from North Carolina [Mr. MERRIMON] coming along the Chamber, and I want to tell him something. In 1872 I went down through the State of North Carolina on the cars the day before the election for governor, when he was a candidate. I was in the smoking-car, and entered into conversation with a gentleman. I asked him about the election. I did not know my friend from North Carolina then personally, but I knew him by reputation. Since I have known him I have learned to love him and to respect him. This man did not know me. Said I, "Who is going to be elected?" "O, MERRIMON; MERRIMON will be elected." "Is that so?" He said, "All the white people in North Carolina are going to vote for MERRIMON." "Are not any white men going to vote for Tod Caldwell?" He said, "O, no; he is a damned radical." Said I, "How about the colored vote?" "O," said he, "the negroes are all going to vote for Tod Caldwell." "It is all wrong; no man should vote who cannot read or write." "These damned negroes cannot read or write, any of them."

That fellow was strong for MERRIMON, and he was going home to vote, and he was opposed to negroes voting because they could not read or write. By and by we came to a station and I saw something that attracted my curiosity. I asked him what station it was. He said he did not know. I told him I had a list of stations along the North Carolina Railroad in my pocket, but I did not have my glasses with me, and I handed it to him telling him that Concord, or Salisbury, naming some place, was the last place, and I said, "You can see there what is the next place." You ought to have seen him,—this fellow who was going home to vote for MERRIMON, who was opposed to negroes voting because they could not read or write. He took that list, he looked at it, he twisted it around and then turned it the other way. I asked him, "Are you near-sighted?" "No," he said, "that is very fine print." "Yes," said I, "it is very fine print, but you are a young man and not near-sighted; you ought to be able to read and write." "Well, stranger," said he, "I never went to school much; I cannot read." Said I, "You cannot read!" He said, "No, I cannot read." "Well," said I, "did you not tell me a few minutes ago that you are going to vote for MERRIMON?" He replied, "Yes, sir; I am going to vote for MERRIMON." "But," said I, "did you not tell me that the fellow who could not read or write should not vote?" He replied, "I said a negro should not vote because he could not read or write, but a white man ought to vote." That is the idea; white men should have the right to vote if they cannot read or write, but you should not give that right to the colored man.

Because colored men hold seats in the South Carolina Legislature, low-minded and ignorant men, North as well as South, attempt to sneer and misrepresent them. With gentlemen of true refinement and education the true standard of merit is not the color of the skin, but the head and the heart. Fill the former with knowledge and the latter with pure patriotism and genuine humanity, and you describe a good citizen, and one worthy the respect and confidence of all the people. Because negroes have only recently been found in our legislative bodies, ignorant people argue they are not fitted for such positions. Two colored men sat in the British Parliament from 1832 to 1839, while twenty negroes sat in the French Assemby of 1792, and history records that they acquitted themselves with credit. They prove that they are as well fitted for positions of honor and responsibility as white men, when the opportunities for education have been the same.

The colored people in South Carolina are attending school and are learning rapidly. I will here mention the progress we are making in South Carolina in schools. When the reconstructed government took possession in 1868 there was not a school-house open. We have now nearly twenty-five hundred school-houses open in South Carolina. We have nearly three thousand school-teachers, and we have 110,000 young men and young women in schools. In 1860 $75,000 was appropriated for schools. We spend now a million dollars for common schools. If these people who are concerned in these riots like Hamburgh are not too old, if we should just get them to go to schools and teach them, we would have no more Hamburgh riots. Should the negro not have credit for that? I wish I could say as much of every other southern State. I wish that the cause of education in every other southern State was fostered as it is in South Carolina. This foul spirit that murders men for opinion's sake and without any regret, but believes it is right, would soon die out; but there is no remedy for it except education. I challenge any democratic Senator upon the other side to get up in his place and tell us the condition of his State and compare it with South Carolina. Let him say whether the cause of education is prospering in his State like it is in my State under negro and radical rule. "The school-master is abroad" in South Carolina, and I pray God that he may travel into our sister States.

PRESIDENTIAL ISSUE.

One or two words more and I have done. South Carolina, like every other State, feels an interest in the presidential election. In the South we have no politics like you have in the North. There we hear nothing about soft money or hard money. It is not tariff or free trade with us. In South Carolina it is a question of existence. All that the republicans there ask is to be let alone and in time we will work out the redemption of the State. We ask that our lives may be protected, and that we may live there in peace. The republicans of South Carolina, in common with the republicans of all the other southern States, feel that the election of Mr. Tilden bodes evil to them. Their papers convince us, the declarations of their speakers convince us. We know that many of the men who vote for Tilden are the men who commit these murders. If these men vote for Tilden they must hold the offices if he is elected, and if these men are to hold the offices, they will shield and protect crime; they will shield and protect the murderers; we will have no protection, and the former bondman must make up his mind to become virtually a slave to the old master and the white radical must leave the country.

I ask Senators, I ask the people of the North, if that is not a kind of politics that they are not accustomed to; but, so help me God, I believe I am telling the honest truth when I state that that is all the politics that we have got in South Carolina and all that the republicans in every State throughout the South fear. Why should the democratic party be returned to power? Let me ask the honest people of the North if the democratic party is any more honest than it was in 1860, when it was driven from power because of its corruption and its fraud, its villainies and its bankruptcy of the Treasury? Let the people of the North answer that question. Let every man who goes to vote ask himself the question if the democratic party to-day is any more honest than it was in 1860?

Mr. President, I ask another question, which I hope the people will ponder. Let every loyal man in the North when he comes to cast his vote for President ask himself whether the democratic party is any more loyal to-day to this Union than it was in 1860, when the democratic party turned over the wreck of this Government to Mr. Lincoln's administration, with rebellion rampant throughout the whole country, a new and bastard government set up within the limits of this Government, which a democratic President helped to bring about. He had not the honesty, he had not the fidelity, he had not the loyalty, because his party had no loyalty, to stop this secession and this attempted dissolution of the Union and he had not the courage to go against his party. Let the northern voter ask himself that question. In the name of the poor, down-trodden colored man of the South I implore him to do that. If the people of the North vote blindly and think not seriously upon this question, upon us first, but upon them afterward, falls the result of their folly.

I have nothing to say against Mr. Tilden's character as a man. It is not necessary for my purpose that I should do that. The other day as I was going up the street I saw a beautiful flag. It was the flag of the Union, the Stars and Stripes, stretched across the street. I looked upon the beautiful blue of that flag and I counted thirty-seven stars. Tied to the foot of that flag was the name of Samuel J. Tilden for President. The thought rushed upon my mind, Samuel J. Tilden to be President of thirty-seven States when he declared solemnly in 1864, in the democratic convention, that the war for the Union was a

failure, and consented to blot from that bright escutcheon eleven of those bright and beautiful stars. Yet that man to-day is put up by the democratic party as a candidate for President of the United States which he did not save, which he was willing to let be dissolved, and by whom? By the democratic party. The next name was Hendricks—Tilden and Hendricks. There was one line which I wanted there, and if I had the power I would write it. It is this: "No more murders for opinion's sake." I say right here, with full knowledge of the responsibility of the assertion, that there are but two men in the United States who have the power to command the bad men, the murderers of the South, to halt. There are but two men living to-day who can say to the murderer of this class whose hand is raised to strike the innocent victim in the South, "Halt;" and those two men are Samuel J. Tilden and Thomas A. Hendricks, because every murderer whose hand is raised, and whose hand will be raised between now and the election, is a democrat, and he is their friend, and he will vote for them. The President of the United States has no power to prevent these murders. This Congress has no power; the General of the Army has no power; but the candidates of the democratic party, they, and they alone, have the power. They who are responsible to the people of this country owe it to their God to issue that edict. If it defeats them let it do so, but in God's name, for the sake of humanity, for the sake of the credit of the country, they should use their influence with these bad men of the South to stop these outrages.

Senators may not have studied this question as I have. They may think I am trying to shake the "bloody shirt." Senators will testify that I have been quiet since I have been in the Senate about the "bloody shirt." Sir, I have hesitated to attempt to describe the condition of affairs at the South because the truth is so frightful as to make men at the North believe it is fiction. No, sir; half the truth has never been told, and I had hoped that no necessity should arise to require me to address the Senate upon this subject, as I preferred to cover the errors of my people with the mantle of silence, but duty compelled me to no longer keep silence. I am in favor of peace; I want reconciliation; I want harmony between the sections. The northern people have forgiven the southern man for being a rebel. They take him by the hand and say he is a citizen. They invite him to this high place of power and they invite him to all the places of power and responsibility under this great Government. I ask the southern white man to conquer his prejudice and forgive the negro for being free, being a voter, and being his equal before the law. The South has been famous in the history of this country. She has been great in counsel and gallant upon the field, and she has reflected honor upon the whole country. Why cannot the white man of the South conquer his prejudice and extend the hand of true friendship and protection to the republican, no matter where he comes from and no matter what his color may be?

No, Mr. President, I am not trying to shake the "bloody shirt," but I speak words of "truth and soberness." The people of the North are not aware of the true condition of things in the South. If the history of the crimes and the murders since the war for opinion's sake up to this time could be written and published it would be a record that would appall this nation and shock civilization. More men have been murdered in cold blood in the South for opinion's sake since the war than were killed in any one battle in the war on the Federal side, and that, too, in free America. I make that statement not hastily. The facts and the record will prove it, and I beg the people of the North to consider it. If such a carnival of murder had been visited upon the North they would realize it. We who live in the South do realize it, but we have not the power to help ourselves. The power of this Government, the seat of empire, is at the North. You hold the key to the position. You have got the power and you are responsible for the rights and lives of these people. I pray my people of the North, from whom I have descended, who have the same blood that flows in my veins, for my sake, for the sake of my family, for the sake of the poor colored man throughout the South, who is as loyal to the flag as the proudest, the greatest, and the best man in the North, to consider these facts. I beg them to consider them and reflect upon them when they come to vote, and if they do conclude to vote for the democratic candidate for President, I say so be it. But I have the satisfaction that I have given them my warning. I have entered my protest against his election.

South Carolina in this contest will do her duty, and in the face of these dangers, in the face of these outrages and these murders the loyal people of South Carolina will do their duty and their whole duty, not as politicians, not as partisans, but as American citizens. We believe in the principles of the republican party. We believe they will promote the prosperity of this whole country. We believe they are right, and believing in them, the republican party of that State will sustain them. Every republican in South Carolina is prepared to go out and take his life in his hand, and we have to do that in every campaign. This Hamburgh matter is no new thing for us. We had murders, we had violence, we had our meetings broken up in 1874, in 1872, in 1870. We are used to all that. When we go out there to make a speech we take our chances, and it is not any more pleasant than a person would imagine. Somebody has got to do it, and the republican leaders in South Carolina do not hesitate to do it; and while we do our duty we expect our friends at the North to do their duty. When the storm rolled over the North in 1874 and carried the State of my distinguished friend here from Massachusetts [Mr. BOUTWELL] into the democratic column, South Carolina stood true. South Carolina was then found on the side of the true American principle, and she will be found there again.

Every colored man in South Carolina will pray that Mr. Hayes and Mr. Wheeler may be elected, not as politicians, but because they believe that the election of Hayes and Wheeler will give them protection. They want time to educate their children, they want time to work out their own salvation in their own way, and they do not believe that they can do it under a democratic administration. They have a right as American citizens to be given that opportunity.

RETURN TO POWER.

Mr. President, a few short years ago an army of brave and desperate men, full half a million, well-tried soldiers, commanded by officers of genius and skill, experience and courage, were drawn up in battle array beyond the line that separated loyalty from disloyalty. That army was the "mailed hand" of a bastard government, whose cornerstone was "human slavery," and whose flag was not the Stars and Stripes, the flag of Washington, Adams, Jefferson, Madison, and Jackson, the dead patriots of the Republic, but the stars and bars, the miserable rag of Davis, Toombs, Hunter, and Benjamin, the living traitors of a betrayed nation. That mailed hand was raised against the life of this Republic; ay, that army was knocking at the very gates of this capital. That army met its "Appomattox;" that hand was stricken down, and that flag was furled in defeat, it was then hoped forever. The glorious sunlight of peace, clouded by the sad sorrow for their martyred President, cheered the hearts of all true Americans.

Eleven years have passed away. Forgiveness, generosity, and magnanimity have been extended with "gospel measure" by the victor to the vanquished. Not one drop of blood has been demanded as an atonement for the crime of treason. The armed traitor of yesterday is the respected ruler or honored representative to-day. Yet it is a fact, as I have already stated, that more American citizens, many of whom passed safely through the "fire and hail" of the battle-field, have been murdered in the Southern States during the past eleven years for opinion's sake than were killed on the federal side in any battle during the war.

The same men who directed the movements of that army in war have since by what they call peaceful means obtained political control of nearly every southern State. Nearly one-third of the present Congress comes from what was but yesterday the confederate army, while scarcely one-tenth of this present Congress comes from what was but yesterday the Army of the Union. The Romans opened the doors of the temple of Janus in times of war. We in times of peace open the doors of our temple of liberty to our enemy of yesterday, and invite him to preside at its high altar upon promises of peace and sealed by the solemnity of an oath.

The traitors of yesterday were democrats, they are democrats to-day; they enter Congress as democrats, join hands with their democratic allies from the North as naturally as the links of a chain are united, but to all appearances that chain never was broken, but has always been united by the mystic bonds of an ardent sympathy. This we are told is the return of democracy to power and means peace.

Mr. President, it is recorded in the history of France that the allied armies of Europe assembled at her capital to witness the coronation of Louis XVIII after the fall of the great Napoleon. In the vast throng who gazed upon that scene, made resplendent by the jewels of the most powerful dynasties of the world, there stood a soldier of the empire who had grown gray in war while following the eagles of the mighty Corsican alike over the vine-clad hills of Italy, through the olive groves of Spain, and amid the deadly snows of Russia. As he contemplated the scene, with his heart beating in sorrow beneath the cross of the Legion of Honor which he had earned by his gallantry at Austerlitz, a Bourbon nobleman, not recognizing in him one of the grenadiers of the Old Guard, said to him: "Is not this magnificent? Is it not grand? What could make it more perfect?" "Nothing," answered the battle-scarred veteran; "nothing but the presence of my brave comrades who died to prevent it."

I say to the loyal people of this nation to beware in placing in the presidential chair a State-rights democrat. Already we have seen sixty wounded Union soldiers, employés of the House, dismissed, and forty ex-rebel soldiers appointed to their places. The one-legged Union soldier made to give place to able-bodied ex-rebel soldiers. Union soldiers of the North, you know the reason; and think well over this picture before you cast your votes in November. Yonder flag, which floats so proudly from the Dome of this Capitol, the emblem of a nation's honor and pride, the representative of its greatness and power, honored at home, respected abroad upon every land and sea, may be lowered by the new ruler and in its stead may be unfurled the "stars and bars," a fit representative of a nation's degradation and a free people's shame. The last democratic President lowered the flag, destroyed public credit, and let the Union be broken up; and what assurance have we that the same treason may not again be witnessed under another democrat if elected?

When that time comes, loyalty will furl the Stars and Stripes, deposit them in the tomb at Mount Vernon, the only place on American soil sacred against the hand of the vandal, burn the battle-flags of

the Republic, plow up the cemeteries in which are deposited the ashes of a nation's dead, and thus remove every remembrance of the late struggle which may be offensive to our new masters.

By a democratic triumph, is treason to gain all it lost at Appomattox? Is this the feast to which you invite the American people in the coming election? Is this the price you demand for the peace you promise? Is this the hidden purpose of a democratic triumph, not to be revealed until the power is secured?

In the campaign of 1860 the scheme of secession was concealed and denied by the democratic leaders north. The American people have before them that terrible lesson, and in 1876 let them meet this new issue with full knowledge of its great danger and settle it at once and forever. God grant that my fears may not be realized, that the people of the South may be spared a new sorrow and the nation a new shame.

All I have to say in conclusion is that I hope the people of the North will wake up to the real issue involved in this contest. It is not a question of currency at the North any more than at the South; it is not a question of hard money or soft money at the North; it is not a question of tariff or free trade. Every man in the Senate, every man in public life in the United States, every intelligent man throughout the North knows that, after all, the secret spring in this contest is the question of loyalty. The question for the people of the North to decide is, Will you and are you prepared to trust this Government in the hands of the democratic party, controlled as it now is, with its present leaders North and South? That is the question in this national contest. That is the question that must be decided; and I have so much confidence in the good sense, in the integrity, in the patriotism, and in the loyalty of the people of the North that I believe that their verdict will be in favor of the right, and that the right will prevail.

For the democratic party, with such aims and such designs upon the integrity of the Union and the existence of the Republic, I can only express my horror by quoting the following verse:

> May all thy hopes be smitten,
> Thy brightest hour be gloom
> And infamy be written
> In lightning on thy tomb.

Mr. HAMLIN and Mr. WALLACE rose.

Mr. HAMLIN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield to the Senator from Maine?

Mr. WALLACE. For what purpose?

Mr. HAMLIN. I think I rose on my feet before the Senator from Pennsylvania did. I am very sure I did.

Mr. WALLACE. I have had the floor on this question.

The PRESIDENT *pro tempore*. Does the Senator from Maine rise to this question?

Mr. HAMLIN. That is not an inquiry to be put to me by the Chair. If I rose first I am entitled to the floor.

The PRESIDENT *pro tempore*. The Senator from Maine claims the floor, having addressed the Chair first.

Mr. HAMLIN. The rule provides that the Chair shall recognize which Senator is entitled to the floor when two shall rise at the same time.

Mr. WALLACE. I was certainly recognized by the Chair.

The PRESIDENT *pro tempore*. The Chair will state that the rule requires that the Senator who first addresses the Chair shall be recognized. The Senator from Maine first addressed the Chair. The Chair did recognize the Senator from Pennsylvania, but strictly within the rule he will be obliged to recognize the Senator from Maine, if he insists. The Chair would say in justification, however, of the recognition that the Chair understood that the Senator from Pennsylvania desired to speak upon this subject. It was for that reason that the Chair addressed himself to the Senator from Maine and asked if he rose upon this question. That is the justification of the Chair.

Mr. PATTERSON. I will state that the Senator from Pennsylvania had the floor the other day and very kindly gave way to me.

The PRESIDENT *pro tempore*. The Chair understands that, and for that reason the Chair recognized the Senator from Pennsylvania; but the Senator from Maine is correct, according to the rule.

Mr. INGALLS. I was present in the Chamber the other afternoon when the Senator from Pennsylvania rose and addressed the Chair to speak upon the pending question. My recollection is that he was recognized, and that the Senator from South Carolina then asked the Senator from Pennsylvania to yield to him, and that he did so with the consent of the Senate. It seems to me that under the rule which has uniformly prevailed, the rule of which the Senator from Maine is so strenuous an advocate, courtesy, if nothing more, and the uniform precedent, would certainly require that the Senator from Pennsylvania should have the floor after the Senator from South Carolina has concluded.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Kansas is correct in his statement. The Senator from Pennsylvania had the floor yesterday, and yielded to the Senator from South Carolina; but having yielded, of course lost the right to the floor, but the Chair supposed the Senator rose to speak on this question and recognized him for that purpose. The Senator from Maine first addressed the Chair, and according to the rule, ruling strictly, the Senator from Maine has the floor.

Mr. HAMLIN. I want to say a word upon this subject of courtesy, because I hope I am as incapable as any Senator in this body of acting discourteously toward any member of it. In the first place, a little bill with which I was charged here, and in which all Senators are interested, got under this great big load of hay precisely by the same movement which I have risen to inaugurate. Again, knowing that the Senator from Pennsylvania had gotten the floor yesterday and expected to follow the Senator from South Carolina, the Senator from Pennsylvania I know will do me the credit to say that I called upon him and stated to him that I was incapable of doing a discourteous thing to him, but situated as I was in relation to the post-route bill I felt that it was my duty, at the importunity of Senators all over the Chamber, to see if I could get the floor and get the Senate back to that bill, and back precisely in the same way it went from it, by moving to lay the pending order upon the table. If the Senator from Pennsylvania insists that under these circumstances he ought to have the floor, I will not make that motion, and I submit it to him.

Mr. WALLACE. If the Senator from Maine moves to lay the pending motion on the table, it necessarily cuts off debate, and I, in common with all other Senators who wish to speak on the subject, will be foreclosed by the action of the Senate on account of other business pending before the Senate. I think that would be perhaps a breach of courtesy. The Senator from Maine did call upon me, and asked me the question as to whether I desired to speak, and said to me that he intended to move to proceed to the consideration of the post-route bill if he could get the floor for that purpose. I will state that he did say so to me, and hence I rose as rapidly as I could. I thought I had the recognition of the Chair; but it seems I was mistaken. If the Senator from Maine insists, I have nothing to do but to submit.

Mr. HAMLIN. I want, then, to say to Senators who have come to me and asked me to get the post-route bill again before this body, and to whom I said I would make the effort, that I decline to do so simply upon the ground that the Senator from Pennsylvania insists upon the floor.

Mr. WALLACE. Mr. President——

Mr. SARGENT. Will the Senator from Pennsylvania allow me a moment?

Mr. WALLACE. Yes, sir.

Mr. SARGENT. Before Congress adjourns the Senate ought by all means to take action either favorably or unfavorably upon the legislation pending which has passed the House in reference to the Hawaiian treaty. I doubt if there is a Senator upon the floor who will disagree with me upon this proposition. We certainly ought to act promptly upon it for the benefit of trade, either that the treaty shall go into effect or release business from the embarrassment which the uncertain condition of this legislation has put upon it. I ask the consent of the Senate that this subject be made the special order for Saturday next. I think that will be enough ahead to allow Senators to make their speeches and to dispose of the matters pressing upon the Senate.

Mr. MERRIMON. We want to adjourn on Saturday.

Mr. SARGENT. I do not think we can adjourn before next Monday. At any rate I will take my chances. I have waited from day to day for an opportunity to call this measure up and could not do it without incommoding Senators.

Mr. SHERMAN. I think that as there is now a prospect of an adjournment I will make a suggestion that will dispose of this political matter. I suggest that after a reasonable recess we meet to-night to allow Senators who desire to make speeches (and I am one of them, because I wish to speak briefly and do not wish to stand in the way of business) to come here this evening and finish this political question. Then I think the three days left of this week will be sufficient to dispose of the business that the Senate will desire to act upon. As a matter of course neither the Hawaiian treaty bill nor the post-route bill can be acted upon to-night, but we can afford an opportunity to speak to those who choose to attend and we shall probably have enough Senators to vote upon the resolution. I think everybody or nearly everybody will vote for it at the end, it being merely to print several thousand extra copies of a document.

Mr. HAMLIN. Having yielded the floor to the Senator from Pennsylvania I now ask the Senator from Pennsylvania to yield to me the floor for the purpose of affording me an opportunity of moving that the Senate take a recess until half past 7 o'clock this evening.

Mr. SARGENT. Will the Senator from Maine allow me to have some understanding with reference to the Hawaiian treaty first?

Mr. HAMLIN. Well.

Mr. SARGENT. If there should be a session for debate to-night I should like to have Friday assigned for the consideration of the Hawaiian treaty. I ask the Chair to submit the question to the Senate that the Hawaiian treaty be made the special order for Friday next after the morning hour.

Mr. INGALLS. Subject to appropriation bills.

Mr. SARGENT. Of course not to interfere with the appropriation bills.

Mr. ALLISON. I desire to say that to-morrow morning I propose to call up the report of the conference committee on the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from California asks that the consideration of the Hawaiian treaty be made the special order for Friday next at one o'clock p. m., which requires a two-thirds vote.

Mr. DAVIS. I wish to make an inquiry as to the post-route bill. I think that bill ought to pass and we ought not to make any order to interfere with that bill.

Mr. SARGENT. This will interfere with no bill whatever.

Mr. ANTHONY. I have no possible objection to making this special order; but, as my friend from California knows, a special order does not amount to anything; it is superseded by the unfinished business; and there is one bill that I think we ought to consider in preference to any other bill that is before this body, even the appropriation bills, and that is the bill for counting the electoral votes for President and Vice-President. I think it would be criminal for us to adjourn without at least attempting to pass some bill of that kind.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California to make the Hawaiian bill the special order for Friday next, at one o'clock.

The question being put, there were on a division—ayes 22, noes 14.

Mr. SARGENT. I will not press the matter at this time; but I give notice that I shall vex the ear of the Senate unless I get this thing attended to.

Mr. MITCHELL. I also give notice that I will join the Senator from California every time he does it. I think it would be a case of self-stultification if the Senate should adjourn without taking action.

Mr. HAMLIN. I will join the Senators and make a trio in that. Now I renew my motion.

The PRESIDENT *pro tempore*. What is the motion?

Mr. HAMLIN. That the Senate take a recess from half past five to half past seven o'clock to day.

Several SENATORS. Say five.

Mr. HAMLIN. Well, from five to half past seven o'clock.

Mr. ALLISON. I ask the Senator from Maine to yield to me. I think if we have a session to-night it may be possible to report the legislative bill from the conference committee.

Mr. HAMLIN. Then we shall consider possibilities. This general discussion is regarded of more importance than your post-route bill, and I do not know but that it should be more than your other public business. I will express no opinion upon that just now. I ask that my motion be put.

The PRESIDENT *pro tempore*. The motion is that the Senate take a recess from five o'clock to day until half past seven.

Mr. HITCHCOCK. With the understanding that this evening will be for debate only?

Mr. HAMLIN. No, sir.

Mr. SHERMAN. No; we must go right on.

Mr. McDONALD. Is it the understanding that the debate is to close on the pending resolution to-night? ["No!" "No!"]

The PRESIDENT *pro tempore*. There is no understanding on that point.

Mr. KERNAN. I understand that it is for business as well as debate.

Mr. SHERMAN. And the Senator from Pennsylvania has the floor.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived the Senate takes a recess until half past seven.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. WALLACE] is entitled to the floor on the resolution of the Senator from Indiana, [Mr. MORTON.]

Mr. SPENCER. I move that the Senate proceed to the consideration of House joint resolution No. 100, which has been read twice at least.

Mr. EDMUNDS. I hope I may be allowed to make a report.

Mr. SPENCER. Very well.

THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I ask unanimous consent to make a report from the Committee on the Judiciary. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States, to report the same favorably with an amendment. I give notice that I shall move to take it up to-morrow.

Mr. DAVIS. Will the Senator have the amendment printed?

Mr. EDMUNDS. It will be printed under the rule, of course.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the Senate of the 24th ultimo, a statement showing the aggregate number of civil officers in or connected with the Navy Department, not including laborers or mechanics employed by the day or contractors, for each of the years named; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate insisted on by the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM R. MORRISON of Illinois, and Mr. JOHN A. KASSON of Iowa managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

A bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

A bill (H. R. No. 2002) to relinquish the title of the United States to certain property in the city and county of San Francisco, California;

A bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

A bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; and

A bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

DISTRICT GOVERNMENT.

Mr. SPENCER. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and other purposes.

The joint resolution was read.

Mr. DAVIS. I ask the Senator from Alabama whether this comes from the Committee on the District of Columbia unanimously? I see no member of that committee on this side present.

Mr. SPENCER. It comes from the Committee on the District of Columbia, and the committee are unanimous. The resolution has passed the House, and the committee propose to amend it so as to make it a joint committee.

Mr. EDMUNDS. Is the thing taken up?

The PRESIDENT *pro tempore*. Not yet. It has been read for information. Will the Senate proceed to the consideration of this resolution?

Mr. EDMUNDS. Subject for a call for the regular order.

The PRESIDENT *pro tempore*. It is before the Senate, as in Committee of the Whole, subject to a call for the regular order.

The Committee on the District of Columbia proposed to amend the joint resolution by striking out in line 3 the words "two non-residents," and inserting "three members;" by striking out in line 4 the words "District of Columbia and one resident thereof," and inserting "House of Representatives;" by striking out in line 5 the word "appointed," and inserting "designated;" by striking out in line 6 "two residents of said District and one non-resident thereof," and inserting "three Senators;" by striking out in line 7 the word "selected," and inserting "designated;" so as to make the joint resolution read:

Resolved, &c., That a commission, consisting of three members of the House of Representatives, to be designated by the Speaker of the House, and three Senators, to be designated by the presiding officer of the Senate, is hereby appointed, whose duty it shall be, during the recess of Congress, to prepare a suitable form of government for the District of Columbia, and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof. It shall also be the duty of said commission to prepare and submit to the next session of this Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions are based. Said commission are authorized to employ such assistance as may be needed to enable them to discharge the duties hereby imposed on said commission; and the sum of $5,000 is hereby appropriated, or so much thereof as may be necessary, to defray the necessary expenses of said commission.

Mr. EDMUNDS. I wish to ask the Senator in charge of the resolution whether it is usual to provide by law for a joint committee of the two Houses? This is a law making appropriations, and then to provide for a committee of three Senators and three members of the House of Representatives to be appointed.

Mr. SPENCER. To be designated. The resolution as passed by the House provides that two non-residents of the District of Columbia should be appointed and two residents, two by the Speaker and two by the President of the Senate. The Committee on the District of Columbia thought after consultation with numerous citizens that it would be better to appoint members of the respective Houses, and they have amended the resolution accordingly.

Mr. EDMUNDS. I dare say it is better. My only inquiry is as to providing by law for each House appointing members of its own on a particular committee. That belongs to their own constitutional privileges.

Mr. SPENCER. As this resolution had passed the House we concluded this would be the shortest way to get at the matter. The House provided that a commission should be appointed, not of mem-

bers of Congress, and we have amended it so as to provide for a commission of members of Congress. We thought this was the shortest way of getting at it.

Mr. EDMUNDS. This is a joint resolution and is in the nature of a bill with an appropriation, and it requires each House of Congress to do a thing which the Constitution gives them the power to do by a mere resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I now call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order.

Mr. SPENCER. I hope the Senator will allow this to be finished. It has been up several times.

HAMBURGH RIOTS.

The PRESIDENT *pro tempore*. The regular order is the resolution of the Senator from Indiana [Mr. MORTON] to print ten thousand extra copies of the President's message and accompanying documents in reference to the Hamburgh riots; on which the Senator from Pennsylvania [Mr. WALLACE] is entitled to the floor.

Mr. CAMERON, of Wisconsin. If the Senator from Pennsylvania will yield for a few moments I should like to call up a House bill that I have tried to get up several times and I think it can be disposed of in a few minutes. It is House bill No. 3849.

Mr. EDMUNDS. As I have called for the regular order against my friend from Alabama I would not be courteous to yield to another Senator.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has the floor.

Mr. WALLACE. Mr. President, I shall not attempt to defend the outrage at Hamburgh. Like many another outrage upon society, it can neither be palliated nor defended, if the facts charged in the documents sent to us are true. But, sir, if this offense, heinous and outrageous as it is, shall be judicially investigated by the courts constituted to arrest, investigate, try, judge, and punish; and if these courts shall visit upon this outrage prompt, condign, and legal punishment, I shall rejoice. I shall rejoice, sir, because of the vindication of outraged law. I shall rejoice that in that community, among a people who claim to have the power to govern themselves, they have succeeded in vindicating that power and have vindicated the majesty of law. They will then have proved their capacity for self-goverment. But they are upon trial. It is for them to vindicate their capacity in the proof that comes from this very situation. If they shall thus vindicate themselves, it will add another proof to the theories of our friends on the other side.

But let me ask those who find in something else the cause of these outrages, why it is that they always occupy their minds and always vex the public ear when important elections are pending? Why is it that we hear so little of them on other occasions and at other times? Why is it that only when the people are upon the eve of an election in which the rulers of the country are to be changed that these outrages come to the public mind and communities are stirred to their very depths by accusations, by tergiversations, by charges of riot and bloodshed and of wrong and injury? Why is it that peace and order and the administration of the law, the vindication of the majesty of the law, are found in all the reconstructed States controlled, governed, and directed by democrats, while from those alone in which some other power is in control do we find these reports of outrages, of broken law, of riot, and of bloodshed?

Mr. EATON. Will my friend from Pennsylvania yield to me for a moment?

Mr. WALLACE. Certainly.

Mr. EATON. I have just received a dispatch which I desire to read in this connection. I had the pleasure yesterday to say here on the floor of the Senate that the election in Alabama had been carried on with absolute fairness. The Senator from Alabama [Mr. SPENCER] avowed that there had been intimidation. Doubtless he believed it; I did not, and I so expressed myself. I have just received this telegram, which I desire to read:

MONTGOMERY, *August* 9.

Senator W. W. EATON:

Alabama thanks you for your generous defense of her in the Senate yesterday. The election was conducted throughout the State with absolute fairness and without the slightest disturbance or complaint of intimidation that we have heard. The democrats have elected their State ticket by over forty thousand majority, and at least four-fifths of both branches of the Legislature. Negroes in large numbers voted with us.

W. D. GRAHAM,
Chairman Democratic State Committee.

Mr. SPENCER. Will the Senator from Pennsylvania allow me a moment? I desire to state, in answer to the dispatch read by the Senator from Connecticut, that the majority in Alabama is very large and that on Monday last large republican counties, for instance the county of Greene, which has, ever since the republican party was formed, given over 2,000 majority, voted the democratic ticket; that the county of Sumter, which has a republican majority of 2,000 in it, voted the democratic ticket; that the county of Marengo, which has a republican majority of 2,000, voted the democratic ticket. Those counties voted the democratic ticket simply because the colored people were afraid to go to the polls and vote. The colored people did not vote, and it was intimidation and nothing else, the chairman of the democratic State committee to the contrary notwithstanding.

Mr. WALLACE. Mr. President, what better answer is there to the arguments of the Senator from Vermont [Mr. EDMUNDS] and the Senator from Indiana [Mr. MORTON] than that the State of South Carolina, the State of Louisiana, and the State of Mississippi are the only placers in which they can find these outrages. Why is it that in democratic States, in States that are reconstructed and controlled by democrats, prosperity is returning, peace and order prevail? Why is it that there the freedman is contented and industrious? Why is it that taxation is being reduced, that the communities are orderly, that material prosperity is increasing? Why is it that in all of these States under democratic rule order prevails, business is restored, material wealth grows, taxes lessen, interest on State bonds is being paid, the credit of the State is being restored? Why is this, I ask, while in States that are still under control of others than the democratic party in the South the freedman is discontented and riotous, outrages, blood, and murder are heard of, the people are discontented and unhappy, taxation is redoubled, and the only right that a white man has there is the right to be taxed? Why is it that in all these States material prosperity is lessening, prosperity decreasing? Why is this? Can there be any other answer than that in the latter the power, the control, the interference of the Federal Government exists, and men are not permitted to govern themselves as we do in the North, regulating and controlling our domestic affairs in our own way; our township affairs, our roads, our schools, everything that concerns us as a people from the bottom upward through the township, the county, the State, to the Federal Government; while in these States you undertake to rule them from the top through the power of the Federal Government with the bayonet, through the State, through the governor, through the power that the Federal Government only controls and directs. This is the true answer to it, and it is an answer that goes to the very essence of Saxon liberty. It is an answer that will come to you wherever and whenever you undertake to reverse the traditions of the governments and people from whom you get your liberty and your laws.

The old Saxon form of government, the government of the people themselves in their closest relations to their home life, the home government, home rule, is the only rule for any free people. When you give to these people the entire and absolute control of their institutions themselves; when you take away the Federal bayonet and cease to vex and oppress them by interfering with them, then you will have peace and order; taxation will be reduced; the credit of the Commonwealths will be restored, and you will have contentment and industry and peace and order and just administration of the law.

But it is charged that the free schools are disturbed; it is alleged that education does not prosper in the States that are reconstructed and under democratic control. Such is not the fact. Sir, but yesterday, this week certainly, we have the information from the trustees of the Peabody educational fund that in all the States south save and except alone the States of South Carolina, Louisiana, and Florida, their school systems are being properly managed and cared for, while in those States the report states that they are not being properly managed, that they are not being cared for. The report of Mr. Stearns, the general agent, is as follows:

The report shows the general flourishing condition of public schools in the Southern States, except in the three States of Florida, South Carolina, and Louisiana. Mr. George Peabody Russell, who has been spending the last winter in the South, gave it as his opinion that nothing could be expected from these States in the way of advancing their educational interests until there was a change in their State governments.

Here is an answer to the educational argument of Senators, and you find this answer everywhere in the democratic South. The charge of the Senator who was last upon the floor in this regard may be placed side by side with the report of the general agent of a nonpartisan independent educational fund, and let the people judge between them.

This is a political discussion. It has degenerated into such. We recognize it; it is declared to be such by our brethren on the other side. We have already had extracts from the letter of acceptance of Mr. Tilden; let me read another brief extract.

Speaking of the South and the negroes, he says:

But, in aid of a result so beneficent, the moral influence of every good citizen, as well as every governmental authority, ought to be exerted, not alone to maintain their just equality before the law, but likewise to establish a cordial fraternity and good-will among citizens, whatever their race or color, who are now united in the one destiny of a common self-government.

Place this declaration side by side with the concluding paragraph of the report of the Senator from Massachusetts [Mr. BOUTWELL] on Mississippi, which reads thus:

3. The constitutional guarantee of a republican form of government to every State will require the United States, if these disorders increase or even continue and all milder measures shall prove ineffectual, to remand the State to a territorial condition and through a system of public education and kindred means of improvement change the ideas of the inhabitants and reconstruct the government upon a republican basis.

Follow this with the argument of the cool, clear-headed Senator from Vermont made on this question, in which he looks to reconstructing reconstruction, and then I ask Senators on whose side will those

who love peace and order, who believe in the stability of government and in honest payment of the public debt, be found? Senators who occupy the vantage ground of leadership, as do these Senators, do not deliberately conclude their State papers or make their studied addresses without a purpose to execute the conclusions at which they arrive. Sir, is it to be questioned whether the order and law loving people of the North, nay more, sir, the capital of the North, will not scan these declarations with the closest scrutiny? I mistake much their temper if this programme be not the tocsin of danger, the fire-bell in the night, to arouse that capital and those people to the just apprehension of what the entertainment is to which they are invited.

But, sir, this is not all. One of your most pronounced partisan papers but yesterday denounced in unmeasured terms this programme in emphatic and decided language. The New York Times of yesterday, the mouth-piece of the capital of the city of New York on the republican side, emphatically denounces it.

It says:

A more outrageous proposition cannot be easily imagined. That in this centennial year, before the echoes of our national self-glorification have died away, grave Senators should propose to vest somewhere a power which on its face would be equivalent to a confession that the Republic is a failure, is a circumstance that would tax the credulity of any dispassionate observer. Here is the proposition, however, and in a form that leaves no room to doubt the earnestness of its authors. It is a proposition so far in excess of the needs of the occasion, so obnoxious to all who would preserve the administration of the Government in the spirit which has imparted all its vitality and earned for it all its glory, so directly in conflict with the feeling that dominates among the people and, therefore, in a party sense so inexpedient, that we would fain believe its acceptance by the Senate impossible. The reconstructed States are parts of the Union in the same sense that applies to New York or Massachusetts; and it is monstrous to suppose that the Government or any department of it may be clothed with an authority whereby it may "remand a State to a territorial condition," if in the opinion of the partisan majority for the time being the local administration be not "upon a republican basis."

Now, sir, if it shall be, as I said when I began, that in this matter South Carolina shall prove herself able to defend the majesty of the law, we shall all rejoice. If in this duty cast upon her, for it is a duty if she be a sovereign State, to protect life and property, to punish crime, to vindicate the broken law—if in the performance of her duty in this she shall be successful, I and all who act with me will be proud of its accomplishment. But she is upon trial. She cannot as a government controlled by people whom you claim can govern themselves, demand of the Federal Government interference and aid. These people are upon trial. Can they govern themselves? Can they punish crime? If they cannot, let those who can, come to their aid in public affairs through peaceful and home agencies.

Now, Mr. President, with my hand upon my mouth, and my mouth in the dust, with humiliation of face I am compelled to refer to what was said upon the floor of the Senate the other day in regard to the great State which I in part represent. It was in reply to a declaration of the Senator from Ohio [Mr. THURMAN] that my colleague said that all the murders committed in Pennsylvania by the Molly Maguires were committed by democrats. My colleague is mistaken, Mr. President. These men are of both political parties; many of them are unnaturalized citizens, desperadoes who come to our Commonwealth from other countries, who consort with the miners, band them together, and form organizations which are violent, arbitrary, and a terror to the people. They have honey-combed several of our counties with crime, and I am humiliated that I am compelled here on the floor of the Senate to admit it as the foulest blot upon the escutcheon of that proud old State. Yet the fact is here, and it is my duty as one of the representatives of her people to say what is the truth.

[At this point the honorable Senator yielded that the Senate might take a recess till half past seven o'clock p. m.]

Mr. WALLACE. Mr. President, when the Senate adjourned I was endeavoring to express a sense of the humiliation that as a Senator from the State of Pennsylvania I felt in being required to express here on the floor of the Senate any reason, any cause why she should be unable in any portion of her broad domain to vindicate law and punish crime. But it is here; the question is in the Senate. It has been brought here by the Senator from Ohio and my colleague; and it is my duty to say that however much there may have been of breaches of law and of order, of violence, crime, and bloodshed in that Commonwealth, it is not all attributable to one political party, that both political parties have members among the organization that has committed these violations of law, and that many of its members are unnaturalized desperadoes from other lands. But the communities in which they exist have become, through a species of terrorism they have exercised there, to a large extent demoralized; crime has honey-combed two or three counties, and officials, whether republican or democratic, have become in a manner under the control of this organization. That violence occurs, that murder has occurred, cannot be denied. That the power of the counties has been attempted to be exercised in vain also cannot be denied. I have no recollection that executive power has ever been called there; but, if so, it too has been powerless or weak to stem the tide of lawlessness. But, sir, recently an attempt has been made through the efforts, not, I am sorry to say, of executive power or the power that ought to control it—the police, the grand juries, the sheriffs of the counties—but through a great railroad organization, headed by a democratic president, which placed its police and its power among these desperate men, traced them to their lairs, and is now dragging them to the light and to justice. The courts before which they are being tried are presided over by democrats; the juries before whom they are being tried are selected under a non-partisan jury law; and I believe that six men have been convicted of murder in the first degree. These crimes are now being drawn to the light; the prosecutions are being pressed; these men are being driven to the wall; terrorism is ceasing and law and order is about to prevail in that State in which law and order originated, for from Penn and his followers and their theories came the system of law and obedience to constituted authority that now governs this country. From that Commonwealth more than from any other in the country proceeded recognition of law, of orderly methods, and of peace; and it is my pride to say that the people of that great Commonwealth will immediately, if not through regular channels at least by some power, coerce order, vindicate law, punish crime, and permit no further outrages upon its peace.

I also read in reply to what has been said on this subject what was said to the jury in the trial of one of these men in the county of Schuylkill by the gentleman to whom I have alluded, the counsel for the Commonwealth. I read from the argument of Hon. F. B. Gowen in the court of oyer and terminer of Schuylkill County in the trial of Thomas Munley for the murder of Thomas Sanger, a mining boss:

Then we knew we were freemen. Then we cared no longer for the Molly Maguires. Then we could go to Patsy Collins, the commissioner of this county, and say to him, "Build well the walls of the new addition of the prison; dig the foundations deep and make them strong; put in good masonry and iron bars, for, as the Lord liveth, the time will come when side by side with William Love, the murderer of Squire Gwither, you will enter the walls that you are now building for others." Then we could say to Jack Kehoe, the high constable of a great borough in this county, "We have no fear of you." Then we could say to Ned Monaghan, chief of police, and murderer and assassin, "Behind you the scaffold is prepared for your reception." Then we could say to Pat Conry, commissioner of this county, "The time has ceased when a governor of this State dare to pardon a Molly Maguire; you have had your last pardon." Then we could say to John Slattery, who was almost elected judge of this court, "We know that of you, that it were better you had not been born than that it should be known." Then all of us looked up. Then, at last, we were free, and I came to this county and walked through it as safely as in the most crowded thoroughfares of Philadelphia.

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Can you imagine the condition of the people of this country with murderers upon the bench and in the jury-box and in control of all the principal offices of the county? I lived in the apprehension of all this for two years and a half alone, and God knows that when the time comes that all I know may be told to the world it will reveal a history such as will make every American citizen hang his head with shame. I have seen a society of murderers and assassins having its members in the highest places of this county. I have seen them elected to fill the positions of constables and police officers. I have seen a trusted member of that band of murderers a commissioner of the county. I have seen this organization wield a political power in the State which has controlled the elections of a great Commonwealth. I have received the information of meetings between some of the highest officers of the State and the chief of the murderers, at which large sums of money were paid to secure the votes of this infernal association, to turn the tide of a State election. God knows if ever in the world there was a revelation as deep and damning as that now laid open to the people of this Commonwealth for the first time.

Now, Mr. President, can it be, is it to be said that the order-loving people of the Commonwealth of Pennsylvania, that great German population, than whom none respect order and obey law more, that all of the people of that great Commonwealth are to be stigmatized with the crime of a single locality; yet this is the argument that comes to us in regard to the South.

Sir, I have done with this humiliating subject in regard to my own State. I regret that it has come here. I could do no less than I have done. I have given to the Senate what is the truth, the record.

Now I take up, and I am sorry that the Senator from Indiana [Mr. MORTON] is not here, a speech of that Senator delivered in the Senate on the 18th of July, in which he produces a statement from the Treasury Department, which statement is lengthy and elaborate. That Senator said in introducing it:

I have the statement from the Treasury Department; I am going to read it. Some four or five months ago, on the 9th of February, I believe, the Senate passed a resolution calling on the Secretary of the Treasury to make a statement from the books of the Treasury of all the defalcations and failures to make settlement, from whatever cause, that had occurred in our country since the 1st of January, 1834. That embraced the last administration of General Jackson. That document was sent here and with it an analysis printed officially. It comes over the signature of the Secretary of the Treasury; it is true.

I propose to examine this valuable document, to test its value by recorded facts, and to see whether its statements are true, or, if they be taken as true, whether they help the cause that it was produced to serve. It is true that the Secretary of the Treasury on the 19th of June sent to the Senate a mass of documents, a mass of names, an immense, voluminous document at least five inches in thickness and eighteen inches square. The columns of that document were not added. It appeared upon the face of it that credits were to be entered; it appeared that charges were to be made to the men who were alleged to be defaulters thereon. It was incomplete and unfinished in every particular, and it showed this upon its face. It lies now in the office of the Secretary of the Senate incomplete, unfinished, buried in the tomb of the Committee on Printing. It was not honored by the poor credit of being printed. This was objected to by the Senator from Ohio, and it was sent to the committee as valueless. That document, which was not worthy of being printed, served to produce to the Senate and to the country a mass of figures, a tabular statement and compendium which has been sent to the country and is now being circulated broadcast as a veritable document. Sir, that statement is unreliable and untruthful to show the real defalcations due to the Government, and the Senator from Indiana in the concluding part of his remarks admits it. He says:

The statement is not correct in this, Mr. President, that there are defalcations put down that do not exist, that were afterward settled; but so far as the proportion is concerned between the different administrations, so far as my purpose is

concerned in the comparison I propose to make, it is the same as if every defalcation here stated took place. The objection is that the statement is not too small, but too large. I stated wherein it does not present the facts, that some of these defalcations in all administrations were afterward settled or turned out to be nominal; but that pertained just as much to one as to another, and, so far as the object I have in view is concerned, it is a fair statement, because it shows the proportion in all administrations, and now I propose to give it just as it is furnished from the books of the Treasury Department.

But this is not all. The Senator from Indiana says this statement comes here over the signature of the Secretary of the Treasury. This is a mistake. A statement somewhat like that published did accompany it, but it was neither signed nor certified; and the speech of the Senator demonstrates that. It was not signed nor certified in the paper. If the statement of the Senator from Ohio in reference to what was told him by a Treasury official be admitted to be true, if it were verity and intended to impart the truth, why is it not certified to? If true, it would be honored and not discredited as well by the Senator as by the Treasury officials whom he quotes. The published table nowhere shows his certificate, but says it was prepared under direction of the Secretary of the Treasury. This statement, so elaborate and complete, so unfinished and mysterious, so untruthful and unreliable, is printed as Senate Document No. 118, and has upon its face the indorsement that it comes from the Treasury; but it has no signature. The documents themselves upon which it is based are not printed because they are unreliable, but the statement printed gives the figures they contain. Why was it not printed? Why is it not certified? Is it authentic? Does it give the truth? The Senator from Indiana admits that it does not. Other Senators admit that it does not, and they quote the officials of the Treasury as discrediting it. When the motion to print was up the Senator from Ohio said of this document as follows:

Mr. SHERMAN. In regard to the printing of the document I should like to have that question referred to the Committee on Printing. I will say that my attention was called to the document itself by an officer of the Government in the Treasury Department. It covers several volumes, most of them matters of no possible moment, which can be of no interest to any mortal man, woman, or child. I think it would do great injustice to thousands of worthy men to print this document. The Secretary of the Treasury in the letter read says he has commenced from the time the last report was made in 1830. There may have been some general statements made in the mean time, but nothing like the detail here. These papers were shown to me. As a matter of course, the Secretary of the Treasury felt bound to go back and do this work. Here [exhibiting] are some of the tables sent here—great, long tables. There are general results from these tables that are shown also in the tabular statements that accompany the letter of the Secretary of the Treasury. I have no objection to printing this document except on account of the great cost that will be involved and the unfairness and injustice that will be done to innocent people now in their graves.

Mr. President, these tables show that most of the persons named as defaulting officers were men in the military, naval, and civil service of the United States, who are now dead. The names of their sureties are given here, many of whom are dead; the amounts range from $1 up to $100,000. Scandals without number all over this broad country of ours will be published to the world without any good whatever if we print this document. It gives the accounts of every officer of the Government from 1830 to this time. I notice many cases of this class. During the Indian wars, and during our recent civil war, a soldier may have been killed in battle who was charged with a lot of muskets, and against his account they all stand in the balance charged to him, while it was stated that he was killed in battle, &c. Consuls have died abroad and it has been impossible to settle their accounts, and yet balances are charged at the Treasury Department against the consul. Honorable men, men of the highest rank in the public service, men of the greatest distinction in this country, have little balances charged against them, and they would now be published in the list of defaulters. There may have been nothing due from them, but if there were some little discrepancy in their accounts they are still unbalanced. Such a list would injure greatly the reputation of honorable officers in the civil, military, and naval service, if published, although they are little matters, sometimes amounting to but a few dollars.

The officer to whom I have referred called my attention to the fact that while the Department was obeying a simple, plain duty, no one pretended that this money was due by these people; and yet it is charged on the books of the Treasury Department as a claim against them, but it never would be and never could be settled.

On the objection of the Senator from Ohio this voluminous, this unreliable document was sent to the Committee on Printing. It came back to the Senate on the 27th of June with a report against printing the document, but for printing the tabular statement that contains its results. The aggregate of the document was reported in favor of, but the document itself was reported against. On that day the Senator from Rhode Island [Mr. ANTHONY] said:

It contains a list of all persons, including those not now in the public service, against whom there appears to be a balance on the books of the Treasury. In very many instances the balance is nominal, not real, sometimes so designated; in very many cases it arises out of misunderstanding between the disbursing officer and the accounting officers of the Treasury, which, when they come to be explained and adjusted, may be decided in favor of one party or the other. In very many instances it arises from balances due from officers of the Navy who have gone down with their ships with their papers upon them; officers of the Army who have fallen in battle or died in hospital and whose vouchers have been lost; while it is apparent from the supplies which they had purchased and from the men whom they had paid that the money intrusted to them had been expended for the purposes for which it was appropriated. According to the law these all appear upon the books of the Treasury as indebted for the unsettled balances; for, while the Treasury charges an officer with everything paid to him, it does not credit him with what he has paid out until it is ascertained and adjusted according to regulations of the Department. Many of these are charges for overpayments; that is, where an officer has erroneously paid to some creditor of the Government more than he was legally authorized to receive; and of course the disbursing officer must suffer the consequence of his error. That is a blunder, but it is not a crime. He has not embezzled the money; he has not defrauded the Government; he has made a mistake and paid a man a thousand dollars, for example, when it appears from all the information yet in the possession of the Treasury that he only ought to have paid him $990; and therefore he stands as a defaulter for $10 on the books of the Treasury. This may in many cases remain yet open for adjustment. I am sure that nobody wants to publish the names of such men, living and dead, as embezzlers and defaulters in any criminal sense.

The great defalcations, the criminal defalcations, are all known; they are all made public; they cannot be concealed without criminal complicity of the accounting officers. They are put in suit against the defaulters and against their bondsmen; and other cases are put in suit, the results of which do not always show that the officer is a defaulter. There may be cases of honest differences of opinion between the officer and the Department as to the law, which are to be settled by the courts. A great many cases grew up before the present improved system of keeping the accounts, when disbursing officers who were also receiving officers received the revenues of the Government, disbursed the expenses of their Departments, and turned over the balance to the Treasury. That system prevailed until it was reformed in our day, and under that system the result of every difference of opinion between a disbursing officer and the Department would stand as a defalcation against him. Some of these cases are so trifling that I have collated a few of them. Although I should not read the name of any person who would suffer by it, I suppose the illustrious name of Washington Irving will not suffer if I say that he stands here as a defaulter to the amount of *three cents!* Here is another officer in the list whom I was instrumental, among others, in commending to the public service, in which he greatly distinguished himself. I shall hold myself responsible for his defalcation, principal and interest in gold. It amounts to *one cent.* I do not suppose anybody will think that Robert Walsh was an embezzler or defaulter to the Government, and yet he is put down for a small amount. Here I find an old colonel whom I knew well, who died in 1854, who is marked as a defaulter for $3.60.

Mr. President, I do not wish to impair the credit of the great banking house of this city, but I am bound to say that Corcoran & Riggs stand down here as defendants under this call.

Baring Brothers are down, and, worse than that, the English government itself is put down as a defaulter. As we have just settled nearly all our old difficulties with England and got into a new one, I do not wish to see the credit of that government impaired, and for its relief I must say that a marginal note reads: "The Secretary of State says he has no doubt this was settled long ago." It occurred in 1813, but it stands on the books as over $1,200 of default by the British government.

Mr. President, I might go over a great many illustrations of the same kind, but I have made quite sufficient to show that, while there are of course in the great operations of the Treasury many defaulters and many embezzlers, nothing could be more unjust than to mix them up with these persons who are marked in default in the Treasury, but who are not defaulters in any sense whatever, and probably do not owe the Government anything. Certainly it is not likely that Corcoran & Riggs, Baring Brothers, and the British government owe the Treasury anything.

That is what Senators said in regard to this document, and yet the table is printed. They discredit the source, they deny its truth, they repudiate its statements; yet they order its results to be printed and preserved, and it is used as a campaign document. They make campaign speeches upon it. They quote it as true, and they calculate results from it. What becomes of political fairness if such proceedings as these are to be countenanced by the Senate? What becomes of the verity, the truthfulness of the record of the Senate if statements of this kind are to be printed and filed with our records to remain there as official documents from the Treasury Department? The basis of this statement was bad, the structure unsound, and the results it produces are utterly and absolutely unreliable. The statement is incorrect in every particular; the losses are not truthfully stated, and necessarily the conclusions are not correct; and yet the Senator from Indiana prints the statement and relies upon it. A leader of the House—I dare not refer to what is said in the House; but in the RECORD of Sunday I find a speech that also relies upon this and quotes it *in extenso*, to a figure, administration by administration, the ratio of losses fixed by this most veracious document. It is quoted by the republican leader of the House, not by him alone, but another prominent republican gentleman of the House in his speech also quotes and relies on it.

It is for us to test this statement by known facts, ascertain whether it is true, discover for ourselves whether it can be relied upon, learn whether this is the kind of budget to be given to an intelligent people on the eve of a great political contest by the Senate of the United States from which the people are to make up a verdict which is to control their destinies for four years. Let us examine it by the tests of the record; let us examine it by printed documents; let us test its truth by that which cannot be gainsaid, and if we find that not only have Senators here discredited it, but that on its face it bears falsehood, then the cause that it attempts to serve must be baseless and bad indeed.

At the outset it may be said that it is of course difficult for those who are in opposition to obtain the necessary access to records to get the data on which to contradict a statement of this character.

Mr. EDMUNDS. What does the Senator mean by that?

Mr. WALLACE. I mean by that that we are compelled to grope our way through printed records. We go for data to the Treasury Department, and find it occupied with something else; to other Departments, and printed orders intervene; and when we go to the Treasury we cannot get a voluminous mass of documents in time to serve our purposes, and yet Senators get it. I do not pretend to say that there is any willful disposition to refuse information, yet I say that printed orders are in the road, that time cannot be given to the officials to furnish the documents in time for use on such occasions as this.

Mr. EDMUNDS. If the Senator will allow me, because that is rather a serious implication, I wish to say for one, and I feel pretty sure that I am stating the truth, that no discrimination whatever is made in the Treasury, or any other Department, between Senators, with regard to their political faith, or their race, or color, or whatever, and the Senator can get all the information from the Treasury that my honorable friend from Massachusetts, an Ex-Secretary, can, at any time.

Mr. WALLACE. I have no doubt that I can get it; it will not be denied, but it will not come in time to serve the purpose.

Mr. EDMUNDS. It will come in the same time that it will for anybody else.

Mr. WALLACE. The Senator may have that opinion, but I am entitled to mine. We are obliged to grope through printed data; we are obliged to meet the accusations that we find on this printed statement in the best way we can. If we prove its falsehood in vital points we think we shall have disposed of it. If we prove that it is untrue and false in certain vital points, the maxim *falsus in uno, falsus in omnibus* applies, and we can rely on the people to fail to believe its reliability as a whole.

The Senator from Indiana states that during the last term of President Jackson, from January 1, 1833, to December 31, 1837, or as it should be, from March 4, 1833, to March 4, 1837, the ratio of loss by defalcations was $10.55 per $1,000, and he relies on this statement to demonstrate this and the figures given by it he says is the actual amount of defalcation. This statement shows, and he relies upon it, that there were losses by receiving officers of $1,383,825, and there were losses by disbursing officers of $1,163,000, a total loss of $2,547,000. Here is a specific, distinct, and accurate statement apparently. Let us see how fallacious it is; how wild a statement these loose data furnish. It is fortunate that we have the data for these four years or we could not meet these charges; but it happens that on the records is found a report of Hon. Levi Woodbury, Secretary of the Treasury, made in 1839, to the House of Representatives, in which the real losses by defalcations from 1789 up to that date are stated. That report is found in House Document No. 10 of the Twenty-sixth Congress, first session. It shows the losses by receiving officers to be $214,648, not $1,383,000. It shows the losses by disbursing officers to be $230,336, not $1,163,000; total losses on both sides $144,984, not $2,547,601; thus making the trifling difference of $2,102,000. On the figures of the Senator from Indiana this difference makes the ratio $1.87 per thousand of losses in place of $10.55. Can we rely upon data of this character, when we find upon the records of the Government a statement over the signature of the Secretary of the Treasury palpably, plainly, distinctly saying that instead of the losses being $2,547,000 for those four years they were $444,984? From one we learn all. I have extracted these figures, and have a table which I annex:

Extracts from statement of aggregate amount of defalcations and ratio of losses from 1789 to March 4, 1837, furnished December 30, 1839, to Congress and found in House Document No. 10, first session Twenty-sixth Congress, including public debt.

DISBURSEMENTS.

Period, March 4, 1833, to March 4, 1837. Expenses, including public debt:

1833	$22,049,297 95
1834	18,420,467 12
1835	17,005,418 55
1836	29,655,244 46
Total for four years	87,130,428 08
Total defalcations	230,336 32
Ratio of loss per $1,000	2 60
Whole number of defaulters	84
Total loss by disbursing officers from 1789 to 1837	4,956,573 56

RECEIPTS.

Period from March 4, 1833, to March 4, 1873:

Total receipts	$136,531,971 64
Total defalcations	214,648 03
Ratio of loss per $1,000	1 50
Whole number of defaulters	18
Total loss by receiving officers, 1789 to 1834	92,038,549 81
Total receipts and disbursements during Jackson's last term	$223,602,399 72
Total defalcations during Jackson's last term	444,984 35
Ratio of loss per $1,000	1 90
Ratio of loss during same term as stated in Treasurer's report	10 55
Error as shown by original official report	8 65
Whole amount of losses from 1789 to March 4, 1837, (48 years)	6,995,123 37
Annual loss	145,731
Whole amount of loss from July 1, 1861, to June 30, 1875, (14 years)	14,253,303 47
Annual loss	1,018,093 00

Mr. Secretary Woodbury in his report on the finances made to Congress December 3, 1839, discusses this subject so broadly and specifically and so thoroughly refutes this nameless statement as to its figures, that I quote him:

The particular losses in each presidential term being also desired by the resolution they have been ascertained; and as they furnish a striking solution of some of the general causes of those losses, the periods in which the largest and some of the smallest ones happened among each class of public agents might be usefully designated here. Among the banks the largest losses were from 1813 to 1817 then consisting entirely of depreciation on notes taken, and next from 1821 to 1824, consisting then chiefly of deposits; while from 1829 to 1833 and from 1833 to 1837 they were smaller than in any period since 1813. Among disbursing officers, looking to the amount disbursed, the largest losses were from 1821 to 1825, next from 1817 to 1821, and next from 1809 to 1813; *and they were smaller from* 1829 *to* 1833 *and from* 1833 *to* 1837 *than in any other term whatever, except from* 1789 *to* 1793.

Mr. MORRILL. The Senator from Pennsylvania is calling attention to some errors at the Treasury Department. I desire to ask him if he has noticed some of the errors in the statements of Mr. Tilden, the nominee of the democratic party. He states the amount of the out flow of gold from this country for a series of years, but omits to deduct what has flowed in, making a difference from the true statement of $200,000,000?

Mr. WALLACE. The Senator has taken the floor and interjected a speech without asking my leave.

The PRESIDENT *pro tempore*. The Chair asked the Senator from Pennsylvania if he yielded to the Senator from Vermont. Does he yield?

Mr. MORRILL. I do not desire to interrupt the Senator.

Mr. WALLACE. I will only say that, following the example of the other Senator from Vermont, [Mr. EDMUNDS,] I am making a political speech, and I trust I shall not be again interrupted.

Mr. EDMUNDS. But the other Senator from Vermont yielded to interruptions continually.

Mr. WALLACE. The Senator from Vermont is a much older settler here than the Senator from Pennsylvania. When he gets to be as old in this Hall as the Senator from Vermont he will yield as often as the Senator.

Mr. MORRILL. I only desired to call attention to two errors, the one in regard to the outflow of gold and the other in regard to taxes amounting to from four hundred to five hundred millions.

Mr. WALLACE. I decline to yield. I continue to read from the report of Mr. Secretary Woodbury.

The loss on each $100 from 1829 to 1833 was only nineteen cents, and from 1833 to 1837 only twenty-six cents, while in some previous terms it was as high as $2 16. In this class the most numerous losses compared with all in office were from 1817 to 1821, next from 1821 to 1825, and next from 1813 to 1817. The smallest proportion in this respect, except during the first two terms under the Constitution, *was from* 1829 *to* 1833, and except those and the third term *the next smallest was from* 1833 *to* 1837.

Among collecting officers, if looking to the amounts collected, the highest losses were from 1797 to 1801, next from 1809 to 1813, next from 1817 to 1821, and next from 1805 to 1809. The most numerous defaults, compared with the whole number of that class in office, were from 1809 to 1813, next from 1805 to 1809, next from 1821 to 1825, next from 1817 to 1821, and next from 1825 to 1828. *The ratio of them from* 1829 *to* 1833 *and* 1833 *to* 1837 *was not one-fourth as large as in some of the periods just enumerated.* Indeed it was less than in any previous terms from the foundation of the Government except four, and the number of such defaulters was less than in any presidential term since 1804.

Mr. President, I might stop here and treat this veracious statement from the Treasury Department without signature as a discredited witness, but because the printed records give us no specific data with which to meet its falsity as to subsequent dates, I take it up as a whole and contrast it with such records as I can find on the subject and ask that reason and sense shall guide us to the truth.

It seems that the aggregate loss by the statement published between 1834 and 1861 is $15,269,000. This is too large; the Senator admits it himself. It contains discrepancies with the figures that I have alredy read. If those four years are a test, it is $7,000,000 too large. The whole sum of the losses for forty-eight years is less than $7,000,000, as shown by this statement of Secretary Woodbury. The actual losses by death and hopeless insolvency are shown by Mr. Solicitor Streeter on the 25th of October, 1856, to be $7,822,418. The defalcation shown by the books of the Treasury may have been larger, but those actually chargeable to profit and loss are stated by Mr. Streeter, as Solicitor of the Treasury, up to that date. This included debts in judgment for many years. It excluded all of which any hope remained for collection. This statement plainly contradicts the Treasury figures. He reports the ascertained insolvents up to October 25, 1856, and the statement of the Senator brought from the Treasury comes up to 1860.

Report of ascertained insolvents up to October 25, 1856, as per report of F. B. Streeter, Solicitor of the Treasury.

Debts originating in Navy Department	$1,405,631 55
Debts originating in War Department	2,942,153 71
Debts originating in customs	570,393 16
Debts originating in foreign intercourse	24,360 84
Debts originating in Indians	89,490 40
Debts originating in lands	290,627 13
Debts originating in miscellaneous accounts	890,688 90
	6,213,345 69
Balances due from banks, unavailable	1,609,072 32
Total losses	7,822,418 01

Treating these figures as the actual losses down to July, 1856, we will follow the suits of the Government to 1859 through the reports of the Treasury in order to learn the aggregate losses to that date and ascertain if we can if the data given us are true. By them we learn that suits for $4,100,000 were brought, that $2,030,000 thereof were collected, and $2,057,000 uncollected. If we add this latter sum to the lost debts, we find the whole loss to be $9,880,000 and not $15,260,000. These figures expressly contradict this statement, so that there is no possible escape.

This brings us to the conclusion irresistibly that the figures from 1834 to 1859 are not the real sums of the losses. But, for the sake of the argument, let us assume that this statement of losses from the the Treasury is correct, its figures are true, its conclusions are justly drawn. Then let us glance at the results that follow. If this veracious paper be literally true, we find that the greatest total loss shown by the statement through receiving officers from 1861 to 1875 was $4,348,000; from disbursing officers, $9,905,000. In fourteen years the total loss was $14,253,000; annual loss, $1,018,000. Loss through receiving officers from January, 1834, to June 30, 1861, $2,907,000; through disbursing officers from January 1, 1834, to June 30, 1861, $12,361,000. Total loss in twenty-seven and a half years, $15,260,000; an annual loss of $555,255.

Taking the figures of the Treasury statement itself, it shows a loss of a million annually, while during the twenty-seven and a half years preceding there there was a loss of something over half a million annually. A loss of but a million annually—a trifle, a mere *bagatelle;* officials take but fourteen and a quarter millions in four-

teen years, hence our economy is plain. The people are suffering and our expenses are increasing, hence our economy is plain. This is the logic of the argument and of the document I am commenting on.

Where have the losses occurred that this total gives as the aggregate thereof from 1861 to 1875? By report made to the House in 1874 we find that one hundred and fifty-seven paymasters in the Army are in arrears $768,706. From the report of the Naval Committee of the House we learn that one hundred and twelve paymasters in the Navy are in arrears $1,154,000. From the unprinted document we find that one hundred and forty-eight collectors of internal revenue are in arrears about $3,600,000; and that out of four hundred and ninety-five defaulters in the Indian service these papers show two hundred and seventy-seven in the past fifteen years, and but two hundred and eighteen in the thirty years preceding. From the letter of Mr. Pratt, Commissioner of the Internal Revenue, we learn that of cash deficiencies of collectors of internal revenue between March 1, 1869, and February 28, 1876, there are $592,751.

The statement that I have referred to is contradicted by the facts; leading Senators challenge the data and refuse to permit that data to be printed. Common sense and the rule of practice in ordinary affairs certify it not to be true, and the conclusions are irresistible that the figures given as the losses from 1834 to 1859 are not the sum of the losses sustained by the Government during those years, but are overstated. The unprinted document being untruthful, the data based upon it is necessarily false and the results deduced therefrom are without support in fact; but this table and these figures have gone to the country. Three leading members of the republican party have accepted and indorsed the statement, and it and their speeches are being sent broadcast over the land under the franks of members of Congress. How untruthful it is let us see further.

It states the receipts of the Government, after leaving out the war, since July 1, 1865, at $8,039,184,922, and the disbursements at $7,909,434,948; making a total of receipts and disbursements since the 1st of July, 1865, of $16,048,520,870. The mind of the ordinary man is not more bewildered at the attempt to grasp the magnitude of the proportions of $16,148,520,870 than it is amazed at the cool audacity which will parade these figures as the aggregate receipts and disbursements of the Government during a period of ten years of peace, and attempt to build thereon a superstructure of argument for an intelligent people. Excluding from the calculation everything but the actual expenditures of the Government, and ascertaining by the data given us by the Senator from Indiana the sum-total of the losses for ten years, from July 1, 1865, as well on account of receipts as of disbursements, we find that those actual expenses have been $2,077,573,973; that the aggregate sum of the losses has been $7,145,786; the average annual expenditures, $207,757,397; the average annual loss, $714,578; and the loss per $1,000 of expenditure $3.43 in the ten years.

I have the figures and the ratio of loss for the ten years ending June 30, 1875, tabulated, which I will not detain the Senate to read.

For these ten years the Senator from Indiana says the ratio was in Johnson's administration forty-eight cents; in Grant's first administration forty cents, and in the last three years of Grant's administration twenty-six cents on the $1,000; while we find it to be an average of $3.43 on the $1,000.

Let the people judge between us.

Losses and ratio of loss per $1,000 for ten years ending June 30, 1875, upon the basis of the actual expenditures of the Government, excluding the public debt and interest:

Period, July 1, 1865 to June 30, 1869:	
1866	$387, 683, 199
1867	215, 695, 113
1868	236, 916, 239
1869	190, 536, 355
Total	1, 030, 830, 906
July 1, 1869, to June 30, 1873:	
1870	$180, 418, 062
1871	166, 600, 023
1872	153, 201, 856
1873	180, 488, 638
Total	680, 709, 179
July 1, 1873, to June 30, 1875:	
1874	$195, 514, 058
1875	171, 529, 828
Total	367, 043, 886
Totals	2, 077, 573, 973
Total loss receiving and disbursing	7, 145, 786
Loss per $1,000	3. 43

Now, Mr. President, I am done with this statement. Let what I have said on the subject and the references that I have given go to the country side by side with the statements and the speeches that have been made based upon it, and let an intelligent people judge between them as to their truth.

But if it all be true, how does it affect the question that is before us now? How do these figures help to give relief from business depression or in the reduction of taxation? How do they aid to give cheap government, honest government? These are the issues of the present hour, and no tirades on the past, or its corruption, or its figures of expenditures, or on sporadic grievances in isolated localities will divert the minds of the people from these, the real, the grave, the vital issues of the pending campaign. They who administered the Government in those days were tried before the great tribunal of the people, and in obedience to the law of our being, both natural and political, the safety-valve of the Republic, the only protection in a government of law when it is maladministered, the remedy of change, they were driven from the seats of power.

The issues of the present and of the recent past as they affect the people now and in the future are here. They confront you now and here. They are the issues that impend before the people and they are to be answered. It is not for you to arraign the past, but it is for you to answer for the present. Why do the people cry for bread? Why do they demand employment? Why are they found in thousands throughout all this broad land seeking employment, hunting bread for their children and their wives? Why are our manufactures destroyed, our business men bankrupted? Whence comes this universal distrust of those who rule? Why is it that the people in every part of this broad land distrust those who rule? Is your administration of the Government an honest one, is it a just one, is it a cheap one? Is your financial policy a wise one? These and kindred questions press now upon the people, and the people will have them answered. Those who suffer and who see those whom they love suffer, think deeply, think seriously, think earnestly. The people suffer and they think.

Why have the expenses of the Government increased since 1872? I speak now from official figures. The whole sum expended in the fiscal year ending June 30, 1872, was $270,559,695. The whole sum expended for the fiscal year ending June 30, 1875, was $274,623,392. The increase was $4,063,697. The decrease on account of interest on the public debt, included in both items, was $14,264,295, and the gross increase was $18,327,992. Deduct increase in pension and Indian appropriations from 1872 to 1875, $3,245,745, making an actual increase of expenses from 1872 to 1875, for civil service, War and Navy Departments alone, of $15,082,247.

Mr. BOUTWELL. Will the Senator allow me to correct him?

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania decline to yield?

Mr. WALLACE. I cannot yield. I have already stated that I decline to be interrupted. The Senator can make his speech after I get through.

Mr. BOUTWELL. I have no speech to make, but I should like to have the Senator correct.

Mr. WALLACE. In those years the civil service increased from $60,984,757 to $69,100,884, making an increase of the civil service from 1872 to 1875 of $8,116,127.

The civil service cost the people in the fiscal year ending June 30—

1867	$51, 110, 027
1869	56, 474, 061
1872	60, 984, 757
1875	69, 100, 884

Showing a gradual increase since the war, until by the last report it reaches $17,990,859 more than in 1867.

Expenditures of the Government for ten years ending June 30, 1865.

Year.	Total expended.	For interest on debts.	Civil service.	Pensions and Indians.	War.	Navy.
1866	$520, 750, 940	$133, 067, 741	$41, 056, 961	$18, 852, 416	$284, 449, 701	$43, 324, 118
1867	346, 729, 124	131, 034, 011	51, 110, 027	25, 579, 083	95, 224, 415	43, 781, 591
1868	377, 340, 284	140, 424, 045	60, 011, 018	27, 883, 069	123, 246, 648	25, 775, 502
1869	321, 490, 597	130, 964, 242	56, 471, 061	35, 519, 544	78, 501, 990	20, 000, 757
1870	309, 653, 560	129, 235, 498	69, 244, 017	31, 748, 140	57, 655, 675	21, 780, 229
1871	292, 177, 188	125, 576, 565	69, 498, 710	34, 443, 894	35, 799, 991	19, 431, 027
1872	270, 559, 695	117, 357, 839	60, 984, 757	35, 595, 130	35, 372, 157	21, 249, 809
1873	290, 345, 245	109, 856, 607	73, 328, 109	37, 311, 130	46, 323, 158	23, 526, 256
1874	302, 633, 873	107, 119, 815	69, 641, 593	35, 730, 876	42, 313, 927	30, 932, 587
1875	274, 623, 392	103, 093, 544	69, 100, 884	38, 840, 875	41, 190, 645	21, 497, 626
Total	3, 306, 303, 898					

Mr. President, here is the plain proof that your expenses are increasing and your Government becoming more costly. You profess your desire to retrench. You cannot retrench if you would. Those who create abuses in governmental administration or suffer the necessities of their political being to press them forward and thus increase expenses can never reform them. It is as true an axiom in political theory as anything that exists therein, that those who create increased expenses or wrongs in administration can never reform them. The momentum of party organization, the hordes of needy retainers and the demands of officials who manipulate the primaries control and direct official action. You are in the groove of party and party necessity and you cannot get out if you would. The only remedy is the lever of change applied by the people.

Is your financial policy a wise one, or is it a fruitful cause of our present ills? Can a policy which has created and nourished a sys-

tem by which $48,000 in gold in February, 1865, has in eleven years produced $112,000 in dividends and now aggregates $108,000 in surplus and other outstanding profits in addition, and under which the owners thereof can now go into the market with their $100,000 of bonds bought for $48,000 in gold in 1865 and sell them for $126,000, be anything else but a cause of distress and disaster?

Yet this is the record of a part of your system, and it is not an isolated case. I take eighteen cases of a similar character distributed through the State in which I live, not old organizations with their accretions, but new organizations dating from June, 1863, to March, 1865, and here again I speak by official figures. I have the data from the Comptroller of the Treasury in regard to what I say under date not earlier than the 1st of July. These organizations date from June, 1863, to March, 1865, when the greenback dollar was ranging from forty-two to seventy-six, averaging about sixty-five cents in gold. With a capital of $2,800,000 these eighteen institutions have deposited bonds to the amount of $2,819,000. Their dividends to July 1, 1876, are $3,851,455. Their surplus and other profits are $1,866,751, and the total dividends and surplus in twelve years on $2,800,000 is $5,718,204.

If the bonds that they deposited are sixes of 1881, they can go into the market to-day with the $2,819,000 of bonds costing in gold in 1863 and 1864 $1,832,350, and they can sell them for $3,551,940 in legal-tenders. Thus the investment of $1,832,350 in gold yields $7,437,794, or more than 400 per cent. in twelve years. In these figures are found the traces of the ruin of manufactures, of merchants, of business men of every class. The system that permits such results is bad and only bad continually; the legislation that fosters, that produces, or that permits such a condition of things needs correction and amendment. That legislation lies at your door; it is not ours.

This is but one of the evils of this financial policy. It should be corrected by recognizing the existence of other powers and other interests than aggregated wealth. The time has come in this country when something else than aggregated wealth is to be recognized as the power of the country. There are men of brains and muscle, living, breathing men of this country in other vocations who have rights as well as those who represent aggregated wealth. The time has come for the pendulum to swing in the other direction, and those in power will mark well the query as to whether the hour has not struck now.

Is the country to tread remorselessly under the lead of the Senator from Ohio [Mr. SHERMAN] the path to specie payment without preparation? Since July 1, 1865, we have expended for administration and paid debt amounting to $3,861,502,508. This is equal to the debt of Great Britain. No more exhaustive labor was ever imposed upon any people. Is it strange that we are distressed, exhausted, and poor? Is it the part of wisdom to continue this destructive process or shall we make haste slowly in our march to specie payments? Is there to be no time to breathe? Is it strange that the people grow restive? Are there to be no moments of rest for those who have saved as well the faith as the unity of the Republic? Is this generation to be forced into bankruptcy in order that the next may be freed from debt? No wise government will do so for such an idea. It is the path of prudence to postpone resumption until the people are rested from the exhaustive processes of the past ten years, from the financial distress of the past three years, and until by natural and steady growth of confidence and business resumption will come with ease and with safety. This is no question of inflation. It is simply a question of the removal of a standing menace from the business men of the country, the removal of an appalling shadow which they believe, whether rightly or wrongly, is the cause of their present trouble. It is no question of hard money or soft money. The people I represent on this floor believe in paying their debts in honest money, in coin. And, sir, my vote will never be found here recorded either for the inflation of the currency to the extent of one dollar or for anything else than the honest payment of the public debt in coin. But, sir, they ask with the earnestness of an honest people, where are the evidences of your ability to pay your notes? Where are the signs of preparation for resumption? Is it the news that comes to us from the East but recently in which the A. W. Sprague & Co. mills are shut down and eight or nine thousand employés turned loose upon the world? See the picture in my own State. The thriving mechanic or laborer who but three years since bought his lot and built his house, paid upon them the half and gave his mortgage for the balance, finds that under this policy his house and his lot both go to pay the mortgage; the hard earnings of all his years are swept away to increase the value of the Government's obligations, which flows from the shrinking of the value of real estate and the swelling of the value of those obligations under your system of legislation, and his wife and children are to be turned homeless upon the world.

The enterprising man of business too, the man who is between capital and labor with his hand upon both, the scheming, active, energetic man, the middle class in this country, upon whom all of its future depends, the live, energetic, business man with an intelligent brain, a cunning hand, and an industrious body, this man having but a small capital, hires money from the capitalists to conduct his business, and he, too, under the operations of this system sees himself unable to meet that which he has agreed to pay, and he, too, must go to the wall. Property decreases in value on every side. Money and moneyed securities appreciate as the threat continues; men grow suspicious; values are unsettled in every direction; sheriffs' sales increase; bankrupt merchants are found in every calling; the shadow of self-murder falls upon the path of many. Your legislation in the interest of aggregated wealth and against the business man has given us this condition of things. Since the use of a mixed currency there has never been an hour when all the paper obligations of the country could be redeemed in coin. Credit and confidence were as essential as the modicum of gold that was at its root. Can credit and confidence ever come while values fall and business men quake and capitalists refuse to lend? To steady values and stay panics we must not only provide specie, but we must bring the public mind to the conclusion that they do not need it. Can such a condition of things ever come while the shadow of enforced resumption without preparation appalls them with its unknown terrors? Sir, Pennsylvania, pointing to her record—and I speak for the vast majority of her people; I am as conscious of it as I am that I am here—Pennsylvania, pointing to her past record, her sacrifices, and her suffering, to her prostrated industries, to her manufactories closed, to her mines abandoned, to her factories untenanted, to her iron unsold, to her coal in heaps, to her lumber in piles, to her tens of thousands of unemployed men, artisans, laborers, and miners scattered all over that broad State; Pennsylvania, that great Commonwealth, here and now recognizing her obligation to pay her debt to the utmost farthing in coin—Pennsylvania and her people ask for time, for preparation, for an easier road to resumption.

Why do the people distrust those who rule? Is your administration of the Government an honest one in their view? It is for you to answer? Are the people justified in their belief that we have had an administration of the Government that has discarded statesmanship and sought inexperience, that has ignored integrity in official trust and patronized the corrupted and the vile, that has permitted wealth to be gathered from meager salaries, that has tolerated the jobber and the speculator on the threshold of the White House, that has reversed the philosophy of the Trojan who feared the Greeks and those bearing gifts, that has held complicity with gold-gambling and nurtured and petted a whisky ring, stolidly winked at corrupt practices in the custom-houses, disgraced the country in the San Domingo and the Secor business, lost an Attorney-General who resigned pending charges of misuse of the public money, a Secretary of the Interior by unrefuted charges of corruption in his Department, a Secretary of the Treasury forced from his place by public indignation, a Postmaster-General whose method and record were unsatisfactory to a discriminating people, a Secretary of War whose trial for bribery has just been concluded, and a minister to Great Britain whose methods a unanimous committee declared to be improper and unjustifiable? Are the people justified in this belief? Are they right or are they wrong when they ask with impressive earnestness, Has not the rule of official accountability been held for naught, and have not positions of honor and of trust been made the bauble and the gift of personal preference, and capacity and honesty been among the last qualifications required? Have we not had bribery in the War Office? Are there not charges of swindling of pensioners, and of plundering in mail-lettings and in surveys of the public lands, of bribery at elections, of black-mailing of merchants, of conspiracies to cheat justice and acquit burglars, of disgrace in diplomacy and personal misgovernment? Are these charge not true? If the people be deceived in regard to these charges, if they be not true, give them the proofs and they will acquit you; give them the proofs, and they will not hold you responsible; but these issues are those to which the people at the present hour seem to apply their attention. They are the vital points, the pith and marrow of the struggle. If they are true, have they been indorsed? The seventeenth resolution at Cincinnati reads thus:

> The national administration merits commendation for its honorable work in the management of our domestic and foreign affairs, and President Grant deserves the continued and hearty gratitude of the American people for his patriotism and his immense services in war and peace.

I make no assertion that these charges are proved; I say they are in existence. They are for you to answer, and you have indorsed the Administration under which the people believe them to have been in existence. If these be not true, it is for you to show their untruth. It is very plain that the issues sought to be made to-day in this Chamber are not those to which I have endeavored to call attention. The issue that you seek to manufacture relates to the South. Your issue is to be based upon the misdeeds of the southern people. It is not the questions of cheap government, of honest government, of a sound financial policy; but it is solely on the outrages you claim have been perpetrated by the southern people that you seek to have the issue fought. We have had this in the speeches of the Senator from South Carolina, the Senator from Vermont, and the Senator from Indiana. We ask you, is your administration of the Government a cheap one? Let the increased expenses found in your annual Treasury reports answer that question. Is your financial policy a sound one? Let the condition of the business people of the country answer that question. Is your administration of the Government an honest one? Let the records of the past seven years and the belief in the minds of the people themselves answer that question.

Mr. SHERMAN. Mr. President, before I proceed with what I intended to say to-night, I wish to refer very briefly to one or two points made by the Senator from Pennsylvania, [Mr. WALLACE.] I express my profound regret that the Senator has deemed it his duty to make

the closing paragraphs of his speech. His quiet, kind, and I may say gentle way with us led me to form the impression that he would not do injustice to any one, and especially would not arraign the President of the United States and men high in authority on nameless charges and innuendoes. And now he says he makes no charge. He makes innuendoes, he repeats the common garbage of the street, the same kind of garbage that was published to defame the memory of Washington, Jefferson, Madison, and would have driven any man but Jackson to his grave, that haunted the life of every man who has had the misfortune to be President of the United States. He makes no charge. He repeats these baseless innuendoes and then says, "come forward with your proofs and disprove them." Is that the way in which a man and an administration and a cause are to be tried here? I believe my honorable friend from Pennsylvania will regret the closing paragraphs of his speech. The rest of the speech is *political*. He says so himself, and it was political if to be political is to be harsh and unjust; but he will find that it is not politic, because in politics a man must never exaggerate; he must lay down the line and plummet and pursue the mark of unbending truth.

Now, Mr. President, there were two statements made by the Senator from Pennsylvania that shocked me at once. He says that the republican party and my friend from Indiana, who is not here, put upon your record a statement that was not signed, that had no mark of official authority, that was published to the world, and is false. If I understood him correctly, that was the charge. Now upon the files of the Secretary, when he spoke and when the Senator from Indiana [Mr. MORTON] offered a printed statement showing the percentage of losses by defalcations during all the Administrations since 1834, there is and was an official document which accompanied the statements called for, and among which was the table read by the Senator from Indiana, and this document is signed "B. H. Bristow, Secretary of the Treasury." I will read the closing paragraph. After calling attention to the long list furnished, he says:

> In reply I have to transmit herewith the statement of balances called for, also a recapitulation showing the amount of such losses, also the amount of the receipts and disbursements of the Government for the same period and the ratio of losses per $1,000 to the aggregate received and disbursed, arranged as nearly as practicable in periods of four years each; also a statement showing, as far as known to this Department, the stocks held by the United States in trust or to secure moneys paid; as called for by the terms of the resolution.

There is his sign-manual, known I suppose to every Senator on this floor. This paper now belongs to the files of the Senate, and I produce it here. That recapitulation, as it is called, is a true statement taken from the records of the Treasury Department, and it is fortified by names to the last cent; and because we did not desire to print these names, which no doubt would do injury to many living and to the dead, therefore the statement which accompanied that list is to be denounced as having no official signature, no official sanction, and being false. I show you the official signature of Benjamin H. Bristow, a gentleman who at least has never been dishonored by falsehood, and this is the official document, the correctness of which is disputed in a *political* speech.

Then, in order to show that there had been large defalcations in the internal-revenue service, the Senator produced the old, stale story that I have myself three times during this session met by the official denial; and that is that a certain statement often made on the stump that official defalcations in the collection of internal revenue amounted to over $20,000,000, when the paper itself upon its face over the signature of R. W. Tayler, Comptroller, shows that it is not a statement of defalcations, but it is a statement of uncollected balances due from the people of the United States to collectors of internal revenue whose accounts are in process of settlement; and here is the document. It has been several times referred to. We also have the official statements since that time that the actual loss or defalcation on collections by collectors of internal revenue was something less than $2,000,000; the precise amount I have not now before me. All I can say as to these most striking statements made by the Senator is that if the rest of his figures are as wild as these the people of Pennsylvania will find it out before the election, and, instead of its being political, it will be a very bad document for my honorable friend. I will allude after a while to the statement in which he gives us credit for paying $3,891,000,000 interest and principal of the public debt. I pass that, however, for the present because that was the wildest statement of all.

Mr. WALLACE. The Senator will observe that I said the payments on account of the expenses of the Government and the debt since 1865.

Mr. SHERMAN. I did not so understand the Senator, but I give him the benefit of his correction. Before I get through I will give the exact amount collected during the time referred to.

Mr. BOUTWELL. Will the Senator from Ohio refer to the last-named document by its number, so that it may go in his speech?

Mr. SHERMAN. Executive Document No. 140, third session Forty-first Congress. It has been referred to before.

Now, Mr. President, this resolution has given rise to an extensive political debate, and in the course of that debate more than one Senator has referred to the democratic platform and to the commentary upon that platform by Governor Tilden, the candidate for President on the democratic ticket. Now, sir, I propose to subject this democratic platform and the commentary of Governor Tilden to some criticism; and in order that I may not do injustice, in order that I may not exaggerate and go beyond the bounds of reason, beyond the bounds of strict fact, I will have in the course of my remarks every paragraph of this platform and all that is material in the letter of Governor Tilden which bears on our currency and our public debt read to the Senate, and then I will test the promises and pretenses in this platform and in this letter by the actual facts and conduct of the democratic party.

Sir, neither an individual nor a party is to be tested by what it promises. The greatest scoundrel that ever lived could outpromise the most honest man that ever lived. It is the conduct and acts of a party, as well as the conduct and acts of an individual, that give it character, and it is the acts and tendencies of the party that will lead the people of the United States to decide whether or not this party can be restored now safely to power, and not the mere empty promises of a platform. My friend from Pennsylvania used one phrase that I thought was very well. He said the republican party was in the grooves, in the ruts; it was impelled by party necessity. I want to show what have been the grooves and the ruts and the party necessities of the democratic party by sober facts and figures; and, in order that I may not seek to go back and blacken the democratic party by what occurred during the war, I intend to confine myself mainly to that which relates to our currency and to our debt, and to show you here upon the record what has been the course of the democratic party upon the very topics embraced in the financial promises of this platform.

Mr. President, what is this platform? The first paragraph which relates to the subject now before us is a very brief one. It is in pursuance of the purpose which dictated this party platform of sounding often and long the word "reform." After acquiescing in all the great things we have done in the memorable disputes between the republican and democratic parties, they demand reform, and they go on to say:

> Reform is necessary to establish a sound currency, restore the public credit, and maintain the national honor.

"To establish a sound currency." Who established the present currency composed of United States notes and national-bank notes? The republican party, against the vote of nearly every democrat in both Houses of Congress. The United States notes were established by the act of February 25, 1862, and but two democratic Senators voted for it and they were wreathed with immortal honor from that moment. The national-bank act was passed here by a pretty close vote, not a single democrat voting for it. All our national-currency laws were republican measures, passed against the vote of nearly every democrat, and it is conceded now, not only by the people of this country of both political parties, but by the people of all nations who study the laws of currency, that we have established the best paper currency that has ever been devised by mortal man, lacking only one quality to make it perfect, and that is the capacity of being converted on the demand of the holder into gold and silver coin. Our national currency, the mode by which it is guarded, printed, surrounded, its absolute security against loss, all of these have excited the admiration of all, and earned the highest compliment from Governor Tilden for its strength and safety. How are you going to reform this system? What measure of reform do you propose about our United States notes and national currency? Do you propose in the name of reform to restore to the old State banks, with their many colored forms and various and changing value? Lay not you hands on this system except in the way of advancing the notes to par in gold and silver, which I will come to presently.

But they talk about "restoring the public credit." Restoring the public credit! When was the public credit higher than it is this day? How was it when the democratic party went out of power, when our bonds were sold at 11 per cent. discount——

Mr. BOUTWELL. Fifteen.

Mr. SHERMAN. Yes, sir, 15 per cent. discount; and they actually paid 10 per cent. interest to get money enough to carry on the ordinary operations of the Government.

Mr. CONKLING. Twelve per cent.

Mr. SHERMAN. Twelve per cent. was it? I always want to keep within the line, and I will not exaggerate knowingly. But, sir, they talk about restoring the public credit. All our bonds to-day are worth more than par in gold in the money markets of the world. We are now offered money, gold, upon our bonds at 4½ per cent.; and the House of Representatives refuse to give the Secretary of the Treasury the power to sell a 4½ per cent. bond of a particular description in order to accomplish the great reduction of 1½ per cent. interest on nine hundred and eighty-five millions of bonds now bearing 6 per cent. interest. We early in this session, without a party division, by the unanimous vote of the Senate, my democratic associates joining with us, passed a bill to make some change in the funding law so that we might negotiate 4½ per cent. bonds at par in gold. We could have done it in April last, but the House refused to do it, or have neglected thus far to do it. Restore our credit! Our credit is second only to that of Great Britain among all the nations of the world, and Great Britain is a nation of unexampled wealth, drawing to her stores and supplies from every country in the world. But, sir, to-day the bonds of the United States are worth more than those of Germany or France, or any other country only save Great Britain.

And now, forsooth, we are to bring the democratic party back to restore our public credit!

What is the next thing they are going to do in the way of reform? To maintain the national honor! When before was the national honor more highly advanced than it is at this moment? Who has upheld the national honor in the field of battle and in foreign courts, at home and abroad, in war and in peace? In 1869 when a dangerous controversy as to the construction of our bonds sprang up, who was it that upheld the national honor? The republican party against the vote of every member of the democratic party in the Senate, as I will show you in another connection. We, forsooth, are to restore the democratic party in order to preserve the national honor!

What is the next paragraph in this platform?

We denounce the failure for all these eleven years to make good the promise of the legal-tender notes, which are a changing standard of value in the hands of the people, and the non-payment of which is a disregard of the plighted faith of the nation.

We are charged with the failure of advancing our notes toward par in gold, or advancing them at all. Now let us see what is the history of these notes. During the war, when the republican party was conducting the administration and was struggling against adversaries which almost endangered and overthrew our Government, our credit did fall down and our notes fell with it, until it was true at one time, in the darkest hours, that $48,000 of gold would, to use the case put by my friend from Pennsylvania, [Mr. WALLACE,] have bought $110,000 of paper money. Was that our fault? Are we responsible for that? No, sir; and at the close of the war our notes were still so far depreciated that they sold in 1865 for from 48 cents to 68 cents in gold. What, then, did the republican party do to advance these notes to gold? By an almost unanimous vote of both Houses we passed a resolution declaring that the Secretary of the Treasury, Mr. McCulloch, should proceed to fund the floating debt and contract the greenbacks, and thus march toward specie payments. That process was arrested by a strong popular feeling that grew up after it had been in operation about eighteen months—so strong that in this Senate every democrat voted to stop that contraction. In the House I believe every democrat voted for it, and every republican in the Senate also voted to stop that contraction except four, two from New England and two from the State of New York. I was one of those who voted to arrest, for the time, the contraction of the currency. If we caused a check of our progress toward specie payments, I share with others and all the democrats in both Houses must share in that responsibility. But still we did pursue the steady policy of funding all the floating indebtedness and carried it out, so that in 1869 our notes had been advanced to 76 cents in gold. What was done then? Then the question came up how to strengthen the public credit, how we should advance our notes still further toward the coin standard; and the republican party, after a long debate, in March, 1869, introduced and passed the bill called the "bill to strengthen the public credit." Who did that? Where were my democratic friends then? Where was this party that now denounces us with political crime because for eleven years we have not advanced to a specie standard? There and then was the opportunity which removed the last doubt upon the United States notes and the bonds. The questions that then clouded our credit were, first, whether or not the bonds might not be paid in greenbacks; and second, whether we intended to pay the greenbacks in coin, or intended to let them drift along, supported alone on the uneasy wave of public credit. We settled those questions by the "act to strengthen the public credit," by declaring that both bonds and notes should be payable in coin. This act plainly tended to advance our public credit and the value of the legal-tender notes. Where were our democratic friends then? I have here the vote. The vote in the Senate was 42 in the affirmative and 13 in the negative, as follows:

YEAS—Messrs. Abbott, Anthony, Boreman, Brownlow, Cameron, Cattell, Chandler, Conkling, Corbett, Cragin, Drake, Edmunds, Fenton, Ferry, Fessenden, Gilbert, Grimes, Harris, Howard, Kellogg, McDonald, Morrill, Nye, Patterson, Pool, Pratt, Ramsey, Robertson, Sawyer, Schurz, Scott, Sherman, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, Willey, Williams, Wilson, and Yates—42.

NAYS—Messrs. Bayard, Carpenter, Casserly, Cole, Davis, Morton, Osborn, Rice, Ross, Spencer, Stockton, Thurman, and Vickers—13.

There is not a single democrat among the yeas, and I recognize among the nays many of the honored leaders of that party that now arraigns us for delaying for eleven long years the march toward specie payments. That act which everybody sees now was the crucial point which advanced us rapidly toward the specie standard was opposed by the whole mass of the democratic party. By the operation of that act in a single year our notes rose from seventy-six cents to eighty-eight cents in coin, so that in March, 1870, our United States notes were worth eighty-eight cents in coin. There was but one step necessary then to be taken in order to bring those notes up to par in coin, and that was some suitable measure to gradually redeem a portion of them and to maintain them at par.

Now I wish to recall to the mind of Senators what occurred in 1870. The Committee on Finance matured a bill which was brought into the Senate and debated for many days; it was called the funding bill of 1870. I have here a copy of that bill as it passed the Senate. It passed the Senate with every republican in the Senate in favor of it and every democrat in the Senate opposed to it. Before I read the provisions of that bill and show you what effect it would have had in advancing our notes to the par of gold, I call your attention to the vote. I do not wish to arraign gentlemen by name, but only give the vote as it stood. The yeas were 33, and the nays 10; as follows:

YEAS—Messrs. Anthony, Chandler, Cole, Conkling, Edmunds, Fenton, Ferry, Fowler, Gilbert, Harlan, Harris, Howard, Howell, Kellogg, Morrill of Vermont, Morton, Osborn, Pomeroy, Pratt, Ramsey, Revels, Rice, Sawyer, Schurz, Scott, Sherman, Stewart, Sumner, Thayer, Tipton, Warner, Williams, and Wilson—33.

NAYS—Messrs. Bayard, Boreman, Buckingham, Casserly, Corbett, McCreery, McDonald, Sprague, Stockton, and Thurman—10.

Not a single democrat voted in the affirmative. Thus that bill passed this Senate March 11, 1870. It has in it the provisions now recommended by Governor Tilden himself; and yet these gentlemen, now as then the leaders of the democratic party, voted in 1870 against the very proposition that he and they now in their platform denounce us for opposing and hindering. While we voted for what he proposes now, they voted against it. Here is the bill as it passed the Senate. The first two sections were very much like the present refunding act. By the third section authority was granted to the Secretary of the Treasury to issue 4 per cent. gold bonds, "payable in coin at forty years from date;" and it contains this provision:

And such bonds may be disposed of, either in the United States or elsewhere at not less than their par value, for coin, or, *at the discretion of the Secretary, for United States notes; or may be exchanged at not less than par for any of the obligations of the United States* outstanding at the date of the issue of such bonds.

Here is precisely what Governor Tilden himself now recommends, and that bill went to the House, and there a united democratic vote, with the aid of a portion of the republican vote, who had then already caught the idea that more paper money would be a good thing, defeated the funding bill of the Senate, and sent us back portions of it now the law called the refunding act. And yet we are denounced by the democratic party, sanctioned by Governor Tilden, for preventing the advance of these notes to gold; for not doing what with their utmost and united strength and votes they tried to prevent us from doing.

Now let me read from another section of this funding act that was stricken out by the House. The eighth section of the bill provided—

That the amount of circulating notes which any bank may receive from the Comptroller of the Currency under the provisions of section 21 of said act may equal, but not exceed, 90 per cent. of the par value of the bonds deposited, but shall not exceed in the aggregate the amount to which such bank may be entitled under said section.

That is, in order further to advance the notes to par, we required instead of 90 per cent. to be issued only 80 per cent., and thus provided for a retirement of bank-notes as well. We further provided in the last section—

That as circulating notes are issued under this section an equal amount of United States notes shall be canceled and destroyed.

Mr. BOGY. That bill did not pass the House where your party had a large majority. The democrats had hardly enough members to call for the yeas and nays.

Mr. SHERMAN. I intended to answer that. You say why did it not pass the House when the republican party had the majority? I answer that the democrats did all they could to defeat it and had aid from the republican party; but I ask you, does it lie in your mouths to arraign us because we could not do what we attempted and what you helped to prevent us from doing?

Mr. BOGY. At a proper time I can explain that the bill was injudicious, in my estimation; but the democrats had no power to prevent its passage even if it had been a good bill. Yet that bill itself I think can be shown to be injudicious.

Mr. SHERMAN. Governor Tilden now recommends the very things contained in that bill, and, because we could not carry both Houses in favor of the proposition and you aided to defeat it, we are to be arraigned by you! Well, sir, if that is what you call logic in politics, God save me from such logic. I know that the minority is not responsible for what is done, but it is responsible for what it helps to prevent and what it aids in doing. A minority should not lie back like a stubborn mule in the traces and prevent the wagon from going on. It may not lead the team, but it must do its duty. And, sir, I never heard yet in a legislative body or in any community or in any party, in a family or in a household, that, because one member has not the direction and command and control, he will therefore do nothing. A soldier, a captain, a colonel may not give an order; the general must command as the majority must in a legislative body; but must therefore the soldier and the captain and the colonel lie back and do nothing? And, worse, shall he oppose and resist and then shall he arraign the general because he could not do what these soldiers prevented? That is the position of the democratic party. And now Governor Tilden and the Saint Louis convention scold at us that for eleven years we have not advanced these notes to par in gold when they have resisted our efforts and every honest effort made in that direction.

Now I will go a little further. During all these controverted eleven years no democrat, high or low, in either House of Congress ever proposed a bill or measure that looked to resumption.

Mr. BAYARD. I do not know that the Senator exactly has a right to say that.

Mr. SHERMAN. Have I not?

Mr. BAYARD. I think not.

Mr. SHERMAN. Give me a case.

Mr. BAYARD. I can. If you will go to your committee-room you will find there a measure of the most stringent resumption that you ever had in your hands, sir, and have not brought it into this Senate for the last three months, and which has the votes of the three democratic members of that committee.

Mr. SHERMAN. What is that bill?

Mr. BAYARD. It is about the resumption of specie payments. You are aware that since I came into this body and had a seat upon the committee of which you are chairman there never has been an act, there never has been even a measure that had a face toward speedy resumption that I have not stood firmly by from the beginning to the end. We had no control to bring measures in the Senate, and the Senator ought not to stand here and say that the democratic party have not stood, as he knows they have stood in this Senate upon his committee, in favor of the sternest measure of specie resumption.

Mr. SHERMAN. Mr. President, I do say that the Senator from Delaware has been from the beginning an earnest, able, and conscientious advocate of every measure toward resumption, but his party has not been.

Mr. BAYARD rose.

Mr. SHERMAN. I hope my friend will not interpose. I now say again, and I will allow any gentleman to interrupt me so as to tell me the measure, show me a single measure tending to produce resumption or in that direction introduced by a democrat or by the democratic party and voted for by the democrats during these eleven years to promote and provide for specie resumption. Individual members have been faithful to their duty. My friend perhaps went a little beyond the rule in referring to what occurred in committee. The bill that he alluded to I suppose is the bill of the Senator from Vermont, [Mr. MORRILL,] is it not?

Mr. BAYARD. I referred to a fact within the Senator's own knowledge, as I think. My party was but a mere handful; when I came here we had but eight members of this body, and I was the sole democrat upon this Committee on Finance. The Senator knew what my action had been; he knew that I had represented my party; and yet in my presence he arraigns us for the failure to restore specie payments. I thought he had no right to do so, and I brought the fact back to his own knowledge, which justified me in saying what I did.

Mr. SHERMAN. I do not yet exactly understand the fact the Senator alludes to. If it is the fact that we have before us a bill that tends toward specie payment, introduced by the Senator from Vermont, [Mr. MORRILL,] undoubtedly that is true; but what occurred upon that bill, I do not think I am at liberty to state or even to refer to. Leave out that fact, and the Senator will find, and I again call his attention to the point, that the bills introduced for specie resumption were by republicans. Whatever might have been his action and his individual efforts, the party with which he is associated have steadily opposed these measures. I throw out of view as entirely immaterial all the long debates we had in the session of 1873–'74 when there was a development of a great variety of opinion in both political parties. I lay that out of view and hold no man responsible for it. But the republican party did at the next session of 1874–'75 resolve that they would take some distinct and definite step toward specie resumption, and we introduced a bill for that purpose; and that bill, called the resumption bill, was voted against by every democrat in this body and in the House also.

Mr. BAYARD. The Senator is in error if so small a fraction as I was in that party may be considered. I did not vote against his bill.

Mr. SHERMAN. Did you vote for it?

Mr. BAYARD. I did not, and I gave my reasons to the Senate. I thought it was a bill no honest man could vote for.

Mr. SHERMAN. I had forgotten that he did not vote. I think the Senator will bear me witness that I would not do him injustice for a moment. Now since he mentions it I recollect it. But every democrat who did vote, voted against it; and, if he chose to withhold the power of the State which he represents here so ably from the consideration of that question, we must still look to the balance of the leaders of the democratic party to see where their flag is.

Now I want to come to the next proposition. The fifth proposition contained in this platform is this:

> We denounce the improvidence which in eleven years of peace has taken from the people in Federal taxes thirteen times the whole amount of the legal-tender notes and squandered four times this sum in useless expense, without accumulating any reserve for their redemption.

Here we have got the democrats on a fair simple question of arithmetic. Now let us test that question. Can I be mistaken that a great party now seeking to be restored to power in this country could make a statement like this if it is not true?

I find by the tables before me that the greenbacks outstanding are $369,619,228, and I find that thirteen times that is $4,705,050,964. I have here a statement of the aggregate receipts from all sources—not from taxes alone, but from all sources—from customs, from internal revenue, from direct taxes, from premium on loans and sales of gold coin and miscellaneous items, from the first of July, 1865, until the first of July, 1876, being a period of eleven years, was $4,192,633,801. This sum includes premium on loans and sales of gold, which ought not to be considererred because it is not part of the revenue, for it is largely used and balanced by premium on bonds purchased, thus reducing the aggregate revenue to near four thousand millions; but I take the entire aggregate of all the receipts of every kind that came into the Treasury of the United States. If then we take the difference of these two sums we find that these democratic platform-makers have made a mistake in a simple question of arithmetic of $512,417,163. That is not much. My friend from Pennsylvania can beat them on figures. But still when a great party undertake to state facts and multiply and divide, they ought to give true results.

Now let us go a little further. They say we have squandered four times the amount of the greenbacks; four times the amount of the greenbacks is $1,478,476,912, or say, in round numbers, $1,500,000,000 that we have wasted and squandered. If the republican party has squandered $1,500,000,000 it deserves impeachment almost as bad as the democratic party, but not quite, for different reasons that I will not stop now to enumerate. But let us see what became of this $4,192,000,000; and here again I turn to the official documents, and these are drawn from the same official statements. I find that we have paid on the principal of the public debt between the dates named $500,252,802; interest on the public debt $1,335,344,845; we have paid on pensions $296,239,865; in all $2,131,000,000 for these three items; and that is more than one-half of the whole amount I have got to account for. And what were these items? Is the republican party responsible for these items? Are we responsible for the public debt? Are we responsible for the interest paid on that debt? Are we responsible for the pensions paid to the poor disabled solders without arms or legs, blind and wandering over our country, or their widows and their orphans?

Mr. EDMUNDS. If I may interrupt my friend, for one I am obliged to say that I think we are, for if we had not been they would not have got them.

Mr. SHERMAN. I have not taken that view of it; but I think the common public mind of this country holds the rebels of the South responsible. Although they suffered like us, yet it was their attempt to break up this Government of ours which we were bound in honor and manhood to defend to the last gasp at whatever cost of life or treasure. I think the commonest sentiment even of our own friends at the South, late our enemies, is that they are responsible for this. They thought they were fighting in a good cause. We knew we were fighting in a good cause; and if at the expense of the loss of hundreds of thousands of our bravest men, at the loss according to the estimate of Mr. Wells of some $7,000,000,000 of treasure, at a loss of all the interest that may accumulate and all the pensions that may be paid, yet we consider the result as of priceless value beyond measure either of men or money. Thank God that by these sacrifices we have a country extending from ocean to ocean, from Maine to Louisiana, with no hostile lines crossing our plains, our rivers, our mountains—one country, one and indivisible; and I trust so will be until time shall end. For this inheritance which we have won for those who come after us we count this treasure as not lost but won.

Now, sir, I have accounted for more than half already of this large sum that we are charged with. What else? We have paid in bounty and other war claims and other expenditure of the war, which are conceded by everybody to be the direct result of the war, the amount of $453,424,048.91.

Mr. DAVIS. Between what dates?

Mr. SHERMAN. I gave the dates, July 1, 1865, and June 30, 1876.

Mr. DAVIS. Is that the same date published here?

Mr. SHERMAN. Precisely the same; and I here call the attention of my friend from Connecticut, [Mr. EATON,] who I believe is not present, who complained a little about a statement sent here by Mr. Conant. I have no doubt that that statement is true upon the logical basis upon which it rests; but I prefer not to go so far, and not to charge as war losses many of the items mentioned by Mr. Conant; but I take as the basis of my statement the statement prepared mainly I think by General GARFIELD, at any rate introduced in his speech of February 24, 1875, showing the nature and character of the claims paid in two years that make up this sum of $453,424,000 paid on war expenses during the eleven years referred to, and I will read some of them.

The great body of them is the bounty claims; unpaid money due soldiers at the close of the war, and paid after June 30, 1865; prize-money due captors; collecting and drilling volunteers; pay of two and three year volunteers; defending suits for seizures of abandoned and captured property; various relief acts; payment to captors of rebel ram Albemarle; bounty for destruction of enemy's vessels; claims of loyal citizens for supplies furnished during the rebellion, and so on. Here is a formidable list that I will not repeat, because it is contained in the CONGRESSIONAL RECORD, which shows you the elements upon which this computation is made.

I have also the statement of Mr. Wells, of the State of Connecticut, who became specially expert in examining questions of revenue, and he states in one of his official reports—I think it was in 1869–'70—the cost of the war, and he says that the payments made out of the current Treasury even at that time were more than one-half the expense of the National Government. I have taken none but what are deemed to be proper items to make up this sum of $452,424,048, and I have the details here by years, giving the amount each year, which I will embody in my remarks, showing the amounts of such undisputed war claims as were paid out of the current receipts of the Treasury:

War expenditures from July 1, 1865, to July 1, 1876.

Year.	Pensions.	Interest on public debt.	Miscellaneous expenditures on account of war estimates.
1866	$15,605,352 35	$133,067,741 69	$165,370,809 83
1867	20,936,551 71	143,781,591 91	51,595,174 85
1868	23,782,386 78	140,424,045 71	64,084,439 85
1869	28,476,621 78	130,694,242 80	36,162,628 49
1870	28,340,202 17	129,235,498 00	29,764,704 08
1871	34,443,894 88	125,576,565 93	15,522,679 46
1872	28,533,402,76	117,357,839 72	22,007,124 94
1873	29,359,426 86	104,750,698 44	23,152,300 51
1874	29,038,414 66	107,119,815 21	18,012,200 63
1875	29,456,216 22	103,093,544 57	15,332,273 96
1876	28,257,395 69	100,243,271 23	12,419,012 31
Total	296,229,865 86	1,335,344,845 21	453,424,048 91

War expenditures	$2,084,998,759 98
Principal of public debt paid during eleven years above	500,252,802 59
Total	2,585,251,562 57

What is the aggregate of these items?—$2,585,251,562.57. Besides those that I have deducted, I have left as still to be paid out of the ordinary run of the Treasury many claims that ought manifestly to be charged to war claims. Almost every branch of expenditure was largely swollen as the unavoidable result of the war: the vastly increased expense of collecting this large revenue, the enormous increase of our judiciary fund growing out of disturbances the direct result of the war, and various other items about which there may be some dispute. I have only taken those that are undisputed; and what is left? When we deduct these $2,585,251,562 from the $4,192,000,000 of gross receipts there is a balance of $1,607,000,000 to pay all the expenses of the Government for eleven years, Army and Navy, Congress and the civil list, judiciary and foreign intercourse, all the multiplied operations of the Government, including the purchase of Alaska, including the innumerable items that have tended to swell the expenditures since the close of the war; and yet they tell us we have squandered $1,478,000,000 out of the $1,607,000,000. That is a simple sum in arithmetic. That is the basis of gross error upon which this Saint Louis platform rests; and I say that, while a great deal is excused in political warfare, the man who framed that plank in your platform ought to be called to an account by you for a vast fabric of demonstrated falsehood.

But, sir, that is the plank that will be rung upon on all the stumps of this country. We are charged with squandering nearly all the money that is left after paying the undoubted war claims out of $1,607,000,000 out of which the expenses of the Government were paid, and I have no doubt very large sums, perhaps three hundred millions or more of this sum of sixteen hundred and seven millions, were expenditures directly traceable to the war. But let us pass from that.

There was one rather strange spectacle presented by that Saint Louis convention, considering its composition, considering the men who controlled it and ruled its counsels. They arraign the republican party because we have honestly paid our debt, principal and interest, and paid enormous claims in the South, amounting to over $100,000,000, and several hundred millions in bounties and back-pay to our soldiers; and when we have done that, to find the men who composed the Saint Louis convention, largely composed of the leaders of the rebellion, criticising us for squandering the public money it seems to me is rather a strange and novel spectacle; but we are accustomed to such novelties now.

But let us take the next plank in this platform:

> We denounce the financial imbecility and immorality of that party which during eleven years of peace has made no advance toward resumption and no preparation for resumption, but instead has obstructed resumption by wasting our resources and exhausting all our surplus income, and while annually professing to intend a speedy return to specie payments has annually enacted fresh hinderances thereto. As such a hinderance, we denounce the resumption clause of the act of 1875, and we here demand its repeal.

Mr. President, I think the philosophy of political management in making a platform has exhausted itself in that plank. It is founded upon the false pretense that the democratic party ever favored resumption. I think I have sufficiently shown that. Then it goes on and denounces us for hindering resumption, for annually enacting fresh hinderances, or as devising such a hinderance as the fixing of a day for resumption. This is the logic of this plank: "We, who were always in favor of resumption, charge you with always hindering resumption and passing annual acts to prevent it." Governor Tilden, in his commentary, says we did it repeatedly to hinder resumption, "and we completed the hinderance by passing the resumption act fixing a day for resumption." That resumption act I now say in the face of the American people has resulted much more favorably than I had hoped. I introduced it with fear and doubt, believing that it was not powerful enough to accomplish the good that it has done. Let us look at it. Under the operations of the resumption act we have retired $29,200,000 of bank-notes by the voluntary action of the banks, merely in their effort, each for itself, to strengthen itself in view of resumption. We have also retired $12,380,772 of United States notes which are paid and canceled, not hereafter to be redeemed in coin. We have also provided for the actual redemption and cancellation of the whole amount of the fractional currency which is now being superceded by silver coin of the old standard and weight. Thus much has already been accomplished. It is only a year and a half since the act was passed, and we have already retired over $41,000,000 of currency; we have provided for the retirement of $45,000,000 of fractional currency; and we are now this moment at resumption in silver coin, the ancient coins of the United States.

I will now read the jeremiad of Governor Tilden over this resumption act:

> The act of Congress of the 14th of January, 1875, enacted that on and after the 1st of January, 1879, the Secretary of the Treasury shall redeem in coin the legal-tender notes of the United States on presentation at the office of the Assistant Treasurer in the city of New York. It authorizes the Secretary to prepare and provide for such resumption of specie payments by the use of any surplus revenue not otherwise appropriated, and by issuing, in his discretion, certain classes of bonds. *More than one and a half of the four years have passed. Congress and the President have continued ever since to unite in acts which have legislated out of existence every possible surplus applicable to this purpose.*

Here is a severe arraignment of somebody for not passing acts in aid of resumption since the 14th day of January, 1875. That is the complaint made by Governor Tilden against Congress and the President. The republican party confess that they made the law providing for resumption of fractional currency, providing for the gradual retirement of greenbacks and bank-notes, but we have not provided the means of resumption! It is sufficient to say that, if Governor Tilden had read that resumption act through, he would have found there the most ample means furnished by the act itself to the Secretary of the Treasury to bring about and maintain resumption at the time named. He has the whole power of the Treasury of the United States and all the credit of the Government, the power to issue any of three classes of bonds. But, waiving that, suppose there were defects in that resumption act, and its only defect that I know of was that it did not contain specific measures and directions to the Secretary as to the mode and manner of resumption and as to the means to resume; that defect I pointed out when the bill was introduced, and I also stated that if the resumption act was defective in this respect Congress would be in session every year and it was to be presumed that Congress would provide any additional legislation necessary to accomplish the end in view. That was known to everybody, and now Governor Tilden denounces Congress and the President in these unmeasured terms:

> More than one and a half of the four years have passed. Congress and the President have continued ever since to unite in acts which have legislated out of existence every possible surplus applicable to this purpose.

What has the President done? It is the President that is arraigned. That act was passed on the 15th of January, 1875. Congress adjourned on the 4th of March, 1875. On the 4th of March, the republican party lost its power over Congress, much to the regret I believe of the people of the United States. From that time on there is other responsibility than ours for the acts of Congress. If it was necessary to pass ancillary legislation in aid of resumption, Congress must pass it. What has the President done? The President in his annual message to Congress expressly called attention to the fact that the proper means were not pointed out by this act and called upon Congress to give him the means. Here is the annual message of President Grant last December, now nine months ago. The President in his annual message recommends—

> That the Secretary of the Treasury be authorized to redeem, say, not to exceed $2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent. per annum, of denominations ranging from $50 to $1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.
>
> Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof.

General Grant recommended this Congress to do precisely what Governor Tilden says they have not done. They assail General Grant every day of their lives with the vilest calumny—a man who carried our banner through its danger in battle, whose life is distinguished by heroism, and whose name will be remembered with honor and veneration long after all of us have disappeared from the memory of time. He is arraigned as Washington was arraigned, like a common criminal; but this thing that he asked this Congress to do, this House to do, is what Governor Tilden says now ought to be done. Governor Tilden yet has the heart to arraign General Grant, and General Grant recommended as President precisely what Tilden says he would recommend. I will show you that Tilden in his letter has only quoted the identical recommendations of Grant almost word for word; that is, a funding bill and an accumulation of gold. And yet Governor Tilden, governor of New York and President that would be, arraigns the President for doing exactly what he advises should be done. The Secretary of the Treasury also fortifies the recommendation of the President by asking that—

> Authority be given for funding legal-tender notes into bonds bearing a low rate of interest.

There is what the President and his chief executive officer have done; and yet Governor Tilden arraigns them for doing it and says

Congress and the President have continued ever since to unite in acts to prevent resumption. If Congress has done it, who is responsible? Is the Senate responsible? We sent to the House a bill that would have lowered your rate of interest on the large mass of the public debt 1½ per cent. per annum. What attention did they pay to it? None whatever. What bill have they introduced to carry out the recommendation of General Grant or Governor Tilden? Where is the act introduced in the House of Representatives to accumulate gold or to provide for funding? None; and now I will tell you why it was not done in the Senate. It was because we knew it would tend to prevent the introduction of such a bill in the House. I say that such a bill funding United States notes into a 4 per cent. coin bond was not reported, such a one as we reported in the Senate in 1870, because we believed the passage of it in the Senate might tend to defeat it in the House. We could fairly infer this, because our passage of a funding bill to redeem 6 per cent. bonds with 4½ bonds by a unanimous vote was ignored by the House. I can tell my friend from Delaware that I could convince him that we were justified in that belief.

Mr. BAYARD. Every man must act on his own responsibility.

Mr. SHERMAN. Governor Tilden arraigns Congress for not introducing a bill to provide for funding. He arraigns his own party. One would suppose, in reading this letter of his, that he was arraigning the republicans. Sir, the power has passed from us to the other House. We had power in Congress for only six weeks after the resumption act passed, and the democratic House has had the power for nine months to pass such an act, and yet Governor Tilden arraigns the President for doing what he advises, and in so doing he arraigns his own party, the democratic House, for not introducing such a proposition as he promises, as he favors, or says he favors. Thus we have the actual fact of a democratic House, representing the democratic masses, showing what they intend to do when they have the full power of this Government, and the mere empty, bald, scolding words of the presidential candidate, chosen by that party, as to what he will try to do if Congress will allow him to do it. Why, Mr. President, it does seem to me that it presents the candidate for the Presidency on the democratic ticket in a very awkward position, arraigning his own democratic associates.

I wish now, Mr. President, to call your attention specially to the last paragraph of this plank in the democratic platform, which I charge here and which I will now prove was an afterthought inserted in this plank against the wishes of Governor Tilden; against his desire—as a political trick intended to carry an election; that he was opposed to it, and yet he devotes nearly one-half of his written letter in trying to convince somebody that fixing a day for resumption was a hinderance to resumption. I have read in the Star this evening a little paragraph which paraphrases the letter of Governor Tilden very well. It is the logic of a bummer applying to his promises the logic of Governor Tilden as to the promises of the United States in the resumption act:

"I have it," remarked an impecunious bummer on the Avenue Saturday, pausing in his perusal of Tilden's letter. "I know how to make 'thoughtful men' believe I'm going to pay my debts. I'll take back my specific promises to pay 'em. That'll fix it. Why the d—l didn't I think o' that? These promises o' mine destroy all confidence among thoughtful men, whose judgment will at last sway public opinion. An attempt to act on such promises would be a fresh calamity, prolific of confusion, distrust, and distress. Yes, sir; that's been my great financial failure—a makin' promises."

Mr. Tilden believes that the best way to keep a promise is to withdraw it. These notes are outstanding now with a law upon our statute-book that you will redeem them at a certain time. The best way is to withdraw that promise! That is his logic; and this, in order to secure confidence, not for the note but for the maker of the note, the man who withdraws the promise!

I proceed to show you, Mr. President, by a reference to the proceedings of the convention in Saint Louis, that when the friends of Governor Tilden went there they went determined to carry the plank that was read to you without the last clause which demands the repeal of the day fixed for resumption; but in the committee on resolutions this particular paragraph was added by the vote of those who were called inflationists. That clause was added against the remonstrance of those who supported and favored the nomination of Governor Tilden. Afterward when this resolution as I have read it to you was reported to the convention General Ewing, of Ohio, dissatisfied with the disingenuousness of this plank in the platform, seeing how totally ridiculous it left the Ohio democrats who the year before demanded more paper money and opposed all plans for resumption, insisted upon striking out this plank that has been read to you and inserting another provision, and I will now read from the New York Wold what occurred:

General Thomas Ewing, of Ohio, at the request of several members of the committee, presented a minority report as to one phrase of the platform, as follows:

"That the following clause in the resolutions be stricken out: 'As such hinderance we denounce the resumption clause of the act of 1875, and we here demand its repeal.'"

Mr. EWING. I desire to briefly state the objections to the clause which we propose to have stricken out: It denounces one clause only of the specie-resumption law, the clause fixing the time for the resumption of specie payments, leaving the rest of the act to stand unobjected to, and, by implication, approving it. But why does it object to the clause? Because it is destroying the business of the country in connection with the balance of the law! Not at all; but merely because it is a hinderance to specie payments, the fair inference being—at any rate, if not a fair one, an inference that will surely be drawn—that the objections of the national democratic party to the specie-resumption law are confined only to the date for resumption, and the objection to that date is a hinderance to resumption, and the construction will be given, and with some degree of plausibility at least, that the democratic party want resumption earlier than the day fixed. [Applause.]

Such was the statement made by General Ewing at the time. Hear the answer of Mr. Dorsheimer:

Mr. DORSHEIMER. I do not propose to speak upon this matter at length. I propose here to make a straight issue between soft and hard money. [Tremendous cheering.] By that we stand or fall. [Cheers.] If you want soft money, give your votes to the resolution offered by the most distinguished soft-money advocate in the United States. [Cheers and hisses.] But if you want to leave to the hard-money men some chance to carry their State, then stand by the report of the committee, [cheers,] which was a compromise so great that a protest has been signed by every one of the eastern democratic States, and to which I have put my signature. [Cheers.] Here is a middle ground which does leave some hope; but if you declare, in the language of the gentleman from Ohio, [General Ewing,] for a repeal forthwith, then abandon all your hopes. [Cheers.]

No one can read this debate that occurred in the Saint Louis convention without perceiving at once that this last clause was a trick, a device, with a double meaning, intended to be used in different sections with that double meaning. In Ohio and in the Western States it would be held that the repeal of the resumption clause was a repeal of the resumption act, and it is already being so done, while in New York it would be held that the repeal of the resumption clause was simply to wipe out of the way a hinderance to resumption, so that resumption could come sooner; and this double-dealing is plainly shown by the phraseology of the plank itself and by the debate that occurred there. Mr. Dorsheimer said: "We have given you all we can or dare do, and we have adopted this phraseology as a compromise and there we will stand." General Ewing might put his own construction on it and Mr. Dorsheimer might put his, and this is the thimble-rigging manipulation in the presence of the people of the United States on a question that so deeply affects them; we know that will be the result. Governor Tilden's letter, the whole tenor of it, shows a careful balancing of words. He conned and parsed over for more than a month words that when you read them one way mean so, and when you read them another way mean otherwise. It was carefully studied. Trained as he is in the school of Mr. Van Buren, or in the school of that greater statesman, Talleyrand, who believed that words were invented to conceal thoughts, the language is carefully weighed and framed so that it will read well in Indiana and well in New York, bearing a different interpretation wherever it is read, according to the humor and whim of the man who reads it. But Governor Hendricks states distinctly in a letter which was published why he wants the resumption clause repealed by the House of Representatives. He wrote to a Representative in Washington that "a repeal of the resumption clause in almost any form will elect the State ticket and carry the Indianapolis district." It was the election in Indiana and in the Indianapolis district which cursed the House after eight months of weary studying and doubt to finally tremblingly send to us a provision to repeal a single clause of the act, and now when you read the act without that clause it is very hard to tell what effect that action of the House if adopted would have upon the meaning of the act.

Mr. EDMUNDS. If the Senator will yield I move that the Senate adjourn.

Mr. DAVIS. I should like to ask a question before we adjourn. Did I understand the Senator from Ohio to say that between June 30, 1865, and June 30, 1876, the reduction of the debt was $500,000,000?

Mr. SHERMAN. Over $500,000,000. I have given the exact figures.

And then, on motion of Mr. EDMUNDS, (at ten o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 9, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PARTITION OF REAL ESTATE IN THE DISTRICT.

Mr. LAWRENCE. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia, with an amendment by the Senate, for the purpose of moving that the House non-concur in the Senate amendment and ask a committee of conference.

There was no objection, and the bill was taken from the Speaker's table.

Mr. LAWRENCE. I move that the House non-concur in the Senate amendment and ask a committee of conference.

The motion was agreed to.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. WADDELL. I desire to renew the motion I made yesterday. I ask unanimous consent to take from the Speaker's table and put on its passage the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships. I propose to offer an amendment to correct the date by striking out "7th February, 1865," and inserting "17th February, 1865."

There was no objection, and the bill was taken from the Speaker's table, and read a first and second time.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read. It authorizes the Postmaster-General to accept from the Pacific Mail Steamship Company, for service in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; said iron steamships to be substituted for any wooden side-wheel steamers now lawfully doing service under the act of Congress of February 7, 1865; provided that nothing contained in the bill shall be construed as creating, reviving, or recognizing any claim now pending, or as a basis of any claim which may hereafter be preferred, against the United States by said steamship company growing out of any existing law or contract whatever, except such as may lawfully exist under the law of February 7, 1865.

Mr. RANDALL. I ask the gentleman from North Carolina whether this bill in any way extends the subsidy heretofore granted.

Mr. WADDELL. Not at all. The committees of both Houses were particularly careful in framing the language of the bill. As the name Pacific Mail Steamship Company was not of a very odorous one, we were on our guard and tried to protect the Government from any responsibility whatever.

Mr. RANDALL. The subsidy, if I understand it rightly, expires in two years.

Mr. WADDELL. The contract expires next January.

Mr. LUTTRELL. Next December.

Mr. WADDELL. The sum and substance of the matter is this: Under the contract of February 17, 1865, for carrying the mails the steamships were described in the contract and were to be of a particular character. Since that time this company has built new iron steamships, and when it went to the Department to obtain the privilege of carrying the mails in them the Department decided that under the law the mails could not be carried in any other character of steamships than those described in the contract. On behalf of the committee, in order to correct an error of date, I move to amend the bill by striking out "7" and inserting "17," after the word "February," wherever it occurs in the bill, so that it will read "February 17, 1865." And in order to obviate an objection which was suggested to me yesterday by some gentlemen on this floor I will move, with the consent of the Committee on the Post-Office and Post-Roads, to strike out the last clause of the proviso, which is as follows: "Except such as may lawfully exist under the law of February 7, 1865, above referred to."

Mr. RANDALL. I ask that the Clerk again read the proviso.

The Clerk read as follows:

Provided, That nothing herein contained shall be construed as creating, reviving, or recognizing any claim now pending, or as the basis of any claim which may hereafter be preferred, against the United States by said steamship company, growing out of any law or contract whatever.

Mr. RANDALL. That might by inference imply that we recognized the fact that there is a claim, which we ought not to do.

Mr. WADDELL. Those who had charge of the bill thought they had excluded any claim. If the gentleman from Pennsylvania [Mr. RANDALL] can suggest any other language that will better protect the Government the committee will agree to it.

Mr. RANDALL. The gentleman can readily see that, not having the contract before me, it is impossible for me to suggest the proper language to protect the United States. I am perfectly willing, so far as I am concerned, to say that the transportation of these mails shall be transferred from the side-wheel steamers to the iron steamers of this company.

Mr. WADDELL. That is all this bill is intended to accomplish.

Mr. RANDALL. I do not think the Clerk read all of that proviso.

Mr. WADDELL. I have moved to strike out the last portion of the proviso, to obviate an objection which has been suggested.

Mr. RANDALL. Let that portion be read.

The Clerk read as follows:

Except such as may lawfully exist under the law of February 7, [17,] 1865, above referred to.

Mr. GARFIELD. I think it would be safer for the Government not to strike out these words. It seems to me they ought to be in rather than out.

Mr. RANDALL. Not the last clause.

Mr. GARFIELD. Yes; that clause adds nothing, and I think it ought to stand.

Mr. RANDALL. That very exception might recognize the existence of a claim.

Mr. GARFIELD. I hope the House will not strike out those words. If you strike them out, you will by exception recognize the claim.

Mr. RANDALL. I am very timid about legislation in reference to these steamship companies, and particularly this one.

Mr. WADDELL. That is what made us try to guard this bill in the way we have done.

Mr. TOWNSEND, of Pennsylvania. I would suggest that the following be inserted in place of the part proposed to be stricken out:

Provided, however, That nothing in this act shall be construed to deprive said company of its compensation for ocean-mail service under the contract made by authority of an act of February 17, 1865.

That will make everything clear.

Mr. WADDELL. I do not know that I have any objection to that.

Mr. GARFIELD. Let it be added to what is in the bill, without striking out that last clause.

Mr. RANDALL. No, strike that out.

Mr. TOWNSEND, of Pennsylvania. It only gives the company the amount it gets to-day by the act of 1865. By striking out the last clause, without inserting anything, the company may be deprived of the subsidy which it has been receiving all the time. Therefore I suggest this amendment. Is it satisfactory?

Mr. LUTTRELL. There seems to be some misunderstanding in relation to this.

Mr. RANDALL. I do not think it is necessary to put that in. There is no danger that the company will not get all that the law ever intended to give them or by implication can give them.

Mr. TOWNSEND, of Pennsylvania. I want to say to my colleague [Mr. RANDALL] that, if this exception is stricken out and my amendment not allowed to go in, the steamship company cannot get the subsidy it now gets every month. Striking out that clause strikes out all contracts whatever.

Mr. RANDALL. O, no.

Mr. WADDELL. I think the gentleman is mistaken about that.

Mr. RANDALL. There has been an appropriation heretofore made, if I understand rightly, to comply with all the contracts we are bound by.

Mr. GARFIELD. If the gentleman is right, striking out this portion of the proviso will nullify all the appropriations heretofore made.

Mr. LUTTRELL. If this portion of the proviso is stricken out and the gentleman from Pennsylvania [Mr. TOWNSEND] is not permitted to offer the amendment he has just read, the Pacific Mail Steamship Company will not be allowed to receive the compensation now given them every month for carrying the mails.

Mr. RANDALL. I shall object to any amendment being made, except such as the Committee on Post-Offices and Post-Roads recommend, unless it can be printed so that we can examine and fully understand it.

Mr. LUTTRELL. Then I ask that the bill go through, as the committee of the House and the Senate have passed it without amendment. We have examined it carefully and guarded it well. We were very cautious in this matter. I am willing, however, that the gentleman from Pennsylvania [Mr. TOWNSEND] should place any amendment on it that he desires; all we ask is that the company shall be allowed to substitute iron steamers instead of the old wooden steamers which are now almost useless.

Mr. RANDALL. I think the committee are right in moving to strike out the last clause of the proviso, and I trust that the gentleman will now call the previous question on the bill.

Mr. WADDELL. I call for the previous question.

Mr. LUTTRELL. I do not wish to imperil the passage of the bill by placing any amendment upon it. The iron steamers are now lying at San Francisco, and we desire to have them substituted for the wooden steamers.

The SPEAKER *pro tempore*. The Chair wishes to understand the situation. Did the gentleman from North Carolina demand the previous question to the exclusion of the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND?]

Mr. WADDELL. I demanded the previous question to the exclusion of the amendment of the gentleman from Pennsylvania.

Mr. RANDALL. Which member from Pennsylvania?

The SPEAKER *pro tempore*. The Chair understands that there is an amendment coming from the committee. He desires to know if the gentleman from North Carolina admits the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. WADDELL. I do not.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments offered by Mr. WADDELL were agreed to.

The question recurred upon the third reading of the bill as amended.

Mr. LAPHAM. I ask leave to offer a substitute to the proviso.

The SPEAKER *pro tempore*. That cannot be done under the operation of the previous question.

Mr. LAPHAM. I ask that it be read.

The SPEAKER *pro tempore*. It is not in order except by unanimous consent.

Mr. LAPHAM. If the gentleman from North Carolina will hear it I think he will assent to it.

The SPEAKER *pro tempore*. Is there objection to the reading of the amendment proposed by the gentleman from New York, [Mr. LAPHAM?]

Mr. WADDELL. Yes, sir; I object.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LUTTRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I call for the regular order.

EMPLOYMENT OF INDIAN SCOUTS.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table the bill of the Senate concerning the employment of Indian

scouts, which ought to be passed at this time. [Loud cries of "Regular order."]

POST-OFFICE DEPARTMENT.

Mr. CLARK, of Missouri. I rise to a privileged question. I desire to present to the House the report of the majority of the Committee on the Post-Office and Post-Roads in relation to their investigation of the affairs of that Department. I will state that the committee is authorized, as I understand, to report at any time, and that the minority report is ready.

The SPEAKER *pro tempore*. Was the committee authorized to report at any time?

Mr. CLARK, of Missouri. Yes, sir.

The SPEAKER *pro tempore*. Then the Chair will receive the report.

Mr. CONGER. Is this a matter of higher privilege than the matter before the House under the call for the regular order? We are acting now on a question of privilege.

The SPEAKER *pro tempore*. The Chair thinks that this matter is of higher privilege.

Mr. CLARK, of Missouri. I will state that this matter will only occupy a moment. I move that the report be printed and laid upon the table, and yield to the gentleman from Illinois [Mr. CANNON] to present the views of the minority of the committee.

Mr. CANNON, of Illinois. I present the views of the minority with the same request that has been made by the chairman of the committee.

The report of the majority of the committee and the views of the minority were ordered to be printed and laid upon the table.

Mr. CANNON, of Illinois. I desire to have it understood that these reports are not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. No motion to reconsider has been entered.

Mr. CANNON, of Illinois. No, but I ask that the order be made by unanimous consent that the matter shall not be brought back by a motion to reconsider.

Mr. RANDALL. Is there any matter for the action of the House connected with the report?

Mr. CANNON, of Illinois. There is none at all.

There was no objection, and the order was made.

ANNIE GIBSON YATES.

Mr. BAGBY. I report from the Committee on Invalid Pensions, which was authorized to report upon this subject at any time, the bill (H. R. No. 3961) granting a pension to Annie Gibson Yates.

The bill was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Annie Gibson Yates, widow of George W. Yates, late a captain in the United States Army, who was killed at the battle of the Little Big Horn on the 25th day of June, 1876, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The report was read. It states that George W. Yates was a captain in the service of the United States in the Seventh Regiment of Cavalry and was killed in the battle with the Indians June 25, 1876, leaving his widow, Annie Gibson Yates, and three infant children surviving him; that he was killed in the service of the United States and in the line of duty. The committee therefore recommend the passage of the bill.

Mr. CONGER. My recollection is that this bill was recommitted with instructions to the committee to report the names of widows of other soldiers who were killed in the same engagement.

Mr. BAGBY. This bill for the relief of Mrs. Yates has no connection with the bill to which the gentleman alludes.

Mr. CONGER. I am informed that the instructions in regard to other persons interested in a measure of this kind related to another bill. I therefore make no objection to this.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAGBY moved to reconsider the vote by which the bill was passed and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PASSAGE OF PACIFIC MAIL SUBSIDY.

Mr. LYNDE. I rise to make a privileged report under the instructions of the Committee on the Judiciary, which I ask may be printed and recommitted, and also printed in the RECORD.

Mr. MILLS. Let it be understood that the report shall not be brought back on a motion to reconsider.

A MEMBER. What is the subject of the report?

The SPEAKER *pro tempore*. The Clerk will read the introductory paragraph of the report, which will show its subject.

The Clerk read as follows:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee of Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of the House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service during the Forty-second Congress, and with giving false testimony in relation thereto before the Committee of Ways and Means of the Forty-third Congress, have considered the same and report—

Mr. LORD. I am instructed by certain members of the Judiciary Committee to present a minority report upon the same matter, which I desire to have printed and recommitted, and also printed in the RECORD along with the majority report.

Mr. HALE. Not to be brought back on a motion to reconsider?

Mr. WILSON, of Iowa. What is the object of having these reports printed in the RECORD? If printed as a document we shall get it from the document room.

Mr. LORD. We ask to have the reports printed in the RECORD because the Judiciary Committee think it ought to be done for the purpose of getting the matter before Congress.

The SPEAKER *pro tempore*. Does the gentleman from Iowa object to the printing of the reports in the RECORD?

Mr. WILSON, of Iowa. I understand that under the order of the House they will be printed in document form and can be obtained by us from the document room.

Mr. HOAR. My friend from Iowa will remember that any member by calling for the reading of these reports can have them printed in the RECORD; and the making of this order without the reading saves time.

Mr. WILSON, of Iowa. My object was to ascertain the reason for asking the printing in the RECORD.

Mr. BANKS. I will tell the gentleman. If the report be printed in the RECORD, it will appear at once and can be read by us to-morrow. If printed merely in document form, it may be two weeks before we get it, and not one man in fifty will see it in that form.

Mr. FRYE. And it is a subject which when it comes before the House will undoubtedly provoke very extensive discussion.

The SPEAKER *pro tempore*. If no objection be made these reports will be ordered to be printed and recommitted, not to be brought back on a motion to reconsider, and also to be printed in the RECORD.

There was no objection.

The reports are as follows:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee of Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of this House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail-service during the Forty-second Congress and with giving false testimony in relation thereto before the Committee of Ways and Means of the Forty-third Congress, have considered the same, and report:

That the Committee of Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy, report, among other things: "The results of the evidence are that about $900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation; that about $565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation; and that the disposition of the remaining $335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a member of either House of Congress; and that the uncertainty attending the disposition of this latter sum is owing to the refusal of WILLIAM S. KING to testify the truth, and to the failure or refusal of JOHN G. SCHUMAKER to present all the facts which the committee believe it was in his power to give."

The committee report the following resolutions:

Resolved, That a copy of the testimony taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting WILLIAM S. KING and JOHN G. SCHUMAKER, and further proceed therein as they shall deem just.

Resolved, That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service, with direction to lay so much of the same as relates to the truth of the testimony given by WILLIAM S. KING and JOHN G. SCHUMAKER, before the grand jury of said District, for such action as the law seems to require.

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service has been transmitted to the United States district attorney for the District of Columbia by the Clerk of the House in accordance with said resolution.

The whole subject is properly before the court; the offenses charged are crimes by statute, and the Constitution provides—

"No person shall be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It cannot vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution, Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the Legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate, and say:

"That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State or district wherein the crime shall have been committed. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And they are also of opinion that as the Constitution does not give jurisdiction to the Senate, the consent of the party cannot give it, and that therefore the said memorial ought to be dismissed."

This report was adopted by a vote of 16 to 7. This is the construction given to said section in the first case presented to either House after its adoption by the statesmen who framed the Constitution, and we think it an authority which should control the case before the committee. We know of no public interest which will be promoted by further investi- ation. Your committee therefore recommend that the House leave these charges where they now are, in court, to be finally adjudicated and disposed of without any interposition or further action of the House.

VIEWS OF THE MINORITY.

The undersigned members of the Judiciary Committee, to whom was referred the resolution of the 24th of January last, set forth in the report of the majority, respectfully report:

That the only question now presented to the House is the question of jurisdiction, which question arises under the last clause of section 5 of article 1 of the Constitution:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

It will be seen that there are no words of limitation on the power to expel, which seems to have been left to the good sense and discretion of each House; in other words, does not the Constitution refer rather to the fitness of the member to hold the office, resting on considerations of public justice and policy, than to the time of his election? Yet the undersigned do not deny but that there are limitations on the power of this House arising from the circumstances of particular cases, and the relations of this House to the constituency of an accused member; therefore, as will be seen, the undersigned need not go further in this case than to assert jurisdiction, because the offenses complained of were not known to the constituents of the members in question until after their election.

Without asserting the guilt of the accused it is sufficient to say that the gravamen of the charges made against them is that one of them (Mr. SCHUMAKER) received the sum of $275,000 and the other, (Mr. KING,) while an officer of the House, $75,000 for the purpose of purchasing the votes of members of the Congress for a subsidy to the Pacific Mail Steamship Company, and it is conceded that the alleged reception of such money by them was not known to their constituents until after their election.

It is also alleged that one of the members (Mr. KING) testified falsely concerning the moneys received by him before his election to the present House and that the other (Mr. SCHUMAKER) so testified after his election to the present House before a committee of the Forty-third Congress.

The fact that the questions involved as to the guilt of the accused members have been referred to the courts of the District of Columbia does not and cannot affect the question of jurisdiction, nor in any manner release the House from its duty in the premises, as has been held in the cases of Kilbourn and Belknap.

The case of Humphrey Marshall referred to in the report of the majority is not a case in point. He was accused of the crime of perjury committed before a State court in Kentucky; a majority of the Senate concluded that he was entitled to a trial before a jury; if the members in the cases before this Congress were accused of the crime of perjury committed in a State court, in dealing with the question entirely different considerations might be presented. The committee of the Senate in the case of Marshall say, "That in a case *of this kind* no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

This decision, however, only relates to trials in court in the administration of criminal justice, and not to protective justice by proceedings on impeachment or expulsion from either House of Congress. Without now discussing or deciding the question to what depths of infamy a member must have sunk, if condoned by his constituents, before the House should exercise the power to expel him, or without deciding that there is any depth of infamy which if so condoned would authorize such expulsion, it is sufficient to say that in the cases before the House the offenses as alleged related directly to the attempted corruption of members of the Congress of the United States, which crime or crimes, wherever originated, were consummated, as alleged, in the District of Columbia or within the halls of the Capitol.

In the State of New York, in the case of George G. Barnard, one of the justices of its supreme court, he was held liable to impeachment for offenses committed by him before he was elected to the term of office which he then held. The senate of that State has asserted the same principle.

The Senate of the United States has recently held jurisdiction in a case in which the alleged limitation, if any, forbidding it, is found in the words of the Constitution.

The undersigned therefore recommend the adoption of the following resolution:

Resolved, That the House of Representative has jurisdiction in the cases of WILLIAM S. KING and JOHN G. SCHUMAKER, and that it be referred to the Committee on Civil Service Reform to ascertain and report the facts.

SCOTT LORD.
WM. LAWRENCE.
GEO. F. HOAR.
B. G. CAULFIELD.

I am of the opinion that the House ought not to assume jurisdiction of a case where a member is charged with having sworn falsely at a time prior to his election, especially if such member has been indicted therefor before the proper judicial tribunal, and pending his trial. But where the charge is that a member of the House has received money to be used by him to corrupt legislation in Congress, for which offense no indictment has been found, I think the House may properly take jurisdiction, though the offenses charged were committed prior to his election. I am desirous that an inquiry be made to ascertain whether this latter offense has been committed by either or both of the accused members, and for that purpose, and to that extent, I concur in the report of the minority of the committee.

GEO. W. McCRARY.

VENEZUELAN CLAIMS.

Mr. SPRINGER. The Committee on Foreign Affairs, to whom was referred the message of the President of the United States, with accompanying correspondence relative to the Venezuelan mixed commission, and also sundry memorials on that subject, have had the same under consideration, and have directed me to submit a report.

Mr. GARFIELD. Is this a unanimous report?

Mr. SPRINGER. It is.

Mr. HALE. How is this a privileged report?

Mr. SPRINGER. I will state that this is the unanimous report of the committee so far as the recommendations are concerned, although certain members of the committee have appended their own explanations to the report.

The SPEAKER *pro tempore*. Has the committee the right to report on this subject at any time?

Mr. SPRINGER. Yes, sir, under the resolution of the House.

Mr. HALE. How has it that right?

Mr. SPRINGER. More than forty-eight hours ago the report was read to the minority of the committee, and their explanations accompany it.

Mr. HALE. Why, Mr. Speaker, it is not forty-eight hours since the resolution to which the gentleman refers was passed.

Mr. SPRINGER. It is exactly forty-eight hours now.

Mr. HALE. Why, the resolution was adopted at five o'clock on last Monday evening.

Mr. RANDALL. I suggest if no member of the Committee on Foreign Affairs objects, certainly it must be right.

Mr. SPRINGER. This is the unanimous report of the Committee on Foreign Affairs.

Mr. HALE. It does not by any means follow. The resolution agreed to the other night was adopted after full deliberation, and I do not propose it shall be broken here in any case whatever.

Mr. SPRINGER. I will state, Mr. Speaker, that the question was asked at the time whether reports which were unanimous could not come in at any time, and the gentleman from Maine expressly stated there would be no objection to them.

Mr. HALE. I said that in any case where both sides of the committee wanted to report.

Mr. SPRINGER. And that is the case here.

Mr. HALE. I said in such cases consent would be granted.

Mr. SPRINGER. This is a unanimous report.

Mr. HALE. I do not know anything of that kind. There is no member of the minority of this committee that comes in and asks to have this report considered.

Mr. SPRINGER. The minority of the committee can speak for itself. The gentleman from Ohio [Mr. MONROE] who sits near the gentleman is a member of the Committee on Foreign Affairs.

Mr. HALE. If the gentleman from Ohio, as a member of the minority of that committee, states that he wants this matter to come up now, I have nothing further to say. Otherwise it is not clearly here under that rule we adopted on Monday. The gentleman from New York will bear me out in that.

Mr. BEEBE. I will say this: I did not understand the arrangement, so far as I am concerned, as does the gentleman from Maine. However, I learn that such was his understanding and so have held back my report.

The SPEAKER *pro tempore*. If there is no objection then by any member of the Committee on Foreign Affairs, the Chair understands the report may be made. If there is objection the Chair must enforce the rule.

Mr. HALE. I leave the objection entirely to the minority of the committee.

Mr. MILLS. It is privileged, as the minority has consented to the making of the report.

The SPEAKER *pro tempore*. Unquestionably.

Mr. BANKS. What is this report in reference to? Is it the Venezuelan investigation?

Mr. SPRINGER. Yes, sir.

Mr. BANKS. As a member of that committee I object to its being published now.

Mr. SPRINGER. On what ground?

Mr. HALE. This shows the wisdom of my calling attention to the matter.

Mr. BANKS. The resolution accompanying the report is suspensory of judgment on the part of the Government. The report goes over the whole matter, and expresses conclusions from which the minority of the committee dissent, myself positively, in regard to it.

Mr. SPRINGER. The gentleman's dissent is part of the report.

Mr. BANKS. We have not considered the question, nor is the testimony in. It does not belong to the resolution.

Mr. SPRINGER. The gentleman's dissent is on record as part of the report.

Mr. BANKS. No, my assent is to the resolution reported; but my dissent is to the conclusion of the report.

Mr. SPRINGER. Do I understand the gentleman from Massachusetts to object to the consideration of the report now?

The SPEAKER *pro tempore*. The Chair must sustain the point of order made under the rule adopted on Monday, and the report cannot be received at this time, objection being made by the gentleman from Massachusetts, a member of that committee.

MISSISSIPPI INVESTIGATION.

Mr. VANCE, of Ohio. I rise to a privileged report from the Committee on Printing. I am instructed by that committee to report back a concurrent resolution from the Senate that four thousand copies of the report of the Special Committee to Investigate the Late Election in Mississippi, with the views of the minority, be printed for the use of the Senate, with the following amendment.

The Clerk read as follows:

After the word "Senate," in the last line, add the following: "And House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House of Representatives;" so it will read:

Resolved by the Senate, (the House of Representatives concurring,) That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate and House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House.

Mr. HALE. Let me ask the gentleman reporting this what is the customary course in such cases? I see here the Senate has passed a

resolution, as I understand, providing for the printing of 4,000 copies of this valuable report, with the expectation that the House committee would report an additional number for the use of the House. As I listened to the reading, it seemed to me the committee had taken the number the Senate fixed for that body, and distributed it to both the bodies. Is it not customary to give the Senate the number of copies of any particular report that its Committee on Printing recommends and is acceded to by the Senate, and then for the House, independent of that, to order an additional number? I do not see why we should cut down the number called for by the Senate, which is four thousand copies, to fifteen hundred copies. The report is on an important subject-matter. It has already given rise to debate in the Senate, which will undoubtedly be prolonged; and whenever the matter comes up here it will be treated as a matter of very grave and almost vital interest. The number of copies called for by the Senate does not seem to me to be too large for that body; and if we have twice as many here, I do not think that would be too large for this House.

Mr. VANCE, of Ohio. I presume the gentleman from Maine is correct in his statement of the course which has been pursued in the past. Some of the members of the Senate were anxious that action should be taken upon this matter. The resolution was sent here for concurrence on the part of the House, because the printing of four thousand copies would cost a greater sum than $500. And as we had heretofore during this session in other matters made a division of copies, we made a division in this case. This is not discriminating against one body or in favor of the other.

Mr. HALE. Let me suggest to the gentleman from Ohio that he allow me to move an amendment. As I have said, this is a very important matter. If we make the number for the Senate, say three thousand copies, and for the House six thousand copies, that will be only nine thousand copies of the report for both bodies. And I am very sure that that number will speedily be exhausted, because the public interest—and it is not confined to one party—in the question is very great. I would like to move the amendment I have indicated.

Mr. VANCE, of Ohio. As the gentleman from Maine is perhaps aware, the reports of the majority and minority of the committee are being published broadcast throughout the land; and if it had not been the wish of the Senate to have this number of copies printed I should not have given my assent.

Mr. HALE. What does the gentleman mean? Does he mean that they are being published in the newspapers?

Mr. VANCE, of Ohio. Yes; when published in the prominent newspapers they are within reach of and read by the people of the country.

Mr. HALE. Still I think the publication in the newspapers is not sufficient.

Mr. RANDALL. This is a campaign document, I suppose, and the Senate desired to have it published.

Mr. HALE. If it be a campaign document it is a campaign document on both sides. One of the ablest of the democratic Senators has made a minority report.

Mr. RANDALL. Let each side print what they think proper.

Mr. HALE. I think that would scarcely be a good rule. We publish as congressional documents important reports that have a political bearing and publish them generally very freely, although the newspapers and party associations publish them aside from that. It does not follow because a report from a committee on a grave subject-matter which has been discussed as this has been on both sides and reported on both sides has political bearings that it should on that account be given the go-by here.

Mr. RANDALL. We do not give it the go-by any more than you give the go-by to the reports of other investigations which you print only up to the amount fixed by law, $500. We do not desire to incur an unlimited expense in printing such documents.

Mr. HALE. It is a very small saving that can be effected here. This is a subject-matter which I do not think the gentleman can afford any penny-wise wisdom upon.

Mr. RANDALL. I am also reminded that this investigation of affairs in the State of Mississippi was conducted just as other investigations have been conducted in this House, and to which the gentleman from Maine has objected; that is, in a secret manner.

Mr. HALE. I fail to see in the discussions in the Senate any complaint on that score.

Mr. REAGAN. Then the gentleman from Maine has not examined the minority report. The investigation was conducted in secret, against the votes of both of the democratic members of the committee.

Mr. HALE. I was speaking of the discussions in the Senate. I do not think that information upon this important matter should be suppressed or should be kept from the people. I think both of the reports should be freely published.

Mr. RANDALL. This is but an entering-wedge for the printing by Congress of political documents. The investigation was gotten up in my judgment for political purposes only. You made the same charge against us that we have been conducting these investigations for political purposes. And yet, perhaps for that reason, we asked for the printing of no additional copies of the reports.

Mr. HALE. Have we on our side ever objected to the printing of additional copies?

Mr. RANDALL. The printing of additional copies involves a large expense which I am unwilling to incur.

Mr. HALE. I ask the gentleman from Ohio to allow me to offer the amendment I have indicated, that I may take the sense of the House upon it.

Mr. VANCE, of Ohio. I think, Mr. Speaker, that the number provided for is amply sufficient, with the publication of these documents through the newspapers of the country.

Mr. HALE. Does the gentleman decline to allow me to offer my amendment simply to try the sense of the House on increasing the number of copies of these reports? The gentleman can shut me out if he chooses.

Mr. VANCE, of Ohio. I should not shut the gentleman out if my mind were not clear upon the point. I must decline to admit his amendment.

Mr. HALE. All I want is a vote upon it. I put it in that way simply to aid in the diffusion of intelligence upon this subject-matter. Now the gentleman can shut me out if he chooses. All I ask is a vote.

Mr. VANCE, of Ohio. If this resolution would shut out a dissemination of these reports from the people of the country I should not hesitate a moment to permit the amendment to go in, but the gentleman knows the principal part of both the reports has been or will be published in every prominent paper in the country.

Mr. HALE. That is just my point; we want an authentic official report and not one culled and picked by newspaper editors to go out to the people. We want the official report to be sent to each citizen. I do not want that the New York newspapers or the Boston newspapers shall tell what is in the report.

Mr. VANCE, of Ohio. As I understand it, the newspapers do not cull or pick from the reports; they simply publish them in full. One of the reports was published in a Washington paper.

Mr. HALE. Not in full.

Mr. VANCE, of Ohio. The principal points were published.

Mr. HALE. But the report was not published in full. I ask the gentleman if he will allow me to submit my amendment to a vote?

Mr. VANCE, of Ohio. For the reasons I have already stated, I must decline to allow a vote on that amendment.

Mr. GARFIELD. I hope my colleague [Mr. VANCE] will allow me a moment. I want to say that the report involves the integrity of a whole State and the validity of its Legislature and its elections under that Legislature, and there can hardly be a graver question than that which raises the question whether a State Legislature was legally organized or not. This is a complete report of both parties, and they ask that it be printed. It seems to me only fair that an official document shall not be garbled, but that the full statement of the case shall go to the country. I am sure that gentlemen on the other side will not put themselves in the attitude of suppressing the report.

Mr. RANDALL. I would suppress any report that proposes to reduce a State of this Union to a territorial condition simply because the people of that State happen to vote for a certain political party.

Mr. GARFIELD. If that were true, and I were in the gentleman's place, I would ask that the report be printed and sent into every hamlet in the country.

Mr. VANCE, of Ohio. I call the previous question.

The question was put on seconding the previous question; and on a division there were—ayes 81, noes 63.

So the previous question was seconded.

The question recurred upon ordering the main question.

Mr. HALE. I call for the yeas and nays on ordering the main question, so as to give us an opportunity of putting in my amendment if the main question be voted down.

The yeas and nays were ordered.

Mr. VANCE, of Ohio. The gentleman will understand that the Senate asked for only four thousand copies, and the only difference between our report is that we ask the distribution of a part of these copies to the House.

Mr. HALE. But my amendment cuts the Senate out of one thousand copies and gives us six thousand.

The question was taken; and there were—yeas 104, nays 63, not voting 118; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Blackburn, Bland, Boone, Bradford, Bright, Cabell, William P. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cox, Cutler, Davis, Dibrell, Durand, Durham, Eden, Faulkner, Felton, Finley, Forney, Franklin, Gause, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartzell, Haymond, Hereford, Abram S. Hewitt, Hopkins, House, Hunton, Hurd, Thomas L. Jones, Kehr, Knott, Franklin Landers, Levy, Lewis, Luttrell, Lynde, Mackey, Maish, McFarland, McManon, Metcalfe, Mills, Morgan, Mutchler, New, Odell, Payne, Piper, Powell, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Scales, Shelkley, Singleton, Slemons, Spencer, Springer, Stenger, Stevenson, Stone, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Erastus Wells, Whitthorne, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, and Yeates—104.

NAYS—Messrs. George A. Bagley, John H. Baker, Ballou, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Caswell, Conger, Crounse, Danford, Davy, Eames, Evans, Fort, Foster, Frye, Garfield, Hale, Benjamin W. Harris, Hoar, Hurlbut, Hyman, Joyce, Kimball, Lapham, Lawrence, Lynch, MacDougall, McCrary, McDill, Miller, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Poppleton, Potter, Pratt, Rainey, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, G. Wiley Wells, Whiting, Willard, William B. Williams, James Wilson, and Woodburn—63.

NOT VOTING—Messrs. Abbott, Adams, William H. Baker, Banks, Bass, Bell, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, Campbell, Candler, Cason, Chapin, Chittenden, Cochrane, Collins, Cook, Cowan, Crapo, Culberson, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Freeman, Fuller, Gibson, Glover, Goode, Goodin, Robert Hamilton, Haralson, Henry R. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hill, Hoge, Holman, Hooker, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lane, Leavenworth, Le Moyne, Lord, Magoon, Meade, Milliken, Money, Monroe, Morrison, Neal, O'Brien, Oliver, Phelps, John F. Philips, Platt, Purman, James B. Reilly, Robinson, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, William E. Smith, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, White, Whitehouse, Wigginton, Wike, Andrew Williams, Charles G. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, Woodworth, and Young—118.

During the roll-call,

Mr. HOUSE said: My colleague, Mr. YOUNG, is detained from the House on account of sickness.

Mr. SCALES. I desire to state that my colleague on the Committee on Indian Affairs from Arkansas, Mr. WILSHIRE, is absent from the House upon committee work.

Mr. FREEMAN. I am paired with Mr. CALDWELL, of Tennessee.

Mr. BAKER, of New York. I am paired with the gentleman from Kentucky, Mr. MILLIKEN. If he were present I would vote "no."

Mr. WILLIS. I am paired with my colleague, Mr. LEAVENWORTH.

Mr. VANCE, of Ohio. I desire to state that my colleague, Mr. WALLING, is absent by leave of the House.

The result of the vote was then announced as above recorded.

The question was upon the amendment reported from the Committee on Printing, to add after the word "Senate," in the last line of the resolution, the following:

And House of Representatives; 1,500 copies for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendment was agreed to.

The question then was upon concurring in the resolution as amended.

Mr. REAGAN. Before the House votes on that question, I desire to say one word.

The SPEAKER *pro tempore*. Debate is not now in order.

The question was taken; and on a division there were—ayes 75, noes 7.

Mr. POPPLETON. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, the Chair under the rule will order tellers; and appoints Mr. VANCE, of Ohio, and Mr. PAGE to act as tellers.

The tellers took their places; but before the House proceeded to vote,

Mr. POPPLETON said: I will withdraw the point of order that no quorum voted.

The SPEAKER *pro tempore*. Is there any demand for a further count?

There being no call for a further count, the resolution, as amended, was declared to be concurred in.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING THE AGRICULTURAL REPORTS.

Mr. WILSON, of Iowa. I ask unanimous consent that Senate bill No. 1036 be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, the bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875 was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

Mr. CROUNSE. I rise to make a privileged report.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to make a privileged report.

UNITED STATES SURVEYS AND SCIENTIFIC EXPEDITIONS.

Mr. CROUNSE. I am directed by the Committee on Public Lands, to whom was referred the joint resolution of the House No. 161, authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century, to report the same back, with a recommendation that it do pass. This joint resolution was referred to the committee a few days since with leave to report it at any time.

The joint resolution directs the Secretary of State to cause to be prepared and published a brief history of the several surveys and scientific expeditions ordered and prosecuted by the United States during the century just closed, including in said history the various foreign and oceanic expeditions, the surveys of the coast and of the lakes, and the several topographical, scientific, and military surveys of the interior, the same to be reported to Congress as soon as practicable, said history not to exceed eight hundred pages octavo; and to enable the Secretary to carry into effect the resolution the sum of $7,500, or so much thereof as may be necessary, is appropriated.

Mr. RANDALL. I would like to ask the gentleman whether, in his opinion, that amount of money will complete the work?

Mr. CROUNSE. I am so advised upon consultation with the proper authorities.

Mr. GARFIELD. When I first drew up this joint resolution, I put in the sum of $10,000. The Librarian of Congress, who is an expert in all such matters, told me that he thought that $7,500 would be sufficient, and on that hint and suggestion I cut the amount down to $7,500. I think this will be one of the most interesting centennial records of the progress of this country that can be made.

Mr. CROUNSE. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS IN PRINTING BUREAU.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, submitted a concurrent resolution concerning certain employés in the Bureau of Engraving and Printing; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. COX. I desire to make a request on behalf of my friend from West Virginia, Mr. WILSON, who has been ill nearly all the session and who desires to go home. There is on the Speaker's table an application by him for leave of absence for ten days. I ask unanimous consent that leave of absence be granted him for that length of time.

No objection was made, and leave was granted accordingly.

ORDER OF BUSINESS.

Mr. PAGE. I now insist upon the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the House will now resume the consideration of the unfinished business at the time of adjournment yesterday, upon which the gentleman from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. BLAND. I desire to make a parliamentary inquiry. Do I understand that the unfinished business of yesterday takes precedence of the morning hour to-day?

The SPEAKER *pro tempore*. If the gentleman will refer to the rule concerning the morning hour, he will find that the morning hour begins after the reading of the Journal and the completion of the unfinished business at the time of the adjournment the day previous.

Mr. BLAND. May I inquire what is the unfinished business?

The SPEAKER *pro tempore*. The unfinished business is the consideration of the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the message of the President in regard to the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. BLAND. I move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The gentleman has not the floor for that purpose. The gentleman from Massachusetts [Mr. HOAR] obtained the floor yesterday and yielded to a motion to adjourn. He is now entitled to the floor, and while he holds it the motion to lay on the table cannot be made. When the floor is yielded that motion can be made by any gentleman.

Mr. BLAND. I hope that will not be done, and that we will have something more important to take up our time than to prove that the South is against the North or the North against the South.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. HOAR] is entitled to the floor and will proceed.

POLITICAL CONDITION OF THE SOUTH.

Mr. HOAR. Mr. Speaker, I was desirous the other day, when the gentleman from Mississippi [Mr. LAMAR] concluded his interesting remarks, to make some observations which were suggested by his speech. I have in vain sought an opportunity until the present time. I listened to the speech of the gentleman with mingled feelings of pleasure and regret. I always hear him with gratification whenever he chooses to address the House on important public questions. His speech the other day was a masterpiece of intellectual power and skill. I cannot conceive that the opinions he advanced could have been defended with more power of argument or commended with more adroit and persuasive appeal to those of his countrymen who differ from him. I certainly am not one of those, if any there are, who would impute to the gentleman from Mississippi any want of sincerity in the opinions he has advanced in this debate, or in the positions he has heretofore taken which have attracted the attention of the country. I shared with the people of my own State in the pleasure created by his manly and eloquent tribute to the memory of our beloved Senator. I do not arrogate to myself the right to go behind the public utterances of gentlemen in debate here and impute to them motives which they themselves disclaim. If I did, I freely say that I deem it incredible that a man should know how to touch the noblest chords of manly sympathy in the hearts of his countrymen unless such sympathies were congenial to his own breast. I was therefore especially sorry that in sounding for his party the key-note of the coming presidential

campaign the gentleman seems to have wholly abandoned the sentiments toward the majority of his countrymen and the Government of his country which actuated him on the occasion to which I have referred.

His last speech, however philosophic its guise or however apparently calm or impartial, was in full accord with the uniform tone of the democratic press, northern and southern. It was in full accord with the uniform current of speech which has prevailed among his associates in this Hall whenever questions relating to the condition of the South have arisen, beginning with the suppressed utterances of the gentleman from Georgia [Mr. HILL] in the early part of the session, who threatened us with a new war in which he and his friends were to defend the Constitution against republican invasion, continuing with the speech of the gentleman's own colleague from Mississippi, who told us we had broken every oath we ever took, down to the time when the gentleman from New York made his grim and ghastly jests over the Hamburgh massacre, and when the eloquent gentleman from Virginia, "out of the abundance of the heart the mouth speaking," denounced "the tyrannical Government" of his country. Was it in mockery or in self-delusion that after the arraignment of a majority of his countrymen made by the eloquent gentleman from Mississippi, he ended by commending to us the sentiment of the poet—

Thy gentleness hath made thee great.

The gentleman's speech was a bitter invective against the Government, of whose magnanimity in restoring him to his political rights after an attempt to destroy it he confessed himself the other day a conspicuous instance. The murders and outrages committed upon weak, unoffending, defenseless American citizens are to him but the attempt of a down-trodden people to turn itself in its agony under the heel of an oppressor. The attempt of the Government of the United States to exercise its constitutional authority to preserve to the majority in any southern State the right of free and fair elections are to him but the exertion of a hostile and alien power to keep down in the dust what he terms "his people," by which term I suppose he means the white democrats of the South. The amendments of the Constitution by which four millions of the laboring classes of the South, whose fathers had dwelt for generations upon its soil, to whose unpaid toil its greatness, its wealth, its prosperity are largely owing, to whose Christian forbearance the safety of the homes of the wives, of the children, of the South was due while the whites were away during four years of war waged for their oppression—a body of people speaking the same language, of the same religion, bound to them by ties so close that he says "every black man and black woman and black child in the South was bound by the most tender affection to some white man or white woman or white child"—the amendments, I say, by which these persons were enfranchised he speaks of as "crushed in" upon the institutions of the South. He compares this enfranchisement to the sudden pouring in upon the people of New England and New York of 4,000,000 of Chinese coolies. The policy by which 4,000,000 negroes received their place as equals among 15,000,000 suggests to him Gibbon's famous sentence that the most hateful despotism in the world is the rule of a people by its own slaves. Truly—

Thy gentleness hath made thee great.

I trust the people of the North will read the speech of the gentleman from Mississippi. They will judge of the expediency of committing the destinies of the colored people to a party of whose sentiment those to which I am replying are by the common judgment of its members the mildest type.

Mr. SINGLETON. Will the gentleman allow me a moment?

Mr. HOAR. Certainly.

Mr. SINGLETON. While the gentleman is upon this subject and declaiming so eloquently in behalf of the colored people of Mississippi, depicting their condition——

Mr. HOAR. The gentleman, I suppose, does not interrupt me for an argument.

Mr. SINGLETON. I hope the gentleman will allow me a moment, I have always been courteous to my associates on this floor.

Mr. HOAR. Certainly.

Mr. SINGLETON. I want to have read a telegram which I received this morning from some colored citizens of the State of Mississippi.

Mr. HOAR. I object. I do not think, Mr. Speaker, that any courtesy of debate requires a gentleman to yield to another to make an argument or to put in what he regards as facts on the other side. If I have misrepresented the gentleman personally, or misrepresented any fact in regard to his State, I am perfectly willing to yield for a correction.

Mr. SINGLETON. Will the gentleman allow me to state the purport of this telegram?

Mr. HOAR. If it pertains to what I was stating.

Mr. SINGLETON. I wish to set the facts in a proper light before the country. This telegram I have received this morning.

Mr. HOAR. I will not have any doubts about the question of courtesy; I yield for the reading of the telegram.

Several MEMBERS. Send it up to the desk to be read.

Mr. HOAR. No; read it yourself.

Mr. CONGER. They will not extend your time, and why do you let it be read?

Mr. HOAR. O, they will not refuse that, I am sure.

Mr. SINGLETON. I wish to state before the dispatch is read this one fact: The parties who have sent that telegram, one of them was a republican clerk of the county court of Yazoo County last year, but is now acting with the democratic party. The other one was a slave belonging to my wife's father's estate, to whom, in conjunction with five others, I sold a plantation for $13,500, every dollar of which has been paid, and he is now living on the place with others. The dispatch will explain itself. I want, while you are making such a clamor over the troubles of the colored people in Mississippi, that you hear what they say for themselves.

The Clerk read as follows:

YAZOO CITY, MISSISSIPPI, *August* 8, 1876.

Hon. O. R. SINGLETON:

Big barbecue on hand for 15th August. Your presence is indispensable and we urge you to come. Answer.

W. H. FOOTE,
LEWIS HOY,
Committee.

Mr. SINGLETON. I want to say in addition that these gentlemen are both colored and supporters of the democratic party. They were once republican. Now you see where they stand. It is an invitation to a barbecue, gotten up in part or in whole by colored people.

Mr. HOAR. I wish the gentleman would come up sometime in the course of the summer to a clam-bake on Cape Cod, and I will extend him an invitation now for that purpose. [Laughter.]

Mr. LYNCH. I wish to state that I know Mr. Foote personally, having served in the Legislature with him for several years. I know him to be a good republican when he is at liberty to be that. He lives in the county of Yazoo, (in Yazoo City,) a county that was carried last year for my honorable colleague by a system of organized terrorism and violence. Otherwise, that gentleman, instead of inviting my colleague to speak, would invite whoever may be nominated against him to speak.

Mr. SINGLETON. One word in response. [Laughter.]

Mr. HOAR. Will the gentlemen on the other side extend my time? [Cries of "Yes."]

Mr. SINGLETON. I do not think there will be any objection to the extension of the gentleman's time. I regret the gentleman from Maine was not equally as courteous as the gentleman from Massachusetts when I asked him to yield to me yesterday.

Mr. HALE. I knew my time was running out and declined to yield to other gentlemen besides the gentleman from Mississippi.

Mr. SINGLETON. But we will not discuss that. In the county of Yazoo the registered vote was about 3,500, perhaps 3,600, and I received of that number about 3,347 votes. You may intimidate men and keep them from the polls, but you cannot drive them to the polls and force them to vote the ticket you wish.

Mr. HOAR. I do not know about that.

Mr. SINGLETON. There was no intimidation at said election on election-day. I have in my possession now a circular printed and published by Mr. Foote, and a number of others, declining to be candidates at all, because they did not wish or intend to run on the republican ticket, having abandoned the party, as they said. I have said circular in my possession, and will produce it before the House if necessary.

Mr. HOAR. I make no question of the individual character or kindness of heart of the gentleman from Mississippi. On the contrary, I am happy to state publicly that some soldiers in my district heard with pleasure that he had taken a seat in the Congress of the United States because of his chivalrous kindness to them when they were prisoners and under his charge. But in the State of Mississippi at the last election, the democratic chairman of the State committee telegraphed to one of his associates to take care that the chairman of the republican State committee was not murdered, saying that they had nearly got through their election and all was going well and they did not want to give any handle to anybody; and his correspondent replies by telegraphing—I have forgotten the name of the man now—but the democratic correspondent telegraphed back that the republican was all safe and that he owed the safety of his life to that dispatch.

Mr SINGLETON. That happened in my own county. I chance to know the gentleman, General Warner. He came to the county of Madison, at one of the little out-of-the-way voting-precincts, on the day of election, and I do not suppose there was any man there who was not in as much danger of being injured as General Warner. His presence was not considered of so much importance as to put his life in jeopardy.

Mr. HOAR. The person to whom the chairman of the democratic central committee telegraphed did not so consider it. He said he owed the safety of his life to the safe-conduct sent by telegraph. "Your dispatch saved Warner," was his reply.

I intended to deal with the subject a little later on. The argument of the gentleman from Mississippi [Mr. LAMAR] was in substance this: He said there existed throughout the civil service of the country great corruption, and on the part of the majority of the American people great dissatisfaction; that there stood between the remedy for that maladministration and the people an organization called party, the republican party. He quoted certain authorities to show that such an organization having in its control some hundred thousand of office-holders could permanently deprive forty millions of the American people of the right of self-government and prevent them

from executing any reform. He said that the objection to overthrow that party and remove them from power consisted in the fear that it was not safe to trust the liberties of the newly enfranchised colored men at the South, and the gains crystallized into the amendments of the Constitution, to the democratic party of the former slave States. He half conceded and half denied that there had been any outrages or murders on the part of the democratic party of the Southern States. But if there had been, he said, everything that had happened was justified by the misgovernment under which those States labored and by the unwarrantable Federal interference with their right of local self-government. That is the substance of his argument, and it is that argument to which I propose to reply.

The gentleman, however, not very consistently with his claim that this strong, vigorous, wealthy, defiant American people could not defend itself against a hundred thousand postmasters and custom-house officers, went on to scout the idea that the armed democratic organizations of the Southern States, drilled and compacted, numbering millions, wielding the State power of those States, could ever be a menace or danger to the liberties of the same American people. On the other hand, his argument was that the hundred thousand unarmed people, the insignificant postmasters and custom-house officers and revenue officers of this country, constituted a danger to our liberties which, when they reached the number of a hundred thousand, it was impossible for the American people to overcome; while at the same time the armed, desperate, unscrupulous millions taking possession of and wielding lawlessly the powers of from eleven to fifteen States, and allied with their political associates at the North, constitute no danger which any wise statesman could for a moment regard.

Now, Mr. Speaker, I propose to address myself to these propositions in their order; in the first place, to the claim that there is a prevalent corruption or maladministration of political affairs in this country which should alarm or excite the fears of the American people for the purity of their Government or the perpetuation of their liberties. I do not think any man will accuse me of refraining anywhere from fully asserting, emphasizing, and condemning any act of misgovernment or corruption because that act proceeded from a republican quarter. I agree that the republican party has in some important cases misplaced its confidence and that there has been in some high quarters error of judgment in selecting and failure of vigor in detecting and removing unworthy officers; but having investigated this question with some care, I declare my belief that the sixteen years in which the republican party have held the power in this Government have been purer and freer from corruption or maladministration of any sort than the sixteen years which followed the inauguration of General Washington. I believe that is true not only proportionately, but absolutely. We have forty millions of population, and they had but five or six. We have nearly a hundred thousand office-holders and raise a revenue of three hundred millions a year, and they had but a few thousand office-holders and raised a revenue of but a few millions. But I believe there is absolutely less of corruption and less of maladministration and less of vice and evil in public life than there was in the sixteen years which covered the administration of Washington, the administration of John Adams, and the first term of Jefferson. I agree with the gentleman from Mississippi himself when he says:

> We must believe that the moral character of our people is sound, that they enter upon the second century of their nationality with increased moral earnestness, with higher standards of public virtue and official rectitude.

I believe, with that accomplished orator and scholar Dr. Storrs, that—

> There never has been a time, not here alone but in any country, when the fierce light of incessant inquiry blazing on men in public life would not have revealed forces of evil like those we have seen, or when the condemnation which followed the discovery would have been sharper.

The republican party, as I have said, has controlled the Government for sixteen years, a term equal to that which covers the whole administration of Washington, the whole administration of John Adams, and the first term of Jefferson. It has been one of those periods in which all experience teaches us to expect an unusual manifestation of public corruption, of public disorder, and of evils and errors of administration. A great war; the time which follows a great war, great public debts, currency and values inflated; the exertion of new and extraordinary powers for the safety of the state; the sudden call of millions of slaves to a share in the Government—any one of these things would be expected to create great disturbance, and give rise to great temptations and great corruptions. Our term of office has seen them all combined. And yet I do not scruple to affirm that not only has there been less dishonesty and less maladministration in the sixteen years of republican rule proportionally to the numbers and wealth of the people than in the first sixteen years after the inauguration of Washington, but there has been less absolutely of those things.

Why, Mr. Speaker, one of the most famous generals of the revolutionary war, whose life extended down to the period to which I have alluded, while he was Quartermaster-General, was in partnership with a firm for the purpose of selling quartermaster's stores to the Government and making a profit, corresponding with his partner secretly and in cipher. The Attorney-General and Secretary of State, Washington's friend, while he was Secretary of State was detected in receiving money from France as a bribe to thwart the foreign policy of the administration of which he was a member. Another Cabinet officer of Washington, Hamilton, being charged with a corrupt official relation with a citizen, defended himself by acknowledging to his countrymen, over his own signature, a profligate relation to the wife of the person named. Still another Cabinet officer of Washington wrote a letter, which is in existence in my own State, in which he admitted to his correspondent, and begged his correspondent to help him to conceal from the public view, an act of personal dishonor compared to which the crime charged upon Belknap is as the act of an archangel. Why, sir, at the beginning of the last four years of the period of which I speak who were the candidates whom the great American people brought forward for their first office? Who received an equal number of democratic votes with Jefferson in the electoral college? Who was supported by the federalists in the House against Jefferson through thirty-seven ballotings? Aaron Burr, the man who, by an act half duel and half murder, deprived his countrymen of the precious and costly life of Hamilton; Aaron Burr, who a few years after, the great office of Vice-President scarcely laid down, organized a treasonable and corrupt intrigue against the Government of his country and against neighboring territory, the punishment of which he escaped by an acquittal by a jury on technical grounds, Chief Justice Marshall presiding in court.

Now, Mr. Speaker, these things were not known. Washington concealed the act of his Secretary of State from his countrymen and accepted his resignation. The difference between the two generations is the Drummond light which the press turns upon all these transactions and under which the moral sense of the country indignantly demands their exposure and punishment. I wonder if the gentleman from Mississippi or any of his associates on the other side of the House have heard of the Yazoo claim. In the year 1795 the State of Georgia owned the lands now constituting the greater portion of the State of Mississippi on the eastern bank of the Mississippi, then called the Mississippi country. An association was got up to buy those lands at an inadequate and fraudulent price from the Legislature of the State of Georgia. They had been offered some $800,000 or a million dollars; but they passed an act selling them to this association for $500,000. There was a great public excitement on the subject, and the next year the Legislature of Georgia ordered an investigation. They found that of the majority of the house of representatives of the State of Georgia every man had received a bribe in money or lands, and that the same was true of a large number in the senate, who had passed the bill by a majority of one. The next year they passed a statute, which I have before me, in which they recited the facts I have stated and proceeded to enact that the public records of the State of Georgia concerning this transaction should be taken into the court and burned in the presence of the Legislature. They provided also that wherever a deed was recorded under that statute in any county of the State the record should be taken to the county court and there burned; "to the end," as the law goes on to say, "that no trace of so unconstitutional, vile, and fraudulent transaction should appear except the infamy attached to it by the repealing statute."

Now the State of Georgia subsequently ceded this tract of land back to the United States, and claimants under the fraudulent sales came to Congress under the administration of Mr. Jefferson and a lobby was formed, of which the Postmaster-General of the United States under Mr. Jefferson was at the head, and they attempted to get a confirmation of the fraudulent grant through Congress. It is said—whether it be true or not I do not know—that seventy members of the two branches of Congress had been corruptly induced to promise their consent to the passage of that bill. That fact, however, does not rest on any proof. You will remember also, Mr. Speaker, that in the time of John Adams he sent to the Senate a nomination for a high military office of an unworthy son-in-law of his own who had been detected in some breach of trust; the nomination of a man so unworthy that his own Secretary of War lobbied at the doors of the Senate Chamber to prevent his confirmation.

Now we hear from that class of persons called "independents" expressions of discontent. We hear it from the universities and from the scholars of the country. I rejoice that they are alert in regard to the evils of political administration; but, sir, the condemnation which came in former times from the same class could hardly be uttered upon this floor by any gentleman who desires to preserve his character for candor or moderation. I have in my possession (I wish I had it here) a copy of a poem delivered in 1803 by Mr. Brackett before the Phi Beta Kappa Society at Dartmouth and published by a committee of which Ezekiel Webster, afterward one of the most celebrated men in the State of New Hampshire, was chairman. Mr. Brackett in that poem, amid the applause of the scholars gathered at the festival of that famous and learned university, draws a picture of the degradation of his country in the fifteenth year of its constitutional existence in vigorous strains worthy of Pope. He supposes the mighty shade of Washington to rise on the banks of the Potomac—

> His warm cheek glowed, and flashed his angry eyes;
> Then from his brow the laurel-wreath unbound,
> And threw the withering honors on the ground.

This is his portraiture of Jefferson, then President:

> Cimmerian goblins brooded o'er the hour
> When here a wild projector rose to power;

Delusive schemes distend whose plodding brain,
Whose philosophic robe debaucheries stain.
He, weak in rule, unskilled in moral lore,
In practice infidel, in spirit poor;
Despised in person, and debased in mind,
At once the curse and pity of mankind,
Pleased with his simple garb and sable whore,
Reviles the God his countrymen adore.
Refined in insult! There we saw him shed
Theatric sorrow o'er the mighty dead!
Oh, then, then Heaven's indignant thunders slept;
The shade was wounded, and the virtues wept!

Here is the picture of Albert Gallatin, that accomplished scholar and statesman, like Agassiz, one of the two great and costly gifts our sister-republic of Switzerland has given to America, as he seemed to contemporary eyes. Gallatin was then at the head of the Treasury.

Columbians! see, disgraced and drooping, stand
Your eagle, half unfledged by party's hand!
Columbians! see a foreign child of vice,
Vile leech of state, whose virtue 's avarice,
Sedition nursed and taught in faction's school,
With front of triple brass, your treasure rule!
Columbians! see the foes of virtue rise,
By slander mounted, and upheld by lies!
Columbians! see your veterans basely spurned,
Your heroes slighted, and your chiefs unmourned!
See! nor while merit from your board is driven,
Expect the favor of offended heaven.

The society of the Phi Beta Kappa return to the author their cordial thanks for his ingenious and sentimental poem and request a copy for publication.

This was the sentiment of Dartmouth in the fifteenth year of the Republic. It was not much different at Harvard.

I desire to read to the House some extracts from the writings of Fisher Ames, who retired from Congress during the administration of General Washington, and who represented the city of Boston, to show what he thought of the condition of the country at that time. He was chosen president of Harvard about the time these letters were written. I shall read only a few passages taken almost at random from his letters:

Our country is too big for union, too sordid for patriotism, too democratic for liberty. What is to become of it, He who made it best knows. Its vice will govern it by practicing upon its folly. This is ordained for democracies.

Then he goes on to say—

Property at public disposal is sure to corrupt. Here, to make the result equally inevitable and inveterate, power is also to be for some ages within the arbitrium of a house of representatives. Before that period Botany Bay will be a bettering-house for our public men. Our morals, forever sunning and fly-blown like fresh meat hung up in the election market, will taint the air like pestilence. Liberty, if she is not a goddess that delights in carnage, will choke in such an atmosphere, fouler than the vapor of death in a mine.

Again he says:

Suppose an attack on property. I calculate on the "sensibilities" of our nation. There is our sensorium. Like a negro's shins, there our patriotism would feel the kicks and twinge with agonies that we should not be able so much as to conceive of, if we only have our faces spit in. In this case we could wipe off the ignominy, and think no more of the matter. He that robs me of my good name takes trash. What is it but a little foul breath tainted from every sot's lungs? But he who takes my purse robs me of that which enriches him, instead of me, and therefore I will have vengeance.

Now, Mr. Speaker, I do not wish to be misunderstood; I do not wish to be misrepresented in this matter. Let no man assert that I refer to the evils of those days as either excuse or palliation for the evil of ours. That generation was a frugal and honest generation in the main, and they would have visited with the swiftest condemnation and punishment, as this generation will visit with the swiftest condemnation and punishment, every breach of public trust, whether through dishonesty or usurpation. But they did not send to England for Benedict Arnold. They did not restore the tories to power. They did not go down on their knees to George III and ask him to take them back into favor. They believed that if the Constitution could not be administered honestly by a majority of the friends of the Constitution, it could not be administered honestly by a majority of its enemies; that if liberty was not safe and pure in the hands of those who loved her, then liberty was a failure upon the earth, and they did not think of intrusting her to the hands of those who hated her. So in this generation had they lived to-day they would have done simply what a distinguished president of the convention in my own State, whom the gentleman quotes, recommended; they would have taken the Government from the hands of the lovers of liberty who are dishonest and put it into the hands of men who entertain the same sentiments but who are honest. It would never have occurred to them that because among one hundred thousand men there are found some few who will not keep the eighth commandment, "Thou shalt not steal," which is a mandate for all the public service, they should put in power men who have no regard for the sixth, "Thou shalt not kill.

The gentleman has very frankly stated what I admit is the one most vital issue in the coming campaign. It is an issue which transcends all questions of finance, of economy, of vigor of administration, by as much as questions of freedom and human rights transcend all questions of mere property. It is an issue which the former slave-holding and rebel classes at the South deem so vital, that upon it they have impacted themselves together, as firmly united as they ever were in the interests of slavery, as thoroughly drilled and disciplined as were their best troops in the war. It is the question whether the policy which has been hitherto pursued toward the colored people of the South by the republican party shall be continued, whether the power of the nation shall be pledged to them for the protection of their rights, or whether they shall be left wholly to the mercy of the white democrats at the South when they have gained, as they hope to gain by such methods as they have pursued and are pursuing, the entire control of their State powers. This issue the democrats of the South deem so vital that they seem willing to risk all differences among themselves on other questions and to adopt any platform and support any candidate by whose aid they can hope to carry one or two northern States with votes enough to give them a President.

The American people had to choose between three policies in dealing with the four millions who had been emancipated by the war:

First. To restore without condition the rebel States to their old powers, leaving the negro to be dealt with by the former masters without interference from national authority.

Second. To keep the old States out of the Union, governing them as Territories until new generations, with new opinions and habits, had grown up to be intrusted with self-government.

Third. The policy in part adopted to confer by amendments to the Constitution of the United States citizenship and the right of suffrage on the enfranchised race, and impose upon Congress the power and duty of passing all needful laws for their protection.

The second of these alternatives, the keeping the States that had rebelled in subjection as Territories, is a plan which to-day finds few defenders. Nearly a majority of the people at the North regarded it as unconstitutional. Whether constitutional or not, it was utterly repugnant to the principles, the habits, and the character of the whole people. Eleven vassal States kept in subjection by governors civil or military, and a complete system of government appointed from without. Whatever effect this would have had on the governed, there can be no doubt that it would have been in the end utterly destructive to the governing States. There is no lesson taught more clearly by history than that the habit of wielding arbitrary power by one man over another or by one people over another tends to the injury of the men who wield it.

The only alternative left, therefore, was between the policy advocated by the gentleman and that actually pursued by the people of the United States.

Mr. Speaker, I propose to contrast the policy adopted by the American people of dealing with the emancipated race with that which the democratic party would have adopted as evidenced by its conduct whenever it possessed either the legal or the physical power. I do not fear the comparison either of principles or of results.

Before bringing these two policies to the test of actual experience, let us consider what we ought to have expected beforehand from the known constitution of human nature. It is an old parliamentary adage, that "You should not put out the child to a nurse who would strangle it." The writers of the civil law warn us against committing a ward to a hostile guardian, *tanquam agnum lupo ad devorandum*.

I would not of course apply this maxim literally to any large class of my fellow-citizens. But to commit the rights of these men in freedom to men who thought their just and rightful condition was that of slaves, that the rights of these two million women should be left to those who thought it right to whip women, that the education of these children should depend on men who thought it right to sell little children, would hardly seem to be an act of political wisdom.

But let us bring to the test of actual experience the theories of the gentleman from Mississippi. We are able fortunately to know something of their fruits in legislation and something of their fruits in action. For a few years after the war the democrats of the South by the policy of Andrew Johnson were permitted to have uncontrolled possession of the legislative powers of several of the Southern States. One of them was the State of Mississippi. I hold in my hand a small but most remarkable volume, the public laws of Mississippi for the year 1865.

The gentleman sought to find some palliation for these odious laws by citing the opinions of Governor MORTON uttered in that year, that it was desirable to postpone for ten, fifteen, or twenty years the grant of the full elective franchise to the colored race. He would have it believed that Governor Andrew of Massachusetts held a like opinion. He is wholly mistaken as to Governor Andrew. Governor Andrew opposed the reconstruction of the South on the basis of the colored vote alone, and proposed to admit master and slave to the enjoyment of the franchise on the same terms, imposing on both alike an educational condition. He maintained that we must deal generously and with confidence with the men who had carried their States into rebellion, whom he termed "the natural leaders of that society." But the conduct of the Legislatures of Mississippi and the other States overturned all the theories of Governor MORTON, and struck a cruel blow in return for the confidence of Governor Andrew.

The opening sentence of the constitution of Mississippi declares—

That all freemen when they form a social compact are equal in rights.

I think it will be perceived that in the opinion of that Legislature the negro was not present when the social compact was made. They then proceed to provide, in article 8 of the constitution, that—

SECTION 1. The institution of slavery having been destroyed in the State of Mississippi, neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall hereafter exist in this State; and the Legislature at its next session, and thereafter as the

public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of the State, *and guard them and the State against any evils that may arise from their sudden emancipation.*

Under that authority "to guard them—the freedmen—and the State against any evils that may arise from their sudden emancipation," be good enough, Mr. Speaker and gentlemen, to listen to what they did. In the first place, on pages 82–86 of this volume is "An act to confer civil rights on freedmen, and for other purposes." In the first place, they enacted that no negro should own any real estate; he might own personal property; but no person should lease any real estate to a negro. He could not own in fee, nor have any interest as tenant, in any real estate. And then they go on and provide—

That every freedman, free negro, and mulatto shall, on the second Monday of January, 1866, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

The same act then goes on to provide "that every civil officer shall, and every person may"—just listen to this, you who represent constituencies of northern laborers—

That every civil person shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her service without good cause, and said officer and person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of $5, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer and held as a set-off against the wages of said deserting employé.

Then, upon affidavit made by the employer before any justice of the peace that his servant has left him without good cause, the negro is to be seized, brought before the justice of the peace, and trial is to be had; and from the judgment of the justice either party may appeal to the county court, and the justice may commit the negro to the custody of the employer in the mean time until that appeal is settled.

Section 9 of the same act provides—

That if any person shall persuade or attempt to persuade, entice or cause any freedmen, free negro, or mulatto to desert from the legal employment of any person before the expiration of his or her term of employment, or shall knowingly employ any such deserting freedmen, free negro, or mulatto, or shall knowingly give or sell to any such freedman, free negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $25 and not more than $200 and costs; and if said fine and costs shall not be immediately paid, the court shall sentence such convict to not exceeding two months' imprisonment in the county jail, and he or she shall morever be liable to the party injured in damages.

And here is a further act to amend the vagrant laws of the State. The act, in its second section, provides—

That all freedmen, free negroes, and mulattoes in this State over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business—

If he is out of work even; that is all that is required—

or found unlawfully assembling themselves together either in the day or night-time—

And by a later statute it is expressly enacted that all the old laws relating to slavery shall be applicable to freedmen; so that the holding of a political meeting or any other meeting is an unlawful act under this law—

and all white persons so assembling with freedmen, or usually associating with freedmen, free negroes, or mulattoes on terms of equality, * * * shall be deemed vagrants, and, on conviction thereof, shall be fined in the sum of not exceeding, in the case of a freedman, free negro, or mulatto, $50, and a white man, $200, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

So that, under the authority to pass laws to guard the freedmen against any evils that may arise from their sudden emancipation, the white men of Mississippi enact that any white man who associates with a free black citizen on terms of equality is to be deemed a vagrant, and punished by fine and imprisonment; and I am not so sure that, so far as the authors of that law were concerned, it was not a wise law, so far as the morals, honesty, and fitness for citizenship of the negro were concerned, to exclude them from his society.

Then there is another act providing—

That no freedman, free negro, or mulatto, not in the military service of the United States Government, and not licensed so to do by the board of police of his or her county, shall keep or carry fire-arms.

And the penalty is $10 and costs; and any white person who shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms is to be subject to fine and imprisonment.

Now, by the uniform confession of the white democrats of the South, their homes during the war were guarded by these same freedmen, then slaves, and they were guilty of no disturbance, no act of violence, no outrage. They therefore could not have supposed that they were in any danger by permitting these freedmen to have arms. But it was that the negro should not be recognized as enjoying that first constitutional prerogative of the free citizens of this Republic, the right to bear arms, that this law was enacted. Then there is this further provision in the same law:

That all the penal and criminal laws now in force in this State defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free negroes, and mulattoes, be, and the same are hereby, re-enacted and declared to be in full force and effect against freedmen, free negroes, and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law.

And the act further provides—

That if any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act—

Including the crime of being out of work—

shall fail or refuse, for the space of five days after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay the said fine and costs and take such convict for the shortest time.

And there is no limit as to the time.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. HEREFORD in the chair.) The time of the gentleman has expired.

Mr. GARFIELD. I hope the time of the gentleman will be extended.

Mr. BLAND. I move that the time of the gentleman be extended. How much additional time does he want?

Mr. HOAR. I cannot tell exactly. I will get through as soon as I possibly can.

There was no objection, and an extension of time was accordingly granted.

Mr. HOAR. Now remember that all these laws were passed in Mississippi before there was conferred on these freedmen any political powers. They were not the result of bad government. They embodied the ideas which the southern democrats then entertained of what was just and right in carrying out in good faith the amendment of the Constitution prohibiting slavery. This was the action of these men toward a class of their fellow-citizens whom their own constitution declared to be free.

I should like to take the sense of the workingmen of any northern State this summer as to what they think of the fitness for rule in the Republic of a party that proposes *to sell free citizens for the crime of being out of work.*

These laws in substance were copied in the State of Louisiana. I have the Louisiana laws here, but will not read them. They were substantially copied in Texas, and I think in Georgia and several other southern States.

In the same year Mississippi rejected the thirteenth amendment; so that they desired to preserve slavery in Kentucky, Maryland, Delaware, and Missouri.

Truly—

Thy gentleness hath made thee great.

I now wish to call attention to one other matter. I will ask the Clerk to read an extract from a report made by Hon. Luke P. Poland, who my friends on the other side will concede to be one of the most candid, impartial, and just men we have ever had in public life. The report relates to a time before any carpet-bag governments were established in the South. I ask the Clerk to read the paragraphs I have marked.

This is the account of a transaction in the State of Louisiana in 1864.

The Clerk read as follows:

In 1864 a convention was held which framed the constitution of the State. It adjourned subject to the call of its president. In 1866 it was summoned to meet again in New Orleans, to consider some proposed amendments to the constitution, which had gone into effect. It was claimed that by the adoption of the constitution its functions were exhausted, and that its future assembling could have no official character. If this were true it would seem to have been harmless.

Its members were unarmed and unprepared for resistance. This body was set upon in the hall where it assembled by a mob consisting of citizens and policemen of New Orleans. In the language of the report of the congressional committee of the House of 1866, who fully investigated the whole transaction, "There has been no occasion in our national history when a riot has occurred so destitute of justifiable cause, resulting in a massacre so inhuman and fiend-like. The massacre was begun and finished at midday. An intention to disperse and slaughter the members of the convention and those persons, white and black, who were present and friendly to its purposes, was mercilessly carried into full effect." The police were active on the side of the rioters. Two hundred and sixty persons were killed. The report proceeds:

"The committee examined seventy-four persons as to the facts of violence and bloodshed upon that day. It is in evidence that men who were in the hall, terrified by the merciless attacks of the armed police, sought safety by jumping from the windows, a distance of twenty feet, to the ground, and as they jumped were shot by police or citizens. Some, disfigured by wounds, fought their way down stairs to the street, to be shot or beaten to death on the pavement. Colored persons at distant points in the city, peaceably pursuing their lawful business, were attacked by the police, shot and cruelly beaten. Men of character and position, some of whom were members and some spectators of the convention, escaped from the hall covered with wounds and blood, and were preserved almost by miracle from death. Scores of colored citizens bear frightful scars, more numerous than many soldiers of a dozen well-fought fields can show, proofs of fearful danger and strange escape. Men were shot while waving handkerchiefs in token of surrender and submission. White men and black, with arms uplifted praying for life, were answered by shot and blow from knife and club; the bodies of some were 'pounded to a jelly;' a colored man was dragged from under a street-crossing and killed at a blow; men concealed in out-houses and among piles of lumber were eagerly sought for and slaughtered or maimed without remorse; the dead bodies upon the street were violated by shot, kick, and stab; the face of a man 'just breathing his last' was gashed by a knife or razor in the hands of a woman; an old gray-haired man peaceably walking the street at a distance from the institute was shot through the head; negroes were taken out of their houses and shot; a policeman riding in a buggy deliberately fired his revolver from the carriage into a crowd of colored men; a colored man two miles away from the convention hall was taken from his shop by the police, at about four o'clock on the afternoon of the riot, and shot and wounded in side, hip, and back. One man was wounded by fourteen blows, shots, and stabs; the body of another received seven pistol-balls. After the slaughter had measurably ceased carts, wagons, and drays, driven through the streets, gathered the dead, the dying, and the wounded in 'promiscuous loads,' a policeman, in some cases, riding in the wagon, seated upon the living men beneath him. The wounded men, taken at first to the station-house or lock-up, were all afterward carried to the hospital. While at the station-houses, until friends found them with medical aid, they were left to suffer; when at the hospital they were attended to with care and skill. But this was done at no cost to the city or to the State.

"Without asking permission, so far as the committee learned, those wounded men

were carried to the hospital under the care of the Freedmen's Bureau and shelter, surgical treatment, and food were furnished at the cost of the United States.

"In the year 1868 occurred in Louisiana six bloody and terrible massacres. Mr. Poland reports that more than two thousand persons were killed in that State within a few weeks of the presidential election. In the parish of Saint Landry the republicans had a registered majority of 1,071 votes. In the spring of 1868 they carried the parish by 678 votes. In the fall they gave Grant no vote, not one, while the democrats cast 4,787 for Seymour. Here occurred one of the bloodiest riots on record. The Ku-Klux killed and wounded over two hundred republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot. A pile of twenty-five dead bodies were found half buried in the woods. Having conquered the republicans, killed and driven off the white leaders, the Ku-Klux captured the negroes, marked them with badges of red flannel, enrolled them in clubs, led them to the polls, made them vote the democratic ticket, and then gave them certificates of the fact."

Mr. Speaker, this was before all bad government of carpet-baggers or negroes. It was without other cause than the desire to carry an election and to give an illustration of the meaning of the gentleman's maxim—

Thy gentleness hath made thee great.

I will not detain the House by a recital of the terrible murder at Colfax in 1873, a deed which our report pronounces—

Without palliation or justification; deliberate, barbarous, cold-blooded murder, to stand like the massacre of Glencoe or of St. Bartholomew, a foul blot on the page of history.

Thy gentleness hath made thee great.

In 1874 took place an election for State officers and members of the Legislature. I ask to have the history of the transactions of that year read by the clerk, as given by myself in the report just cited.

The Clerk read as follows:

We now come to the events of 1874. The campaign was inaugurated by the formation of a party designed to divide the people of Louisiana on the line of race. Its convention at Baton Rouge begins its address, "We, the white men of Louisiana." This party assumed various names in various localities, almost always indicating a purpose to make the race issue distinct.

Agreements were entered into in various parishes, signed by hundreds of planters, to employ no laborer who did not vote their ticket. Hand-bills like the following were circulated in French and English:

"Louisianois: Pour sauver votre patrie, il faut renvoyer les nègres. (Par la faim, animal le plus féroce est dompté.")

"Louisianians: To save your country, do not employ the negro. Wild beasts can only be tamed by hunger."

After the white-league rising of September 14, 1874, an account of which is given hereafter, risings took place in many parishes. The Kellogg officers were driven from power and compelled to fly for their lives. After the re-establishment of the Kellogg government in some cases the officers were not permitted to resume their functions.

The speeches at public meetings and leading articles in the press urged the people to deeds of violence. We submit a collection of extracts taken from many leading and influential journals published in various parts of the State. We have not space to make extracts from them in this report. They are enough of themselves to establish its conclusions as to the purposes and conduct of the leaders of the white man's party in the campaign of 1874.

It is impossible to state, in the space which this report can properly cover, the details of the deeds of lawless violence which were proved before the committee. In many parishes the legal officers were driven out by force. Republicans were murdered or compelled to fly for their lives. Whatever the pretext, the real offense was their political opinions.

Buford Blunt, State senator, an eminent and influential colored preacher in the Baptist Church, whose efforts to establish schools in the parish are highly spoken of in the report of the State superintendent of education, was compelled to promise to give up all politics, and afterward to fly for his life.

Allen Greene, a State senator, a native of Georgia, who had lived in the State for many years, had established in the parish of Lincoln a tannery and shoe manufactory. Hides and bark were produced in abundance in the neighborhood. Mr. Greene had furnished machinery which required the employment of skilled labor, and had introduced about eighty workmen from New England, to whom he paid an average of $30 per month, making a pay-roll of $2,500 per month to be expended in the town. In May, 1874, Mr. Greene was required to resign his office, with threats against his life. His workmen were so disturbed by the *condition* of things that they refused to remain, and a new body, who had been engaged in Massachusetts, hearing of the rising of September 14, refused to keep their engagements. Thus the people of the parish of Lincoln prefer to send their hides half way across the continent, have them tanned and manufactured into boots and shoes in Massachusetts, by workmen to whom the flour, sugar, rice, and cotton are in like manner conveyed, and then brought back to Louisiana in the form of boots and shoes, and to pay tribute to the manufacturer in Massachusetts, to the carrier and commission-merchant, rather than to allow manufactures to be carried on in their own State by men who may be allowed the free expression of their political opinions.

THE STORY OF JUDGE MYERS.

H. C. Myers resides in the parish of Natchitoches, about five hundred miles above the city of New Orleans, on Red River; has lived there eighteen years. His wife and their six children were born there. For several years he was register of the United States land office for the northwestern district of Louisiana; was elected parish judge in 1870 and 1872, which position he held until February, 1874, when he was appointed judge of the seventeenth judicial district of that State, comprising the parishes of Natchitoches, Sabine, De Soto, and Red River. He appears to be a man of good education, of culture, of refined speech and manners; and your committee fail to see that any charge of mal or misfeasance in office was at all sustained. Early in the spring of 1874 there were nursed and assiduously cultivated in that parish fierce and clamorous political antagonisms. The White League was organized, the removal of all republican office-holders determined upon, and, as has been well said of another locality, "the air was full of assassination." In May notices were posted in conspicuous places, as follows:

"K. K. K."

"Boullet, Myers, and all other radicals in this parish. Your fate is sealed. Nothing but your blood will appease us. The people of Natchitoches, Sabine, Winn, De Soto, Rapides, Red River, Bienville, Claiborne, Jackson, and Caddo are ready at a moment's notice, and will exterminate all radicals."

About this time Judge Myers was warned that his life would be forfeited if he remained another day at his home. His wife, two of his children, and his aged father were sick; one of the children and the father hopelessly; so says the judge. "Quite sick; my little child dying; my aged father, at the other end of the town, also dying. I kissed my little baby, placed it in the care of its weary mother and the Almighty. I left my home, not daring even to visit my father."

The judge and Judge Boullet fled in the night-time by circuitous paths, without even a change of clothing, lest it might lead to suspicion, and finally arrived at New Orleans. From that day to now he has never ventured to his home, and dares not do so. In less than a week after he left the babe died, and the father, too, and says the wife in her testimony, "I was left alone with my sick and dying children. None of my neighbors came to my assistance. My child died. I sent to the tomb-builder to make its little tomb, and he being a democrat refused to do it." From the testimony of the judge and his wife, and incidentially of others, your committee are compelled to believe this a true story.

We were anxious to obtain the facts in the terrible tragedy of Coushatta, and were able to do so from several witnesses, but principally from Mr. Twitchell, a brother of one of the victims, and from Mr. Abney, a merchant of that town, whose reluctant admissions, under a rigid cross-examination, satisfied us was the chief conspirator. This is the fearful story proven to our satisfaction:

The Twitchell brothers, from New Hampshire, both young and active men of business, one a man some time married, the other but a short time before his death, with five or six other men from the North, with their families, settled in this little town, bringing with them earnestness of purpose, integrity, economy, and habits of industry. The reasonably-expected results followed: The hamlet grew into a prosperous and flourishing New England village, with its saw and grist mills, its factory, its stores and store-houses, its pleasant white-painted houses with their lawns and gardens, its churches and school-houses. Business flourished. About twelve hundred colored men were gathered into the village. Their labor was in demand; their wages good and promptly paid. Their children eagerly availed themselves of the school privileges abundantly afforded. The colored voters finding that these men never betrayed their confidence, but in all things were aiding them, elected them to the several parish offices; and they, thus elected, from a sense of duty, honestly and faithfully administered the same. Everything in the village was prosperous, peaceable, and happy. But there was there a small party of white conservatives, headed by Mr. Abney, who determined to rule, who acknowledged no right to the black man but that of service, who had no feeling toward their white neighbors recognizing in the black a citizen other than intense jealousy and hatred.

The usual result followed. August 25, 1874, these officers were waited upon and ordered to resign; they declined; then they were informed that death alone was the alternative. Knowing that the inexorable decree had gone forth, that nothing, neither service to the town, to the State, to their neighbors, nor the faithful performance of duty, nor virtue, nor integrity, nor prayers of themselves, of wives, or little children could save, they besought their cruel neighbors to send them in safety out of the State, promising never to return. An escort was raised by this man Abney of twenty mounted men. The prisoners, taking all of their ready money, about $2,000, placed themselves in the hands of the guards. Abney issued military orders to what he called political clubs, but we believe white-leaguers, along the route to furnish aid, supplies, &c. The march was commenced, and, within thirty miles of their homes, these prisoners were all murdered, terribly mutilated, buried, and no father, widow, brother, or son was permitted even to visit their graves until the bodies were decomposed. None of the white man's party have ever sought the murderers; no pursuit has ever been made, no inquiries ever set on foot by them. A man riding one of the horses of one of the dead men has been seen in the parish, but no one arrested his course or asked him about the bloody deed. No republican, white or black, has dared to commence proceedings. Abney was arrested and admitted to bail in a small sum, and with impunity insults the majesty of outraged law by boldly appearing as a witness before this committee. More, he was introduced by the conservatives to the witness-stand with a flourish of trumpets as a leading merchant of that section of the State. A brief extract from his cross-examination will indicate his connection with the crime:

"Mr. FRYE. Was there not one other officer at that time requested to resign?
"Mr. ABNEY. Yes.
"Mr. FRYE. What was his name?
"Mr. ABNEY. Scott.
"Mr. FRYE. Was he killed?
"Mr. ABNEY. No.
"Mr. FRYE. Did he go with your guard?
"Mr. ABNEY. No.
"Mr. FRYE. Why not?
"Mr. ABNEY. I wouldn't let him; I compelled him to remain behind.
"Mr. FRYE. Was he a master-mason?
"Mr. ABNEY. Yes.
"Mr. FRYE. Were you a master-mason?
"Mr. ABNEY. Yes.
"Mr. FRYE. Were any others of the persons masons?
"Mr. ABNEY. I did not know that they were."

Now, against those murdered men no crime was charged, no dishonesty alleged, no malfeasance in office proved. Abney alone said they had cheated in certain contracts, but your committee gave no credit whatever to his testimony.

Thus by the murderous hands of neighbors, of men who pride themselves upon their position in society, of those who had never received from the victims other than kindness, were these men deliberately slain. And there is practically no law in Louisiana to bring them to punishment.

WHITE LEAGUE.

The White League is an organization which exists in New Orleans, and contains at least from twenty-five hundred to three thousand members, armed, drilled, and officered as a military organization. Organizations bearing the same name extend throughout many parts of the State. It was pretended that this organization in the city was simply as a volunteer police force, the regular police being inefficient; that it has no connection with associations of the same name in other parts of the State, and that these latter are large political clubs without military organization or arms. A brief examination and a brief cross-examination effectually dispelled this pretension. Several of its members and officers were examined before the committee. So far as was shown, this organization in no single instance performed police functions. Its organization, equipment, drill, and discipline were wholly military. Its name was not appropriate to a volunteer police, but was appropriate to an association designed to put the whites of the State into power by force. It had cannon. On the 14th of September, 1874, it rose upon and attacked the police of the city, the pretext of the attack being the seizure of arms which it had imported from the North, and, having defeated them with considerable slaughter, it took possession of the State-house, overthrew the State government, and installed a new governor in office, and kept him in power until the United States interfered. This rising was planned beforehand. Its commanding officer, Ogden, published an elaborate and pompous report of his military movements, in which he expresses his thanks to his aids and other officers for their important and valuable services before and during the day of the action. In other parts of the State organizations under the same name existed, and we have no doubt that their purposes and methods were also identical. In one parish their meetings were called by notices, headed, "Attention, White League," and signed by an officer in his military capacity. Abney, the leader of the band at Coushatta, when he sent off the republican prisoners under a guard, gave a military order for supplies and guard to the highest officer of a club in another town, on obedience to which, if his story were true, the safety of the lives of the prisoners depended. Yet he professed to have no other power than that of president of an ordinary democratic club addressing the president of a subordinate or branch club of the same organization.

The White League of New Orleans itself was and is a constant menace to the re-

publicans of the whole State. Its commander can, in a few hours, place bodies of men, armed and drilled, in any of the near parishes, or those on the coast, or into Mississippi, Alabama, or Texas. It doubtless contains many persons of property and influence. It also contains many persons of very different character. It would be desirous and able to overthrow the State government at any time, if not prevented by the power of the United States. They still retain more than one thousand stand of arms, taken from the State on September 14 and never returned.

We cannot doubt that the effect of all these things was to prevent a full, free, and fair election and to intimidate the colored voters and the white republicans. The very formation of a white man's party was a menace of terrible import to those who remembered Colfax and Bossier and the convention. The press was filled with threats of violence. The agreement to discharge laborers, the suggestion that wild beasts are tamed by hunger, was evidence of the same spirit. The overthrow of the State government by the White League on the 14th of September; the turning out large numbers of parish officials in the country, compelling them to flee for their lives; the fearful lesson of Coushatta; the formation, arming, and drilling of the White League, the natural successors of the Knights of the White Camelia; these things in a community where there is no legal punishment for political murder must, in the nature of things, have filled with terror a people timid and gentle like the colored population of Louisiana, even if we had not taken abundant evidence as to special acts of violence and crime and their effects on particular neighborhoods.

Mr. Moncure, the conservative candidate for State treasurer, claims a majority in the whole State of about five thousand. A far greater number of republicans than enough to overcome this majority must have been prevented from registration or driven by terror from the polls.

In view of these facts, we do not hesitate to find that the election of 1874 was neither full, free, nor fair; that in large portions of the State the usual means of instructing and persuading the people, of organizing and conducting a campaign, could not be carried on by republicans without danger to their lives; and that many more voters than were needed to give the republican party a complete victory were prevented from voting at all or coerced into voting the white man's ticket.

Mr. HOAR. Truly

Thy gentleness hath made thee great.

I am not to be frightened or ridiculed when I discuss these things by the taunt from any quarter that it is "shaking the bloody shirt." When the garment, however humble or mean, is drenched with the heart's blood of an American citizen I have but one question to put to my country, *Anne hæc vestis filii tui?*—Know you if this be *your son's* garment?

I agree with the gentleman that the union of nearly all the blacks in one political party, and of nearly all the whites in another, is a fact deeply to be deplored. Party spirit bears evil fruit in abundance when animosities of race and class do not mingle with it. But I cannot doubt that whether the white republican leaders have sought to foster this discussion on the color line or not, it would long since have disappeared if the leaders of the white people of Louisiana had not hammered and welded together the masses of the colored population by a system of conduct calculated to excite in the highest degree their fears for their freedom, or their political and social rights.

The people who would persuade us, and to some degree persuade themselves, that they are willing to give the negro all his rights under the Constitution seem to lose all their understanding of what justice and equality really mean when the negro is concerned. They think, and very justly, that it is a great evil to mass all the colored votes on one side. It never occurs to them that it is an equal evil to mass all the white votes on the other. On the contrary, their animosity is specially directed against those whites who act with negroes. They have little reprobation for those leaders who advise the whites to band together in an agreement not to employ negro laborers who vote the radical ticket, or for the planters who followed the advice. The life of no man would be safe, as one of their witnesses very frankly admitted, who, when it was time to gather the cotton-crop, should advise negroes to refuse to work for planters who are not republicans. The white who kills a negro goes unpunished. A fearful vengeance overtakes the negro who snaps a cap at a white man. In parish after parish the whites turn out public officers whom they dislike by force, and no punishment follows. The assembling of a body of negroes at the command of the sheriff to maintain his lawful authority is followed by the Colfax massacre.

Southern gentlemen speak with contempt of persons whom they term "carpet-baggers." The Constitution gives to every American citizen the right to choose his home anywhere on American soil and to take such part in public affairs as his fellow-citizens shall assign to him. Shall not the American citizen born on our soil have the rights to which we gladly welcome natives of other lands? It is not to the carpet-bag, but that it is held in American hands, that the southern democrat objects.

The gentleman will perhaps claim that the opinions of his class at the South have changed since these laws were passed, and since some of these outrages were committed. If they have not changed, surely no man will be bold enough to say that the rights of the colored people would be safe for an instant if they were placed within the power of that class. But admit that they have changed and that they are now reconciled in opinion to the abolition of slavery and to the equality of all persons before the law and in the rights of citizenship. Ah, Mr. Speaker, that is a fatal admission. What tribute could be grander, what concession more complete, to the success of the republican policy of reconstruction than to confess that it has resulted in a change of sentiment like that.

Will the gentleman from Mississippi claim that he does not now think that it is a misfortune that the rebellion did not succeed, that it was a misfortune that the thirteenth, fourteenth, and fifteenth amendments were adopted, and that this belief is not shared by his political associates? If this be his belief and theirs, they would be strange guardians of the rights of the race which these amendments emancipated. But if this be not his belief and theirs, I point to their conversion as the most triumphant evidence of the wisdom and the success of that policy which, while it has raised four millions from slavery to citizenship, has in ten years eradicated from the understandings and the hearts of the white people of fifteen States the prejudices of centuries.

Errors in administration, mistakes in finance, extravagances in expenditures, confidence unworthily bestowed—these have been the lot of all parties in the past, and will doubtless be repeated in the future. Even dishonesty and corruption have existed in all parties. They must, in the nature of the case, be practiced but by a few, and will be cured in a free government, whatever party may be in power, by the people whose resources and industries they burden without distinction of party. But to have changed the opinions and conquered the prejudices of a people angered by defeat, imbittered by years of bloody war, so that they have become reconciled to the policy and convinced of the justice of raising their former slaves, men of another color and another race, to civil and political equality with themselves, this is a triumph of administration glorious and splendid, to which history can furnish no parallel; compared with which the laurels that a Cæsar reaps are weeds.

Mr. Speaker, I do not deny that in all these years the democrats of the South have made some progress. But it has been a progress in which nothing has been due to themselves. Whatever they have learned, either of freedom, of justice, or of republican government, they have learned from their opponents.

They have been the unwilling pupils of the republican party. Like Dante's souls, whose necks Satan had twisted, they have marched on impelled by a strength other than their own, perpetually looking back.

So much, Mr. Speaker, for democratic legislation in the matter of reconstruction. It shows a concerted, crafty scheme to reduce the negro to a system of peonage which degraded him below the condition of slavery, but imposed no corresponding obligation upon the master. This legislation, cruel and hateful as it is, is mercy itself compared with the conduct of southern democrats to the negro when freed from the restraints of the Federal power. I have given a few specimens, not because I desire to revive or preserve their odious or painful memory, but because they bear with terrible weight upon the issue now presented to the American people.

The republican party, in my judgment, in prescribing the conditions upon which the States of the South should be re-admitted were guilty of one serious omission. Recognizing and affirming in their State constitutions, as the people of every northern State have done, that a system of universal education is absolutely essential to the success of a system of universal suffrage, they committed the folly, the fatuity, of imposing by national authority upon the South, with their four millions of freedmen just freed from slavery and a still larger number of ignorant whites, a system of universal suffrage, making no provision for education. But by the Bureau of Education and by religious and charitable organizations and private aid we have done much in that direction.

All the teachings of the Old and New Testament are summed up by the Author of our religion in two simple and sublime commandments, on which hang all the law and the prophets. The great philosopher of our day, in one homely and noble verse, has expressed the whole of republican government in a space as brief:

The noble craftsman wo promote,
Disown the knave and fool;
Each honest man shall have his vote,
Each child shall have his school.
For what avail
The plow and sail,
Or land, or life,
If freedom fail?

The gentleman makes eloquent but vague charges against the existing administration for its conduct in relation to the Southern States. What one act of the Government gives him just cause of complaint? Does he now dare to insist on his objection to either of the three great amendments to the Constitution? He has ventured no such objection in this debate. Does he deny that Congress has power to enforce them? If he admits the power the duty in proper cases follows. Does he place himself on record as complaining of the policy or purpose of the legislation of 1871, by which the homes of his colored fellow-citizens throughout the South were protected from outrages such as moved the indignation of Reverdy Johnson? He will scarcely make that issue to-day. Does he deny that it is the duty of the United States to guarantee to all the States a republican government, and on constitutional demand to protect the lawful governments of the States against lawless insurrection? If he does he must repudiate the original Constitution as well as the amendments. The only reproach he utters against the Government is that the State governments for which it interfered were badly administered. But the United States is bound to support all lawful State governments against insurrection without considering their administration. The vital difference between the gentleman and the republican party is that he seems to think that the remedy for what he dislikes in government is resistance by force. His logic would lead to the result that you are to vote against a State administration only when you like it, and revolt against it and attack its adherents with knife and pistol when you do not like it.

The gentlemen quoted from a report of which I was the author a statement that the President had based his interference in Louisiana on the unlawful order of a judge. I think the assignment of that reason a grave error on the part of the President. I now admit, as I declared in the report, that the order of that judge was entitled to no respect whatsoever, and that the assignment of that reason tended naturally and inevitably to influence existing discontents and to make the democrats of Louisiana believe that no better reason existed. But the report also declared that in our judgment Kellogg was lawfully elected; that the difficulty in ascertaining the truth was caused by the frauds of his opponents and their destruction or carrying off the returns. It was in our judgment the constitutional duty of the President to recognize and support Governor Kellogg. The whole of his error, which the gentleman from Mississippi dwells on as a justification or palliation for the acts of lawless violence, was the assignment of an unsound reason for the performance of his clear sworn duty.

The two systems of dealing with the colored race are these:

The republican party sets them free and secures their freedom by the Constitution itself.

The democratic party would have left slavery to exist in Kentucky, Maryland, Missouri, and Delaware.

The republican policy secures them equality before the law.

The democrats sent white men to the penitentiary who associated with them on terms of equality.

The republican policy pledged to them the whole power of the National Government to protect their homes from the Ku-Klux Klan.

The democrat left it to the judgment of the Ku-Klux Klan to determine when its outrages should cease.

The republican policy made them freemen, citizens, voters; while the democratic would have left them peons.

Mr. Speaker, there is another evidence of the wisdom of the American people in conferring the rights of freemen upon the colored people to which I think neither the House nor the country will be insensible. During the past seven years there have sat in this Hall an average of seven colored Representatives. Most of them had been slaves, deprived by the laws under which they were born of the right to learn to read, to attend public meetings, or to avail themselves of any of the common methods of obtaining information concerning public affairs. All of them came from humble places in life Yet what equal number of members of this House can be chosen on any principle of selection that will stand higher, either for fidelity, wisdom, or propriety in the discharge of their high duties. Who can cite an instance of an improper utterance in speech or of an undignified or unbecoming act of a colored Representative? What colored man has been compelled to suppress from the official reports any angry or intemperate utterances which have come from his heart in the heat of debate? Have the memories of ages of cruel oppression endured by their race—have the terrible cruelties of recent days wrung from their lips a single expression of hatred, or led them to urge on their political friends, who held the Government by such large majorities, a single measure of revenge?

They have had to meet the most unexpected emergencies and encounter the most formidable antagonists. The gentleman from New York, perhaps the most trained and experienced debater in this House, has not forgotten how in the Congress before the last the gentleman from South Carolina with equal courtesy and dexterity left him unhorsed and on his back in the sight of the House and the whole country. When the able gentleman from Georgia, the late vice-president of the southern confederacy, made his most powerful and carefully prepared speech to the last House on southern affairs, he was replied to on the instant by another colored Representative. It is no disparagement to the gentleman from Georgia to say, that in dignity, in ability, in constitutional argument, the speech of Mr. Elliott was in no wise inferior to that to which it was a reply. I mean no disrespect to anybody when I declare that the policy which gave to the loyal slave his right to be represented or to be a Representative here is as fully vindicated by its results as that which gave the rebel master the same rights.

Mr. Speaker, I have said much that I have been constrained to utter in this debate with great reluctance and pain. The gentleman from Mississippi undertook to cite in his speech from a report of which I had the honor to be the author, extracting only such admissions as he could find in its pages against the conduct of my political associates, while he was wholly silent in regard to the terrible arraignment made not by the report, but by the historic facts which it cites against the party to which he belongs. In my judgment, Mr. Speaker, the gentleman from Mississippi made a fatal and grievous error. If he and a few of his associates, North and South, would give the same manly utterance of condemnation against men who seek to accomplish political results by murder and assassination that has come from republican lips against republican misgovernment, the whole evils which distract that fair portion of our country would be over in a month. I had the honor in that report to say, and I repeat it now:

> The public sentiment of the rest of the country, more potent than any legislation, might stop the whole trouble in a month. If instead of seeking to gain partisan advantage from evils which are ruining this fair State, the two parties of the North would each resolutely set its face against the evil done by its own side, little would remain for Congress or President. The difficulty of the southern problem would have disappeared long ago if the democratic party of the North had given it to be clearly understood that they would have no political association with men who would commit, tolerate, extenuate, or overlook murder; and the republican party of the North had been unanimous in making it understood with equal emphasis that they would have no affiliation with men who would plunder the public for personal gain.

Mr. Speaker, I hate for any purpose to revive these odious and painful memories. Whatever oppressions have been suffered have been suffered by my countrymen. Whatever crimes have been committed have been committed by my countrymen. But we cannot discharge our own official duty, the American people cannot wisely exercise its high functions of self-government without a knowledge of the facts of our own history, however grievous and humiliating. I believe the wisdom of the people will find a peaceful and constitutional remedy for these evils whether of administration or lawless outrage. I do not agree with the gentleman from Mississippi that that remedy is to deliver the innocent into the power of the guilty, or that Congress should lay down its high functions to prevent crime at the demand of the criminals.

Do the democrats of the South who are concealing, apologizing for, abetting these crimes reflect that they are educating their young men to become a generation of assassins? Mr. BOUTWELL says in his report:

> The committee find that the young men of the State, especially those who reached manhood during the war or who have arrived at that condition since the war, constitute the nucleus and the main force of the dangerous element.

Do the democracy of the North reflect that they are seeking to obtain power, not by a fair election, but by the aid of the votes of States in which their party is an armed conspiracy organized to overthrow freedom of election, and that their success is to substitute for the Constitution of the United States the principles and the practices of Mexico?

The duty of the people is plain. Punish crime; punish corruption; unmask hypocrisy. But trust liberty only in the hands of her friends, and let the Constitution of your country be administered and defended by those who love it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted upon its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD.

The message also announced that the Senate had passed a bill of the following title, with amendments, in which the concurrence of the House was requested:

A bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 3392) for the relief of John R. Harrington; and

A bill (H. R. No. 3856) for the relief of William H. French jr., United States Army, late an Indian agent at Crow Creek, Dakota.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 795) to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for improvement in knitting-machines; and

A bill (S. No. 796) for the relief of the heirs of Sheldon S. Hartshorn.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

POLITICAL CONDITION OF THE SOUTH.

Mr. HOOKER. In the absence of my colleague, Mr. LAMAR——

Mr. HOAR. The gentleman from Mississippi will permit me to say before he proceeds that I took the pains to say to Mr. LAMAR some days ago that it was my purpose to reply to him, and yesterday to indicate to him that probably I would have the opportunity to do it to-day. I was very sorry he could not be here.

Mr. HOOKER. In the absence of my colleague, [Mr. LAMAR,] in reply to whose speech the remarks of the gentleman from Massachusetts in great part have been addressed, I feel it my duty, though coming into the House to-day with no expectation whatever of participating in this discussion, in his absence to say something. And more especially, Mr. Speaker, do I feel this incumbent upon me because while the remarks of the gentleman from Massachusetts may be considered as referring to the entire South, they have been confined in a very large degree to the action and conduct and legislative proceedings of my own State.

I came into the Hall while the gentleman from Massachusetts was speaking, and while I suppose from what occurred on yesterday that his object was to reply to the speech of my colleague, the sentiments which were then falling from him would not have indicated to an ordinary listener what the particular topic was which engaged the attention of the House and to which the gentleman from Massachusetts had arisen to speak. For he was then digging up the events of the past extending back to the administration of Washington, and

the great and powerful men who were gathered around that administration.

He was seeking out with sedulous zeal the black spots wherever he thought they existed in the characters of the prominent men of the nation and the country to which he says he is proud to belong. He was holding them up to the gaze of the House and through your records to the gaze of the country as evidences of the fact that corruption had always existed in the Government, even back to the days of Washington and his administration; I suppose in order to induce his listeners to draw the inference that the corruption which had been exposed by the investigations of this House, the frauds upon the people, the peculations upon the Treasury, which had existed in his own party for the last fifteen years, might find some justification and some excuse in the history which he was thus narrating. I leave the gentleman from Massachusetts and the party to which he belongs the honor of this ghoul-like digging into the graves of the great men who have lived and died before us; and I hope that he and they will enjoy the gratification of feeling that this presentation of what he is pleased to term the corruption and the dishonor of his own country has fitly come from the party that in this age and in this centennial period has culminated in those qualities which he is seeking to defend. I envy him not the lesson which he draws from this. I envy him not the evident purpose for which he has drawn it, to vindicate the social standing and the moral position of the party to which he belongs.

The greater portion of the speech of the gentleman from Massachusetts, as I have before remarked, refers to the action of the Southern States generally with reference to the condition of the freed people immediately after the war. It is asserted that there is a feeling of hostility in the breast of the southern people toward this race, which would not only lead the present generation to slaughter them for political purposes, but which would induce the present men and women of the South, the present generation of southern people, to train up their own children as assassins. The arraignment to which the gentleman from Massachusetts subjected the distinguished characters he alluded to in his opening remarks was very well followed up by the arraignment of an entire section of his own country on a charge that they, by the policy and laws which they were adopting, were not only disposed themselves, inhumanly and brutally for party purposes, to murder the colored race, but were raising up their own children in these assassin-like ideas.

It is extremely difficult, Mr. Speaker, amid party excitement and party antagonism and party acrimony to impress the mind with the actual truth. It is extremely difficult to discuss the question which has been discussed by the gentleman from Massachusetts [Mr. HOAR] with coolness, calmness, and deliberation, but yet with just enough of the real sentiment which seems to stir his heart in this matter, to impress us with the conviction that he labors under the idea that a whole section of this country, comprising twelve or thirteen States, can justly be denounced as assassins for political purposes. I say it is to induce the human mind to accept and acknowledge the actual truth. I believe, however, that it is the desire of the American people, or of the great body of the American people, without regard to party, to understand the question as it actually exists and arrive at the truth.

Now, sir, what is the truth? At the close of the war a large body of citizens who had been held in slavery, in reference to whom I had occasion to remark in an address which I made to the House some time since who were born slaves without any fault of their own as we were born masters without any fault of our own—this large body of men, with about eight hundred thousand voting population, were at once made electors and invested with the elective franchise. The question as to what was to be the policy to be adopted in reference to them, how they were to be instructed in the new duties placed upon them, was a very grave question. It was not only discussed in the State convention, in the convention of my own State as well as others, but it was discussed in the Senate of the United States, and the most important republican Senator to-day, [Mr. MORTON, of Indiana,] under a resolution adopted then, proceeded to my own State in 1867 to make an investigation. When the question arose as to what was the course to be pursued in regard to the recently enfranchised people and as to how soon they could be safely invested with the ballot, he took a position more extreme than any southern man; he took a position in consonance with the law of the gentleman's own State of Massachusetts in 1814, and repeated in the revision of her laws in 1836, that the colored persons who had been recently enfranchised by the results of the war ought to undergo a period of probation of from seven to ten years to qualify them to exercise the elective franchise intelligently, and when this was charged in the Senate Chamber by the distinguished Senator from Kentucky, [Mr. STEVENSON,] it was admitted by the gentleman from Indiana that he took that position too. I say, therefore, that it was not strange that a very grave question was presented to the convention which met in Mississippi in 1865. It adopted a constitution recognizing the freedom of the colored man. When the Legislature met, the first Legislature called after the adoption of that constitution, that Legislature was composed largely of what were known as Union men, the men who had constituted the old whig party of the State. I believe that that Legislature was composed without exception of men of that class, and that Legislature, to whose action the gentleman from Massachusetts has referred, elected to represent the State of Mississippi two gentlemen distinguished for their devotion to the Union, men who had subjected themselves to some odium during the war and had incurred some sacrifices; I allude to the late Chief Justice Sharkey and to the present republican Senator, [JAMES L. ALCORN.] These were men who were elected by that Legislature to represent the sovereignty of the State in the Senate of the United States, showing what was the character and complexion of the men who composed that Legislature. Now the statute of the State of Mississippi has been referred to which provides that a colored man should be required to have his residence by the 1st of January.

Sir, these people were all homeless and houseless; they were unprovided for; they had no means. They were made citizens; and I undertake to assert that no man from a northern State, from the State of Massachusetts, which was the first to manumit her slaves, down to New Jersey, which was the last to manumit her slaves, that no State enacted penal laws, and controlling laws, and limiting laws with regard to the rights of the new-made citizens as to rights of life and property less penal than did the State of Mississippi.

Mr. HOAR. Will the gentleman allow me to ask him a question?

Mr. HOOKER. Certainly.

Mr. HOAR. Does the gentleman mean to say that there were no persons in Mississippi who desired to impose extreme penal laws upon the colored people?

Mr. HOOKER. I mean to say this, that so far as the Legislature was concerned the members of that Legislature were known as Union men, and I suppose a Union man in Mississippi is as good as a Union man in Massachusetts.

Now I believe, according to the revision of the laws of Massachusetts made in 1814, that State imposed more penal laws upon her colored citizens than Mississippi did, and I will refer to one section of her laws. I refer now to the statute of Massachusetts on page 306 of the revision of her code of 1814, and I will say that those were laws which were passed by the State of Massachusetts with regard to her colored people. Negroes were not allowed to be enrolled in her militia, but they were required to attend the militia meetings and to do such service as might be assigned to them.

Mr. HOAR. Allow me to say that that act was passed in consequence of an act of Congress which inserted the word "white" in the militia law.

Mr. HOOKER. Because the act of Congress contained the word "white?"

Mr. HOAR. The act of Congress contained the word "white," and therefore the State could not constitutionally include negroes in the militia, though it would have done so very gladly. The negro sat in the Legislature of Massachusetts.

Mr. WILLIS. The act of Congress had nothing to do with the State militia.

Mr. HOAR. Yes, it had.

Mr. WILLIS. No; it was the national militia.

Mr. HOAR. There was no national militia.

Mr. HOOKER. The gentleman says that arose from the fact that in regulating the question of militia in Massachusetts they were controlled by an act of Congress. I supposed the gentleman would say that the act of Congress required that they should enroll the white militia, and therefore they had not the power to enroll the negroes in the militia. If they could not do that, then why did they require the negro to attend and perform menial services? If you did not intend to give them an equal position in the militia, why require their attendance for such purposes as that?

Further, by the same legislation negroes and mulattoes were prohibited from entertaining any negro or mulatto servant, were punishable under a penalty of five shillings for each offense; and if they were unable to pay the fine, they were to work at hard labor in the house of correction for two days for each shilling of the five.

Now what is the temper of that law and its spirit? Was it enacted in reference to the perfect freedom and perfect equality of the colored man? And further, the statute recited in its preamble that great change and inconvenience have occurred in divers towns by releasing and setting free negro and mulatto slaves, and it enacts that no such person shall be freed until bond and security shall be first given to indemnify the town against such negro or mulatto becoming a charge on the town. That was a law enacted in Indiana at a very late day.

Mr. HOAR. Does the gentleman say that that was a law of Massachusetts?

Mr. HOOKER. Yes; it is in your revised code of 1814.

Mr. YEATES. I am sorry the gentleman does not know his own State laws.

Mr. HOAR. I may perhaps be ignorant, but I never heard of a revised code of 1814 of the laws of Massachusetts.

Mr. HOOKER. Upon the same page, section 748, it is enacted that if any negro or mulatto shall strike any person of the English or other Christian nation, he shall be punished by a severe whipping, at the discretion of the justice.

Mr. HOAR. The gentleman from Mississippi will pardon me, but he is certainly under some grave mistake; there never was a revised code of Massachusetts in 1814.

Mr. HOOKER. It is so recited here.

Mr. HOAR. Then you have a wrong citation. The law which you

have read, about setting negroes free upon condition of giving a bond, is absolutely repugnant to our constitution. The constitution of Massachusetts of 1780 provides that all men shall be free and equal. That clause was put in by John Lowell for the purpose of abolishing slavery in Massachusetts; and the next year, in a case in my own town of Worcester, the supreme court held that every slave was *ipso facto* emancipated by the constitution. And if the gentleman has any citation from any quarter of any law of Massachusetts of 1814 that a negro should be set free only on condition of giving bond, then all I can say is that if there ever was any such statute passed it was absolutely repugnant to our constitution, and never went into effect, and never could have gone into effect. I think the gentleman must have the wrong State.

Mr. HOOKER. I think not; and there is more of the same kind.

Mr. HOAR. My friend from the Essex district [Mr. THOMPSON] suggests that the gentleman must have some publication made in 1814 of old ante-revolutionary laws.

Mr. HOOKER. I do not know how far back the revision extends, but it shows what your law was at one time.

Mr. HOAR. If the gentleman means to say that there was in Massachusetts, before the constitution of that State abolished slavery, in old colonial times, some statute which required that slaves should not be set free without giving bond to save the town from charge, then he is very probably right; and there was a similar provision in regard to any white persons moving into a town; they could be warned out of the town by any freeholder, unless they could insure the town against liability of charge on their account.

Mr. HOOKER. I hope the gentleman will not interrupt me further.

Mr. HOAR. The gentleman will excuse me; I am very sorry to interrupt him. But he would not certainly wish to appear as stating that Massachusetts passed in 1814 any such law as he has read.

Mr. HOOKER. I do not say so. I said that your revised code of 1814 stated that that was the law of Massachusetts, and I so state again.

Mr. HOAR. That may have been some ancient law of a hundred years ago.

Mr. HOOKER. That may be. But in the early days, when you had slaves in Massachusetts, before it was your interest to manumit them and you did manumit them, you showed a temper and spirit of hardship toward this race greater than the South ever did, though they were comparatively insignificant and few in number in Massachusetts, whereas with us they constitute a very large portion of the population. Hence it may be that the gentleman from Massachusetts will find a proper answer to the comment he has made of the fact that there are now sitting, and have been sitting in this House since the war, a number of intelligent colored men representing their own race and speaking upon this floor in their vindication and for their interest.

If it be true, sir, that there stirred in the blood of the gentleman or his ancestors that love of the freed race, why is it, if you made them free in 1780, that you never gave to the 14,000 freedmen that you had in Massachusetts a representative in the Halls of the national Legislature or allowed them to speak for their people? [Applause.] Why is it that that is not the case in one single northern State? It is because they were only one to one hundred in Massachusetts, and because in New Jersey, and all along down that range of States, they occupied the same relation, there being in New Jersey one colored man to about forty-six and one-half white people. I happened to be in New Jersey at one time, and saw some of these colored men. They were very intelligent, as intelligent as some of the colored gentlemen who now sit on this floor. If the colored man was beloved by the people of New Jersey and elsewhere in the North, why was it that they did not select some of these men to represent the interests of their race in the Halls of the national Legislature or of the State Legislatures? The manumission of the race in the South occurred as the necessary and legitimate result of the war; and I now state, upon my honor as a Representative on this floor, that I have yet to hear of one man, woman, or child within the limits of the State of Mississippi express the wish that their condition could be changed again. On the contrary, we accepted that result with the frankness and openness and sincerity with which we accepted every other legitimate result of the war. We had periled all save our honor in the contest, and we lost all; and when the war closed, when the terms of arbitrament were agreed to by the men who had crossed swords and bayonets on the battle-field, we were prepared to stand by those terms of arbitrament. But your politicians, who had shouldered no musket and drawn no sword, when they come into these Halls and the halls of our State Legislatures wanted to keep alive, as they do now, the animosities and the rankings and the bitter spirit of the war. Why? They imagined, and naturally enough, that a simple-hearted, innocent, guileless race, taking them in the main and in the bulk, and uninfluenced and untaught by the midnight teacher who came there in the shape of the "carpet-bagger" after the war—they knew that this simple class of people might naturally be appealed to to support those who had freed them, those who, in the language of the republican speakers, had "struck from their ankles and their wrists the chains of servitude." Therefore the republican party thought that they would be able to control the vote of the Southern States because they would be able to control the vote of the colored man; and I regret to say that for six long years, from 1869 to 1875, they did use this simple-hearted race, who were, in the main, the tillers of our land; they did bind them together for political purposes. They thought they would hold them there forever; that they would be able to utilize them for party purposes by controlling their votes.

Sir, I tell you that now those people are beginning to understand that the intimate material relations existing between the white man of the South and the colored man of the South, the unity of interest, the identity of material prosperity or adversity, make their union socially, and to a large extent politically, a necessity.

They have, I say, been used by this party; and only last winter, when your "force bill" was under discussion, when, after you had given to the South by your legislation ten years of misrule, little less onerous than the four years of war, you introduced your "force bill" for the purpose of putting those States back under military power, the organ of the Administration in this city, the organ of the republican party here to-day, said while that bill was pending that it was necessary the measure should pass—for what? To secure peace to that distressed land? To pour oil upon the troubled waters? O, no; it was necessary that you should still "shake the bloody shirt" with the fond hope that you would be able to divide the southern white man and the southern black man. That was the purpose. That organ went further and remarked that it must be remembered that since these 800,000 colored men had been invested with the ballot, since the ratio of representation had been thus increased in this House and the power of the South thus enlarged in the electoral college, it only required fifty electoral votes besides those of the South to elect the President; and hence the South must be put under military rule, in order that those electoral votes might be made republican.

My attention is called by the gentleman from Texas [Mr. MILLS] to the following:

ROOMS OF THE STATE CENTRAL COMMITTEE,
Indianapolis, September 3, 1874.

DEAR SIR: I desire to call your attention to the horrible scenes of violence and bloodshed transpiring through the South, and suggest that you give them as great prominence as possible in your paper from this time until after the election.

THOMAS J. BRADY, *Chairman.*

EDITOR OF UNION, *Rensellaer, Indiana.*

Mr. McMAHON. I would like to ask the gentleman from Mississippi whether that Thomas J. Brady is not now the Second Assistant Postmaster-General, recently appointed?

Mr. HOOKER. I believe he is the same person.

I wish to recur for a moment to the laws passed in various northern States upon the relations of the races. In the revision of the statutes of Rhode Island of 1822, page 371, (Rhode Island being one of the States that manumitted their slaves,) intermarriage between whites and blacks was prohibited, and such marriages were declared void. This provision was continued in the revision of 1857, page 312, and also in the revision of 1872, page 325, seven years after the war had closed; and any person joining such persons in marriage was liable to a fine of $200. Whites only were allowed to vote, as will be found by reference to the revision of 1822, page 89.

Granting license for keeping taverns, ale-houses, victualing-houses, cook-shops, oyster-shops, and for retailing liquors, were prohibited to "any colored or black persons; nor shall any white person duly licensed suffer any black or colored person in his employ, or his agent, to sell any liquor whatever, under the penalty of forfeiting such license." (Revision of 1822, page 296.)

There was the freedom which another northern State gave to the colored man! There was the freedom of action allowed to him there. That is the temper and spirit in which this law was passed.

Mr. HOAR. I will say to the gentleman from Mississippi for his information that there was a similar law in reference to intermarriage to that which he has referred to in Massachusetts down to 1832.

Mr. HOOKER. I knew there was, and only refrained from reading it seeing how much distressed it made the gentleman from Massachusetts. [Laughter.] I did not quote any more on his account; I went to another State, thinking that he would be less sensitive. [Laughter.]

Mr. HOAR. We deprived them of the right of intermarriage and the right to sell liquor. We admit it frankly. Does the gentleman think that is equivalent to selling them into slavery?

Mr. HOOKER. I come now to the State of Connecticut. Slavery was abolished in 1784 by declaring free all born of slave mothers after that time; but these children were bound to serve their owners until the age of twenty-five years. Those born before were continued in slavery. (See Jackson *vs.* Bullock, 2 Connecticut Reports, page 38.)

Here you observe what is the temper and what is the disposition of these States on this subject.

In Vermont, I suppose for the same reason, only whites were allowed to serve in the militia. (Revision of 1825, page 611.) This provision continued in the Revision of 1840, page 577, and Revision of 1850, page 630, and left out in Revision of 1870, page 645.

In Maine marriages between whites and negroes prohibited. (Revision of 1841, page 359; continued in Revision of 1857, page 390; and also in Revision of 1871, page 483.)

Citizens of United States only voters, excluding blacks, as they were not citizens. (Constitution of Maine of 1819, article 2.)

We come next to Pennsylvania. Slavery was abolished in this State in 1780. (Dunlap Revision, page 126.)

The act, after an eloquent recital of the wrongs of slaves and the evils of slavery, and a reference to the happy condition of the whites

in escaping the slavery to which they had been doomed by the British, and declaring the whites by long experience had been weaned from prejudices, and that their hearts were now filled with benevolence and kindness toward all men, and that in justice to the unhappy slaves they now proceeded to act, then merely set free those who shall be born within the State after the passage of the act, retaining all others in slavery, with a proviso, however, that all so born and set free should be servants and bound to their owners till they were twenty-eight years of age.

That was the temper in Pennsylvania years ago. They were not allowed, according to Purdon's Digest, page 1209; Brightly's Purdon's Digest, page 829, to serve on the jury. Whites only were allowed to vote until 1870. Negroes and mulattoes were excluded from militia duty until 1870.

In New Jersey, which I have already remarked was the last State to manumit, an act passed February, 1820, for the gradual abolition of slavery made free every child born of a slave since July 4, 1804, but provided that such child should remain the servant of the owner of his or her mother as if bound to service by the overseers of the poor until the male children were twenty-eight and the female twenty-one years of age. (Revision of 1847, page 360.)

On the 18th of April, 1846, (same revision, page 380,) an act was passed to abolish slavery finally, and every slave then in the State was made free; but every such freedman was made an apprentice to his then owner, who was only allowed to discharge him from service by procuring the certificate of the overseer of the poor and of two justices that such apprentice proposed to be freed was of sound mind and capable of making a support, or without such certificate if the owner would give bond with security that the negro would not become a charge on the county.

The children of these apprentices were to be supported by their masters till they were six years old; and then, in all cases, were to be bound as poor children by the overseers of the poor, the owner having the preference. Persons enticing away such apprentices were declared guilty of a misdemeanor, and fined $100; and persons harboring such apprentices were made liable to pay $1 for each day they so harbored them. Only whites were allowed to be enrolled in the militia, (ibid., 745,) and only whites were entitled to vote. (See constitution of 1847, article 2.) Its constitution, as far as I have been able to learn, has not been changed.

It is rather a mild provision in the laws of Mississippi on the subject of vagrancy when you put it side by side with the laws of New Jersey. It is so in Ohio, and in Indiana, and in various other States of the Union.

Mr. CASON. I desire to state that in Indiana the laws you refer to were passed when the democrats were in the majority. And since the war all efforts to repeal those laws have been resisted almost unanimously by the democratic party. The democratic party has almost unanimously voted against repeal, while the republican party has insisted upon their repeal. The laws were passed when the democratic party had control of Indiana.

Mr. HOOKER. Let us see what they provided by law in Indiana.

Mr. CASON. Yes, sir; you can prove anything. You can prove they enacted the most infamous laws; but it was done by the democratic party.

Mr. HOOKER. That is enough. In Indiana by statutes (see revision of 1831, page 375) free negroes were prohibited from settling in the State unless bond and security for $100 in each case was given that he should not become a charge on the county as a pauper, and it was provided that if the negro was convicted of any penal offense (however trivial, as an affray or gaming) the whole bond was forfeited. A negro settling in the State, and failing to give the bond, was to be hired out by a public officer for six months unless he removed from the State, and any person hiring or harboring such a negro was liable to be fined $1,000.

A negro or mulatto having one-fourth negro blood could not be a witness for or against a white person. (Ibid., page 404.)

By the first constitution, adopted in 1816, only whites were allowed to vote, (article 6, section 1,) and only whites could be in the militia. (Article 7, section 11.) Marriages between whites and blacks were prohibited, and if such persons should go out of the State to marry, the marriage was void in Indiana. Whites and blacks or mulattoes intermarrying were liable to imprisonment in the penitentiary from one to ten years, and all persons aiding in or advising such marriage were punishable in the same way; and any person concealing or harboring whites and negroes who had intermarried, with intent to prevent their detection and punishment, were punishable in the penitentiary from one to five years. (Ibid., pages 595 and 970.)

No want of religious belief in whites was a ground to exclude them as witnesses, but blacks and mulattoes were excluded in cases for or against whites. (Revision of 1843, page 719.) This provision was in force at least as late as 1862. (Gavin & Hord's Statutes, volume 2, page 166.)

The constitution of Indiana, made in 1851 and still remaining as then written, at least as late as 1870, prohibits negroes and mulattoes from voting; article 5, section 5, and article 13 of that constitution prohibits negroes and mulattoes from moving to and settling in the State; and that constitution makes void any contract made with negroes and mulattoes so coming into the State; and all persons employing them or encouraging them to settle in the State were liable to be fined from $50 to $500.

In the Revision of 1852, page 361, the same provision heretofore set out as to intermarriage between whites and blacks was continued.

By statute, negroes coming into the State to settle in violation of the constitution were liable to be fined from $10 to $500. (Revision of 1852, page 376.) And by that constitution negroes and mulattoes were excluded from the militia. (Article 12, section 1.) This provision is still in force. (Davis's Supplement of 1870, page 341.)

In 1860 negroes and mulattoes were not liable to school taxes nor entitled to the benefit of school funds in Indiana. (Gavin & Hord's Revision, volume 1, page 542.) This provision re-enacted on 6th of March, 1865. (Davis's Supplement, page 440.)

Very stringent laws were passed to carry out that provision of the constitution which prohibited negroes from settling in the State, and these were not repealed until 22d February, 1867, but the constitution itself remained unchanged in 1870, and is probably so at this time.

Now the gentleman says that this was done by democrats. If it be so, Mr. Speaker, it is only a forcible illustration of what I had occasion to say to the House not long since, that the relation between the races is one which is not political and ought never to be made so, but is social in its character, and has only been political since the war, simply by the effort to convert them to the uses and purposes as voters at the ballot-box for the one party as against the other. That has been the policy of the legislation that has been adopted.

Mr. HOAR. Will the gentleman inform the House——

Mr. HOOPER. I am asked to yield for a moment to the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. In reply to my colleague from Indiana, I wish to say that the thirteenth article of the constitution of Indiana was submitted to the people of that State as a separate proposition. It was an article that prohibited negroes or mulattoes from coming into the State. I want to say that that article was adopted by 95,000 majority in the State; republicans and democrats all voting for it.

Mr. ROBINSON. There was no republican party in Indiana at that time.

Mr. YEATES. Did not Mr. MORTON vote for it?

Mr. HOAR. What I desire to ask the gentleman from Mississippi is this, if he will allow me to ask him a single question.

Mr. HOOKER. Do not make it a long one, please.

Mr. HOAR. What was the mode in which these people attempted to use the negroes? Was it not in the way of asking their votes and using arguments with them?

Mr. HOOKER. I will inform you on that subject as I proceed. I will remark in reply to what has fallen from the gentleman from Indiana that I think the distinguished Senator who now represents in part the State of Indiana in the other branch of Congress [Mr. MORTON] was a member of the Legislature which passed these laws.

Mr. LUTTRELL. And a democrat.

Mr. HOOKER. And he ought to be good authority on that subject. The gentleman from Massachusetts [Mr. HOAR] asks me a question. He asks how his party attempted to use the negroes. They attempted to use them by sending emissaries among them who acted like the man who, instead of coming boldly to your front door and asking to be permitted to make your acquaintance, steals in through your back gate during the night. And midnight hours when the white people were asleep these emissaries held meetings with the colored race and told them that an inevitable hostility existed between them and the whites of the southern country, just as they are told now; insisted that that hostility was irreconcilable, that it could not be reconciled, and that if they would retain their freedom they must go to the polls and vote in solid phalanx for the republican party.

Mr. CONGER. I would like to ask the gentleman if they could have met the colored people in any other way except by stealth?

Mr. HOOKER. I will give you the whole history if you will only keep quiet.

Mr. HOAR. Did they not state the outrages which were being committed as the reason for holding the meetings in the way they did?

Mr. HOOKER. I do not know. I did not hear many of them. Those meetings were held at midnight, when I was asleep.

Mr. HOAR. From all you knew about it was not that the fact?

Mr. HOOKER. Let me refer now to Arkansas, one of the States which have been recently reconstructed under democratic rule, and where you have not heard of a single disturbance there since it has been reconstructed, as in Virginia, Mississippi, and Alabama, where these people evince their desire for good government, and appreciate the necessity of a union with the old white people of the country, as not only the only safety, politically, but the only safety socially, the only safety from the wolf which is at the door of all the people, white and colored, in our country. In Alabama they recently rolled up a majority of thirty-odd thousand in favor of the democratic party; and I tell you they will do it in every State of the Union. [Applause.] I do not despair of seeing it everywhere, when they are left to determine freely for themselves without the bands and shackles of party ties, which party they will vote with.

Now, in Arkansas, I am informed by my friend Judge WILSHIRE that three hundred and seven commissioned offices are held by colored men under the democratic administration. Did you ever have that many in Massachusetts, or the tenth part of that number? Did you ever have it in any State which has a mixed population? I tell you, Mr. Speaker, and I say to this House, and I say it from my own profound conviction of the truthfulness of what I say, that amidst all the shaking of the bloody shirts, amidst all the desire of politicians to divide us, there is no friend of the colored man more sincere and more honest than he who was master in the time when the relations prevailed of master and slave.

Mr. SMALLS. That is not so.

Mr. HOOKER. You think not?

Mr. SMALLS again rose.

Mr. HOOKER. Well, that is your opinion. Take your seat now, I do not want to be interrupted any further. I do not expect that any white politician or any colored politician is likely to admit any such thing.

Mr. SMALLS. The colored people never voted the democratic ticket except under intimidation.

Mr. HOOKER. They have voted it in my State, and they are forming democratic associations there now in the very county where the capital is situated, the county of Hinds, where Governor Ames presided in the executive office, where the marshals of the United States were with their forces; where the Army of the United States was stationed. In that county of Hinds William A. Montgomery testified before the committee sent to my State that they not only formed such associations by dozens, but by whole companies. And I myself saw at Edwards' Depot, in the lower portion of that county, in 1875, as many as two hundred and fifty to three hundred colored men riding in the ranks of the democratic party and bearing the banners of the democratic party.

Mr. SINGLETON. Will my colleague allow me to make one statement?

Mr. HOOKER. I yield to my colleague.

Mr. SINGLETON. In confirmation of what my colleague states, I desire to say that I attended a barbecue at Yazoo City after the election was over; and I state it on my veracity—doubt it who will—that I saw hundreds and thousands of colored men in line with their banners and music, celebrating the democratic victory. My colleague, Mr. LAMAR, was present and made a speech. I made a short speech myself. And that is in the county from which I received a dispatch this morning inviting me to a grand barbacue, gotten up in part or in whole by colored people.

Mr. SMALLS. If they were not hunted down by Ku-Klux and made to go into the democratic ranks they never would go into them.

Mr. HOOKER. That is not so; that is all done away with. Everybody knows that in that country there was no such thing.

I asserted the other day, and it cannot be denied, that in the whole State south of Pearl River there was not one single effort at intimidation anywhere. In many of the counties lying south of that river they had organized the colored people into clubs; that I know was the case in Rankin County, and it was also in the county where the capital is situated. There existed under the capital of the State, right under the walls of the capitol, where the governor was and the offices of the government; it is a very remarkable fact that under the law supervisors were appointed to conduct the election in every district, and not one of these supervisors reported any irregularities in the election of 1875.

Sir, we of Mississippi are spending thousands of dollars, as I said to a gentleman with whom I was speaking yesterday, every year in going to Alabama and to Georgia to bring colored men to cultivate our lands. We bring them there for the purpose of using them as cultivators of our soil, and we find no difficulty in inducing them to leave the overflowed land, the sterile land in those States to come to the more fertile lands of the valley. Do you believe that men will expend their money to import them there, even if there were no sentiment of humanity or the common feeling of one man to another whatever may be the color of his skin, would as a question of interest take a shot-gun and go out and shoot men down? Sir, it is not true, as I said the other day; it is a slander on both races. The great bulk of both races live together harmoniously. Here and there there is a bad white man and here and there there is a bad colored man, and so far as disturbances have occurred in Mississippi I assert without fear of contradiction that the first disturbance which ever occurred between the white and colored race was under the administration of Governor Ames, who recently fled the State while articles of impeachment were pending against him before the Legislature. At the time of the first disturbance in the county of Warren, in which my own little farm chances to lie, a proclamation was issued by Crosby, the colored sheriff of the county, calling upon the negroes to band together and march upon Vicksburgh and insist upon his institution in office.

The republican State attorney, General Harris, in a letter recently published in the New York Herald, stated that in a conversation which occurred between himself and Governor Ames and other republicans when Ames advised Crosby to insist upon his rights, it was asked, "Are you not afraid this will lead to bloodshed?" That question was asked by Harris, the attorney-general of the State then and now, and Ames's reply was, "The blood of twenty-five or thirty colored men would be of service to the republican party now." Up to the 7th of December, 1874, there never had been anything like a serious conflict of races in the State of Mississippi, but when that proclamation was issued by the colored sheriff of Warren County three armed bands of colored men marched on three separate roads toward the city of Vicksburgh. They were met on the confines of the city. The gentleman who headed the white people sent a messenger to treat with them, but they declined any offers and a conflict ensued in which several colored men were killed.

Sir, were the white people of Vicksburgh to lie supinely down and allow their lives and property to be destroyed and their wives and children to be slaughtered? Ah, sir, they would have been something more or less than men if they had not taken up arms in defense of their households and of their city. They did it, and I say that was the first outrage or difficulty between the two races that occurred in the State of Mississippi, and it was precipitated by the bad advice of the republican governor, General Ames, and by the inconsiderate action of Sheriff Crosby, of Warren County.

I say, sir, in no instance has there been a case of conflict between the two races by the deliberate desire of the white race. On the contrary, in every act and declaration of the democratic party from 1869 to the present time, we have always said to the colored population: "You have been made voters by the Constitution of the United States and are free to cast your votes for us or against us." That is the only appeal that has ever been made to the colored race upon that subject.

Mr. CONGER. Will the gentleman allow me a question?

Mr. HOOKER. Yes, if you make it short.

Mr. CONGER. Will the gentleman deny that there were seven regularly organized and armed companies of white men in Vicksburgh for a month before this outrage on the city, who paraded the streets during the election in August and kept up their organization, taking the very arms furnished to the negroes themselves?

Mr. HOOKER. Sit down and I will inform you.

Mr. CONGER. I shall not sit down; I do not like that dictatorial way of addressing me.

Mr. HOOKER. I am entitled to the floor, and have been interrupted enough. I decline to yield further. I answer the gentleman's inquiry by saying that there never was any disposition on the part of the white people of Vicksburgh to arm themselves or organize, until a colored company, furnished by the State with arms and commanded by a man by the name of Hall, paraded the streets, occupying both the roadway and the sidewalk, so that the ladies of Vicksburgh walked the streets with difficulty. When that was done there was an organization of a company commanded by Colonel Miller, a leading member of the bar of Vicksburgh, one of the kindest, justest, and most upright men that I know in the State of Mississippi. Whatever he did on the occasion which has been referred to was done in defense of the city.

Did the white people go to the peaceable plantations where they were to seek this controversy? It so happened that my own place was in that county, and when this disturbance occurred I went to it. Two colored men had passed through it, dressed in semi-uniform, and they proposed to the colored people on my place that they should unite in this march on Vicksburgh. Their answer was: Our rights have not been invaded; no injustice has been done us; we have not been attacked and outraged by white men; the owner of this place does not propose to do it, and we do not suppose he intends to let anybody else do it.

Mr. CONGER. Will the gentleman allow me one other question?

Mr. HOOKER. Not now. Now, in regard to this organization, there are numbers of the ablest men in the city of Vicksburgh who are willing to attest under oath that there never was an attempt at an organization there until this attempt was made to arm the colored people against the white people. I believe that is the feeling everywhere throughout the State. It would be as absurd for us to say that we wanted to slaughter this race, that we wanted to oppress them, as it would be for the manufacturers who have built up the brick walls of Lowell to turn upon their operatives and endeavor to oppress and slaughter them.

Now I venture to assert that if we had sent emissaries from the Southern States to the city of Lowell, and had asked her industrious and hard-working operatives to meet us in one of their halls, and had endeavored to inculcate the lesson that capital was grinding down labor and that they were not sufficiently compensated for their labor—if southern men had done that in the town of Lowell they would have been found the next morning ornamenting the handsome lamp-posts of that city, and nobody would have doubted that they deserved it.

Mr. MACDOUGALL. Will the gentleman allow me to ask him a question?

Mr. HOOKER. My time is almost out, and I cannot yield further; but for that I would yield. It would be no more unnatural for northern capital to turn against the men who by their bone and sinew make their capital valuable to them than it would be for the southern men to turn against their laboring population. All over the State of Mississippi there is this intimate relation existing between the colored and the white people. They are all united together in attempting to make a common living by the culture of the soil mainly; for 80 per cent. of our population, composed in large part of these colored people, are engaged in farming operations.

It is cruel, it is inhuman, it is an outrage in any party for party purposes and objects to endeavor to stir up bad blood between the old white master of the South and the old slave of the South. If

you leave them alone, as they have been left in Virginia, in Arkansas, in Alabama, and in Georgia, the relations between the two races will adjust themselves upon a fair and just foundation, upon the principle of full and equal protection under the law, the full and equal right of suffrage, which is accorded to the colored men. And the colored man like the white man, as he becomes instructed and informed, will vote with the one party or the other as his judgment may determine.

That is all we have ever asked, that they shall be allowed to the limited extent that many of them are educated and are able to reason to speak and to act for themselves. Why is it that you northern men want to raise a wall of division between the two races that occupy the South? Do you want to press your own white Caucasian race to the earth, to grind them down into the soil? Do you want to oppress them, and to use the colored race as the engine of oppression? If not, then why is it that whenever, as now, light begins to dawn upon the horizon of the vexed civil and unfortunate political question—why is it that when left to their own judgment free to act for themselves and the dawn of the era of reconciliation has begun, you rise in your places in the Congress of the United States and declare that there is hostility on the part of the white race toward the black race?

What do you want to do? Do you want to help the colored man? He stands under the Constitution and the laws upon a perfectly level plane with the white man. Do you want to oppress the white man? I say that the party, be it what it may, that undertakes to subject one race, whether white or black, to the oppression of the other for party purposes is guilty of an inhumanity fouler and more worthy of being stigmatized than any act that can justly be charged upon any southern community.

I believe that if you will leave these two races to themselves, to govern their own portion of the country in their own way, there will be perfect peace and quiet. Members of each race are voters; members of each race are jurors; each race has the right to testify in cases where any person, white or black, is affected. I have sat in my own court-house and seen cases tried where there were ten black men on the jury and only two whites, and white men were the only parties in the controversy.

I went to the neighboring State of Louisiana, to which the gentleman from Massachusetts [Mr. HOAR] has alluded as copying the obnoxious laws of Mississippi; I went to that State to defend a young white man who had been charged with shooting a colored man. He was tried before twelve black jurors, not a white man on the jury. The district attorney who tried the case, when appealed to, had not the magnanimity to withdraw his challenge against the only two white men who appeared and were not debarred from sitting on the jury trying the case.

To show the present feeling in the North on the subject of electing colored men to office, I will read the following from the New York Herald of August 8, 1876:

> One of the phrases oftenest used about the Southern States is that they "must become like the North." "We want to make Louisiana like the North," said a very prominent republican of that State the other day. "We want to make Mississippi like the Norf," said a colored sheriff of that State not long ago to a northern traveler, who replied to him gravely, "You are sheriff of this county, my friend; you cannot write a sentence correctly; you can barely read; you own less than five hundred dollars' worth of property in the world; yet you are sheriff of a great county, and you want to have your State like the North. Believe me when I tell you that there is not a State nor county in all the North where ten men could be found to nominate you for sheriff, or, in fact, for any office whatever. I do not speak it to offend you, but to inform you. If you lived anywhere in the North, even in Massachusetts or the western reserve of Ohio, no soul would ever for a moment think of nominating you even for constable, much less sheriff. You would be a patient and contented day laborer or farmer, and your wildest dreams would not lead you to think of office." Is not this true? And if so, when we echo the southern republican's or the southern negro's cry that the South shall be "like the North," ought we not to think what that means? Louisiana has a negro lieutenant-governor; Mississippi had one until he was impeached for bribery. Almost every southern State has colored State officers, colored sheriffs, colored tax-collectors, colored judges, colored school officers. In this are they not unlike, very unlike, "the North?" Frederick Douglass is a cultivated man, an eloquent speaker, a forcible writer, a man of property, a good citizen. What party in New York has ever thought of nominating him for lieutenant-governor?

These are the sentiments of a fair-minded and impartial journal, and I submit it is a complete and perfect vindication of the views which I have expressed to the House, and which I feel all men outside of the poor and simple politician, who, looking beyond the peace and prosperity of the common country, regards alone that which promises success to the republican party.

[Here the hammer fell.]

During the delivery of Mr. HOOKER's remarks, at the expiration of one hour,

Mr. RANDALL obtained the floor.

Mr. MILLS. I hope the gentleman from Mississippi [Mr. HOOKER] may be allowed to conclude his remarks.

Mr. RANDALL. I would be very glad to allow the gentleman from Mississippi to go on——

Mr. HOOKER. I do not desire it.

Mr. RANDALL. If the public business were not of so imperative a character.

Mr. HOOKER. I wish to make a single request, with the consent of the gentleman from Pennsylvania, [Mr. RANDALL.] There are some matters which I have not been able to read and which I would like permission to print.

Mr. MACDOUGALL. I object.

Mr. CONGER. I hope there will be no objection from gentlemen on this side of the House to allowing the gentleman from Mississippi to go on.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CONGER] is not in order.

Mr. CONGER. I am making a request.

The SPEAKER *pro tempore*. The regular order is demanded, and the gentleman cannot make a request.

Mr. MACDOUGALL. I withdraw my objection.

The SPEAKER *pro tempore*. Is there further objection to allowing the gentleman from Mississippi to print additional remarks? The Chair hears none.

Mr. RANDALL. I now desire to submit a conference report.

Mr. LYNCH. I would like to make a request.

The SPEAKER *pro tempore*. The Chair must insist that it is not in order except by unanimous consent. [Cries of "Objection!" and "Regular order!"]

LEGISLATIVE APPROPRIATION BILL.

Mr. RANDALL. I present the report which I send to the Clerk.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference, have been unable to agree.
>
> SAMUEL J. RANDALL,
> W. R. MORRISON,
> *Managers on the part of the House.*
>
> WM. WINDOM,
> T. F. BAYARD,
> W. B. ALLISON,
> *Managers on the part of the Senate.*

Mr. RANDALL. I ask that a communication from the Senate relating to this subject be read.

The Clerk read as follows:

> IN THE SENATE OF THE UNITED STATES,
> *August* 9, 1876.
>
> *Resolved*, That the Senate further insist upon its amendments to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives; and ask a further conference with the House on the disagreeing votes of the two Houses thereon.
>
> *Ordered*, That Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD be the conferees on the part of the Senate.

Mr. RANDALL. Mr. Speaker, after many and protracted conferences and after contests, paragraph by paragraph, between the two Houses in the conference committee last appointed, we were enabled to reach a conclusion as to all matters except two. One related to the proposed reduction in the salary of members of Congress and the other to the restoration of the salary of the President of the United States to $25,000 a year. The House conferees were unwilling to yield either of these points. The Senate conferees with unanimity declared that they would not yield on either subject their position, which was to continue the salary of members of Congress as now fixed by law and to continue the salary of the President of the United States for the next term as now fixed by law for the present incumbent, whose salary Congress has not the constitutional power to change.

The line of policy adopted by the House in the passage of this bill was to reduce the salaries of the various executive officers of the Government in moderate degree. Of course we could not make that reduction with propriety unless at the same time we reduced our own salary in equal proportion. This was the position of the three conferees representing the House.

It is due to the Senate to state the manner in which they presented the case. As to the salaries of members of Congress, they argued that since the salary was fixed at $5,000 the franking privilege had been abolished, which in a measure reduces the salary by compelling members to pay their own postage and the expense of sending out the books which they may distribute among their constituents.

As to the salary of the President of the United States, it was fixed at the present amount by a provision inserted in an appropriation bill. The people of the United States condemned that law; and the Congress succeeding that which enacted it, repealed it so far as they could. They could not under the Constitution change the salary of the President during the term of the present incumbent. This House, however at the present session, has undertaken to repeal the increase as to the future, rescinding to that extent the provision of the former appropriation act which increased the presidential salary from $25,000 to $50,000. On this subject the position of the Senate conferees was substantially this: that both Houses of Congress had the right to repeal in a separate bill the increased salary of the President so far as it extends beyond the present term, and had exercised that right in passing through both branches of Congress a bill which had been sent to the President, and vetoed by him upon grounds stated in his message. I may mention by the way that the veto message is now in the Senate, where it has remained, unacted upon, for a long time. The Senate claims that to insert this measure in an appropriation bill would be a species of coercion upon the President of the United States. I maintain that, the salary having been increased in a bill of

this character, it is entirely competent and just for Congress in the same manner and through the same agencies to repeal that increase; for I believe that this part of the act was as fully condemned as the provision increasing the salary of members.

We found ourselves in the situation that neither side would yield. The Senate conferees offered, in so far as the salary of the President of the United States was concerned, we should appropriate the money up to the 4th of March next at $50,000 a year, and leave it for the next session of this Congress to change the law if possible, and make the appropriation in time for the salary of the President of the United States next coming in from and after the 4th of March next.

I think I have now given a true history of the situation. The conferees on the part of the House were unwilling, few in number as they were, to assume such a grave responsibility as to yield, but were not unwilling, however, to offer to the House the points of difference and take their instruction, and we so finally agreed in our conference. In obedience thereto we now make such submission. If the action of the two Houses were concurrent then we could proceed.

Mr. LORD. Will the gentleman from Pennsylvania let me ask him a question?

Mr. RANDALL. Certainly.

Mr. LORD. Has the gentleman any expectation there will be any agreement if a further conference is appointed; or does he regard the action of the Senate conferees as final as to their decision?

Mr. RANDALL. I was going on to say that I am informed by the paper just read at the desk, and I am otherwise informed in a reliable manner, that the Senate in their determination in these respects is fixed, and, I might say, unalterably so. The responsibility of failure in these respects, therefore, to my mind, and I think to every dispassionate mind, is with the Senate and the Senate only. They say they are willing to take that responsibilty.

Mr. HOUSE. The question of the gentleman from New York is whether a new conference committee might not agree. I understand the gentleman from Pennsylvania to say the Senate is settled in its conviction.

Mr. RANDALL. Having sent the same conference committee over here, it is the parliamentary manner of expressing intention between the Houses, from one House to the other. Having sustained their conferees in their attitude, it is as much as to say, just in the language as I have stated, what their object is.

Mr. LORD. Let me ask the gentleman another question. Does he not understand that the Senate by vote has instructed its conferees not to recede on this question?

Mr. RANDALL. That is not in that communication from the Senate, but I believe that is the fact. It was stated, I am informed, by my colleague on the floor of the Senate.

Mr. LORD. I have so understood and desired to know whether the conferees on the part of the House so understand it.

Mr. RANDALL. Certainly. While the conferees on the part of the House were unwilling to assume the responsibility of this position and yield to what the Senate conferees demanded, of course they were entirely willing to report the subject back to the House, and let the House assume that responsibility which belongs to it more properly than to them.

Mr. LORD. Let me ask another question. Has not the Senate appointed the same conferees?

Mr. RANDALL. It has.

Mr. LORD. Is that not in parliamentary proceeding notice from the Senate to this House they will not recede?

Mr. RANDALL. It is. I now yield to my colleague on the committee.

Mr. MORRISON. Mr. Speaker, this subject of reduction of salaries and expenditures has been under consideration for eight months. This bill passed the House four months ago and this conference was appointed one month ago, after ineffectual efforts in previous conferences to settle the question.

It seems to me, sir, we have pressed our views to the very extremity of right as well as of duty. I know of no way to compel the Senate to concur in our opinions on this subject, and I do not think in any more emphatic way we could have insisted on our purpose than we have done.

As the gentleman from Pennsylvania has stated, we have substantially agreed on all other items embraced in this bill than those relating to pay of members and of the President. In this agreement, Mr. Speaker, we have yielded many things which I believe we ought not to have been compelled to yield; but we have succeeded in obtaining some things which are desirable. The items upon which we agree result in the discharge of seven hundred and sixty-five men, employés now in the pay of the Government. This reduction of force, together with reduction of expenditures and salaries which we secure, results in an annual saving by this bill of one and a half million dollars.

A MEMBER. Employés, not men.

Mr. MORRISON. I think those to be discharged are all men. I believe there is no provision for the discharge of women, but there may be.

The result, Mr. Speaker, of the bill, so far as agreed upon, will be an annual saving of a million and a half of dollars below that insisted upon by the Senate. This, at least, is something.

Now, what is the condition of things if we persist in our former course and refuse to yield on these two points? We continue from time to time for ten days or for a month the existing condition of things; that is, we continue appropriations at the rates provided for the preceding fiscal year for ten days at a time indefinitely.

In the mean time the expenditures go along on the present scale at present rates, and this saving that we obtain by a settlement, such as we can obtain, of a million and a half, will thereby be lost.

Mr. GARFIELD. A hundred thousand dollars a month.

Mr. MORRISON. I do not care to count whether it is a hundred thousand dollars a month or a hundred and twenty-five thousand dollars a month. It is worth saving. And I presume no one insists that if we cannot have our way about this thing we will refuse all appropriations, and thereby deprive the Government of the necessary means for continued operations. Nobody here entertains any such proposition as that. Unless we are willing to assume the responsibility of doing that, we must yield these points of difference or continue the present scale of expenditure from time to time, indefinitely.

That is the result, the inevitable result of refusing the demands of the Senate upon these two questions. I am not answered by saying it is not right that we should be required to appropriate more money than ought to be appropriated for pay of members and pay of the President. We must concede the equal right of the Senate with the House to determine how much money ought to be appropriated. This is matter of opinion. And it is a matter, as I have said, on which we cannot compel the Senate to yield entirely to us. I know of no way of coercing the Senate or the President unless we are prepared to say we will *appropriate nothing* if we do not have our own way about it.

Now, sir, in this condition of things it seems to me we ought to act rationally and yield what we cannot save. We have taken our position and insisted for long months upon this reduction of expenditure. We have no constitutional or rightful means of coercing the Senate or the President, who are not in accord with us and who have stoutly resisted us from the beginning as to the reduction both of our own and the presidential compensation as well as other reductions which they now yield. They refuse to yield further. In this continued refusal such of my political friends as desire to do so may make all the political capital there is in this question.

Mr. SINGLETON. Will the gentleman yield to me for a moment?

Mr. MORRISON. Yes, sir.

Mr. SINGLETON. Did the Senate incline to recede to any extent from the $50,000, or do they insist upon that being the amount? Is there no chance for a compromise upon that?

Mr. MORRISON. The Senate conferees insisted on appropriating the salary of the present occupant of the presidential chair, which is virtually an abandonment of this question and a continuation of the present salary, though this salary may be reduced at any time between now and the 4th of March next, whatever we may do here to-day.

Mr. WILLIS. Is it not in the power of Congress under any circumstances to reduce the salary of the President before the 4th of next March? I ask, therefore, if anything would be gained by this bill if it passed? I want the House and the country to understand that nothing could be gained.

Mr. RANDALL. The gentleman is mistaken in supposing the next Congress can change the salary of the next President.

Mr. WILLIS. As I understand the Constitution, we can do so next session.

Mr. MORRISON. The gentleman from New York [Mr. WILLIS] can bring up this question at the next session of Congress. He will not be precluded from reducing the President's salary or his own at the next session, if the House and Senate will then agree.

Mr. WILLIS. I simply wish the country to understand that we can pass this bill next session as well as now. I have no further interest in it, so far as I am concerned.

Mr. MORRISON. The country will understand this matter as well as we do. I was proceeding to say that in refusing to yield these two points we cannot secure the large annual saving of expenditure involved in the other portions of the bill, including the discharge of these seven hundred and sixty-five employés. If we are desirous of accomplishing something and willing to accomplish something, although we cannot obtain all we desire, there is no other way to do it but to abandon these two propositions, because the Senate has heretofore determined repeatedly and has again to-day finally determined by a vote in open Senate not to yield to a reduction either in the salary of Members and Senators or of the President.

Mr. LORD rose.

Mr. KASSON. As one of the conference committee, I desire to say but a single word before the gentleman from New York takes the floor.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Iowa as a member of the conference committee.

Mr. KASSON. It was with difficulty, Mr. Speaker, that I could hear my colleague from Illinois on the committee, [Mr. MORRISON;] but I think he stated that large and important reductions had been accomplished by the consultations of the conference committee, and especially in the direction which I think this House, on both sides of it, greatly desired, namely, in respect to those salaries which had been increased since 1860, during the time of inflation, when employés of the Government could not live on the salaries previously given. The reductions in those salaries we have succeeded with the approval

of the Senate conferees in making permanent, which I regard as a very great gain in that direction.

The reductions are also made permanent, which is a great gain in that direction. On the two remaining points I should say that there were two alternatives presented; one was to take the presidential salary from the 4th of March entirely out of the bill, leaving Congress at its next session to dispose of that as it chose to do, and the other was to appropriate the money called for by the Constitution until the 4th of March. The conferees on the part of the Senate claimed that the House having acted on a separate bill in a constitutional manner, and sent it to the Senate, and that bill having been vetoed by the President, the only constitutional mode of dealing with the question was to act on the question of the veto, and not to add it to an appropriation bill where a majority vote alone would be required to act upon it.

On the question of congressional salaries there were two alternatives; one was to leave our salaries out of the appropriation bill, eliminating all questions of personal interest from the approval or disapproval of the bill, leaving the appropriation to go over to the next session. I need not say that it was the opinion of us all that it would be convenient to make that disposition of the question, and therefore we were brought to the question of the necessity of asking the advice of the House in some way whether under these circumstances, as the conferences upon this bill have been extremely laborious, as to the propriety of yielding on these two points or spend a week or two more in endeavoring to arrive at a conclusion which must be eventually the same.

Mr. LORD. Understanding from the fact that the Senate has appointed the same conferees that that is notice to this House in the most emphatic legislative form that the Senate will not recede on these two questions, and believing that the conferees on the part of the House have done all that could be reasonably expected that they could do in the premises, I offer the resolution which I ask the Clerk to read:

The Clerk read as follows:

Whereas the Senate has refused to yield to existing differences between the two Houses on the legislative, executive, and judicial appropriation bill, which differences relate to the salaries of members of Congress and of the President; and whereas we are apprised that any further conference on the subject will be useless and can make no change in the determination of the Senate: Therefore,

Resolved, That the conferees on the part of the House be, and they are hereby, instructed to recede from such points of disagreement.

Mr. LORD. Upon that resolution I move the previous question.

The previous question was seconded and the main question ordered.

The question was put on agreeing to the resolution; and on a division, there were—ayes 109, noes 56.

Mr. CUTLER and Mr. LUTTRELL called for the yeas and nays.

The question was put on ordering the yeas and nays, and 23 members voted in the affirmative.

The SPEAKER *pro tempore*. The Chair holds that a sufficient number have not voted to order the yeas and nays.

Mr. LUTTRELL. I call for tellers on the yeas and nays.

Tellers were not ordered—only 22 members voting therefor.

So the yeas and nays were not ordered.

The resolution was agreed to.

Mr. HALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. In reference to the report of the committee of conference I do not understand what became of it.

Mr. KASSON. I move that the House consent to the request of the Senate for a further conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. RANDALL, Mr. MORRISON, and Mr. KASSON.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that the pending question is on the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the message of the President in relation to the sundry civil appropriation bill was referred, and upon that question the gentleman from Pennsylvania [Mr. TOWNSEND] is entitled to the floor.

HALLET KILBOURN—RECUSANT WITNESS.

Mr. RANDALL. I would like to submit a resolution which I think involves a question of privilege. I have been requested to offer it.

Mr. TOWNSEND, of Pennsylvania. I yield for that purpose.

Mr. RANDALL. I offer the following resolution.

The Clerk read as follows:

Whereas suit has been instituted for damages in the supreme court of the District of Columbia by Hallet Kilbourn against MICHAEL C. KERR, Speaker of this House, John G. Thompson, Sergeant-at-Arms of this House, and JOHN M. GLOVER, JEPTHA D. NEW, BURWELL B. LEWIS, and A. HERR SMITH, members of the same; and whereas said suit is predicated upon an alleged assault and false imprisonment of the said Kilbourn by the said defendants when the said Kilbourn was reported to this House by one of its committees as a recusant witness; and whereas it is the duty of this House to defend said suit: Therefore,

Be it resolved, That the said defendants be, and are hereby, instructed to confer with the Judiciary Committee and take such steps as to the employment of counsel and defense of said suit as said committee shall advise; said committee to fix the amount of attorney fees.

Mr. RANDALL. I would like to add the words "at a reasonable rate." That would be an admonition that there shall not be lawyers employed at $25,000 apiece.

The resolution, as modified, was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. TOWNSEND, of Pennsylvania. I yield for a moment to the gentleman from Indiana, [Mr. BAKER.]

Mr. BAKER, of Indiana. I ask leave to print in the CONGRESSIONAL RECORD some remarks in reference to general politics as a part of the proceedings of the House.

There was no objection, and leave was granted. [See Appendix.]

Mr. PIERCE. I ask leave to print some remarks in the RECORD as a part of the proceedings of the House on the question of a reciprocity treaty between the United States and Canada.

There was no objection, and leave was granted. [See Appendix.]

ORDER OF BUSINESS.

Mr. TOWNSEND, of Pennsylvania, resumed the floor.

Mr. BLAND. I rise to a parliamentary inquiry, and it is when I shall have the right to move to lay this motion to reconsider on the table. It is a sham and a political humbug gotten up here to interfere with the business of the House. The country is not interested in any controversy between the North and South, and it is all a humbug. I desire to move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The gentleman from Missouri must not attempt to hold the floor against the rules of the House or to make a speech when there is a gentleman on the floor who is entitled to it. He can make the motion he indicates whenever the floor is not occupied by some gentleman entitled to it.

Mr. BLAND. I want to know when I can be recognized. I have been trying to get the floor to-day without success.

The SPEAKER *pro tempore*. That is not the fault of the Chair.

MORTGAGES IN THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore*. The Chair appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) in reference to mortgages on real estate in the District of Columbia Mr. LAWRENCE, Mr. LORD, and Mr. HOAR.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

An act (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

An act (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

An act (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; and

An act (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building.

Mr. BAKER, of New York, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent as follows:

To Mr. BALLOU for one week from Friday next;

To Mr. JONES, of New Hampshire, an extension of ten days on account of sickness;

To Mr. WALSH indefinitely;

To Mr. MACKEY for three days on account of sickness in his family;

To Mr. HARRIS, of Massachusetts, indefinitely;

To Mr. CAMPBELL for ten days on account of serious illness;

To Mr. HOGE for ten days on account of sickness;

To Mr. SMALLS indefinitely from the 10th instant on account of important business;

To Mr. HENKLE for two days on account of important engagements;

To Mr. MACDOUGALL for two weeks from the 10th instant on account of important private business;

To Mr. WILLIAMS, of Indiana, indefinitely from Thursday next;

To Mr. FENN for four days from Monday next; and

To Mr. HARRISON indefinitely.

WITHDRAWAL OF PAPERS.

Mr. LUTTRELL asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Charles Krugg, of San Francisco, California.

MANAGEMENT OF GOVERNMENT HOSPITAL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the petition of Alexander Moffit, Theodore F. Wilson, James M. Thompson, and 22 others, citizens of the District of Columbia, praying for the appointment of a joint committee of three members, one from the Senate and two from the House of Representatives, to continue and finish the investigation of the charges made against the management of the Government hospital, the same having been partially considered and some proof taken, as stated and shown by this petition and evidence annexed; which was referred to the Committee on Expenditures in the Interior Department.

ISSUE OF ARTIFICIAL LIMBS.

Mr. RUSK. I ask unanimous consent to have taken from the Speaker's table the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others. That bill has been returned from the Senate with sundry amendments, and I desire to move that the House non-concur in the amendments of the Senate and request a conference upon the disagreeing votes thereon.

No objection being made, the motion of Mr. RUSK was agreed to.

The SPEAKER *pro tempore*. The Chair will announce to-morrow the managers of the conference on the part of the House.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Pennsylvania. I cannot yield further except for a motion to adjourn, if that is the wish of the House.

Mr. RANDALL. I move that the House now adjourn.

Mr. VANCE, of Ohio. I ask unanimous consent that Senate bill No. 1035 be taken from the Speaker's table and referred to the Committee on Printing.

Many MEMBERS. ["Regular order!"]

The SPEAKER *pro tempore*. The regular order being called for, the question is upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. VANCE, of North Carolina: Remonstrance of Robert Trammper, chairman of council, and others, of the eastern band of North Carolina Cherokee Indians, against the adoption of the amendment of Senator WINDOM to the Indian appropriation bill, and also against the appointment of an agent for said band as provided by House bill No. 3478, to the Committee on Indian Affairs.

IN SENATE.

THURSDAY, *August* 10, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

NATIONAL SAVINGS BANK.

The PRESIDENT *pro tempore* laid before the Senate the annual statement of the National Savings Bank of the District of Columbia for the year ending December 31, 1875, as required by section 8 of the act incorporating the bank, approved May 24, 1870; which was ordered to lie on the table and be printed.

MISSISSIPPI ELECTION INVESTIGATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for printing copies of the report of the Special Committee to Investigate the late Election in Mississippi.

The amendment of the House of Representatives was to add after the word "Senate," at the close of the resolution, the words:

And House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House of Representatives.

So as to read:

Resolved by the Senate, (the House of Representatives concurring,) That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate and House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House.

Mr. BOUTWELL. Let the original resolution be read.

The Chief Clerk read as follows:

That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate.

Mr. EDMUNDS. The House amend it how?

The PRESIDENT *pro tempore*. As amended it gives the Senate fifteen hundred copies and the House twenty-five hundred.

Mr. MORRILL. That will amount to this: It will give the Senate fifteen hundred copies and then leave half or at least some of the others to go to the old waste-paper dealers.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3964) granting a pension to Annie Gibson Yates was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 161) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century was read twice by its title, and referred to the Committee on the Library.

PAVING OF PENNSYLVANIA AVENUE.

The bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on the District of Columbia.

Mr. INGALLS. I suggest that the bill lie on the table.

Mr. EDMUNDS. And let it be printed.

Mr. SPENCER. I think it had better go to the Committee on the District of Columbia, for another bill exactly like it is before that committee.

Mr. INGALLS. The bill provides for the repeal of that portion of the act authorizing the repavement of Pennsylvania avenue which fixes the date at which the work shall be completed at some period early in December. A communication has been received from the commissioners for the repaving, in which they say it is impossible that the work can be done in the most advantageous manner if that provision is retained; that while the time may be sufficient the continuation of wet weather or some other contingency might arise which would render it very desirable that the period should be extended. They have expressed a wish that the limitation be repealed, and I suggest, if the Senator from Alabama has no special objection, that, inasmuch as a reference would delay the action upon this measure, and as the commissioners have already opened the bids and desire to make their award, the bill had better lie upon the table, in order that early action may be had upon it.

Mr. SPENCER. I will state to the Senator from Kansas that a great many property-owners on the Avenue have protested in a written protest against the extension of this time. The Committee on the District of Columbia had a bill worded exactly like this up at its last meeting, of which this bill is a copy. The committee were somewhat divided on it and have sent the bill to the commissioners of the District of Columbia for their opinion upon it. Until we have heard from them, we do not want to take any action. I think the bill had better go to the committee, and if the committee decide upon it favorably they can report it back very soon.

Mr. INGALLS. The commissioners for the repaving having asked for the passage of this bill, I ask for its present consideration by the Senate.

Mr. MERRIMON. What is the bill?

Mr. INGALLS. It is a bill for repealing a portion of the act authorizing the repavement of the Avenue, removing the limitation that was prescribed in that act requiring the work to be performed and completed by the 1st of December. The commissioners in their communication state that while the time may be sufficient, yet in case there should be protracted wet weather it might be impossible to have the work done within the time specified. If the Senate should think it advisable that the restriction should be removed, it certainly ought to be done at once, because the day of adjournment is rapidly approaching and it is not probable that the committee could take any action upon the matter before that time arrives.

Mr. KERNAN. I desire to inquire of either of the gentlemen whether a letter from these commissioners was not addressed to the committees of the two Houses suggesting that this limitation be repealed?

Mr. INGALLS. Yes, sir.

Mr. KERNAN. Has that letter been laid before the Senate?

Mr. INGALLS. I am not aware as to that.

Mr. SPENCER. It has not been.

Mr. KERNAN. Where was it sent?

Mr. SPENCER. It was sent to the committee; it is in the hands of the committee.

Mr. KERNAN. I have heard complaint outside that that request had been sent in but had not got before the Senate. I found in a newspaper that they had asked that this limitation should be repealed with a view to get good work done.

Mr. SARGENT. It would be better to let the bill go to the committee, and they can report it back to-morrow morning.

Mr. MORRILL. I hope this bill will be allowed to pass. I do not understand that there is any great apprehension that more time will be required; but if there should be a long season of wet weather during October it might be impossible to complete the work in the best manner by the time limited. I think there can be no objection to it, for I do not understand that the commissioners propose to avail themselves of it unless it is absolutely indispensable to good work.

Mr. KERNAN. I think we ought to repeal the limitation.

Mr. MORRILL. I think so.

Mr. KERNAN. I think it is the only way to get fair bids and to get good work done.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SPENCER. I object. I am sorry to object, because I do not know that I am opposed to the bill; but the committee have already considered the subject, and of those present a majority of the committee were opposed to the passage of the bill.

Mr. INGALLS. The Senator from Alabama is certainly a little disingenuous in speaking about the committee, because he is aware that there has been no quorum of the committee present to act upon the bill; and he ought not to produce or leave the impression upon the Senate that there has been any action by the committee.

Mr. SPENCER. I said a majority of those present; I did not say a quorum. I think the Senator from North Carolina [Mr. MERRIMON] will bear me out in the statement that it is correct.

Mr. ALLISON. Will one objection carry the bill over?

The PRESIDENT *pro tempore*. One objection will carry it over.

Mr. INGALLS. I understand that one objection cannot carry it over.

The PRESIDENT *pro tempore*. The bill has just been read the second time, and the third reading cannot be on the same day if there is objection.

Mr. INGALLS. I understand that under the rules it is within the power of the Senate to order that the three readings shall occur on the same day.

Mr. CONKLING. O, no; a bill can be read only once on one day except by unanimous consent.

Mr. INGALLS. Unless the Senate shall order otherwise.

The PRESIDENT *pro tempore*. Shall the bill be referred to the Committee on the District of Columbia?

Mr. INGALLS. I ask that the bill may lie on the table.

Mr. DAVIS. I hope it will be referred with the understanding that it is to be reported back to-morrow or at an early day.

Mr. EDMUNDS. It had better be referred.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the bill lie on the table.

The motion was not agreed to.

Mr. CONKLING. A motion is now in order to refer it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the District of Columbia, if there be no objection. The Chair hears none.

RIVER AND HARBOR BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on House bill No. 3022.

Mr. CONKLING. Without taking up any time, I wish to remark that that bill will lead to debate, which I prophesy will exhaust the morning hour and something more. I do not mean to object to the motion, but I think if the Senator would allow the Calendar to be taken up and called for unobjected cases for a while, he can get in his appropriation bill whenever he chooses; but if he insists upon it now, I shall not object.

Mr. ALLISON. I do not think this report will lead to any protracted debate. If it does I will give way.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to take up the conference report on the river and harbor bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

DISTRICT GOVERNMENT.

Mr. SPENCER. I wish the Senator from Iowa would give way a moment that I may call up a House joint resolution which was on its third reading when it was up the last time.

Mr. ALLISON. This report will take but a few moments, and there will be plenty of time after we get through with it.

Mr. SPENCER. Will the Senator yield then?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. He must yield to somebody. We cannot have claims filed at this period of the session.

Mr. SPENCER. It will take but a moment, and will the Senator not yield to me now?

Mr. ALLISON. Very well; I will yield to the Senator from Alabama.

Mr. SPENCER. I move that the Senate take up the joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and for other purposes.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution will be read for information.

Mr. SPENCER. I do not think there is any necessity for reporting it again. I think every Senator has heard it.

Mr. EDMUNDS. Let us hear what it is.

The PRESIDENT *pro tempore*. The joint resolution, as amended, will be read.

The Chief Clerk read the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the joint resolution.

Mr. EDMUNDS. I want to ask one question, for fear I shall be appointed on the commission. I believe every Senator and member of Congress, who takes an office under the United States, loses his seat; and here you fix by law the duties of certain people who are made commissioners. It is true you appoint them by the presiding officers of the two Houses; you select that method, calling them heads of department, I suppose; but I want to put in a *caveat* in advance that I beg the Chair not to oust me from my seat by appointing me on this commission.

Mr. COCKRELL. Have the amendments been concurred in?

The PRESIDENT *pro tempore*. The amendments have been concurred in; the joint resolution was on its third reading before and has been read the third time to-day. The question is on the passage of the joint resolution.

The question being put, there were on a division—ayes 13, noes 18; no quorum voting.

Mr. SARGENT. Let the vote be taken again.

Mr. FRELINGHUYSEN. I suggest to the Senator from Alabama that the objection that has been made to the joint resolution defeats it. Had he not better let it go over and improve it?

Mr. ALLISON. The Senator from Alabama had better withdraw it.

Mr. SPENCER. I am anxious to dispose of it in some way or other.

Mr. SARGENT. Are we voting?

The PRESIDENT *pro tempore*. Senators concurring in the passage of the joint resolution will rise and stand until they are counted.

Mr. SPENCER. I will withdraw the joint resolution and let it go over.

The PRESIDENT *pro tempore*. The joint resolution goes over. The conference report on the river and harbor bill is before the Senate.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. EDMUNDS. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report.

Mr. EDMUNDS. When I asked that the report be read I had forgotten that we had a statement which showed how it came out. I do not ask that all that report be read for myself.

Mr. ALLISON. The statement is printed in the RECORD of August 8, page 42.

Mr. EDMUNDS. I should like to have that read. I do not care about taking up the time of the Senate to read the report. It is the result where it is grouped together that I want.

Mr. ALLISON. I send the statement to the Clerk to be read.

The Chief Clerk read as follows:

ADDITIONS.

Dunkirk, New York	$18,000
Great Sodus, New York	5,000
Pultneyville, New York	3,000
Saugatuck, Michigan	3,000
Pent Water, Michigan	10,000
White River, Michigan	5,000
Monroe, Michigan	5,000
Passaic, New Jersey	10,000
Hiawassee, Tennessee	10,000
Ashtabula, Ohio	5,000
Wicomico, Maryland	5,000
Fairfort, Ohio	5,000
Cahokia Chute, Mississippi River	29,600
Belfast, Maine	5,000
Choctawhatchee, Florida	5,000
Pamlico River, North Carolina	15,000
Perquimans, North Carolina	2,500
Cypress Bayou, Texas	13,500

DEDUCTIONS.

Oak Orchard	3,000
Hell Gate, New York	40,000
Hudson River, New York and New Jersey	16,000
Erie, Pennsylvania	10,000
Schuylkill, Pennsylvania	5,000
Norfolk, Virginia	4,600
Sault Ste. Marie, Michigan	20,000
Ohio River	25,000
Cape Fear River, North Carolina	17,500
Sabine Pass, Texas	2,000
Galveston Ship Channel, Texas	3,000
Galveston Bar, Texas	8,000

Mr. EDMUNDS. I should like to ask the Senator from Iowa how much this bill foots up, this report being agreed to?

Mr. ALLISON. This bill foots up exactly $5,000,000.

Mr. EDMUNDS. That is meeting your most sanguine expectations, I suppose?

Mr. ALLISON. It appropriates not one cent more or less.

Mr. CONKLING. I do not wish to wage any debate on this subject; but I feel moved to make one or two observations.

The conference committee, in revising the bill, have, as I understand it, transplanted from place to place different appropriations and parts of appropriation in order I suppose to make it as nearly agreeable all around as the amount of money would permit, or as a classical friend near me expresses it, they have put the money where it would do the most good. In making that arrangement, the committee in their wisdom and charity have taken, for example, from the appropriation to remove rocks in Long Island Sound $40,000. I mean no offense, I hope I shall give none, when I say that a more unwise, a more indefensible change than that could not have been made in the length and breadth of this bill. There is a work which concerns everybody, literally everybody interested in foreign commerce or in coastwise commerce; and to justify that remark I mention one fact which has not been mentioned, I believe during this debate, in my hearing. Those rocks may be no more plainly seen on any chart of the Coast Survey than they can be seen in the tariff of marine insurance. There they stand not only in the throat of Long Island Sound, but there they stand as a danger raising the rates of marine insurance every day in the year, as my friend from Connecticut [Mr. EATON] knows probably better than I do.

There are expensive preparations, costly apparatus, extensive arrangements made to carry on this work. The appropriation as it stood was inadequate; it was uneconomical; it was in violation of the principles of common sense and business-like proceeding which every private individual, every corporation would observe in such a case. And although the appropriation was thus inadequate, thus fell short of a wise and enlightened economy, the committee, in order to reconcile something somewhere else, in order to poultice some other distant bruise in some locality, intending to be mathematically exact, laid down their rule on the bill and measured five million dollars, neither more nor less, but provided that it should not vary even in the estimation of a hair; and then take off $40,000 from this stinted and neglected work of obvious national and universal importance; that work which I may say more emphatically and fully than any other one in this bill falls within the domain of Congress and its power and duty in making internal improvements. They take from that work, thus only partially regarded as the bill stood, $40,000 to peddle it out here and there and somewhere else round about in order to avoid friction, to pacify, tranquilize, if not satisfy, the various demands of various localities.

Mr. EATON. I should like to say to my friend from New York that on a little estimate which I have made boats of a capacity of not less than 50,000 tons from my State, the State of Massachusetts, and the State of Rhode Island every twenty-four hours have to pass through and over that channel. In my judgment, more than 60,000 tons pass, but I say 50,000 so as to be very moderate, taking the three States of Massachusetts, Rhode Island, and Connecticut; and every little while one of those boats will be found lying on the rocks; and this, as the Senator from New York has just remarked, causes increased rates of insurance.

Mr. CONKLING. Now, Mr. President, if every Senator has heard that statement, it is a more cogent one than I can make. There is a transit of 50,000 tons daily from three States and a transit daily of boats from every State whose boats are engaged in the coastwise or in the sea-going trade, and as the Senator says every once in a while there is a disaster, by which large amounts of property are lost, lives endangered, and by which a burden and tax by way of marine insurance, speaking of nothing else, is imposed upon every freighter, every consignor, every consignee, every owner of cargo upon whom insurance falls.

I might speak of other things which have occurred in the State of New York; but, as I say, I do not wish to consume the time of the Senate, and I speak of this one. I have no doubt the committee have done what they thought best under the circumstances. I believe they have made in this respect, and not in this respect alone, a very grave error; and I believe that this bill as it stands contains items amounting not only to tens of thousands and to hundreds of thousands, but I think I may say to millions, which, compared with neglected or partially neglected works, are of very small merit, and I believe there are many appropriations in the bill which never should be found in any river and harbor bill and for which it would be very difficult for any man who understands the meaning of the Constitution in that respect as I do to vote. But as I say I rose only to signify the objections which I had in some general respects to this report.

Mr. KERNAN. I desire to unite with what my colleague has said in reference to the work he has specified and in reference to another work. In this bill as it passed the Senate there were $66,000 appropriated for the improvement of the Hudson River, and, as will be remembered, quite a large part of it to do certain dredging in front of the Jersey City shore, and all of it within the Hudson River where the tide ebbs and flows, where there are custom-houses, and where there is a large commerce not only through the State from the West, but coastwise with other States. Sixteen thousand dollars is taken from this, and the original appropriation for the entire river in front of Jersey City and other places mentioned during the debate was only $66,000, and it is reduced to $50,000.

I wish to ask the Senate whether in any view of the principle on which these appropriations for rivers and harbors are made, we should take from a work like Hell Gate, which my colleague has described, $40,000, when we know from information direct that the engineers in charge of that important work believe that they would be greatly embarrassed in carrying it on and finishing what they desire to do immediately even if you left the original appropriation of $290,000? It is here reduced to $250,000. I fear it will greatly embarrass this work, postpone for a considerable time the enjoyment of the advantages to commerce, not merely as to internal trade but the commerce of the ocean, which it is hoped will be derived from this work. This report takes from the great works that in every sense of the term are national objects for the benefit of national commerce, when there is but a scanty appropriation for them and to carry on works long since commenced, and distributes it elsewhere, distributes it to carry on what by this bill I say are attempted to be carried on, internal works for the aid of internal navigation.

I am not going to depreciate any works in the few minutes that I ask the attention of the Senate, nor do I mean to get into any collision with the notion as to what States should get. I do not think we should at all look to what States get except as we find within the borders of a State rivers and harbors which fairly come within the idea of national objects for the advantage of commerce generally. I had thought that we went a great way in attempting to appropriate money from the national Treasury to carry on works strictly for improving navigation in States, interior States; but if we have got to the point where we will take from scanty appropriations for great national works, like those for the coast of Texas or those in the harbor of New York and give to inferior and local works, then we are entirely departing from the original and correct idea of what can be done by the national Government, and not only are we departing from it, but we are taking from national works, taking from those long commenced and of great importance in a national point of view and beginning works far in the interior which are really nothing but aiding States to develop their internal resources. I trust that we shall not add this with all the other objections to this bill, taking from these works on the Hudson and at Hell Gate and putting the money elsewhere.

Mr. SARGENT. Mr. President, the Senator from New York thinks it is a matter of grievance that $16,000, which was to be used to dredge in front of some wharves in Jersey City——

Mr. KERNAN. Allow me. Do not get that idea. I said I considered this a departure and a very flagrant one from correct principles of legislation; and did not object to it merely because it affected my State.

Mr. SARGENT. My friend, if I can quote him literally, considers it improper not to take $16,000 out of the Treasury to dredge the Hudson in front of the wharves on the Jersey shore. That is what it amounts to. If there is anything wrong in developing the internal resources of this country, in making the Mississippi what it was designed by nature with a little aid to become, a great highway, as well as might be New York Harbor or Long Island Sound to reach the city of New York, or improve the tributaries of that great stream, they being easily made navigable by such work, it certainly must be wrong to take Government dredge-boats and Government money to dredge out in front of the wharves opposite Jersey City. That is not a great national undertaking, and it ought not to be so considered. We give $50,000, and every dollar of it is to be used for dredging out the Hudson; but I doubt if dredging can be done at all by the Government, except in completing its work where it is necessary to make an original channel. Let commerce, after the works have been built, take care of itself in the way of dredging. That is done at nearly every harbor in the United States outside of this proposition to dredge around the wharves of Jersey City.

The other Senator from New York [Mr. CONKLING] thinks that this committee have by some sleight of hand robbed the appropriation for Hell Gate of $40,000. There are a quarter of a million dollars appropriated in this bill, one-twentieth of the whole bill, for that single work. Is not that enough? It is nearer to the estimate than any other appropriation in the bill, and what is the condition of the work?

Mr. CONKLING. I wish my friend would answer that question himself. Does he think it enough?

Mr. SARGENT. I do. I think it is enough, provided any sum in the bill is enough, and I think it is enough because the rock that is to be removed has been chambered now throughout its whole extent and it only stands on a few frail pillars, and is now being charged with dynamite and powder in order to blow it up, and very little more of economical work is necessary upon it. In the course of two weeks or thereabouts, or early in September, the fire is to be put to the explosive materials and the rock is to be blown into the air, and it is entirely a question of experiment whether it will so fall that it will require scarcely any considerable expense at all, or whether it will so fall that considerable expense will be required; and a quarter of a million of money certainly ought to be enough to go very far toward pulling away the *débris* that will remain from the falling of this rock when the engineers themselves suppose it will fall in such a way that there will be very little *débris* to remove at all.

There are two Houses interested in this bill. The first thing the House conferees declared to us was that they would not require the Senate conferees to increase the bill over $5,000,000. That was the first proposition. Then the question was how should that be distrib-

nted. The Senator from New York made several speeches on this bill, and in every one of them, if my memory serves me correctly, he dwelt with great importance on the harbor at Dunkirk. He said in reference to Hell Gate that it was not a New York institution; that it concerned the nation; he did not feel interested in that; he ought not to defend it any more than any other member of the committee or the Senate; that was an affair of national concern; it was in our hands, not especially in his. That was the manner in which he talked about Hell Gate, and I certainly did not expect this morning that when the report came here giving a quarter of a million on national considerations for Hell Gate the Senator would consider that it was his duty particularly to champion that work. But what did he champion? Let us see.

Dunkirk is the terminus of the Erie Railway, and but one fact known to me diminishes the importance which used to attach to the harbor of Dunkirk. In recent years the Erie Railroad has built a branch to Buffalo, and as that branch sends cars to the elevators in Buffalo, which as we all know are very superior elevators, where those cars can be loaded in bulk with corn and wheat cheaply and with surprising quickness, many propellers running to carry cargoes in bulk of wheat and corn that formerly plied to Dunkirk go now to Buffalo. The withdrawal of a part of that single branch or item of the carrying-trade is the only fact known to me rendering Dunkirk now less important as a harbor than Dunkirk ever was or might have promised in the past to be. Notwithstanding this diversion, Dunkirk remains a very important harbor; and between Buffalo and Dunkirk—

See how the Senator repeats the word over and over again; it was necessary perhaps to make himself intelligible, but it shows his interest in the subject—

between Buffalo and Dunkirk there is no harbor on Lake Erie. In respect therefore of the safety of vessels, in respect of its trade, in respect of all that makes a harbor valuable and necessary, Dunkirk is an important harbor. The first amendment, I repeat, withholds from Dunkirk all appropriation whatever. It appropriates nothing either to continue the work or to preserve the harbor, or to shield from the action of the elements the work already done and incomplete.

Might not the committee's mind be impressed that this was the great want of New York; that Dunkirk, the word that he repeated here twenty times in as many lines, was the thing that was upon the soul of our friend from New York; and that if there was to be any poulticing there was where the poultice should be applied in order to alleviate his feelings? I appeal to the Senator from New York himself if that was not the prominent idea which ran through that portion of his speech? Dunkirk! Always Dunkirk; and Hell Gate was a thing which he would commit to the general mercy of Congress. It said further:

I do not state these facts, as Senators might suppose, for the purpose of opposing this amendment. Considering the strait of this bill, considering the condition of the country and of the Treasury, I do not feel warranted, because of an amendment which I regret so much as this, in attempting to oversee or aid in overthrowing the work of the committee; but I call attention to it thus early for two or three reasons, one of which will suffice. If concurring now in this amendment the Senate shall hereafter go back and refuse to concur in other reductions or in other instances in which appropriations are stricken out, I do not wish to be held inconsistent when I maintain, as I shall, that if the Senate refuses to concur with the committee and begins to add to this bill, in the case of local improvements or even of general improvements, this improvement is conspicuously one in which the Senate, should it adopt that line of action, ought to revise the recommendation of the committee.

Then comes a long paragraph that I will not take time to read, showing the importance of the harbor of Pultneyville and then the harbor of Great Sodus Bay. All these are dwelt on by the Senator as being of great importance; and when the House, speaking as they had a right in their own behalf, desired some re-arrangement of the items of this bill, (and a very little re-arrangement was made,) the committee on the part of the Senate having in mind these impressive considerations advanced by the Senator from New York, insisting that Dunkirk first and second Pultneyville and third Great Sodus, which three it seemed so important to the Senator should be taken care of, had the appropriations made in this way. It seems to me that it might be considered that the Senator was a little ungrateful for the poulticing that was done to him at the very place where he asked it to be applied when he now comes in and complains of the committee. I say the House of Representatives, this Hell Gate operation being a national work, in the language of the Senator from New York, and committed to the care of the whole country and not immediately to the Senators from New York, thought that a quarter of a million of dollars was sufficient for it. The original appropriation by the House was only $200,000. We increased it to $290,000, and by compromise saved most of the increase, bringing it to $250,000.

I say for this reason that it seems to me the attacks which are made on this report by the Senators from New York are not well founded. I know that estimates are frequently much larger than in the wisdom of Congress ought to be appropriated for given objects. If you run all through the Book of Estimates you will find that the Departments ask more money than Congress ever gives. The very estimates of the engineers to which the Senator [Mr. CONKLING] would apply in order to show that more money ought to be given to this national object call for $14,000,000, while the Senate has considered that only $5,000,000 will suffice. I simply say that we have given more in proportion to Hell Gate in consideration of its being a national enterprise than we have to any other work named in the bill.

Mr. HOWE. Mr. President, I suppose eighteen yards of calico is a full pattern for a dress; I do not know exactly what it is, it is so long a time since I followed dress-making, [laughter;] but a mother who has half a dozen full-grown daughters for whom she wants to make dresses starts out with the resolution that she will buy but thirty yards for them all must not think strange if some of the dresses are not flounced as deeply as they ought to be. No man sympathizes more acutely than I do in such complaints as we have just listened to from the Senators from New York, and nobody enjoys such complaints better than I do at the present time. I thought this Senate was acting somewhat like a mistaken mother of a large family when it settled down upon the obstinate resolution not to expend but $5,000,000 of money during the next year in the interests of commerce throughout this broad Republic. I hope we shall learn wisdom from the result of this one experiment.

I do not underestimate the value of this improvement at Hell Gate to the commerce of the nation or to the commerce of the world at all. I say in view of its importance it is simply scandalous, it presents the Republic in the attitude of a pauper when she is dealing out small sums of money made up of small bills, in order to make this improvement in the course of a series of years for which the commerce of the country is bleeding every day. There is a certain amount of money which can be mechanically expended, I take it, upon a work of that sort in a given year, and the Republic is robbing itself when it withholds a dollar of the money which can be so expended; because, I protest, it makes no difference to the people of this country whether you expend $5,000,000 or $10,000,000 in a single year; the tax-payer would never know the difference. I hope next year we shall avoid all such obstacles as we have stumbled over on this occasion. So that, although I agree these complaints of my friends from New York are admirably well founded, I think there is no way of avoiding them this year; but if they are remembered I think we may avoid them next year. We undertook to restrict our appropriations to too small a sum, and then expect so many girls to be clothed by the expenditure of that sum.

Mr. CHRISTIANCY. Mr. President, if this were understood to be the last river and harbor appropriation bill ever to be passed by Congress, I should see much force in the reasoning of the Senators from New York and Connecticut; but I take it for granted such is not the expectation of any Senator here; and in my opinion, although I am not so well posted perhaps as they are upon that point, the season is so far gone already, nearly two-thirds of it already past, that the appropriation as it now stands will be sufficient until another appropriation bill shall have passed Congress. This is all I wish to say.

Mr. EDMUNDS. Mr. President, I suppose it is entirely useless to say anything more upon the subject of the total amount of money that is to be expended by this bill. It evidently, I suppose, will not do any good to refer to the fact that on the idea, or profession, I will not say pretense, of a great state of public necessity and smallness of funds in the Treasury, we have cut down all the branches of the Government in respect of efficiency and capacity to perform their duties, have raked through every Department in order to economize as we call it, and confessedly to the present detriment of the public service by which everybody having relations with the Government of the United States is delayed and put off, accounts are not settled, and the public interest suffers from the fact that they are not settled, and yet when it comes to appropriating money afresh to make the rivers and harbors of this country better this year than they were last or in any year before, there is no use in talking about economy and saving money. A large majority of this Senate without respect to party, or, if in respect to party by a very large proportion of those who consider themselves the particular economists of the time, have determined that, notwithstanding all that has been said about other topics and all we have done and the reasons for it, this thing must go; and taking that for granted, as it will go against my vote, I only rise now to call attention to one item that appears in this bill and in respect of which there was considerable discussion the other day; and it is a typical item, because if you had the time and means of examination you would find that a good many other items stand in much the same way, and that is the east pier of Cleveland where $8,000 of this hard-earned money wrung from the tears and blood and bone and sinew of the tax-payer, as the phrase of economists is on all the other bills, is to be appropriated for the east pier.

Since that discussion took place I have received an unofficial letter from an officer of the engineers at Buffalo, New York, upon this subject; an officer who simply happened to write to me from the circumstance that I was perhaps unduly conspicuous in endeavoring to protect what I thought to be the interests of the United States respecting that work, in which he says this:

In reading the Senate debate on the subject of repairs of Cleveland east pier, I notice that some Senators spoke of a "quarrel" between the "engineer in charge" and the railroad company as to who should make the repairs. Allow me to say that this is an entire misconception. When last year some suggestions were made to me about some repairs, my answer was that there were no funds for that object. I did not think it necessary to re-open the old question.

Next, further damages took place, due, as far as I can learn, in part to the dredging done by the city alongside the pier, which, being too deep, caused some of the stones to fall in.

Next came the question who was to repair the damage. The city did not wish to, because it received no wharfage from the railroad company for the use of the pier. Of course it will be a nice thing for the company to have the United States repair and keep in order a pier, or rather a wharf, which is used almost exclusively by that company, and that is what the company is aiming at. This part of the old pier is now of very little use as a harbor pier in my opinion. Since it was built the pier proper has been extended far out into the lake, and the shore line is out nearly as far as this old part.

Now I omit two or three lines that do not bear on this subject, and

therefore it is unnecessary to read them. The gentlemen of the committee, however, have seen the whole letter.

I do not see that my report on the subject is among the papers before the Senate. I would abandon the whole of this part of the pier. The difficulty is to whom? If to the city, it will make the railroad company pay wharfage, (very properly, I think.)

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EDMUNDS. I wish the Chair would be good enough to let me finish the letter, subject to a call for the regular order, of course. I do not wish to displace that.

Mr. ALLISON. I ask the Senate to lay aside the regular order temporarily to finish this bill.

Mr. EDMUNDS. I have the floor at present.

Mr. ALLISON. I do not wish to disturb the Senator; but after the Senator shall have finished what he has to say, I shall make the motion.

Mr. EDMUNDS. The letter proceeds:

The company now has the (almost) exclusive use of this portion of the pier gratis. The United States does not want it, in my opinion. The case is not a new one. At other harbors where the shore-line has made out the original piers have become unnecessary, and have been abandoned by the United States and no further repairs made upon them.

Just what General Cram predicted in 1865 (CONGRESSIONAL RECORD August 3, page 19) has come to pass. The repairs now necessary, not for the safety of the harbor, but for the convenience of the railroad company, will cost more than the company want to pay. Hence the "loud call on the Government." I have of course no interest in the matter, but I conceive it my duty to oppose the expenditure of public funds for private purposes. I know of more than one instance on the lakes where a single individual, or a single firm having an ax to grind at an insignificant village, obtained first a survey, then an appropriation, and I can name a harbor on this lake where a member was elected simply on the "appropriation" issue, and is threatened with the loss of renomination if he fails to secure one; this at a harbor so petty that the light-house was abandoned some years ago.

The idea of the very breakwater which has been commenced at Cleveland was, I believe, started as a help to election by a former member of Congress, and the changes rung upon it in the papers with that object. My own private opinion is that Cleveland could get along very well without it, and as a "harbor of refuge" "the game is not worth the candle."

To repeat, I regret that this item has been passed by the Senate, as I cannot help considering it as practically a gratuity to a railroad company.

Respectfully yours.

It would not have been worth while probably, except from what took place before, inasmuch as I presume it is perfectly useless and hopeless to try to do anything about it, to have said anything about this, but for what this gentleman mentions as to this being a type of a good many other instances where there are loud calls on the public Treasury in the interest of great national commerce which is to tinker up some little river that empties into some lake or the sea, or some little river that is found away in the mountains where voters are to be conciliated by Senators and Members of Congress. Of course it is perfectly manifest to everybody who knows us and the gentlemen of the other House that we never have any such idea. I am almost ashamed to make the explanation because it must be so obvious to everybody. Of course there is not a Senator or Member of the other House who would ever think of allowing a dollar of public money to be spent in his State except for an object of the highest public importance, although if that high public importance should happen to be his election, it is just possible that there is where the public interest would come in.

But to return now for a moment to this general question. I am going to vote, if I have an opportunity, against agreeing to this conference report; not that it may not be as well as the conferees could have done under the circumstances. I do not take a moment to make any special criticism upon that. I have not even examined it. I take that for granted; but when we have united by our action in this body in the raid and foray that has been started this winter about a great state of public distress and a great paucity in the Treasury and that in every possible way the people's money was to be saved by keeping it, and not spending it, even if you pay people whom you employ to do work only half of what they are fairly entitled to earn and what they need for the support of themselves and their families, I am unwilling to be a party to taking $5,000,000 of this same money in order to make the rivers and harbors of this country, even if it would do it, as I have shown it will not in a good many instances, better than they have been ever before. If you would appropriate a million or two to protect and preserve what we have and save our money until there is greater prosperity and a more full Treasury, there would be sense in it. As it stands, it appears to me to be wholly detrimental to public interests, and so I am going to vote against it.

Mr. ALLISON. I move to lay aside the regular order and continue the consideration of this report.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS and Mr. SHERMAN. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. It will be continued subject to call for the regular order.

Mr. FRELINGHUYSEN. Mr. President, if the Senator from Vermont uses this river and harbor bill as a lever to enable him better to present the unwise and unfair parsimony which has been manifested by Congress in the general appropriation bills, I like his speech; but if he means to say that $5,000,000 is too much to devote to this important purpose, I must meet him with an *argumentum ad hominem*; for if I remember rightly it was the Senator from Vermont who, in the motion to instruct the committee, inserted the sum of $5,000,000.

Mr. EDMUNDS. Yes, Mr. President, if my friend will allow me, I did; but I first moved to insert I think three and then four and then five and then five and a half millions, the House having it six, in order to see if it was possible that anything could be saved in this performance.

Mr. FRELINGHUYSEN. I think the first motion was five millions and subsequently my friend offered three and four.

Mr. EDMUNDS. No, sir; the first motion was three and the next four.

Mr. CHRISTIANCY. The first was five, I think.

Mr. EDMUNDS. No, the first was to appropriate three or four millions, I have forgotten which, to be expended by the Secretary of War in conformity with the act of 1869.

Mr. FRELINGHUYSEN. That may be so; but in the instruction to the committee the sum was five millions. I think it is not well to follow a bad example. I think that this country is perfectly able to make adequate appropriations to all the purposes of the Government, and I really think the fact that we have failed in that particular is no reason why we should not make this reasonable appropriation of $5,000,000 to this purpose.

Mr. CONKLING. Mr. President, few days on which the Senate sits fail to give me fresh reasons to admire the honorable Senator from California on my left, [Mr. SARGENT.] This day is not an exception. I admire his ability, his alertness, his acquaintance with legislation, his usefulness, and the alacrity with which he performs the much labor cast upon him. I say this day gives me fresh occasion to admire him. To-day he has looked up and read a considerable portion of a speech of my own, and I commend the taste which that displays in him for sound doctrine. It shows that he is inclined to resort to reliable sources of fact and information, not to speak of advice. Indeed until the Senator associated his own elocution with what I said, I had no idea myself that I had so truly and properly presented the case in respect of the harbor of Dunkirk; and therefore I am obliged to him for reproducing that; and, as I say, I admire the disposition on his part which it evinces to profit by all the sources of information, and especially those which are reliable, open to him.

My honorable friend, as the chief mission of his address to the Senate, undertook to involve me in some inconsistency touching the appropriation for Hell Gate. Whether he succeeded in that, or not, is a matter too indifferent to the Senate to justify me in expending a moment upon it. But he undertook also to show, and fortified his argument with his opinion, that the appropriation made in the bill for the work in question was adequate and suitable, and he even undertook to enable us to understand why and how that is so.

Now, Mr. President, I call attention first of all to the report of the engineer which I put on the record by the side of the explanation of the Senator touching the work to be done in Long Island Sound and the cost and condition of it.

Mr. SARGENT. Will the Senator allow me to ask a question?

Mr. CONKLING. Certainly.

Mr. SARGENT. Will he be kind enough to inform me if he knows how much the appropriation was for the last year? If he does not——

Mr. CONKLING. I will hand the Senator this book when I finish reading it, and he can read it for himself.

Mr. SARGENT. It was just the amount that is now appropriated by this bill, $250,000, when there was a year's additional work to be done to what there is now, and without objection on the part of the Senator last year $250,000 was appropriated for this purpose when the engineers then showed what was to be done. With the same logic as then, I say now exactly, this year especially is it true under the stringent instructions of the Senate that $250,000 is sufficient. If the Senator asks me if $250,000 is sufficient to finish the work, I do not say it is; I say it is a sufficient appropriation.

Mr. CONKLING. Having allowed my honorable friend to ask a question which he wanted to answer himself, and allowed him to answer it, I will show in a moment, as I think, how utterly he misconceives in supposing that because in a certain year with one condition of things a certain sum of money was adequate, therefore in another year upon a totally changed condition of facts he can argue that the same sum is necessary. My honorable friend might as well suppose that if a man was about to build a house and wanted to dig and lay the foundation in the fall and that required a thousand dollars as all he wanted that year, when it came next year to complete the structure a thousand dollars would be all that was necessary; he need only go back and say that all he expended last year when he was flush was a thousand dollars, and therefore what an absurdity to talk about expending $20,000 this year!

Let me turn back to what I was about to read:

Amount asked to be appropriated for the fiscal year ending June 30, 1877:

Grappling rock at Hallett's Point	$150,000
Continuing work on Flood Rock	200,000
Work on Diamond Reef and Frying-Pan	100,000
	450,000

Now see what the engineer says:

These amounts designed for specific purposes are the least that can be asked for continuous and economical work.

That is what the engineer says there. But the honorable Senator

says only $250,000 was expended last year, and that shows that only $250,000 is necessary this year!

I turn over and read a little further from this report:

As soon as the Hallett's Point drilling is completed, all the machinery there can be utilized for Flood Rock work.

I might read other passages but I forbear, having read enough to show the Senate two things; First, that here is a careful and critical estimate of three specific ascertained works, and that estimate amounts to $450,000; second, a statement that the apparatus, costly and expensive, applicable to this very peculiar work, because it is in a sense *sui generis*, when it has been used to complete one portion of it can all be transferred and utilized upon the other. I need not speak of the economy which is concerned in this last suggestion, I need not say to any Senator that the difference is vast between utilizing and employing all the material, apparatus, *impedimenta* for this great work after it is there, able as the engineers say they will be to do it, and do it this season, and allowing it to be dispersed and removed or laid up and disused and taken up in another year to be employed again.

Now, Mr. President, on this state of facts let me inquire what these committees did. Inasmuch as the Committee on Commerce made no formal report here for lack of a quorum, I have no right to say anything about that and I forbear. But the Committee on Appropriations, of which the honorable Senator from California is one of the ablest members,—and those who know him well understand that he does not neglect the matters committed to him—reported $350,000. On what did they base that report? They based it on the data in books of which this is one, a part of which I have read, which part is fortified by manifold statements, by diagrams, cuts, ocular presentations of the stage, shape, condition, magnitude, character, and requirements of this great work. Three hundred and fifty thousand dollars was the sum reported. That was cutting down the estimate sent not on a survey referring to a future work, not a speculative estimate *in futuro* as most of these are, but an estimate predicated of a work explored, understood, partially completed, honey-combed as the Senator has said speaking of a part of it, with a myriad of tiny tunnels or drill-holes in which explosives are to be carried. An estimate thus grounded, thus based, not resting in the nebulous expectation or conjecture of what might be, but ascertained by actual trial and experiment, asserted that $450,000 was the least sum that could be economically applied this year to continuous work. The committee reduced it $100,000, and reported as I have said $350,000. They came into the Senate. The Senate, impressed with the importance of this work, concurred in the amendment, did it not?

Mr. ALLISON. I think so.

Mr. CONKLING. So do I. I have no doubt about it.

Mr. SARGENT. The Senate rejected all amendments reducing the bill and voted for all increasing it. That was the first farce.

Mr. CONKLING. There are a great many statements besides the one I am making, which are important; but it is one of my infelicities to be able to make only one at a time, and I was endeavoring at that moment to state to the Senate upon a hearing, for there was one, because I believe I have been taken to task for the frequency with which I have called attention to this work, and certainly it has not been done *sub silentio*, nor has it gone without understanding—the Senate on a hearing voted that $350,000 was the proper, just, and appropriate sum at this time to be devoted to that work. Then the Committee on Appropriations retired again, took the bill with them under instructions to reduce it to $5,000,000. Then it came back. But the committee did not make any such reduction as this. They reduced it, and it stood at $290,000. The Senate acted upon that. Then it went to a conference, and then came what politicians used to call "the shrieks of locality." My honorable friend from California has acquitted me of shrieking in that way, because he says very truly that I have insisted from the first that this work was not a local, endemic, circumscribed affair, which, even if I thought it right to snatch to see what could be gotten for a particular State from which a Senator comes, I would make the subject of such a procedure. I have said throughout, as he remarked, and I say now, that this is in the broadest sense a national work. As my friend from Massachusetts reminded me a few moments ago, it invokes both the powers embraced in the vagrant clause of the Constitution, the power to regulate commerce not only among the several States, but to regulate commerce with foreign nations. It does stand in the great gate-way of the kingdom; that great gate-way into which alone the Great Eastern could have touched our shores as she did not and could not. She must go around Montauk Point, and she did, and anchored above Hell Gate, not being able to come down by reason of the presence of that impediment which these engineers are seeking to remove. Therefore I fortify and confirm the Senator from California in saying that in every stage of this bill I have never insisted that, like some creek in States, which shall be nameless, this was a local work appealing to the heat and endeavor of local and sectional competition. I have left it where it is on the map and in the waters, a public, national work, not only of large, but of the largest concern in its application to people in numbers and to cargoes in value.

The Senate, I say, voted upon this amendment and upon the striking down of the whole bill to $5,000,000; voted that this work should be reduced to $290,000, and the committee of conference went out and hearing these complaints from interests which, I may say, are local—because the bill will bear me out that they had been skipped—the committee proceeded to take off $40,000 more so as to bring this appropriation down to a point, which I undertake to say upon the report of these engineers and upon my knowledge of it, is a sum which no private owner, no business man, no board of experts or composed of men of common sense, would allot to the work this year. Why? Because if the work is to be carried on continuously and economically, it requires more money. If it is not to be carried on in that way, and does not appeal strongly enough to Congress to make an appropriation to carry it on, we should not appropriate for it at all.

But the honorable Senator said—and he seemed to think he was speaking of all these works of which there are three—that honeycombed as the rocks had been with drill-holes, they were to be saturated with explosives, and when the explosion took place he said it was matter of speculation where these rocks would fall.

Mr. SARGENT. So the engineers themselves say.

Mr. CONKLING. So I was about to say, it is matter of speculation; you cannot tell where they will fall as exactly as you could tell where they would be laid in a stone wall for so much a perch if a mason was going to lay them up; but there is one thing you can tell, and you can tell that just as sure as the thing itself; that is, the law of gravitation. When these rocks are blown into the air they will fall down. There is not the slightest danger that they will fall up, nor any immediate probability that they will proceed on horizontal lines. And when they fall down, no matter exactly where they fall, they will fall in the track of a mighty commerce, they will fall in the throat of an arm of the sea, they will fall where they cannot lie without wrecking vessels, and accordingly the report of the engineer shows what will be necessary in removing the *débris*.

The Senator used an expression which I wish I could remember on this subject. It was very graphic for the levity which it ascribed to these rocks. His phrase was one which would lead a body to suppose that almost any one after this explosion took place might take them with the thumb and the finger or brush them out with a wisp-broom in some way or the other; but everybody who will look at these reports will understand that the area of these rocks is so great, the geological deposit to be extirpated is so ponderous and colossal that when it is blown up and separated by seams and fissures, you have come then only to the realization of the valuable part of this work, because if vessels are to run upon these rocks it matters very little to the rocks or the commerce of the country whether they lie one side up or whether they have been turned over in places by the explosion, and we do know that they will be there in substance, and the object of tearing them to pieces with giant powder is not to leave them there, but only to divide them into pieces no longer so heavy or imbedded in the earth that they cannot be moved or extracted by machinery.

Now, looking at this particular one of the three works, and at the other two works, the engineers have made this report; and the answer of the honorable Senator from California is that I talked about Dunkirk and seemed to make that a very pet object and that I said that Hell Gate was not a local object and that only $250,000 were used last year at this place in getting ready for the fruition and culmination of this work and, therefore, why do they want any more than $250,000 this year. Well, Mr. President, if it is satisfactory to the honorable Senator from California, I said before, and I want to repeat, that I have no doubt that he and every member of this committee did, in his own estimation, the very best he could do. I know from some experience with this bill, from having devoted some weeks to it myself in committee, that it was full of puzzles and perplexities. No Senator envies the task which has been put upon the Senator from California. I feel perfectly sure, and say it with the utmost sincerity, that that Senator exerted himself not only conscientiously but seriously to make the best arrangement of this bill possible; and I beg him to understand that in no respect, by the remotest or faintest implication, do I mean to suggest a doubt in that regard touching that honorable Senator or either of his associates on this committee. But, Mr. President, when I see in this bill, reported by a conference committee compelling us to take the whole bill in block or to vote against it, a diffusion of money to objects useful, of paramount importance, but made in such measure as to violate the principles of economy and the true interests of the Government; and when I turn to other pages and see in many a local instance appropriations made which, in my judgment, should never be made if the Treasury were overflowing with surplus revenue—appropriations, in my belief, not to be defended either as matter of business judgment and discretion, or of constitutional power,—then I do not feel that I owed an apology to the Senators composing the committee of conference or to anybody else for respectfully entering my protest against it.

I shall vote against this report for the reason that appropriating large sums of money, as I believe, where no money at any time should be appropriated, it also appropriates other large sums of money in such wise and with such application that the real ends and the justifiable ends to which they are to be devoted are not to be answered, or they are to be answered only in part, and that expensively to the detriment of the true interests of the Government and in violation of the real principles which ought to be observed.

Mr. SARGENT. I only desire to say a word or two to my friend from New York. He has a habit of disarming those who seem to be in opposition to him, and I must confess myself to be somewhat in that predicament. I did not desire to convict him of any incon-

sistency. I simply wished to show the operation of my own mind in remembering what he said in the RECORD. He dwelt with great stress upon the necessity to the interests of New York of the harbor of refuge at Dunkirk, which was not merely a harbor of refuge but a harbor of great commerce. He also thought the Senate committee had made a mistake in leaving out Pultneyville, and dwelt with great force on the Great Sodus. When the House conference insisted that a quarter of a million dollars was all that could be allowed for Hell Gate, the Senate conferees, remembering the position of the Senator, from New York, said, "It will not be enough; but we will not allow the amount to be taken from one State and given to another as a rule; but if there should happen to be a surplus after the reasonable wants of the State are satisfied, that may be distributed." Consequently we insisted that Dunkirk might go in and Pultneyville and Great Sodus, and I supposed that all the reasonable demands of the Senator from New York had been satisfied. He says, however, that a quarter of a million dollars is not enough. I cited the fact that a quarter of a million dollars was all that was appropriated last year and that was not the commencement of the work, but three-quarters of a million dollars had been already expended on it.

Mr. CONKLING. Will my friend allow me to interrupt him?

Mr. SARGENT. I will.

Mr. CONKLING. The Senator does not want to make an erroneous statement.

Mr. SARGENT. Certainly not.

Mr. CONKLING. He makes a very erroneous one in what he has said about New York. He seems to think that this report has restored everything for New York.

Mr. SARGENT. We have restored Dunkirk, and Great Sodus, and Pultneyville.

Mr. CONKLING. Certainly you have restored them, but you have not restored other works.

Mr. SARGENT. We have restored each of them. I know whereof I speak.

Mr. CONKLING. Does the Senator not know that more has been taken from the State of New York in the aggregate, counting Hell Gate, than the Senate put on?

Mr. SARGENT. I say the endeavor was to answer the demands made by Senators in behalf of their States. The House insisted that a quarter of a million, the amount appropriated last year, was sufficient for this work. We looked at the estimates, and we found the estimates were $450,000. We looked at the estimates the year before and found they were $600,000, and Congress appropriated $250,000. It did not seem unreasonable that $40,000 should come off and the amount be reduced to a quarter of a million dollars when the estimates were only about two-thirds of what they were the previous year. Then we demanded that the statement made on the floor of the Senate in behalf of New York should be accepted before there should be considered any surplus to come off in the neighborhood of New York or anywhere else, and then we restored every harbor the Senator himself insisted upon, and then the amount is less than $20,000, some $16,000; which is the only matter the Senator seems to be making his point upon this morning.

I refer to the estimates of the engineer and his statements, which the Senator must have known, because they were before his committee for months before they unfortunately came to us; and I regret that they did. I am sorry we did not have the benefit of the Senator's great judgment in arranging the details of the bill; but by those reports before the committee the necessary estimate was $450,000. There came a stage in the progress of this bill when the amount was reduced to $290,000. I do not find that this reduction of $160,000 excited the solicitude of the Senator at that time for so national a work, while he still talked about Dunkirk, always Dunkirk, and Pultneyville, and Great Sodus. I do not desire to insist on this as an inconsistency, but I must say that it is a justification of our action in supposing, as $160,000 reduction did not excite the sensibility of the Senator that $40,000 would not produce that effect.

Mr. CONKLING. If I understand my friend he gets the idea that I turned a cold shoulder to Hell Gate.

Mr. SARGENT. I say, in other words, that this national work was confided to us and confided to our good judgment.

Mr. CONKLING. There is where I made my mistake.

Mr. SARGENT. Very likely the Senator may have made a mistake, though I have been trying to show him why we have done it. I still, however, think that the Senator ought to have shown his disapprobation of any reduction whatever. When the largest amount proposed was below the estimate said by the engineers to be absolutely necessary, he assented. The Senator is wrong or else I am wrong, and I dare say he is right, if one of us is in error. I find the engineers spoke as follows in 1874, when they had already run seven hundred and eighty feet of tunnel under this rock before that time.

Mr. CONKLING. Why do you read the report of 1874 when there is a report of 1875?

Mr. SARGENT. For several reasons; in the first place to show that in 1874 they estimated for $600,000 and we gave them a quarter of a million. Now they estimate for $450,000 and we give them still a quarter of a million, showing that the same authority which would condemn the reduction the year before—and I do not remember that there was any particular controversy over that—would condemn it now, and furthermore showing that the engineers are extravagant in their estimates. That is to say, they tell you the whole amount they think they can get. They estimated $14,000,000 for rivers and harbors this year. The engineer speaking about deep water and shallow water and the disposal of rocks there, says:

> The amount of stone grappled and removed was twenty-eight hundred and five cubic yards. This does not include the amount (which is unknown) raked from the surface into the deeper water on the sides of the reef.

To take the *débris* that falls there, as I understand it, the water on the sides of the reef is deep enough, and it could be decreased several feet without injuring the navigation of the harbor for vessels drawing twice the amount of water that the Great Eastern does. I understand that to be the fact. If the Senator controverts that, he may be right; but from my reading on the matter and from the discussions in the committee on both sides, by the House conferees and the Senate conferees, I am disposed to think I am correct in my understanding of this matter. In other words, we have given a quarter of a million of dollars to this work the same as last year, when every other appropriation has been reduced, and we have treated that as a matter of national importance.

Mr. ALLISON. I desire to say one word in reply to the Senator from Vermont [Mr. EDMUNDS] before the vote is taken. The Senator from Vermont, in commenting upon the bill, seems now, as heretofore, to lay particular stress upon the action of the committee with reference to the harbor at Cleveland, Ohio, where the committee had the misfortune of inserting an item of $8,000 for the repair of an old pier, and wherein the Senate concurred in the judgment of the committee, and wherein the House conferees made no objection, and therefore it was not a proper subject for the committee of conference to consider. The honorable Senator from Ohio [Mr. SHERMAN] stated some days ago that there was a little bit of a conflict with reference to this pier between the railroad company and the engineer in charge. I do not know how that may be, but I should think not, from the fact that this engineer takes pains to explain to the honorable Senator from Vermont, who has opposed this appropriation all the way through, by saying to him that there is no conflict, and writing him an elaborate letter on the subject. I suppose, of course, that this letter was written to the honorable Senator for the reason that if it had been written to the committee having charge of this bill the committee would have had that information and probably might have changed its judgment. The honorable Senator from Vermont says that he showed the letter to the committee. That letter was not shown to the committee until after this report was made and in the Senate. I merely state these facts for what they are worth; but this engineer was appealed to before by the several committees of Congress. He was appealed to by the Chief of Engineers to make a reduction in the estimates in his district, and in that reduction of estimates he assigns to the breakwater at Cleveland, Ohio, $50,000, and says that that sum will do. Now he writes a letter to an honorable Senator of this body, which letter is read here, stating that this breakwater at Cleveland, Ohio, is useless.

Mr. SHERMAN. That work was recommended by the board of engineers.

Mr. ALLISON. It was recommended originally by the Corps of Engineers. When this particular engineer is called upon for an estimate of reductions that may be made in his district on the basis of two-thirds of reduction he sends here under his own signature, which I have, a recommendation stating that $50,000 ought to be appropriated by Congress for this breakwater at Cleveland, but he now writes to the honorable Senator from Vermont that it is a useless and wasteful expenditure of public money, and not only so, but undertakes to impugn the motives of local Senators and Representatives in Congress in asking this appropriation, to say nothing of the inferential imputation upon the members of the committee who have undertaken in a fair and legitimate way to make just appropriations in this bill upon the best information attainable to them.

I make this statement in order that this engineer, who seems to be reading the debates in Congress, may have an opportunity of knowing at least what one member of the Senate thinks of him in sending letters to Senators instead of sending them through the regular military channels in order that they may reach the proper committees, and in time to influence their action. If he thinks this expenditure of money is wasteful, why does he not so report to his superior officials in time for use by committees, instead of sending private and unofficial letters to Senators at a period too late to be useful? But there is no particular harm (and I regret the Senator from Vermont is not here) in making this appropriation of $8,000 for this pier at Cleveland Harbor. All these appropriations are expended in the discretion of the Engineer Corps. Because we appropriate this money the Secretary of War is not, perforce of that appropriation, to expend the money. For any reason, either for its insufficiency or because this money is not needed at any particular place, it is within the discretion of the Secretary of War to withhold this expenditure. Therefore we are not to be charged here, and although we make a mistake in this appropriation of $8,000, which has been fully discussed and carefully examined, and although this mistake is made by Congress, it does not follow that perforce of this appropriation the expenditure must be made if it is a needless expenditure, although at the time the appropriation is made it appears to be required, as in case of this particular pier.

We have also provided in this very bill that the differences exist-

ing between this railroad company and the Government of the United States with reference to this pier shall be adjusted, and if they are not adjusted the Attorney-General of the United States shall take proper means to see that the interests of the Government are protected in this regard. Therefore it does not appear to me to be necessary to speak constantly of this pier at Cleveland, Ohio, as an example of the general character and nature of this bill.

I have one word to say with reference to Hell Gate. As was truly said by the Senator from California [Mr. SARGENT] the appropriation this year was as large as the appropriation last year. The estimate this year is $150,000 less than the estimate last year. The length of time within which this appropriation may be expended is only six months. These river and harbor appropriations are continuous appropriations; they are not appropriations like others for fiscal years. Therefore an appropriation made at the next session of Congress will take effect immediately upon the adjournment of Congress or upon the passage of the appropriation bill; so that this $250,000 is practically an appropriation for six months for this improvement at Hell Gate. If they could only expend profitably and economically as they estimate $450,000 in a year, they can expend profitably and economically then only $250,000 in six months. Whether this be a great national enterprise or local enterprise in which the Senator from New York is specially interested, we have given him and that particular improvement as large a sum as can be expended until Congress shall have another opportunity of making appropriations for that improvement.

Mr. CONKLING. Will the Senator allow me one moment?

Mr. ALLISON. Yes, sir.

Mr. CONKLING. Am I right in supposing that the Senator said that there were only two or three months remaining when work could be done at Hell Gate, thereby meaning that it went on only during the summer season?

Mr. ALLISON. I did not say that.

Mr. CONKLING. I thought the Senator said that. I wish to say to him, if he does not know it, that winter as well as summer is an advantageous time to do that work.

Mr. ALLISON. Not having said that, it is not necessary, of course, to reply to it. I said this: that last year, with an estimate of $600,000, $250,000 was appropriated. This year, with an estimate of $450,000, $250,000 is appropriated, and that when there are but six months left during which these appropriations may be expended until another appropriation can be made. This estimate was made for a year, and Congress will meet again in December.

Mr. CONKLING. I understand the Senator to mean that it is an appropriation for six months?

Mr. ALLISON. That is what I mean; and that after that time another appropriation will be available.

Mr. CONKLING. How can the Senator mean that, when we are talking about the fiscal year, and the fiscal year does not end until the 1st of July? Is not that more than six months from this time?

Mr. ALLISON. I undertook to explain the fact that these river and harbor appropriations are not appropriations for fiscal years. They are continuous appropriations, and if we make an appropriation next year and that appropriation is passed on the 4th day of March, it is immediately available. It is not only available for the fiscal year beginning on the 1st day of July, 1877, but it can be entered upon on the 5th day of March.

Mr. CONKLING. Is not this appropriation available until next July?

Mr. ALLISON. This appropriation is available until it is exhausted, if it be next July or if it be ten years from this time.

Mr. CONKLING. Then why do you say there are only six months in which it can be expended?

Mr. ALLISON. I say the estimate was made for a year. This appropriation may be expended within six months, when another appropriation will be made available for Hell Gate. I do not wish to occupy time with reference to this bill. I only wish to say that the conference committee made the best adjustment of this bill possible. When we found there was a disposition on the part of the House to reduce the appropriation at Hell Gate, we insisted upon the appropriation at Dunkirk, as was stated by my colleague upon the committee, [Mr. SARGENT,] and the House also insisted upon it. They insisted that Dunkirk should be included within these appropriations, because the harbor at Dunkirk is open two or three weeks before the harbor of Buffalo is open, and they said the harbor of Dunkirk should, therefore, be maintained. The House insisted that Dunkirk should be kept in the bill and we agreed to it, and agreed to the reduction for Hell Gate. All of the different appropriations which have been changed by the conference committee amount in the aggregate to only $151,000.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. The Senator from Iowa, as I understand, to whom I showed the letter that I read from an engineer, while I was not present said that this gentleman had made a recommendation inconsistent with what he states in this letter. I ask the honorable Senator from Iowa to produce that recommendation in order that we may see whether it is inconsistent or not.

Mr. ALLISON. I have sent for it, I will state to the Senator, and in a moment will have it read at the Clerk's desk. I think I had it once; but I am not certain.

Mr. EDMUNDS. When I handed this letter to my honorable friend, and after he had read it and handed it back to me, he did not communicate to me that he was aware of any inconsistency; but I had the impression that he rather sympathized—of course it is not right for me to state private conversation, and I do not mean to state it—but I mean to say that I have the impression that he ought rather to sympathize with the suggestions made about the piers at Cleveland. But what I want to get at now as a matter of justice to a worthy public servant as to exactly where this inconsistency comes in, and this is supposed to be it:

UNITED STATES ENGINEER OFFICE,
Buffalo, New York, February 25, 1876.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

GENERAL: After replying to the Department telegram of to-day in relation to the reduction of estimates, I found that I had misunderstood it and had only reduced the aggregate one-third instead of to one-third. I have consequently sent a second telegram, in which I suggest the following appropriations: Toledo, $75,000; Sandusky, $25,000; Cleveland, $50,000; Erie, $50,000; Buffalo, $85,000. Total, $285,000—

Being one-third of the Department estimates, ($855,000.)

It will be seen that I do not recommend a reduction at Erie.

Is there anything else in the letter that the Senator thinks touches this matter?

Mr. ALLISON. There is one other clause.

Mr. EDMUNDS. I will read it clear through in order to be sure.

It is the only natural harbor on Lake Erie, and the only harbor Pennsylvania has on the lake, and needs constant attention. The work at Toledo and Sandusky cannot be economically executed with smaller sums than were granted last year. Cleveland can, I think, get along very well with the $50,000, which I estimate the same as last year.

Mr. ALLISON. That is all.

Mr. EDMUNDS. My friend says that is all.

C. E. BLUNT,
Lieutenant-Colonel Engineers.

You will observe, Mr. President, that there is no hint here of anything about the east pier at Cleveland at all; and if you turn to the estimate which I suppose somewhere is in detail, I venture to assert—not merely do I believe, but I venture to assert, though without the knowledge myself—that there is no estimate anywhere in the Engineer Department from this gentleman of anything for the east pier at Cleveland.

Mr. ALLISON. There is nothing.

Mr. EDMUNDS. My honorable friend says there is nothing. Now I should like to know where the inconsistency comes in.

Mr. ALLISON. The honorable Senator from Vermont read a letter in which, if I understood the reading of the letter correctly, this engineer states that this breakwater at Cleveland is unnecessary and a wasteful expenditure of public money, perhaps not using those exact words. I simply stated that the same engineer had recommended the committee to insert that item, and therefore we had inserted it. If that be inconsistent, then I said he was inconsistent. If that be not inconsistent, then I did not say he is inconsistent.

Mr. EDMUNDS. Then my friend is not speaking of the east pier at all?

Mr. ALLISON. Not at all.

Mr. EDMUNDS. I only delay the Senate as an act of justice to this gentleman, because I think when I get his letter—it has gone to the reporter's room; it will be back in a minute—my friend will see he has done him an injustice, even about matters not connected with the east pier, which are only incidental in this letter; for I am bound to say of all the Engineer Corps, taking them at large, and this person in particular, whom I never saw but once in my life, they are men who endeavor to do their upright duty according to the light they have, without fear, favor, or affection. No politician, no statesman even, no anybody, as I believe, can swerve the gentlemen of that corps, speaking of them in general, and this gentleman in particular, one hair from the brave and upright performance of duty.

Mr. ALLISON. I trust the Senator will yield to me one moment, that I may state what I did say. The Senator stated that this late letter which the engineer wrote had been shown to the committee. In justice to the committee I said it had been so shown after the report of the committee had been made.

Mr. EDMUNDS. I said that myself, when it was too late to do any good.

Mr. ALLISON. I did not so hear the Senator say. What I did say was that if this engineer had written to the committee, or through the proper Engineer Bureau, the committee might have had early knowledge of these troubles and difficulties at Cleveland. That is what I complain of. I do not know the engineer at all.

Mr. EDMUNDS. Ah, Mr. President, when we come back to the east pier we find that the Engineer Bureau never recommended anything for it at all.

Mr. ALLISON. I was not speaking of the east pier.

Mr. EDMUNDS. Therefore this engineer in that respect had no occasion to write to the Engineer Bureau at all. Some politician foisted this contrivance for the benefit of this railroad company into this bill somewhere. Of course by politician I mean a statesman, who had the large interests of national commerce at heart. That is

what I mean by politician; I do not mean it offensively at all; quite the reverse; but it was very evident that the country could not live another year unless this east pier was taken care of. Between the city and the railroad, away up out of the necessities of the protection of commerce, there had been dredging and railroad occupation, &c., so that the city and the company had got into a little difficulty as to who should pay for it; and they harmonized their difficulty, as it is always very comfortable to do, by agreeing that the United States should pay for it, which would settle their disputes at once.

I come now to the point that my friend seems to rely upon as showing that this gentleman has recommended one thing and has then criticised it. Let us see if I can find that precise place, because I do not want to reread the whole letter. What this gentleman says as showing the way appropriations get into these river and harbor bills, the necessities of having an appropriation an issue and some member of Congress running upon it from some particular village, is:

> The idea of the very breakwater which has been commenced at Cleveland was, I believe, started as a help to election by a former member of Congress, and the changes rung upon it in the papers with that object. My own private opinion is that Cleveland could get along very well without it; and as a "harbor of refuge," "the game is not worth the candle."

That is what the Senator alludes to. Let us turn to what his command was from the chief office here: "You are commanded to reduce your estimates by two-thirds so as to leave only one-third." Congress had already commanded the erection of this Cleveland breakwater, which the ice in that lake every year kicks over and draws out the piles as a dentist will draw out a tooth; and it always will until we get a great cycle, when the democrats come in, for instance. Of course it will be so hot there then that there will not be any ice and the stumps will stay in just as they do in the Cape Fear River, or wherever it is, where we have an appropriation to pull out the stumps of the "late unpleasantness" that are still there. They will stay; but on this present occasion this man, acting under a law of Congress passed before, is called upon to estimate how much is necessary to go on and keep these teeth in the sand that the ice every winter pulls out; and he says so much. Then he is ordered by telegraph to reduce by two-thirds, and he does reduce so much. What justification has my friend from Iowa for saying that there is any inconsistency in his mechanically performing the duty of reducing the old estimate to keep these teeth in the sand, and his statement that as a harbor of refuge it is good for nothing, and as a work of public improvement that can be made to stay it will not operate, because everybody who goes there in the winter sees how it is that they cannot be kept in? I fail to see the slightest inconsistency between the two statements. That is all.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SAULSBURY, (when his name was called.) I am paired on all political questions with the Senator from Pennsylvania, Mr. CAMERON, and I am not sure but that he would regard this as a political question.

Several SENATORS. This is not a political question.

Mr. EDMUNDS. It is not a political question, except so far as it affects States.

Mr. SAULSBURY. I will vote "yea."

Mr. SHERMAN. I desire to state that my colleague [Mr. THURMAN] and myself are paired on general topics, leaving it to my judgment where I thought we should differ. I really do not know how he would vote on this bill, and therefore I shall not vote. I should vote against the report, but I withhold my vote.

Mr. McMILLAN. My colleague [Mr. WINDOM] is at present engaged in a conference committee and is unable to be here at this time. He would vote for the report.

Mr. McDONALD. I am paired with my colleague [Mr. MORTON] on political questions. I am not certain how he would vote on this question if he were here, and therefore, not being certain, I decline to vote.

The roll-call was concluded.

Mr. ANTHONY. I am paired with myself on this question. There are some portions of the bill that I want to vote for very much. Some of the appropriations I think are necessary to preserve the public works, but I think some are very injudicious. Upon the whole I will vote "yea."

Mr. ALLISON. The Little Narragansett was rather doubtful. [Laughter.]

Mr. EDMUNDS. Is it in order to make a little speech? I should like to explain my vote.

The PRESIDENT *pro tempore*. It is not in order.

Mr. EDMUNDS. It is only in order for friends of the bill; that is all.

The PRESIDENT *pro tempore*. The Senator from Rhode Island had a right to state his pair.

Mr. EDMUNDS. Had he a right to state his reasons for going for the bill?

Mr. MITCHELL. I am paired on all political questions with the Senator from Alabama, [Mr. GOLDTHWAITE.] Not considering this a political question, I vote "yea."

The result was announced—yeas 36, nays 10; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Booth, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cooper, Davis, Dennis, Edmunds, Ferry, Frelinghuysen, Gordon, Harvey, Hitchcock, Howe, Ingalls, Kelly, Key, McMillan, Maxey, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Patterson, Randolph, Ransom, Sargent, Saulsbury, West, and Withers—36.

NAYS—Messrs. Bontwell, Cockrell, Conkling, Dawes, Eaton, McCreery, Morrill, Wadleigh, Wallace, and Whyte—10.

ABSENT—Messrs. Alcorn, Barnum, Bruce, Cameron of Pennsylvania, Conover, Cragin, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, Kernan, Logan, McDonald, Morton, Robertson, Sharon, Sherman, Spencer, Stevenson, Thurman, Windom, and Wright—25.

So the report was concurred in.

Mr. EDMUNDS and Mr. SHERMAN addressed the Chair.

Mr. SHERMAN. I call for the regular order.

Mr. EDMUNDS. I want to enter a motion to reconsider the report.

Mr. ALLISON. I want that motion disposed of now.

Mr. SHERMAN. The motion to reconsider will give rise to debate and I prefer to go on. I call for the regular order. The Senator from Vermont can make his motion at any time to-day.

Mr. EDMUNDS. I enter a motion to reconsider the vote by which the report was concurred in.

Mr. HOWE. I move to lay the motion to reconsider on the table.

Mr. SHERMAN. I called for the regular order before the Senator from Vermont made his motion, and stated that such a motion would give rise to debate.

Mr. HOWE. There is no debate about a motion to lay on the table.

Mr. EDMUNDS. If I have made my motion to reconsider I am entitled to the floor, and I have a little something to say upon it.

Mr. SHERMAN. I called for the regular order before either of these motions was made.

The PRESIDENT *pro tempore*. The Senator from Ohio calls for the regular order.

Mr. EDMUNDS. Do I understand the Chair to decline to enter my motion to reconsider? I rose and addressed the Chair and was recognized, and entered my motion I think before the Senator from Ohio called for the regular order.

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Ohio if he rose and demanded the regular order before the Senator from Vermont moved to reconsider?

Mr. SHERMAN. I can say that I did. The Senator from Vermont, however, immediately rose afterward and made his motion. I called for the regular order purposely, because I inferred from the vote of the Senator from Vermont that he would move a reconsideration?

The PRESIDENT *pro tempore*. The Senator from Ohio stating that he rose before the Senator from Vermont, the Chair will then rule as this report was considered subject to the regular order that the Hamburgh resolution is before the Senate.

Mr. EDMUNDS. Suppose I say that the Senator from Ohio did not rise before I did?

The PRESIDENT *pro tempore*. The Chair would then submit it to the Senate.

Mr. EDMUNDS. I supposed we stood on equal grounds here.

Mr. SHERMAN. The Senator from Vermont can make his motion afterward.

Mr. EDMUNDS. I propose to have it settled now whether I have made it or not.

Mr. SHERMAN. In order to prevent the delay of public business by a political discussion, I now surrender my right to the floor, because I will not stand in the way if the Senator desires to make a motion.

The PRESIDENT *pro tempore*. The Senator from Ohio surrenders the floor and the Senator from Vermont enters a motion to reconsider the vote by which the report of the committee of conference was concurred in.

Mr. EDMUNDS. I had entered it before; but I did not enter it for the purpose of filibustering against this bill at all. I was told while the yeas and nays were being taken—I am now speaking on the motion to reconsider, which is debatable—that the Senator from Iowa commented on the impropriety, as it appeared to him, of Colonel Blunt writing a private and unofficial letter to me as being a thing that an officer in the Engineer Corps ought not to do. Am I stating the Senator from Iowa correctly, for I was not in the Chamber at the moment when he is supposed to have made such a remark?

Mr. ALLISON. I said this: that if this engineer officer had made these communications to the committee, the committee would have had the information that the Senator from Vermont had and would have had the benefit of his views upon this subject; or if he had sent these communications through the regular channel, as I supposed Army officers were bound to do, the Committee on Appropriations would have had the benefit of his communications upon the subject before the report was made. I say now that I think it was exceedingly indiscreet for this officer to arraign members of Congress in a private, unofficial letter for seeking appropriations for personal ends and gains and to have that letter read here in the Senate as a means of showing that improper appropriations were in this bill; and perhaps I said in substance the same thing before.

Mr. EDMUNDS. Mr. President, so far as the first part of the observations of my honorable friend from Iowa is concerned, that if the engineer had informed the committee they would have had the in-

formation, I can tell him that they had the information as soon as I had; and, as I stated before, all this information about this east-pier business arose out of what took place in the Senate, and therefore there is no accusation which can justly be made against anybody in that respect. It was jumped into this bill somewhere or other in one House or the other, I do not know where, but I believe in this body in some way.

As to the second branch of my friend's observations, that it was very indiscreet in this gentleman—because I think it quite probable he is a gentleman still, if he has ventured to write an unofficial letter to me—to write a letter to me instead of writing to his superiors in the Engineer Bureau. That depends upon the question whether an Army officer, because he is employed in the Army, has lost all the characteristics and qualifications belonging to him as an American citizen. If my friend from Iowa supposes that to be the case, then it was very indiscreet, not to say very improper, that one citizen of the United States happening to be an Army officer should venture to write to another citizen of the United States on a topic upon which that other citizen had something to say without the authority of his superior. That is the question. I think, Mr. President, that is a question that answers itself. This gentleman has not written this letter to me in his capacity as an engineer at all. I stated and read most explicitly that the letter was a personal letter and unofficial.

Mr. ALLISON. Will the Senator allow me? He does not want to misrepresent what I meant to say.

Mr. EDMUNDS. By no means, because I did not hear it.

Mr. ALLISON. It is not that he wrote a letter to the Senator from Vermont, but it is that he communicated to the Senator from Vermont statements with reference to this breakwater, which, if communicated to the committee in time, might have influenced them with reference to this appropriation. Now that letter goes upon the record here showing that the Committee on Appropriations recommended an appropriation of $50,000 which is of no practical utility. Therefore I say that this engineer officer did an indiscret thing in not saying publicly to his superior officers what he did privately and unofficially to the Senator from Vermont. That is the complaint I make.

Mr. EDMUNDS. If the person was entitled to write me a letter at all, I suppose he was entitled to say something in it.

Mr. ALLISON. Undoubtedly.

Mr. EDMUNDS. There would be no use in writing me a letter that did not say anything. It evidently would not do me any good, and it would not do the Senate any good, or my friend from Iowa any good, unless he has more potent powers than he has been suspected of, and those which he has are very considerable.

His point is that this gentleman ought to have communicated to his superior officers what he communicated to me, arising out of his seeing the debates and the facts that he perceived that I had been somewhat obnoxious—I will take a phrase that will suit the majority of the Senate—in opposing appropriations and schemes for appropriations that I did not believe to be justified by the public interest. My friend says that this gentleman ought to have communicated all that before to the Engineer Corps, to the headquarters. What had he to communicate? No such proposition existed as to this pier, and as to the other we all agree how it did arise. I stated before that Congress had by law made this thing inoperative, and he was called upon by the Chief of Engineers to report how much money it would take to do a particular mechanical thing. He reported it and all the other engineers did, making $14,000,000 in the whole all over the country. Then he gets a telegram from the Chief of Engineers of the War Department, "reduce your estimates for this work by a certain percentage." In obedience to orders he does exactly that thing, which leaves $50,000 for Cleveland.

Mr. ALLISON. That is not the request, if the Senator will pardon me.

Mr. EDMUNDS. What was it?

Mr. ALLISON. The request was to reduce the total of the appropriations within his district one-third.

Mr. EDMUNDS. That is what I mean.

Mr. ALLISON. He might have omitted the Cleveland breakwater entirely, and it was his duty to omit the Cleveland breakwater if in his opinion it was a useless expenditure of money.

Mr. EDMUNDS. The Senator begs the very question.

Mr. ALLISON. I do not think so. He omitted other places and why should he not have omitted the Cleveland breakwater?

Mr. EDMUNDS. That I cannot answer why he should or should not; but when he is commanded to reduce his estimates so much, and Congress having by definite legislation provided for Cleveland a certain contrivance of breakwaters and public works, he evidently did not feel authorized to fly in the face of the law, and accordingly he did it. Now the Senator criticises this gentleman because after this matter has at last engaged some slight examination and criticism, some little exposing of it to the light, and he sees the course of debate, he writes personally to another person as two citizens of the United States write to each other. He did not write to my distinguished friend from Iowa, I suppose, because he did not dare—I will not say dare, for he is an Army officer, but because he did not feel at liberty, for I do not want to say anything that can be in the least degree irritating, and my friend knows that I do not mean it; I only want to defend the honor and reputation of this man that I believe in entirely from what I hear of him rather than from what I know of him. He does not write to my friend from Iowa having the bill in charge though not the chairman of the committee, because he might feel that it would be an intrusion, but he ventures on an old and casual acquaintance to write to a gentleman he happens to know, believing that that gentleman would not be slow as an honorable man to communicate what information he had, official or unofficial, to the proper party and to the Senate at once.

Mr. ALLISON. But the Senator mistakes my point entirely. It is not that he wrote a letter to the Senator from Vermont; it is that he stated in that letter what he omitted to state before, and which if stated before might have prevented an expenditure of money. Now as I am up I want the Senator from Vermont to show me the law which directs a breakwater at Cleveland, Ohio. If there is such a law I have no knowledge of it. These appropriations are made from year to year in the discretion of Congress.

Mr. EDMUNDS. If there was no law for it, that would make it a great deal worse, because my friend is as responsible as the engineer is, and a thousand times more. My friend makes the law and controls the law and repeals the law; this engineer does not, and if there is no law for making estimates for a pier at Cleveland, if there has been no previous provision of Congress, then my friend stands without any excuse in going in for $50,000 for this thing until he himself in some proper way has investigated the subject and knows it to be a proper object of public expenditure.

But, Mr. President, I did not mean to prolong this debate even this much. I heard, being called out for the moment, that something had been said that seemed to reflect upon the honorable and proper conduct of this gentleman, and knowing of him rather than knowing him in any broad sense, knowing of him as I do, I felt bound in doing justice as I wish it to be done to me, to vindicate as far as I could by a simple statement of how the thing occurred any reflection that might be made upon this gentleman.

Mr. HOWE. I move to lay the motion to reconsider on the table.

Mr. CONKLING. I want to ask a question of the Chair before we vote on that.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CONKLING. That is one reason why I was not going to debate because debate is not in order. I believe it is still in order for a Senator to know what he votes on, and if necessary to ask a question of the Chair; therefore I respectfully submit this question——

The PRESIDENT *pro tempore*. The Chair only did it to do his duty. He has been criticised before.

Mr. CONKLING. I am obliged to the Chair, but I did not intend to violate a well-known rule of the Senate. My inquiry of the Chair is this: A motion being entered to reconsider, and a motion made to lay that on the table, and that prevailing, does not the motion for reconsideration lie on the table subject to be taken up at any time?

The PRESIDENT *pro tempore*. It lays the motion to reconsider on the table, and leaves the bill stand passed.

Mr. EDMUNDS. That I do not agree to for one.

Mr. CONKLING. If the Chair makes that ruling, I respectfully appeal from the decision of the Chair in order that I may say a word. It may not be very important upon this bill; it is of some importance in the usage and practice of the Senate. I humbly submit to the Chair and to the Senate that that cannot be the rule of this body. In the House of Representatives it is the rule by rule; and a customary motion is when a bill is passed to move to reconsider the vote by which the bill was passed and to lay the motion to reconsider on the table, and when the House so vote that puts an end to the whole controversy. That is by a rule in derogation of parliamentary law; but by the rules of this body everything upon the table of the Senate is pending, and everything pending may be considered by the Senate. Now a Senator moves to reconsider a bill. That arrests the bill. The Senate lays on the table the motion to reconsider. The Chair suggests that that carries the bill beyond the power of the Senate. Still the motion to reconsider is pending, but it is a mere empty ceremony. The ruling of the Chair takes away the substance of the whole thing; and when a Senator calls up the motion which has been laid on the table, to wit, the motion to reconsider, the bill has forever gone; and yet all the time the motion to reconsider is pending. I submit that is not the law.

The Chair may be able to lay his hand upon a bill passed for the relief of Asbury Dickins. That bill was passed, a motion to reconsider was entered, and that motion was laid on the table. When was it? It was the last day of the last session of the Congress, and everything fell with the expiration of that session. Of course the motion to reconsider was not pending; it lay on the table of the Senate and the Senate had died as to that session; without going into the question of whether it is a continuous body or not, a complete end had arrived of that Congress, and therefore everything fell.

Some Senators around me will remember a discussion, a very animated discussion, of this question in executive session two or three years ago where a motion was made to reconsider the vote confirming a nomination. A motion was made by a Senator from Iowa then, not now, to lay that motion on the table. A very heated discussion took place as to the effect of it, and it was held in that case that the motion to reconsider being laid on the table was exactly in the position to leave it a pending motion before the Senate, because at any moment it was in order to move to take up from the table that motion lying there? That I understand to be this very case. A Senator

moves to reconsider this vote. I have already disclaimed any interest in this particular question; I feel none. If it were my motion to reconsider I should be entirely willing to withdraw it; but I want to preserve if I can uniformity in the action of the Senate, and at all events I should like as one member of the body to understand its rules. A Senator moves to reconsider this bill. That he has a right to do. That arrests the bill. Another Senator immediately moves to lay that motion on the table. That vote is taken. That under all the rules of the Senate leaves the motion pending before the Senate. No Senator will deny that.

Mr. WEST. Where does it leave the bill?

Mr. CONKLING. I am coming to that, if my friend will pardon me. If it be held that although the motion to reconsider is laid on the table, the only thing on which that motion can operate is to be immediately asported from the Senate, put entirely beyond its reach, as if the House had concurred, which of course it has not, in this report, (because we granted the conference and it comes here first,) this would be the last act on this bill and under the ruling of the Chair the bill would become a law at once, when it is carried to the President for his signature, which might be done in fifteen minutes, and yet all the time a motion to reconsider is pending. By the rules of the Senate any Senator has a right to move to take it up, and when he moves to take it up on the same day, within an hour, he is told by the Chair, "Yes, you have a right to move to take this up: it is your right to shear the wolf; but when you get it up there is nothing for it to operate upon;" the whole motion has been circumvented, an end has been put to the whole thing, the bill has gone forever; and yet the motion to reconsider is all the time pending. Can that be?

Mr. EDMUNDS. And lawfully pending, too, by the rules.

Mr. CONKLING. Not only lawfully pending, but it is twice lawfully pending. It is pending by parliamentary law applicable to this body and every other, and it is pending expressly by the rules and by the immemorial and daily practice of the Senate.

Mr. SARGENT. Will the Senator allow me a moment? I rise to a point of order. A motion was made to reconsider and a motion was made to lay that motion on the table, which is not debatable. My point of order is that the decision of the Chair is not debatable because the motion which was pending was not debatable. In other words, the effect of the rule which prevents debate on the motion to lay on the table cannot be avoided by starting another proposition and making it debatable.

Mr. SHERMAN. Pending that point of order I call for the regular order of business, the resolution pending at the adjournment yesterday, and which is subject to be called up.

Mr. SARGENT. Pending that, then, I move to lay it aside.

The PRESIDENT *pro tempore*. The Senator from Ohio withdrew his right.

Mr. SHERMAN. I withdrew my right to the floor, but not to call for the regular order, the pending question. That is still pending.

Mr. SARGENT. I move to lay that aside.

Mr. EDMUNDS. The Senator cannot do that until he gets the floor.

Mr. SHERMAN. First I call for the regular order, and when that comes up I will appeal to the courtesy of the Senator from California that I may be allowed to proceed. Two hours have been wasted here in this debate now.

Mr. SARGENT. It is difficult for me to resist anything on the ground of courtesy, but it seems to me that this matter ought to be disposed of, as we are so near the end of the session.

The PRESIDENT *pro tempore*. If the Senator from Ohio states that in his surrender he did not surrender entirely the Chair will entertain his call.

Mr. SHERMAN. I was careful to surrender only my right to the floor. I have no right to surrender the regular order.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Ohio to say that he withdrew and abandoned; that was the term he used.

Mr. SHERMAN. I never have seen a member of this body treated in this way under the circumstances in which I am placed. Here a debate has gone on that does not involve a particle of the public business. The last point of it is whether or not an officer did right in writing a letter to a Senator. Under the circumstance I insist on the regular order, and then I shall appeal to the Senate.

The PRESIDENT *pro tempore*. The Senator from Ohio states that he retained the right to call for the regular order, which he now calls for. The unfinished business is the regular order, being the resolution of the Senator from Indiana [Mr. MORTON] to print extra copies of the President's message in relation to the massacre at Hamburgh, South Carolina.

Mr. SHERMAN. Mr. President——

Mr. SARGENT. I yield, as the demand is made on my courtesy, the intention which I had of asking the Senate to lay this aside that we might finish the pending bill. I will take an early opportunity to call it up again.

Mr. WEST. Is not the pending bill finished?

Mr. SHERMAN. I think it is.

Mr. EDMUNDS. No one wants to debate this matter any more. I only made the motion in order to do what I thought an act of justice.

Several SENATORS. Withdraw your motion.

Mr. EDMUNDS. I do not withdraw the motion for the reason that I voted on the wrong side. You can just take the vote in a second and refuse to reconsider, and the thing is done. I do not want to say another word.

Mr. SARGENT. Suppose we do that.

Mr. EDMUNDS. I did not make the motion to delay the bill.

Mr. SHERMAN. I have no objection to that course.

Mr. EDMUNDS. Let the motion to lie on the table be withdrawn.

Mr. HOWE. I withdraw that motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to reconsider the vote by which the conference report was agreed to. The motion to lay that on the table is withdrawn. The question is on the motion to reconsider.

The motion was rejected.

Mr. SHERMAN. I made a remark a moment ago, and I did it because it seemed to me that there was a determined purpose here to waste the time on this important bill on a mere matter so insignificant that it can scarcely be deemed worthy of debate about the contents of a letter to a Senator from an officer of the Army. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the resolution of the Senator from Indiana.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the act (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. M. RUSK of Wisconsin, Mr. A. V. RICE of Ohio, and Mr. J. C. BAGBY of Illinois, managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3168) relating to the partition of real estate in the District of Columbia, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM LAWRENCE of Ohio, Mr. SCOTT LORD of New York, and Mr. GEORGE F. HOAR of Massachusetts, managers at the conference on the part of the House.

THE HAMBURGH RIOT.

The Senate resumed the consideration of the following resolution, submittted by Mr. MORTON on the 2d instant:

Resolved, That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburgh, South Carolina, be printed for the use of the Senate.

Mr. SHERMAN. Mr. President, trying to be strictly accurate in regard to the facts I state to the Senate, I will pursue the argument I was interrupted in last night by the adjournment. The Senator from West Virginia [Mr. DAVIS] seemed to doubt whether or not I had made a correct statement of the amount of the public debt paid during the eleven years referred to by the plank in the democratic platform. I have here now the official statement, and will simply read the result of the figures. On the 1st of July, 1865, the principal of the public debt, without counting the interest or money on hand, was $2,680,647,869.74. According to the official statement I have the of public debt on the 1st day of July this year, at the end of the eleven years, it amounts to $2,180,395,067.15. The difference between these sums is $500,252,802.59, and precisely the sum that I gave the Senate last night. But it must be remembered that the largest aggregate of the public debt was not reached until after the 1st of July, 1865. The public debt advanced in the next year to $2,773,236,173.69; so that the amount that has been paid by the republican party of the public debt, instead of being, as I said, $500,252,802.59, is, in fact, $592,841,106.54. This increase of the debt was caused by the payment of bounties and large expenses in disbanding the Army that occurred after the 1st of July, 1865. Thus the public debt continued to increase during the following year, and the amount I stated was actually less than the amount that has been paid of the public debt during these eleven years of administration.

Having corrected the misapprehension of the Senator from West Virginia——

Mr. DAVIS. Does the Senator prefer not to be interrupted?

Mr. SHERMAN. What do you want?

Mr. DAVIS. If it is objectionable to the Senator I will not interpose.

Mr. SHERMAN. If I have misquoted anything I will stop to correct it; but I have given the Senator the exact data. Here is the report of the Secretary of the Treasury and here is the statement for July, 1876. If there is any inaccuracy in these papers, point it out. There is none.

When the Senate adjourned last night I had endeavored to show that the last clause of the democratic platform as to the resumption act was a concession to the soft-money men of that party; that it was opposed by Governor Tilden and his section; that he was against it; that it was a mere political after-thought, intended for the Indiana election; it was intended to have a double meaning, so declared by

the very gentlemen who participated, and the leading men who framed that platform, by Mr. Dorsheimer and General Ewing, General Ewing pointing out the fact there at the inception of this controversy that this clause did have a double meaning, and that double meaning would be relied upon. Now, in Ohio, the repeal of the resumption clause is held to be a repeal of the resumption act, an inflation measure, while in New York and the Eastern States it is declared to be simply the removal of a hinderance to resumption. This diverse construction by the democratic party is entering at once into the canvass, and upon this, the only subject which the democratic party present in the platform in an affirmative way, they have a double meaning, purposely dividing, in order to mislead and deceive the people. It is precisely what was done by that same party in 1844 when they went "for Polk and Dallas, and the tariff of 1842," and the good yeomanry of Pennsylvania really believed that the tariff of 1842, which was popular in that State, would be promoted and continued and supported by the election of Polk and Dallas; but two years after the election, one of the earliest acts of the democratic party was to repeal the tariff of 1842 by the tariff of 1846. This double-headed construction was devised by these political managers for the same purposes of deception.

I said that Governor Tilden was opposed to it; and as an evidence of that I can point to the fact that every democratic Representative from the State of New York, except one, voted against the bill that was sent to us the other day. He was quoted against it. It was passed, a great many members being absent from their seats for some cause or other, by a meager majority on a small vote, the democratic Representatives from the States where the resumption of specie payments is popular avoiding the vote or voting against the proposition.

Now I come to consider the objection stated by Mr. Tilden in his letter of acceptance to fixing a time for resumption. I read this paragraph from Governor Tilden's letter:

> The proper time for resumption is the time when wise preparations shall have ripened into a perfect ability to accomplish the object with a certainty and ease that will inspire confidence and encourage the reviving of business. The earliest time in which such a result can be brought about is the best. Even when the preparations shall have been matured the exact date would have to be chosen with reference to the then existing state of trade and credit operations in our own country, the course of foreign commerce, and the condition of the exchanges with other nations. The specific measures and the actual date are matters of detail, having reference to everchanging conditions. They belong to the domain of practical administrative statesmanship.

What Governor Tilden says as to wise preparations is eminently true; but where has the democratic party in its action in this House of Representatives—and it now has the power of Congress practically in its hands—shown a disposition to adopt wise preparations? The resumption act was passed in January, 1875, and since that time the power of the House has passed into the hands of the democratic party. What wise preparations have they suggested, proposed, or adopted? None whatever. As I will show you, Governor Tilden points out what those preparations should be; but they have devised none. We, however, by the resumption act, did provide for wise preparation by a gradual reduction of the greenbacks, by a gradual retirement of bank-notes, by authority given the Secretary of the Treasury to sell bonds and accumulate coin, and by the authority given the Secretary of the Treasury to replace the fractional currency with silver coin, and thus to retire it from the field of redemption. Thus we have proposed and put into the law of the land all the necessary measures of preparation that are needed to carry out this act. And then, before the time comes for redemption, we have armed the Secretary of the Treasury with all the power over the public funds and the public credit. But what act has been passed by the democratic party or proposed by any member of it in the nature of a wise preparation? None whatever.

But that is not all. He objects to the time for redemption and says it is not well to fix a time for redemption. Why, sir, I have shown here to the Senate again and again that by the experience of all nations and States and communities who ever resumed specie payments after having had a suspension of them, a time has been fixed, and that time has been worked up to. The great example is that of Great Britain, where, after a suspension of eighteen years, they fixed a time, having to postpone it once or twice; but finally it was upon a law fixing the time for resumption that Great Britain resumed after her wars with Napoleon. That is not all; the United States Bank did the same. In the State of New York they did the same. In France, the most intelligent financial country, where their financial measures are studied with more care and more scientific research than in any country in the world, even in their recent trouble they fixed a time for resumption, and are now going through the process of resumption, the time having been fixed; and before the time fixed they will resume upon the specie standard. So again in the State of New York. Twice when the banks were suspended in that State, by the action of the Legislature, a time was fixed and they worked up to it. By the act of Governor Tilden himself a time was fixed in the State of New York to resume on the very day that the United States propose to resume. I have here an act passed by the Legislature of New York, approved by Governor Tilden, passed a few months after the passage of the resumption act of Congress, in which the State of New York came forward and conformed her action to the action of Congress. This law was passed, and is now on the statute-book of New York, while Governor Tilden has been governor. I will read it:

> An act to establish specie payments on all contracts or obligations payable in this State in dollars, and made after January 1, 1879. Passed March 22, 1875.
>
> *The people of the State of New York, represented in Senate and assembly, do enact as follows:* SECTION 1. All taxes levied and confirmed in this State on and after January 1, 1879, shall be collected in gold, United States gold certificates, or national-bank notes, which are redeemable in gold on demand.
>
> SEC. 2. Every contract or obligation made or implied and payable within this State, and made or implied after January 1, 1879, and payable in dollars but not in a specified kind of dollars, shall be payable in United States coin of the standard of weight and fineness established by the laws of the United States at the time the contract or obligation shall have been made or implied. (Laws of New York, ninety-eighth session, 1875, page 67.)

Here is an act of a Legislature of the State of New York fixing a time for resumption in New York, and the act was submitted to Governor Tilden and it received his approval; and now he calls this thing of fixing a time for resumption a sham promise, when I show you by the experience of all nations and all mankind, and of Governor Tilden among the rest, that a time for resumption has always been the first measure adopted and then wise preparations have been made to meet that time. And yet Governor Tilden has surrendered his convictions, the convictions of his life-time, his open declarations in favor of resumption, his approval of this very act, when he wrote the passage that I have read to you in his letter. It did require nearly forty days of incubation to get him to confess that he had been wrong all the time, and then he agreed to the repeal of this clause, not because it prevented resumption, as many of our people in the West think, but because fixing the day was a hinderance to resumption, it delayed resumption, it put off resumption, and he sits in that end of the saddle-bags and Governor Hendricks sitting on the other in favor of inflation or indefinite postponement of specie resumption, and thus these two candidates expect to ride into power.

Mr. McDONALD. I should like to ask the Senator from Ohio if he can point to any declaration or statement of Governor Hendricks, made at any time or in any place, in which he has advocated an inflation of the currency?

Mr. SHERMAN. I am standing on my feet here under a reasonable limit to speak; but I am perfectly astonished to hear such a question as that put to me. I am not prepared to quote Governor Hendricks's speeches, nor have I got his letters; but I know that he appeared in our canvass last year. I will tell my friend a fact that, I think, is better than a quotation. I know that Governor Hendricks appeared in our canvass last year when the democratic party was committed to the wildest ideas about inflation.

Mr. McDONALD. And so did I; but neither Governor Hendricks nor myself ever advocated inflation of the currency, and if the gentleman is not prepared to state that he has, I am prepared to state that he has not.

Mr. SHERMAN. I know one thing: No one suspected any difference of opinion between Governor Hendricks and the democratic party of Ohio, while the Senator from Indiana, I will say to his credit, did say openly and above board that he was a hard-money man and did not approve of some of the positions taken by the democracy of Ohio. There was the difference.

Now let us go a little further. Not only has Governor Tilden surrendered his opinions, but he now gives us a plan for resumption; and I think he is the first democratic statesman that has gone so far as to put his hand to pen and paper and say what measures for resumption he is willing to advocate. Many of them, no doubt, are hard-money men like my friend from Delaware, who is honest and sincere, constant always in voting for measures to promote specie payment; but these democratic leaders have been very chary about putting pen to paper and advocating a specific measure for resumption. Governor Tilden has done so. I will examine the plan he proposes. He says:

> How shall the Government make these notes at all times as good as specie? It has to provide in reference to the mass which would be kept in use by the wants of business, a central reservoir of coin adequate to the adjustment of the temporary fluctuations of international balances, and as a guarantee against transient drains artificially created by panic or by speculation. It has also to provide for the payment in coin of such fractional currency as may be presented for redemption, and such inconsiderable portions of legal-tenders as individuals may from time to time desire to convert for special use, or in order to lay by in coin their little stores of money.

What does Governor Tilden mean by this? He means to hoard gold and silver. I am quite sure that in many States of this Union the proposition from a democratic candidate would be regarded as strange to hoard gold and silver, one of the devices of the decaying despots—I have not got the phrase strong enough—"effete despotisms of Europe;" this is one of the plans to cheat and rob the people, this hoarding of money. How often have we heard the changes rung on that phrase. Now he proposes to accumulate gold; but in this respect how does his proposition differ in the slightest degree from that of General Grant in his annual message? Have you not heard that proposition come to the Senate over and over again from republicans? President Grant stated it in his last message which I read last night in a more distinct way than Governor Tilden has presented it. He speaks out in plain Anglo Saxon, and advises accumulation of coin for the purpose of bringing about redemption.

But Governor Tilden also tells us that we must have enough coin

to redeem the fractional currency. He is behind the time. We have done it and have already provided by the resumption act itself for the payment of every dollar of the fractional currency that comes in, and not only that, we have devised a scheme by which this redemption is facilitated by authorizing the exchange of silver coin for United States notes. So that this part of his platform has already been accomplished by the republican party and the first part has been recommended by General Grant to the democratic House of Representatives and has been disregarded by them precisely as they will disregard and have disregarded this recommendation of Governor Tilden. Although this letter was written only a few days ago, yet already the democratic House have sent us a bill to repeal the resumption clause because they believe in that. Have they sent us any bill to accumulate coin? Why do they not respond to this plan of Governor Tilden? Why do they not give us measures of wise preparation, to use his language? Who expects them to do it? It is absurd.

The next clause in the letter is:

With respect to whatever surplus of legal-tenders the wants of business may fail to keep in use, and which, in order to save interest, will be returned for redemption, they can either be paid or they can be funded. Whether they continue as currency or be absorbed into the vast mass of securities held as investments, is merely a question of the rate of interest they draw.

Here he wants to pay or fund the greenbacks. "Do you want to pay off the money of the people that does not bear interest to take that away from them?" "Do you want to contract the currency?" How often have I heard the changes rung from democratic lips on these questions? Yet here is their candidate for President proposing to contract the currency, to pay off the greenbacks, and worse than that he proposes to fund them to pay interest on them. Sir, I have seen a computation of the amount of interest that would be paid on the greenbacks that you propose to fund. My colleague who is not present now at one time frightened himself, if nobody else, by computing the amount of interest that would have been paid upon the greenbacks if the funding act that I read last night of 1870 was passed. Now Governor Tilden comes in six years after we passed in the Senate a funding bill of this character and proposes to fund the public debt, as if it was a new panacea for all our ills and a wise preparation. I should like to have him go with this proposition, submitted by him, to the House of Representatives. They would be blind as bats to such a demand.

Further he says:

Even if they were to remain in their present form, and the Government were to agree to pay on them a rate of interest making them desirable as investments, they would cease to circulate, and take their place with Government, State, municipal, and other corporate and private bonds, of which thousands of millions exist among us.

Governor Tilden goes far beyond what I would go. He proposes not only to pay and fund a portion of the greenbacks, but to pay interest on the whole of them and thus absorb them, convert them into a capitalized fund, retire them in this way as was done with the compound-interest notes. Are you, Senators, are you, democrats, proposing to fund the whole mass of greenbacks? I have thought myself a pretty good specie-paying man, but I have always thought the greenbacks ought to be maintained as the basis of our national currency supported in a subsidiary way by the national-bank currency; but here Governor Tilden proposes to pay interest on the whole mass of the greenbacks, to capitalize them so as to sink them into the great mass of investments of the country. What then? How, then, is he to supply currency? I suppose by the national banks. But the democrats of Ohio resolved that they were going to be done with the national banks. Last year we were fighting the democrats on a proposition to put down the national banks and issue more greenbacks; and now Governor Tilden proposes to retire the greenbacks, pay them off, fund them, capitalize them, get them out of sight among the great investments of the country, and then I suppose to issue bank-notes. What strange inconsistencies we are called to meet in this political world!

But here is one paragraph more:

The Government ought not to speculate on its own dishonor in order to save the interest of its broken promises, which it still compels private dealers to accept at a fictitious par. The highest national honor is not only right, but would prove profitable. * * * If, however, the improvidence and waste which have conducted us to a period of falling revenues oblige us to supplement the results of economies and retrenchments by some resort to loans, we should not hesitate.

Not only is Governor Tilden anxious to retire the greenbacks and fund them by allowing them to be converted into bonds and sink the balance of them out of sight in the form of an investment, but he proposes to do it by a resort to direct loans for that purpose. This is the plan proposed by Governor Tilden; and upon this plan, without one single act of any democratic agent or party-man in aid of the plan, he expects to carry the vote of the State of New York, where the feeling in favor of the resumption of specie payments is strong and almost unanimous. He proposes to satisfy the people of the West where there is a contrary feeling by quite another policy—by the other end of the saddle-bag—by yielding to the repeal of the resumption clause of the resumption act and by denouncing this clause as a sham. He hopes and expects that the South, governed by different ideas and by different animating impulses, will be united in his favor for a widely different reason than any mere financial policy. With the South it is a struggle for power and domination. But, sir, this coalition of a united South with such men as in the West may be deceived by this repeal of the resumption clause, and by Governor Hendricks's letter, and hard-money men in the State of New York, where they believe in it—this kind of a combination will be used to cheat and mislead the people and gain political power.

I said in my remarks last night that I intended to read every word contained in the democratic platform in regard to the financial question, and I think I have read all that is really material, but I will now read another plank of the platform with the commentary of Governor Tilden upon it. I read from the platform:

We demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance, which shall enable the nation soon to assure the whole world of its perfect ability and its perfect readiness to meet any of its promises at the call of the creditor entitled to payment.

Governor Tilden in his letter says:

Public economies, official retrenchments, and wise finance are the means which the Saint Louis convention indicates as provision for reserves and redemptions. *The best resource is a reduction of the expenses of the Government below its income, for that imposes no new charge on the people.* If, however, the improvidence and waste which have conducted us to a period of falling revenues oblige us to supplement the results of economies and retrenchment by *some resort to loans*, we should not hesitate. The Government ought not to speculate on its own dishonor in order to save interest on its broken promises, which it still compels private dealers to accept at a fictitious par. The highest national honor is not only right, but would prove profitable. Of the public debt $985,000,000 bear interest at 6 per cent. *in gold*, and $712,000,000 at 5 per cent. *in gold*. The average interest is 5.58 per cent.

So far as this clause of the platform is concerned, it is one of those "glittering generalities" which mean nothing whatever, and I most cordially assent to it. It may be copied directly out of the messages of General Grant; but there is in it nothing that any man, with leave to make his own construction of the words chosen, will not readily assent to. In other words, he would say it is all correct. The commentary of Governor Tilden, however, is a good deal like the commentary of Sir Edward Coke on Littleton. Sometimes Littleton's law-French phrases were very confused and obscure, very brief and unimportant, while the commentary of Chief Justice Coke enlarged and expanded it into the light of the law. So with Governor Tilden's commentary upon this plank of the democratic platform. It says some things that I appeal to democrats to look at, and I especially want to call the attention of my friend from Missouri [Mr. BOGY] to one portion of this commentary. He talks about reducing expenses below income. The republican party, ever since it has been in power since the close of the war, has done that. Since General Grant has been in power every year, year by year our expenditures have fallen below our income. I have a statement of every year by months, a statement of the national debt showing that in every year from 1869, including the present, we have paid off more or less of the national debt. One year after the panic we had fallen as low as $4,730,000; last year the reduction was $13,390,000. This year we again have come up to the old standard of $29,249,000, nearly equal to the sinking fund. One year we paid $100,000,000 of the debt; another, $102,000,000. Every year the republican party, even in the hardest times, has saved money and applied it to the payment of the public debt. So it is not necessary to restore the democratic party to power again to bring about this favorable balance in our finances. It is done already, and has continued ever since General Grant has been President. During General Grant's eight years—Senators may not recall it—the amount of the public debt paid off is $426,023,915, and here is the table showing the dates and amounts:

There is another point that is significant in this commentary of Governor Tilden's, and that is he precludes all those democrats who believe in the old silver dollar from all consideration or opportunity to consider that question. He erroneously, it is true, says that your bonds are payable in gold, and repeats that phrase twice; and this commentary of his has been studied over and parsed from beginning to end, and it is significant of his construction of this whole silver question. I will again refer to that:

Of the public debt $985,000,000 bear interest at 6 per cent. *in gold*, and $712,000,000 at 5 per cent. *in gold*.

Those words are carefully chosen. Where is the law that makes this debt payable in gold?

Mr. BOGY. Is it not the same mistake that you made some time ago and other distinguished men made, that the debt of the United States was payable in gold?

Mr. SHERMAN. Not at all.

Mr. BOGY. I think I can show that my friend from Ohio himself was convinced at the beginning of the discussion on the silver question that the public debt of the United States was payable in gold. When the word "coin" was used it was supposed to be synonymous with gold. Governor Tilden, I think, is laboring under the same misapprehension.

Mr. SHERMAN. The Senator is totally mistaken. I was the first man in either House to propose the restoration of the old silver dollar. As to the extent to which it should be made a legal tender on grounds of public policy, I stated my convictions strongly and introduced a bill in aid of my proposition; but for the use of silver in our road to redemption, I believe I can fairly claim to be the man who first proposed it in either House.

Mr. McDONALD. Will the Senator allow me——

Mr. SHERMAN. My friend is to come after me, and I think I must decline. When he comes to speak, I hope he will take the opportunity to express his view.

To show you that Governor Tilden in this carefully prepared letter has given a construction to the law which is not justified by its language, I have here the law before me. I find in the act of February 25, 1862, which is the act on which our public credit was founded, that these bonds shall "be paid in *coin*" and also the customs receipts are to be paid in *coin*, and so the interest on bonds and notes of the United States. So in the "act to strengthen the public credit," I find that gold and silver coin are both spoken of in the same connection. In the act for the refunding of the public debt it was supposed by many that we had provided for the payment of bonds in gold coin. It provides for the payment of them "in coin of the present standard value," that is of 1870, when gold and silver were both the established standards of value. And yet Governor Tilden, not idly, not carelessly—for he is not a man that does a thing of this kind carelessly, it was only after full reflection—has endeavored to preclude the whole question of the use of silver money in the road to and in the ultimate redemption of our United States notes.

Mr. KERNAN. Will the Senator allow me to ask a question? What amount is the chairman of the Finance Committee willing to make silver a legal tender for?

Mr. SHERMAN. I am willing to make it a legal tender to the amount of $20. I am also willing to make it receivable for all dues to the United States for internal revenue. Besides that, what I want to do, and the gate-way and the very road to specie resumption now before us, is to do with the United States notes what we have already done with the fractional currency, that is, to give to any holder of legal-tender notes the right to demand at the Treasury of the United States a silver dollar of the old standard. I would use that as a means of resumption and as the road to resumption, leaving, however, the question of the true market relations of gold and silver to be settled hereafter after the fullest consideration by a commission if you please, and then upon the final settlement of the question it may be necessary to make a new relation between silver and gold and bring them up to that standard. But in the mean time I have proposed, and I think my friend from New York agrees with me, that we ought to allow any holder of United States notes to receive the old silver dollar who desires to receive it; not that we would force him to take it, but give him the option to take it as fast as we can coin it.

Mr. BOGY. May I be allowed to ask a question here?

Mr. SHERMAN. Yes, sir.

Mr. BOGY. Are you in favor of exchanging the silver dollar for a greenback dollar, one being a legal tender and the other not being a legal tender?

Mr. SHERMAN. If anybody wants to surrender a United States note for an old silver dollar, I will give it to him with the greatest pleasure.

Mr. BOGY. And yet not make the silver dollar a legal tender?

Mr. SHERMAN. I would not make it a full legal tender for customs duties now payable in coin, and as such now pledged for the payment of interest of the debt, and this for reasons of public policy I have fully stated heretofore.

Mr. BOGY. Nobody would exchange one for the other under such a condition.

Mr. SHERMAN. The Senator is mistaken. It was stated everywhere that people would not take your subsidiary silver coin because it was only worth seventy-five cents on the dollar while the fractional currency was equal to greenbacks; and yet we cannot get it out as fast as the people want that subsidiary coinage.

Now I hope my friends will let me go on. I do not want to be carried off into the silver question any further now, because I think that will probably be delegated to a commission to examine the matter fully. I again repeat my conviction that the true mode is gradually to retire United States notes by their voluntary conversion into silver dollars so far as any person desires to take them. This process must necessarily be very slow, because the mints of the United States cannot possibly coin all that is now authorized by law of subsidiary money before July 1, 1877. It would not be possible for the mints to coin more than the $50,000,000 now provided by law. Therefore no large amount of these dollars could be issued until after July, 1877. Next winter when this question comes up, the manner in which the old silver dollars can be made use of in order to promote resumption we can so act in my judgment as to secure a resumption of specie payments even before the day fixed by the resumption act.

Mr. STEVENSON. Will the Senator from Ohio tell me whether he will aid us in repealing the law of 1873, so that silver may become a legal-tender for all debts and all bonds?

Mr. SHERMAN. I do not think I ought to answer that question now. I think I could discuss it with my friend from Kentucky with great propriety; but as both Houses will probably agree to appoint a commission to examine the matter thoroughly, it ought to be left, and we all ought to leave it, to the consideration of the facts and principles that may be elucidated by that commission.

Mr. STEVENSON. I understand that the Senator from Ohio was one of the leaders who passed the act of 1873, by which silver, which had always been a legal-tender from 1793 to any amount, ceased to be a legal-tender; and as he is commenting on Mr. Tilden, I hope he will tell us whether he will lend us his influence in restoring silver as it was before the act of 1873.

Mr. SHERMAN. I, it is true, voted for, as the Senator from Kentucky voted for, the law of 1873, because as I remember aright there was not a division of the Senate, and the Committee on Finance considered that measure for nearly three years and dropped the silver dollar from among the silver coins because the silver dollar during all that time and for fifty years before had been worth more than a gold dollar and none of us were wise enough to foresee the change in the relation between silver and gold. I was no more responsible than he or any other member of this body or the other House.

Mr. STEVENSON. I did not intend to charge the Senator with any responsibility, because I believe the act passed without any discussion; but the pertinency of my inquiry is now, as the distinction between gold and silver is shown and silver is becoming more abundant, will he help us to repeal that law?

Mr. SHERMAN. I will refer that to the commission for the present, but I now deem it due to frankness to state that my present impression is that on grounds of public policy it is not wise to make the silver dollar a legal tender for all debts public and private. I have stated that by my votes; but I am willing to leave that question open for discussion before the commission. Sir, you put that question to Governor Tilden, and Governor Tilden will tell you, "No, it would dishonor our country, dishonor our Government; these bonds are payable in gold." Do not question me, but question some of your political friends.

Mr. STEVENSON. I only questioned the gentleman because he was lecturing Governor Tilden for saying this debt was payable in gold when he will not tell us what his opinions are.

Mr. SHERMAN. I have said all that I believe is necessary to be said on that subject. I will now read another of these glittering generalities of the democratic platform.

Mr. STEVENSON. Perhaps my friend will tell us how Governor Hayes is on this question.

Mr. SHERMAN. When Governor Hayes writes about it I will tell you. This platform says:

> We believe such a system, well devised, and, above all, *intrusted to competent hands for execution*, creating at no time an artificial scarcity of currency and at no time alarming the public mind into a withdrawal of that vaster machinery of credit by which 95 per cent. of all business transactions are performed—a system open, public, and inspiring general confidence—would from the day of its adoption bring healing on its wings to all our harassed industries, set in motion the wheels of commerce, manufactures, and mechanic arts, restore employment to labor, and renew in all its natural sources the prosperity of the people.

That is very well-written English and I believe we could all vote for it; but would the democratic party as it is now organized vote for the measures that are recommended by Governor Tilden and upon which basis he rests this hopeful era of prosperity? I think I have myself in speeches more feebly made than his endeavored to depict a degree of prosperity that would undoubtedly arise from our going back to the old specie standard, but I could not convert all my republican friends to agree with me that the policy I recommended was wise, and I think Governor Tilden will have a good deal harder task with the democratic party. Sir, these glittering generalities mean nothing except to catch very ignorant people. The peculiar clause of this platform is:

> We believe such a system, well devised, and, above all, intrusted to competent hands for execution.

As the making of this platform is attributed to Governor Tilden, perhaps his response to that flattering comment might be read also in this connection. The plank says:

> We believe such a system, well devised, and, above all, intrusted to competent hands for execution, &c.

In his response to that he says: "That is me." Let us see.

> The Government of the United States, in my opinion, can advance to a resumption of specie payments on its legal-tender notes by gradual and safe processes tending to relieve the present business distress. If charged by the people with the administration of the Executive office, *I should deem it a duty so to exercise the powers with which* it has been or may be invested by Congress as best and soonest to conduct the country to that beneficent result.

The same declaration has been made by General Grant; the same declaration is made by Governor Hayes; and after all it is a question for the people to say who are the competent hands to carry on your great Government and to administer all these great affairs, and especially to secure peace, order, and equal rights to all citizens. Both these candidates are committed by their letters of acceptance to getting back to the specie standard; and we then come to the question, which party, which set of men can best be trusted to bring about this great result?

Mr. President, I will read another paragraph from Governor Tilden's letter to show how glaringly he is mistaken in the matter of figures:

> A financial policy which should secure the highest credit, wisely availed of, ought gradually to obtain a reduction of 1 per cent. in the interest on most of the loans. A saving of 1 per cent. on the average would be $17,000,000 a year *in gold*. That saving regularly invested at 4½ per cent would, in less than thirty-eight years, extinguish the principal. The whole $1,700,000,000 of funded debt might be paid by this saving alone, without cost to the people.

I entirely agree with Governor Tilden, except as to the general exaggerations contained in the statement. He is in favor of funding the debt into a bond bearing a lower rate of interest, and he shows that in saying that by saving 1 per cent. we may gain $17,000,000 a year in gold. If Governor Tilden had thought a moment he would have known that only a thousand millions of our bonded debt bear interest at 6 per cent. and that is the only kind we can fund now, and

all we can hope is to reduce the interest on that one thousand millions of debt which bears interest at 6 per cent. What has he to say to his democratic House, who utterly refuse to consider a funding bill? The bill that I referred to last night that we sent them early in the session would have enabled the Secretary of the Treasury to have reduced a thousand millions of your bonded debt 1½ per cent. interest or $15,000,000 a year, and the Secretary of the Treasury gave us his official assurance that we could enter with success upon such a funding system; but the House of Representatives, a democratic House, utterly refused to make provision for the necessary legislation.

I agree that the public debt ought to be funded, and I ask you as sensible men to say to me whether the public debt is more likely to be funded under a democratic administration than under a republican administration? What is in the composition or elements, the threatenings, the dangers in the democratic party that could tend to give it a higher tone, a stronger claim upon the credit of the people of the world than the republican party? We know that there are elements in the democratic party which would make men cautious about loaning large sums of money on our Government securities, while the republican party has given you in its history a successful example of the process of funding almost without precedent. If it is intrusted again with power I have no doubt that Governor Hayes, with his orderly mind, with his sober, sensible character and qualities, will inspire that confidence which will enable us to fund our debt even on better terms than Governor Tilden proposes.

But that is not all. Governor Tilden says:

That saving regularly invested at 4½ per cent. would in less than thirty-eight years extinguish the principal.

We have already reduced the interest on the public debt from $138,000,000, as it was when the Senator from Massachusetts was first Secretary of the Treasury, I believe. The Senator can tell me how much it was. We have doubled Governor Tilden's figures already by actual performance.

Mr. BOUTWELL. I thought I had the statement of the interest, but I have not.

Mr. SHERMAN. I will give it as I remember it. As I remember, the interest on the public debt when General Grant came into power was about $134,000,000.

Mr. BOUTWELL. I think about that.

Mr. SHERMAN. Now it is $100,000,000. So we have by our policy of paying part of the debt and reducing the rate of interest saved to the people of the United States already $34,000,000 in gold annually since General Grant came into power.

Mr. MORRILL. I will state to the Senator from Ohio that we paid in 1867 $143,000,000 of interest on the public debt, and the interest that we paid last year was $103,000,000, making $40,000,000 gain.

Mr. SHERMAN. I show you that it is my purpose to be entirely within the figures. As to the policy pursued by the republican party in funding the debt alluded to by Governor Tilden, we have already saved $34,000,000 a year, and now he promises, by a wise financial measure that the democratic House will not pass, to save you $17,000,000 a year. Well, sir, we will do better. I have no doubt that if the republican party is continued in power four years longer, with the high credit already attained by our Government securities, the whole mass of our debt, all that is available and fundable will be converted into 4 or 4½ per cents, saving from $15,000,000 to $20,000,000 a year in gold. Who is most likely to do that, the republican party or the democratic party? There is the question. We have done it. They never have, and the very measures by which we have done it they have opposed and resisted to the bitter end. As I showed you, they opposed the funding act by the unanimous vote of every democrat in this body, and I suppose it was so in the House, though I have not examined the record of the vote in the House.

In another clause which I will not trouble you to read in full, Governor Tilden says that—

The Federal taxes of the last eleven years reach the gigantic sum of $4,500,000,000.

I showed you last night, in reply to another statement, that that was totally erroneous. He has fallen down $100,000,000 or $200,000,000 below the democratic platform; but the whole amount, as I showed you, that was collected from all sources, was $4,192,633,000, and one hundred and sixty-odd millions of this was for the premium on gold sold, which was a source of revenue used to pay off the premium on bonds purchased. Deducting one sum from the other leaves about $4,000,000,000; and now Governor Tilden, on a simple fact that might be solved by reference to a public document, states the amount that was raised at $4,500,000,000, or a mistake of $500,000,000. My friend from Pennsylvania says that if he found a single error in a statement he condemned the whole statement. Apply that common maxim of the law to this, and how would you read the democratic platform and the commentary of Governor Tilden?

Mr. EATON. It is first necessary to show that there is any error.

Mr. SHERMAN. I did last night conclusively.

Mr. EATON. You think it to be so?

Mr. SHERMAN. I know it.

Mr. EATON. You are mistaken in your figures.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. SHERMAN. Certainly not. That is an improper interruption even if I should yield.

Mr. EATON. I think it entirely proper.

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. SHERMAN. The trouble in dealing with this question is that though the statements we quote here are the official statements of Mr. McCulloch, Mr. BOUTWELL, and General Bristow in official documents published to the world, and yet they deny them, or qualify them, or doubt them. I do believe my friend from Connecticut would honestly rather take a statement in a democratic platform indorsed by Governor Tilden, though proven to be erroneous, than all the law or testimony, human or divine, from the origin of the world to this hour. He believes in the infallibility of the democratic party.

Mr. EATON. I will not interrupt the honorable gentleman, but I will endeavor to answer a remark of that sort, which is unworthy of the Senator from Ohio.

Mr. SHERMAN. I do believe that the prejudices and party feelings of my friend—and I speak it with great kindness, for we all have more or less of them—lead him when he is dealing with sober facts like these to call in question public records and public statements. However, if he can prove what he says, all right.

Governor Tilden goes further. He speaks of the local taxation, and says:

Local taxation has amounted to two-thirds as much more. The vast aggregate is not less than $7,500,000,000.

To a certain extent, with some allowance for exaggeration, this is true, and I showed you last night from the official statements what was done with all the revenues collected by the Government of the United States, every dollar. The great body of it was paid out for the interest on your debt, for the principal of the debt, for southern claims, for claims growing out of the war, and only from $1,400,000,000 to $1,600,000,000 of it paid for ordinary purposes of the Government in eleven years; and now when Governor Tilden arraigns the republican party for this enormous aggregate of taxation, I ask him who did it? Was it the men who were fighting at the head of our column in 1864 leading "the boys in blue" to victory, or was it Governor Tilden in the democratic convention in Chicago proposing to surrender, "peace on any terms?" Ah, Mr. President, the people of the United States will know who have saddled them with this enormous weight of taxation.

He alludes to local taxes. Millions and hundreds of millions of these have been caused by the war. The distinguished economist from the State of Connecticut, Mr. Wells, furnished us a statement in his last report, which I have not before me, showing that the debts of the loyal States were largely increased both in counties and municipalities by money raised for bounties and in various ways; and he estimated the amount of this debt created by the States and by corporations within the States to aid in the war at from two hundred to four hundred million dollars. We know that every county, every town, every city almost in all the Northern States did levy large taxes and did borrow money to pay bounties for soldiers during the war. Our taxes are heavy, and I believe I could appeal to the Senate to say whether I have not done all I could as one person to keep down expenditures and modify taxes. It has been my good fortune since I have occupied the position I have held here to aid in the repeal of taxes that yielded more than $300,000,000 a year. We have rapidly advanced in that direction, perhaps not rapidly enough, and I hail as an auspicious omen every reasonable effort for economy; but it should be that wise economy which consists in getting the greatest result from a given sum of money, not that economy which strikes at the hire of a clerk, which decapitates seven or eight hundred poor people in the Departments, which stops the public improvements in the name of economy; not that kind of economy which is done by sapping at the little fountain and cutting off little expenses here and there, but that broader economy which demands honest service for competent wages fairly paid.

Of all such economy I am in favor, and so has the republican party been. For years since the close of the war we have gradually reduced our expenses; perhaps at all times we have not gone far enough. I think myself we might have gone faster and farther; but we went as fast as those who were charged with the public service believed it was wise and expedient to go. And in this whole process of reduction and economy I believe it has never occurred when a democratic House has not been able to pile on our appropriation bills their full share of expenditures for the public service. Take the bill that was passed a few minutes ago, called a river and harbor bill. Is that a measure of extravagance on the part of the republican party? On the contrary, where are these creeks and rivulets, where are these mountain streams, where are these cat-fish pools and harbors? Large portions of them are in the Southern States. The bill is passed. Now to arraign the republican party for a want of due economy is not justice. You may by blind strokes greatly disturb the public service. I am told that even to this day no appropriations have been made for the payment of the judgments of the Court of Claims this year, and large sums will undoubtedly be necessary to make good deficiencies caused by this manner of dealing with the appropriation bills at the next session of Congress and after the election is over.

Mr. President, there is one other thing and only one other that I wish to notice, and that is Governor Tilden's promises about reform in the civil service. It is rather a curious spectacle for the people of the United States to find this enunciation from a gentleman trained in

that school of politics from which the great rule of democratic orthodoxy came, and that is "To the victors belong the spoils," for if I remember it was a distinguished son of New York, Mr. Marcy, who first thrust that phrase into our politics. Governor Tilden no doubt will proudly tell you that he belongs to that school well known as the Van Buren school. Governor Tilden is an able and accomplished disciple of that same school and really boasts and prides himself upon the faithfulness with which he has adhered to it. I ask if it is wise for the people of the United States to depend upon Governor Tilden for bringing about great administrative reforms with the aid of a democratic Congress? The best answer is the experience we have had of civil-service reform in the democratic House.

General HURLBUT, a distinguished member of that body, thus describes the democratic practice of civil-service reform:

> How has this House applied civil-service reform in its own appointments? Has it retained competent officers or appointed new ones for the sole consideration of fitness? Sir, the advent of this democratic House to power was signalized by a pilgrimage such as has not been seen before. Lean, gaunt, famished by long abstinence the multitude of applicants passed belief. From Maryland to Texas came the hordes of office-hunters on the trail of their unhappy patrons, whose life they made miserable by brazen importunity. They trooped to the plunder as the vultures seek the carcass. You selected a Doorkeeper on the sole ground of his experience in the same capacity in the confederate congress, and you summarily turned him out because he honestly wrote to a private friend what you all felt but dared not say: that office was a good thing to have. It was hard on Fitzhugh, for he was not the only man on the floor that felt "biger than old Grant."
>
> You turned out clerk after clerk, gray and experienced in duty, and filled their places with partisans.
>
> You removed disabled Union soldiers and filled their places with others of another stripe, and would have made a clean sweep but for the popular indignation.
>
> You refused at first clerks to some of the committees, but have surreptitiously and in detail appointed more clerks than ever before known.
>
> You have twice exhausted the contingent fund of the House by needless and extravagant sums expended for witnesses on trivial matters, and have run up bills to be met hereafter of frightful amounts for making and printing your investigations.
>
> You have insulted the President by resolutions demanding his authority for the exercise of his official functions outside of the city of Washington, and have been ignominiously convicted of ignorance of law and of history by his crushing reply.
>
> You have demanded elaborate reports on all manner of subjects from the Departments and hindered the public service by exacting these replies on matters which had already been officially reported and were in print.

Such is the foretaste of the reform we have had in the House of Representatives. That is the only branch of our National Government that is now in possession of the democratic party. Where is Barclay, who survived during great numbers of administrations? Where are the soldiers of the Union Army, many of them wounded and disabled? Nearly all gone, a clean sweep; to use a phrase that I never heard before, although I am told it is common in some sections of the country, they are "bounced." Nine months of such experience is far more suggestive than an elegant letter on civil-service reform.

I have read to you, Mr. President, every part of the democratic platform which relates to currency or the public debt. I have presented you my views of such questions. I now say in conclusion that while these questions are important and instructive, that while we must take care that issues manufactured to deceive and to mislead the people are fully debated, while cunning devices to frame a platform with a double construction must be exposed, I am bound to say that the real question is whether the old democratic party will be able to bring together a united South with a fragment in the West and a fragment in the East and thus secure political power. It is not any hope or promise of reform that will secure success to this movement. On the question of civil-service reform, while you have the promise of Governor Tilden, you have also the promise of Governor Hayes, and he has added to that promise a self-abnegation of all idea of reelection. Governor Tilden promises to support a constitutional amendment that will prevent him from running; so upon this matter the two great and distinguished candidates are even.

Dismiss these things. I tell you, Senators, that the controversy into which we are about to enter will not turn upon the financial question. I have discussed it; I have discussed it here because I thought it was my duty to do it, and not very well prepared either, in reply to the ingenious commentary of Governor Tilden on the democratic platform. I have presented that platform. I have presented his commentary, and I have shown you that it is made up of empty promises, vain as air, bearing a double construction which will not be executed if the democratic party is brought back to power. But the real question of this campaign which every day has been rising and will still rise above the clouds until it is seen in the heavens by every citizen of the United States is whether the democratic party shall be restored to power again in this country of ours. That is the issue, not upon the financial question, not upon the question of civil-service reform, but whether from the elements and composition of that party it is safe again to trust power with the men who were driven from power in 1860, a portion of whom waged war against us, a portion of whom voted against us, and all of whom now when they are back again are resisting and opposing so far as they can all the great measures that we, the republican party, have placed upon your Constitution and your statute-books. These are the questions.

Sir, during this long struggle the democratic party has been simply a party of opposition. You have proposed nothing; you have opposed everything we have done, and therefore may be classed distinctly as a party of opposition. If, therefore, you are restored to power it is a reaction, it is a restoration; it is such a restoration as the people of England had when they restored Charles II to power after the commonwealth under Cromwell. And, sir, another rebellion in England occurred when after two reigns they drove the Stuarts from power. I say to you now that if the democratic party with its present composition shall come into power in this country, and if the evils that are inevitable should come upon us, the reaction would be instantaneous and decisive. The feeling of every man would be that a party that was untrue to the country, that for any reason whatever, whether it may have been as honorable and manly, as noble and brave a motive as ever actuated any people—that any party that during the struggle of a country in a civil war was false to the country and refused to stand by the national banner, refused to aid to the full extent of their power the Government in putting down a rebellion—that they and the men who fought against the country ought not to be restored to power in the Government. There will be a feeling of injustice, of wrong, of humiliation suffered by this reaction that will react again.

I say to my friends also that, while I do not intend to enter into the discussion of the scenes that have occurred in the Southern States, painful to the last degree, so that I never can read of them without horror, every occasion of that kind does create a feeling of strong and irresistible indignation in the minds of thousands of honest people. I would to God that many of the declarations made by Senators on this floor and Representatives in the other House could be carried out and that you who love law and order, who have respect for the rights of others, the poor as well as the rich, would prevent and punish these atrocities when they occur. If you do not, whether you are in power or out of power, these unpunished crimes, these bloody ghosts of men sent prematurely to their end, will haunt you every day of your lives. You are chargeable with them; your friends and your associates have done these things. Upon you rests the responsibility of putting down these atrocities. I know my friend from Kentucky would do it as readily as I would, but we have no power; we cannot spread the arm of the nation all over the Southern States. We must depend upon you to protect these blacks. The people of the North have been generous to the people of the South. Our history has not been marked like the history of other nations, by bloody reprisals, by executions after war was over, by confiscation, by wrong, and by outrage. No blood was shed after the war was over; no property was taken; all the offenses committed in the war were forgiven and forgotten. You were in due time, and very speedily, restored to political power. You have in your hands eleven or twelve of these Southern States. You are responsible for everything that occurs there. Every act of violence and murder is charged to your account, and you owe it to your manhood to put down these things. You must not teach the southern people that we hate you, or wrong you, or would do you injustice. So help me God I never have felt such a feeling, and I do not believe that is the feeling of the people of the State of Ohio. We would be glad to see you prosper. We share in your prosperity. Your development, your wealth, your growth all inure to our benefit as well as yours. God forbid that we should ever seek to oppress you in any way by unjust laws or the exercise of unjust power.

Go on and develop your country; cultivate your fields; build up your manufactures; improve your rivers and your harbors if you will, and we will aid you. Do all that you can to develop your country. What you do is for the benefit of us all. We are all of one country, under one flag and one Government. The worst thing that could happen to the people of the Southern States, in my judgment, would be the success of the democratic party in this election, because that success could only be brought about by a united South. In Louisiana and Alabama and Mississippi and South Carolina a majority of the people consists of negroes emancipated by republican policy and now in terror from innumerable murders committed in those States. If in the great convocation where the electoral vote is counted, we see the votes of States counted for the democratic party when we know that the natural instinct, the sense of duty, the sense of obligation, the natural feeling of the majority of the people, are with the republican party; if you bring the votes of those States by violence and fraud to your aid, it will be a short-lived power that you will exercise. We will not resort to arms; we will not make a revolution; we will not make a secession; but a public opinion will be aroused in all the free States that the Southern States must be just to those who have been freed by our policy or we will secure them justice. Otherwise the power of numbers in the North will be exercised against you again at the ballot-box. If you carry these States by fraud or force, watchful eyes will be over you; millions of free people will be watching you. If you give the negroes a fair vote, if you only use that influence which your superior wealth and superior intelligence give you over their minds, well and good, it is your right and duty; but if you violate the law, if you use intimidation, murder, or that nameless feeling of fear which may check an ignorant population from exercising their rights, you will gain no permanent results from it. That is my conviction.

I say again that for myself, although I claim to be a republican always, I never have felt and do not now entertain one single feeling of unkindness against the southern people. I know that the great body of them went into this war with honest motives; I feel that they were wrong. I know their success would have been to their injury. If they had succeeded in establishing a southern confederacy in the southern part of this country of ours, we should have been warring nations, hostile races, and ceaseless controversies would have been waged, as between England and Scotland, until both under one banner were reunited again. Gentlemen, it was well for you that

this war ended as it did. It was well for your future that it was so. It was best for us all.

And, gentlemen, allow me plainly to tell you that though we are willing to do you absolute justice and share with you all political power, yet we do feel that we were the victors in this great war, and that our ideas, our principles, and our policy should prevail in the administration of the Government while the issues of the war are pending. The arbitrament of war settled these issues in our favor. These issues are written upon the Constitution and are the supreme law of the land. We do not think it safe to trust you with the administration of these great safeguards of liberty over men whom you have held for generations as slaves. We frankly say we cannot trust to the democratic party the power to guard and protect the rights that have been won by the war. I deeply regret that political parties in this country are not based upon other issues than the issues of the war. It would be far better for the South if one-half of the white vote was now voting the republican ticket and one-half of the black vote with the democratic ticket. But when the white men by their policy seek to combine all the Southern States into a compact political power and by force and fraud vote the negro against his wishes, they establish a conviction in the mind of every man who supported the northern cause that they are determined to revive and to continue the old contest and the old issues. It is for this reason this conviction is now deepening upon the northern mind; and it is this conviction that more than all else impresses me deeply with the absolute necessity to preserve the power of the republican party in order to continue and establish upon a safe basis the enduring guarantees won in the war.

Now, Mr. President, why can we not enter into this great contest with a manly spirit, each man presenting his own clear convictions, boldly and fearlessly trying to secure a fair election, and by the vote of a majority of the people of the United States in the form of the electoral college select a President of the United States? I believe that the safety of all, north and south, east and west, the good of our country, the record of history, demand the success of the republican party. I am glad to say that the standard-bearer of that great party is one of the citizens of my State, a man in the full vigor of life, a man unblemished in name, character, and reputation, with a strong manly intellect, one of those self-made men who receive nothing from the mere factitious circumstances of fortune or wealth, but has made his own way from the time he entered a school-boy till he became a member of Congress and a general of your Army, a brave soldier without one particle of feeling against the South, and full of kindness to his countrymen in all sections of our nation. I believe it is for the best interest of the people of the United States that this man, thus taken from the ranks of the people, unaffected by political combinations, unembarrassed by any pledge whatever, should be intrusted with the high power of President of the United States. Governor Tilden with all his promises, with the record of the democratic party behind him, and with the tendency and action of the democratic party to guide him, ought not to be trusted with power.

APPENDIX.

Receipts of the Government from July 1, 1865, to July 1, 1876, inclusive.

RECAPITULATION OF NET REVENUE BY FISCAL YEARS.

Year.	Customs.	Internal revenue.	Direct tax.	Sales of public lands.	Miscellaneous sources.		Net revenue.
					Premium on loans and sales of gold coin.	Other miscellaneous items.	
1866	$179,046,651 58	$309,226,813 42	$1,974,754 12	$665,031 03	$38,083,055 68	$29,036,314 23	$558,032,620 06
1867	176,417,810 88	266,027,537 43	4,200,233 70	1,163,575 76	27,787,330 35	15,037,522 15	490,634,010 27
1868	164,464,599 56	191,087,569 41	1,788,145 85	1,348,715 41	29,203,629 50	17,745,403 59	405,638,083 32
1869	180,048,426 63	158,356,460 86	765,685 61	4,020,344 34	13,755,491 12	13,997,338 65	370,943,747 21
1870	194,538,374 44	184,899,756 49	229,102 88	3,350,461 76	15,295,643 76	12,942,118 30	411,255,477 63
1871	206,270,404 05	143,098,153 63	580,355 37	2,398,646 68	8,892,839 95	22,093,541 21	383,323,944 89
1872	216,370,286 77	130,642,177 72	.....	2,575,714 19	9,412,637 65	15,106,051 24	374,106,867 56
1873	188,089,522 70	113,729,314 14	315,254 51	2,882,312 38	11,560,530 89	17,161,270 05	333,738,204 67
1874	163,103,833 69	102,409,784 90	.....	1,852,428 93	5,037,665 22	17,075,042 73	289,478,755 47
1875	157,167,722 35	110,007,493 58	.....	1,413,640 17	3,979,279 69	15,431,915 31	288,000,051 10
1876	148,071,964 61	116,700,732 03	93,798 80	1,129,466 95	4,029,280 58	17,456,776 19	287,482,039 16
	1,973,589,621 26	1,826,185,813 61	9,947,330 84	22,790,357 60	167,037,384 39	193,083,293 64	4,192,633,801 34

Mr. McDONALD obtained the floor.

Mr. DAVIS. The Senator from Indiana is kind enough to give way for a moment only that I may say a word in connection with what has been stated regarding the public debt. The Senator from Ohio this morning referred to the statement which I made yesterday evening about his being mistaken in the amount of the reduction of the public debt. I then sought in a polite way to ask the Senator whether I understood him correctly, and the Senator turned to me to know what I wanted. I will tell him what I want now, as he is through. In 1865–'66 the public debt, as reported by the Register and as remodeled by the then Secretary, in round numbers was $2,680,000,000. In 1875–'76, at the same date, it is $2,232,000,000, being a reduction of $448,000,000 instead of $500,000,000; and these figures are taken from the finance reports.

Mr. SHERMAN. I am very happy that the Senator has made that statement, for now I think I can correct him. I took eleven years.

Mr. DAVIS. Allow me to go on and I will yield directly.

Mr. SHERMAN. All right.

Mr. DAVIS. I want to go on and the Senator will have a little more to answer. If you take the debt statement in 1865, before it was remodeled in 1871, you will find that it differs about $2,000,000 in that year. In other words, there is a change of about $2,000,000 there, which would make no difference as to this statement. Then if you take the monthly statement which the Senator quoted from, we find it is $2,180,000,000, leaving out of question the interest. Including the interest it is $2,218,000,000. If you take the largest amount as reported in the report of 1865, and then take the smaller amount as reported in the debt statement, the Senator is correct; but I submit is it fair, is it right, or is it proper, in one instance to go to the reports of the Secretary of the Treasury, or of the Register, and take the amount that he reports, and then when you come to 1875–'76 to go to the monthly debt statement? Of course, if you take the higher and the lower, the difference may be as great as the Senator says; but bear in mind that it is admitted on all hands that there are about four different statements for each year's indebtedness. In other words, if you take the monthly debt statement, if you take the Register's statement, or the Secretary's statement, they all differ. Now, then, if the reduction is to be looked at properly the same statement ought to have been adhered to; in other words, the Secretary's statement, or the Register's statement, but when the Senator comes to make his deduction of $500,000,000 for ten or eleven years he changes from one statement to the other, which, I submit, ought not to be done.

I want to say one word more and I will then leave the debt statement. The Senator spoke of the bill relative to 4½ per cent. bonds. He charged the House of Representatives with being accountable for not having the reduction made of interest from 6 or 5 to 4½, and says it was their fault that it has not been done. The Senator knew better than I can tell him that in 1870 there was an act passed giving the Treasury the right to change $300,000,000 from 6 to 4½, and that act is in force to-day, but not one dollar, as I understand, has ever been changed from 6 to 4½ per cent. Those bonds run fifteen years. The difference in the bill which we passed was that we gave a longer time; that is all.

Mr. SHERMAN. All I desire to say in reply is that my friend has only made a mistake in omitting one year. I said eleven years from the 1st day of July, 1865.

Mr. DAVIS. To when?

Mr. SHERMAN. To the 1st day of July, 1876.

Mr. DAVIS. That is just what I took.

Mr. SHERMAN. Very well; here are the papers. Here is the report of the Secretary of the Treasury, a statement of the outstanding principal of the public debt of the United States, from the 1st of January, each year, &c. I gave the amount $2,680,647,000.

Mr. DAVIS. That is right.

Mr. SHERMAN. I took the statement of the principal of the public debt now, the total debt, $2,180,395,000, and deducted one from the other.

Mr. DAVIS. Will my friend allow me a moment?

Mr. SHERMAN. Certainly. Does he desire to make any correction?

Mr. DAVIS. No, sir; I am not denying the statement, but I beg the Senator's pardon, he has changed from the debt statement as reported by the Secretary or the Register, and he takes that from the finance reports; but when he comes to take his reduction he takes it not from that same report——

Mr. SHERMAN. But I take it from the monthly statement because this is a year later.

Mr. DAVIS. I beg the Senator's pardon.

Mr. SHERMAN. The statement is as late as this year. This brings it down to the 1st of July. The book was printed six months ago.

Mr. DAVIS. And the year was out six months ago.

Mr. SHERMAN. But I brought it down to the 1st of July of this year.

Mr. DAVIS. Either the Senator or I, one of us, is mistaken in the statement. The book which he holds in his hands is for the fiscal year ending June 30, 1876.

Mr. SHERMAN. This book was printed six months ago, and how could it be?

Mr. DAVIS. Why, Mr. President, the Senator knows that that 1875 means the fiscal year always, and that comes up to June 30.

Mr. SHERMAN. Eighteen hundred and seventy-five?

Mr. DAVIS. It means the fiscal year 1875, and comes up to June, 1876.

Mr. SHERMAN. No, it does not. The Senator is very much mistaken. The year that we are now going upon is 1876–'77. We have made appropriations now for the year ending the 30th day of June, 1877. That gives the name to the fiscal year the year 1877. The Senator will see that the statement in the book is only brought down to the 1st day of July, 1875. That is called the fiscal year 1875, but the fiscal year 1876 extends from the 1st of July, 1875, to the 30th of June, 1876. My friend is just wrong one year. That is all there is about it.

Mr. DAVIS. If that should be so, but I do not understand it—of course it cannot be so—then the Senator is greatly in error, because he admits and all admit that the reduction last year was less than $20,000,000. The Senator knows that. I stated if that be so the reduction in the present year was less than $20,000,000. Therefore the $50,000,000 that the Senator shows could not be correct.

Mr. SHERMAN. The reduction in the present year is $29,000,000.

Mr. EATON. I want to ask the Senator from Ohio what his figures are for the eleven years.

Mr. SHERMAN. I gave the statement containing those figures to the reporter. I will send the Senator a copy of the statement, but I cannot send him that copy, because it is in the hands of the reporter.

Mr. EATON. The Senator gave $4,192,000,000 as the net revenues of the Government for eleven years, I understand.

Mr. SHERMAN. No; the gross revenues of all kinds; I will simply send the printed statement of that to the Senator.

Mr. EATON. Very well.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of Madeline V. Dahlgren, Romaine de Overbeck, and Vinton Goddard, praying the passage of an enabling act authorizing the trustee of the estate of the late Samuel F. Vinton to sell or otherwise dispose of certain securities and other property belonging to that estate and re-invest the proceeds in other property, asked to be discharged from its further consideration and that the petitioners have leave to withdraw their papers; which was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 1039) to repeal a portion of an act entitled "An act to confirm the action of the board of aldermen and common council of the city of Washington designating a depot site for the Baltimore and Potomac Railroad Company;" which was read and passed to the second reading.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 310) granting a pension to William H. Harrison, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1539) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota, reported it without amendment.

BILL INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1040) to allow the late collector of internal revenue for the fourth district of Georgia his salary hitherto withheld; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

THE HAMBURGH RIOTS.

The Senate resumed the consideration of the resolution submitted by Mr. MORTON to print extra copies of the President's message and accompanying documents relating to the riots at Hamburgh, South Carolina.

Mr. McDONALD. Mr. President, the question pending before the Senate is the resolution of my colleague to print ten thousand copies of the President's message and accompanying documents relating to the Hamburgh affair. I propose, in the first place, to give a few reasons why I shall support the resolution. I shall support it for the reason stated by my colleague when he introduced it, that the people of this country may have some light upon the subject. It is true that these documents are *ex parte* in their character. They do not profess to draw their facts from more than one side of the question. There is no testimony contained in them except that which is brought from one party to that affair; but yet with all that they are much fairer, much less partisan in their character, much better calculated to give to the country a correct idea of the transactions than the comments which have been made on the Hamburgh matter in the partisan press of the country, or the comments which have been made on documents contained in this message by Senators upon this floor. It is because they do tend to furnish to some extent and in some degree light upon this transaction by which the people of this country can form some correct estimate of its character that I prefer these documents shall be published, rather than that such statements as have been made in regard to the affair shall go before the country. Among the accompanying documents the most reliable statement is that furnished by the attorney-general of South Carolina, not of what he saw, not of any fact that he knows of his own knowledge, but such facts as he gathered after the affair had occurred while visiting the scene and from the sources which he has here stated. I desire to call the attention of the Senate to his own statement of his sources of information:

> My information has been derived chiefly from Trial Justice Rivers and from the testimony of persons who have been examined before the coroner's jury now in session, and from those who received wounds from the armed body of white men who had taken them prisoners.

I do not feel that a Senator is called upon in discussing questions of this kind to start out with a denunciation of the outrage, and as for myself, if my life has not established the fact that I have always stood for law and order and opposed all unlawful violence from whatever quarter it might proceed, then a mere assertion of mine upon a question of this kind would be but an empty declaration. But let us see, if we can, what this transaction was and learn something of its origin and character. Let us take, in the first place, the statement of the attorney-general as to what he discovered at Hamburgh. I have already said that it was *ex parte*. I may say that it is clear upon its face that he is giving but one side of the case. It appears, however, from this statement that on the 4th of July some difficulty took place between two white men who were riding in the streets of Hamburgh and a negro militia company which was engaged in parading in the same street. But little is said in reference to that difficulty in this report or in any of the documents accompanying it; but this much is established, that whatever that difficulty might have been, it was of such a character that an affidavit for a breach of the peace against the officers of that company or some portion of them was made the next day, and the trial justice, Rivers, who also seems to have been the military commander of that district under Governor Chamberlain, issued his warrant upon that affidavit. The captain of the company was arrested upon that warrant and brought before the justice, and it seems from the statement of the attorney-general the first act of this defendant in that proceeding was to commit a contempt of court, which rendered his arrest or attempted arrest for that contempt necessary in the opinion of the justice, who was one of his own color and his friend. Here is what the attorney-general states upon that point:

> During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

This took place on the return of the warrant. The conduct of this negro captain was such as required his arrest for a contempt of court, and when the case was continued he left the office of the justice and never made his appearance there again in connection with this transaction. It passed over until the 8th of July. What transpired in the mean time does not appear from these papers. What crimination or recrimination, if any, passed with respect to these parties does not appear; but it does appear that on the 8th of July the parties who had sued this warrant, with their attorney, came before the justice of the peace, but the defendant did not come; on the contrary, he left both the prosecution for a breach of the peace and the arrest for contempt unanswered.

The difficulties seem not to have slumbered during that time. Although the facts are not stated, the circumstances that transpired indicate most clearly that there were facts and that matters were progressing toward a collision between the white and colored people of that section of the country. It appears that on the 8th, in place of presenting himself before this justice who had issued an order for his arrest for contempt, and before whom he was required to appear upon the warrant that had regularly issued, this captain placed himself at the head of his company and under arms. A demand seems to have been made by the white citizens who had assembled that the company should surrender their arms. There is an attempt in this report to a certain extent to involve the counsel for the prosecution in what occurred; but he has furnished to the public his own statement of this transaction. I would not perhaps feel authorized to refer to it if it had not been for the fact that the Senator from South Carolina [Mr. PATTERSON] has testified in the strongest possible terms that he is a man of unexceptionable character, of the very highest character, and he has expressed the great gratification that would accrue to him if in the final investigation of this unfortunate tragedy it should be found that Mr. Butler is entirely innocent. His support of Butler's character as a man authorizes me to refer to the statement that Butler has made, in which he shows that in the violence that transpired there he took no part, and that so far as he did act he attempted to act as a mediator for peace. It has been said on this floor, and I

shall call the attention of the Senate more directly to the statement hereafter, that this military company had surrendered their arms. There is not one word in any of the papers connected with this report that authorizes that statement. They refused to surrender their arms. Eventually they retired to their armory, a brick building, and there they remained until the difficulty had become a war between them and those who were demanding a surrender of their arms.

That part of the transaction I desire to give from the statement of the attorney-general in his own language. He says:

While these negotiations were going on, the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began.

Men who were in the building say that it was commenced by the whites firing upon the building.

Would it not be well enough to know what the men on the outside of the building said upon that subject? This report states that the men in the building said the firing was commenced by the white people outside; but no statement is taken or embodied in this report of what the men outside said upon that point. This same Mr. Butler, whose character has been so highly sustained by the Senator from his own State, [Mr. PATTERSON,] has spoken upon that subject and his statement is contained among the documents that have been submitted to us and for publication of which this resolution is pending. On that question he says:

The negroes were fortified in their drill-room, in a brick building known as Sibley's corner, and they raised a yell and fired from the windows, which was responded to by the whites, and a general firing took place.

That is the statement of one of the parties from the outside. That is a statement that has not been made at any time in the presentation of this case to the Senate and to the country during this discussion. There is one point upon which both the attorney-general in his report and Mr. Butler agree, a point also that has been studiously kept out of the discussion, that is, as to who were the first sufferers in this unfortunate affair. The attorney-general says:

After the firing had begun, it was returned by the militia, and one of the attacking party, McKee Merriwether, was shot through the head and instantly killed.

On that point Mr. Butler says:

Not a very great while after the firing began, Mr. McKee Merriwether, a most estimable young man, was shot through the head and killed. Not a negro had then been touched—

And then he says, what you might naturally suppose would occur—

and Merriwether's death naturally infuriated the already excited crowd, and they were under the leadership of no one.

Then this company of negro militia exhausted their ammunition. It is stated in the report of the attorney-general that the company had brought little ammunition, and all they had was a portion of that issued to the company when it was organized. After they had exhausted their ammunition then they sought safety by flight. They had not surrendered their arms; they never surrendered their persons or their arms.

Mr. PATTERSON. I should like to ask the Senator if he has read the evidence? The evidence is that when the negroes fled to the building the parties outside brought a cannon to bear upon it, and had commenced firing on the building with the cannon. That is when they fled. That is the evidence.

Mr. McDONALD. The affidavit of the captain of the company is among these documents, and he states that he constructed a mode of escape for them from the back part of the building. I am giving this narrative, this *ex parte* narrative we are called upon to publish to the country, and I am giving also what I understand even this *ex parte* testimony to present in regard to this case. I state again that there was no surrender on the part of that negro company. When they fled from the building they secreted themselves and were hunted and captured one by one, not upon any surrender. I do not say that that authorized, justified, or excused this infuriated mob shooting down the colored men they had thus captured; but it has been constantly presented to the Senate and to the country by those who have undertaken to discuss this question that the negroes had given up their arms peaceably, that they had surrendered their arms into the hands of white men and surrendered their persons, and that then, without any outrage having been committed by them, without any act being done that could justify heated blood much less such an atrocity as followed upon it, they were taken out and shot down in cold blood. But the attorney-general states no such case at that.

After the firing had begun, it was returned by the militia, and one of the attacking party, McKee Merriwether, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under floors of adjacent buildings or wherever else they could find shelter.

He goes on then to state that some twenty-five colored men were captured by white men who made search for them, and of the number captured six were killed and three were wounded. To show you how much fairer that statement is than the statements that have been made with reference to this transaction by those who have attempted to present it to the Senate and to the country, I ask the Secretary to read from the speech of the Senator from Vermont [Mr. EDMUNDS] the passages which I have marked.

The Chief Clerk read as follows:

The poor, misguided, uneducated colored militia company supposed that they had some rights as a military company to occupy the street as well, and they did not let them drive through, whereupon the next day——

Mr. PATTERSON. They did drive through. The company opened ranks and let them go through for the sake of peace.

Mr. EDMUNDS. But having been delayed until their cigars went out, or until they got dry again, or whatever it might have been, they then complained of the captain or some officer of this military company before a justice of the peace for some kind of an assault or some nuisance that interrupted the public highway when their lordships wished to drive along; and a warrant was got out for the arrest of this colored captain, or whatever officer he was. The colored people in that region may have had some suspicions from what they had noticed before about arrests of their race that if their captain was arrested on a warrant from this justice, the moment he was taken into custody the next moment he would die. That was the way justice was frequently administered; and they naturally had a little reluctance to seeing their captain disposed of with such summary justice as that, to be shot the moment he laid down his gun and handed him over to the sheriff so that it would be safe to shoot him when he could not shoot back. They were a little reluctant that he should surrender himself on the warrant of the magistrate. What did they do? Did they threaten to kill anybody? No; but they did assemble the company again under arms in the street and near their armory; and in that company this man took shelter. Is there any evidence at all that the sheriff was resisted? No! He did not go into the ranks to try to get the man. Not a bayonet was poised or a musket loaded, so far as we know. Then appeared the other Butler on the scene; and hastening over into the convenient and friendly State of Georgia, which was the nearest at hand, he told some of the young men that there was trouble brewing, for a considerable number of whites also had begun to assemble over in Hamburgh, and that the young men had better go over and see what was going on. That is the mildest way of putting it. So they did go over; and a large organized mob, under the command of somebody, assembled there.

Mr. PATTERSON. Taking a cannon with them, too.

Mr. EDMUNDS. And taking a cannon with them. Then this negro company retreated, without firing a shot, without injuring the property or liberty of any human being, into their armory which for the purposes of that case and at that time was their castle as much as your house or mine is ours; and this mob trained their guns upon them and threatened to destroy the whole lot if they did not surrender. Then there was turbulence, a little violence, and some shooting, I believe. Finally the colored company on a parley engaged to lay down their arms, which they had only raised in self-defense, and surrender them if they could be protected. They did lay down their arms and surrendered—laid down their arms to a body of men who had no more right to demand it than it has that you shall leave that chair at this moment and threaten to shoot you if you do not. And as they emerged one by one from that place of refuge of their own to which they had resorted, they were shot down by this organized body of the white respectable and responsible citizens of the States of South Carolina and Georgia.

Mr. McDONALD. Now, Mr. President, I do not think that any person could listen to the two statements, the statement of the attorney-general of South Carolina giving a narrative of this transaction, and the statement of the Senator from Vermont in undertaking to characterize that transaction, and suppose that they referred to the same thing at all. It is stated by the Senator that there was some little trouble after they had retired to the armory; that a parley took place between them and the force outside; that upon that parley they surrendered their arms, and after they had thus surrendered their arms and were taken prisoners then this shooting took place. The circumstances that caused that mob to become infuriated, the killing of the man Merriwether before any other person was hurt, is kept studiously out of sight.

But there are other points to which I wish to refer very briefly. These transactions are to be sent out to the country for their consideration. It seems to me that when commenting upon *ex parte* testimony a greater degree of care and caution not to exaggerate should be observed than where the testimony is presented on both sides. But the partisan purpose of the comments we have listened to is plain enough to any one. It is to continue to incite and agitate the sectional prejudices of one section of the country against another by firing the northern heart, as it is sometimes termed, against the people of the South for the purpose of controlling the election and keeping the present party in power.

The governor of South Carolina has sent his view on this question with the documents which he transmitted to the President, and it is in that statement alone that you can find any trace of a political affair in this Hamburgh matter; and this is to be found in the innuendoes of the governor of South Carolina, not in any statement of facts, because he was not present. He does not pretend to give any fact within his knowledge, but he has stated some facts that to a certain extent contradict his assumption that there was any political purpose in this difficulty. He says:

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers or otherwise here, on the white or democratic side, upon this matter, have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre, nor do I see any greater reason for believing that it will do so in the future.

Their opposition, he says, has not prevented it. He gives them the credit of having denounced it. It would be very hard for them to prevent it, not being present to exercise their influence over those who had become a mere mob under the circumstances of that affair. It would be very difficult for those white democrats of South Carolina who have denounced it to have prevented this difficulty. I might say also that under the circumstances they were no more to be blamed than the governor of that State. They had less power than he had, to prevent a difficulty of that kind if he had exercised the official power he possessed. It may be possible that Governor Chamberlain stands with respect to white people and tax-payers over whom he has been placed as governor very much in the attitude that the late governor of Mississippi occupied to the people of that State. He

had been placed over them as military governor in 1869, he had been elected to the United States Senate, he had been elected governor of the State in 1871, re-elected again in 1873, and yet in the summer of 1875, when the agent and emissary of the Department of Justice went to that State for the purpose of looking into the question and determining whether any armed interference on the part of the Federal Government was necessary, this agent stated in his testimony taken by the Senate committee that when he arrived there he learned the fact very much to his surprise that Governor Ames had not the acquaintance of the most influential citizens of the State of Mississippi residing in the capital of the State where he himself resided. The first act of this agent, who seems to have been a man of some common discretion and common sense, was to make Governor Ames acquainted with the leading men of the State of Mississippi, over whom he had been exercising his rule for so many years. It may be that Governor Chamberlain was in the same condition and that he would require an introduction to these leading men in order to impress upon them his views in regard to this matter, if he had any.

Mr. PATTERSON. Will the Senator from Indiana allow me to interrupt him?

Mr. McDONALD. Certainly.

Mr. PATTERSON. I can inform the Senator that Governor Chamberlain stands to-day in South Carolina as popular in the democratic party as in his own party; and the democrats are agitating the question to-day whether they shall not adopt Governor Chamberlain as their candidate for governor next Tuesday. That never was the case with Governor Ames.

Mr. McDONALD. I am very glad to hear that. I am certain if that course should be adopted disturbances such as occurred at Hamburgh will cease.

Mr. McMILLAN. The Senator will allow me to say that it seems to me if the old residents of Jackson, the natives of the South, had exercised the proper etiquette in calling upon the executive of the State they would have been acquainted with him.

Mr. McDONALD. If Governor Ames had gone to Mississippi simply to settle there as men emigrate from one part of this country to another, it would undoubtedly have been the polite thing, according to the rules of etiquette, for those in whose midst he settled to call and make his acquaintance; but Governor Ames went there in the first place as a military governor. He afterward sought and obtained the position of United States Senator. He was afterward a candidate for governor, elected and re-elected; and so holding that office, pretending to be the governor of these people, I apprehend that it devolved upon him, if he entertained a just sense of his responsibility and his position, to make himself acquainted with the people over whom he was attempting to exercise the powers of a ruler, and especially when it was an admitted fact that they owned four-fifths of all the property in the State and consequently contributed four-fifths of all money that went into his pocket on account of the services he was supposed to have rendered them.

Mr. BOUTWELL. Will the Senator from Indiana allow me a moment?

Mr. McDONALD. Certainly.

Mr. BOUTWELL. I do not quite understand the position which the honorable Senator takes in regard to the matter of etiquette. I understand him to say that Governor Ames was first military governor, then United States Senator——

Mr. McDONALD. I shall not give way for a speech.

Mr. BOUTWELL. Oh, I am not going to make a speech.

Mr. McDONALD. For any question I am ready to give way or if I make a mistake I am ready to be corrected, but I cannot permit a Senator to put a speech into mine under the plea of asking a question.

Mr. BOUTWELL. I want to know if, on the ground the Senator takes, Governor Ames should have called on the people of Jackson. I am interested in the question of etiquette.

Mr. McDONALD. I have attempted to state the grounds; he did not go there for the purpose of casting his fortunes with the people of that State, but that he thrust himself upon them as their ruler.

Mr. McMILLAN. Therefore he was regarded as a carpet-bagger, and nobody would associate with him.

Mr. McDONALD. Through the aid of the negro votes and a few political adventurers, who did not represent the property or the people under his control, he kept himself there; and yet when this agent went down for the purpose of looking into the affairs of that State he thought that it would be a proper thing to bring this governor into some kind of acquaintanceship with the men of property whose life and whose destiny he undertook to control. Nor did he meet with any difficulty in so doing from those people.

The Senator from South Carolina says that Governor Chamberlain is acquainted with these people. I am satisfied that the more thoroughly he extends his acquaintance in that direction the better understanding there will be between the different elements in that State. The objection that I have had to this discussion and to the misuse that is made of these difficulties, these race collisions, arises from the very fact that men seek mere political advantage, mere political success by the use of these means rather than in endeavoring to understand their secret springs and to bring about some kind of remedy. As one very significant fact these race collisions were begun very soon after the reconstruction policy of the republican party was put in force in the Southern States, and they have grown less and less year by year, and have ceased in those States where the democratic party has come into power, and they exist now only in those States that are under radical rule.

Mr. PATTERSON. Will the Senator allow me to ask him a question?

Mr. McDONALD. Yes, sir.

Mr. PATTERSON. How about the massacre of negroes in Tennessee two years ago, under Governor Brown? That was a democratic State at that time.

Mr. McDONALD. That affair was investigated at the time, and late developments show that it was a great fraud, as the Senator may learn by reading the public press.

Mr. PATTERSON. The perpetrators were never punished.

Mr. McDONALD. It only seems necessary, in order to bring about amicable relations politically between the two races in the South, that radical rule should be shaken off. I know the republican party are loath to give up the great fund of political capital that they held in their hands when the negro of this country became a voter. They supposed that he would always remain plastic in their hands, and by that means they would secure an ascendency in at least half of the Southern States. In the very beginning a system was organized which was intended to hold that race up to the party lines of the party that claimed their votes. A great deal has been said about the terrorism of the South growing out of these race collisions, but there has been a terrorism that has not yet been spoken of, and it is that which has been exercised over the negro voters in Southern States by their own race through the instigation of the white men who are profiting by their aid. I say now, and I say it in the light of facts, that the bravest man in the South to-day is the negro man who has the courage to vote the democratic ticket.

As proof of that proposition and to show the means resorted to for the purpose of affecting their votes and keeping them under political subjection I ask the Secretary to read the card of a prominent colored minister of the South showing his trials and difficulties. First state the paper that contains it.

The CHIEF CLERK. This paper is the Daily Dispatch, published in Richmond, Virginia, under date of August 9, 1876:

A CARD FROM A PROMINENT COLORED TILDENITE.

The cause of Tilden and Hendricks among our colored friends is on the increase. Many of the most intelligent among them are falling in ranks. We append the following from Rev. J. W. Dungee:

To the editors of the Dispatch:

I feel compelled, in justice to myself, the good of my race, and the best welfare of the community in which I live, to say a few things which I think ought to be said.

A card appeared in the Evening State a few days ago stating that myself, Mr. Derrick, and Holmes were at work for the great reform movement. Mr. Derrick, and Holmes of the First Baptist Church, (colored,) published in the Enquirer of this city a card declaring their allegiance to the radical party, at the same time saying they are for peace and prosperity. Now, these two declarations are in conflict with each other. You cannot serve God and the devil at the same time. I warn these gentlemen now of the fearful calamity which their present course will entail upon the colored people of the South.

For years we have seen our people marched to the polls and compelled to vote for any man brought out by the radical party, without regard to his moral character or fitness for the office. This has been practiced all over the South. The men thus voted for or put in office have plundered the southern people in the most shameful manner. Every State where they have had the opportunity has been sunk beneath a burden of debt. Behold the cunning duplicity which they practiced upon our people in the Freedmen's Bank fraud, as well as in many other instances. In Washington, right under the eye of the Government, they had a board of public works which plundered the district government in the most wretched manner. The report of Hon. B. B. DOUGLAS, of Virginia, and Hon. W. S. STENGER, of Pennsylvania, expose the most startling frauds practiced upon us at a time when we were helpless and confiding in their friendship. It turns out to have been a scheme concocted for the very purpose of robbing our poor people. They have robbed every State government in the South where they have had the chance. They have labored steadily to keep us arrayed against the white people of our section who are our best friends. They have only used us as political tools. True, they have kept a few colored men in office, but it has been to do their dirty work. The position of Messrs. Derrick and Holmes make them a party to these frauds, and the only way they can clear themselves from it is to come out from bad associates. But I fear they are carrying two faces, and, if so, the community ought to be informed of it. On last Sunday all the leading colored pulpits were used for a medium of advertisement for the radical party, and Rev. James H. Holmes took occasion to warn his people not to have anything to do with me. At Rev. R. Wells's church they indorsed Mr. Derrick as a good radical. I also hear from good authority that Rev. Mr. Derrick belongs to one of the Hayes and Wheeler clubs of this city.

If they are "for peace and prosperity," why have these gentlemen within the last six months used every means to persecute and drive out of town the pastor of the Navy Hill church, because he chooses to differ with them in politics? Why do they use their churches for such unholy purposes, and then pretend that they have nothing to do with politics?

It gives me great pain to speak of the outrages practiced against me and my church of late. The whole neighborhood of my church has been canvassed and the people warned not to attend my church. They have also compelled the children to leave my Sabbath school. Some of these children have been to my house and wept bitterly because they were made to leave. They have threatened to burn my house and church; they have left no stone unturned to drive me out of the city. I heard one minister say that he would compel me to leave by all means he could resort to. Now, all these are facts. Does this look like peace and prosperity? No, no; it is just the work which they are bid to do by the radical party. I say to these gentlemen and to the colored people at large, that these are things which they cannot overlook. The first thing for us to do is to make full and manly reconciliation with the whites among whom we live. I was born in the South, and served twenty-seven years of my life a slave, and I have traveled over nearly every part of the North, and I know that the colored people of the South are better off than any negro in the North; and I would advise our people to be frugal and upright; educate your children, give them good trades, buy homes, get property, and stand with our own people; drive all carpet-baggers out of the South by letting them alone, and then we will have peace. Bury the dead past, go in for honesty and reform, and we will have peace and prosperity indeed.

J. W. DUNGEE.

Mr. PATTERSON. Will the Senator allow me one word again?

Mr. McDONALD. I will yield for a question, but not for a statement.

Mr. PATTERSON. It is merely a question, because I know the Senator did not interrupt me; and if he had I should have yielded cheerfully. That statement which has been read is the statement of a colored man, I understand?

Mr McDONALD. Yes, sir.

Mr. PATTERSON. Do you believe it?

Mr. McDONALD. Yes, sir.

Mr. PATTERSON. I ask the Senator if he believes the sworn statement of these colored men taken before this coroner's inquest?

Mr. McDONALD. I have already said what I intended to say of the documents contained in the President's message. I simply have this further remark to make in regard to that transaction, that upon the face of those documents it is clear that it was simply a race collision, in which there was not mingled in any form any political element. It was such a collision as perhaps springs from the distrust that exists there between the white and the colored people, kept alive to a very great extent by those who have been using the colored people of the South as political machines. That will account for the fact that as the power of that party passes away in any southern State these race collisions begin at once to cease. In the State of Virginia, in the State of North Carolina, in West Virginia, in all the States of the South except in the States of South Carolina and Louisiana, they have ceased; for even in Mississippi there has been no race collision of this character since the political power in that State went into the hands of the democratic party.

In the course of this discussion the status of the States lately in rebellion has been to some extent considered. The State of Texas has been taxed with attempting to throw off what has been termed the irrevocable condition on which her right of representation was conceded to her. On that subject I desire to say that the Constitution does not recognize two classes of States with different rights and powers. Every State entitled to representation stands upon an equal footing with every other State in all respects whatsoever. The sole condition upon which States are entitled to representation and to be regarded as in full accord with all other States in the Federal Government is obedience to the Constitution of the United States and the laws made in pursuance thereof, and there can be no conditions irrevocable in their character that are not demanded by the Constitution of the United States. It is a very common thing I find here to use a tone of argument in reference to southern States and southern representatives which would imply that there is some distinction between them and other States and Senators and Representatives from other States of the Union. I have only this to say in reference to the State of Texas or any other southern State: If there is anything in the reconstruction laws of Congress providing for a representation of those States that places them as States upon any different footing here from any other State, north, south, east, or west, such provisions are, in my judgment, void. Not only are they void, but they are injurious in their character as affecting the nature of our institutions; as affecting the equilibrium of the Union. The instance that has been cited with respect to the State of Texas in her amended constitution does not seem to me to be in any degree in conflict with the provisions of the reconstruction act under which she was admitted to representation; but if there is a conflict between them, if her present constitution, as her people have seen proper to frame it, is in accord with the Constitution of the United States and is not in conflict with any of its provisions, if it is republican in form as that instrument requires, then I insist that the State of Texas is not to be arraigned because she has seen proper to make a different constitution than the one under which she was admitted to representation, any more than any State which has formed a constitution under an enabling act of Congress and may have been admitted into the Union on an equal footing in all respects with every other State is prohibited in her own good time and when her people so desire from remodeling that constitution so as to put other and different provisions in it.

What is the complaint, so far as the State of Texas is concerned? That she has made some change in her proposed constitution in reference to her common schools. One of those changes she made to conform her constitution and organic law to the decisions of her own supreme court, the court having held that the provisions of the constitution of 1869, under which she was admitted, had violated the vested rights of the counties with respect to the county school land and school fund. It was stated in the course of this debate that in the judgment of Congress—and that of course meant the majority at that time—it was highly essential that the State of Texas should have a permanent school system and that education should be disseminated among all her people. For that purpose peculiar exactions had been made at the time of her admission with respect to that question. Yet it seems that these exactions had the effect to take the school fund belonging to the inhabitants of counties and blend it with the common-school fund of the State, disregarding the vested rights of the counties in regard to that fund. The supreme court of the State having pronounced that unconstitutional, as affecting vested rights, the people of the State in reframing their constitution very properly thought that it would be a proper thing for them to make their constitution conform to that decision. There was nothing new in that decision. The same principle has been settled in a number of other States by their supreme courts. The supreme court of the State of Missouri, of the State of Ohio, of the State of Indiana, each and all, had decided that where lands had been vested in a township, or a county, for the use and benefit of the inhabitants of that county or township for common-school purposes, it was not competent for the State, even in a change of its organic law, to take that money and blend it with the common-school fund of the State.

But again, it is complained that in her constitution of 1869 there was a provision that she should forever set apart one-fourth of her entire revenue for common-school purposes, and in her present constitution she simply provides that it shall not exceed one-fourth, vesting in the Legislature of the State from time to time the power to determine what amount of her gross revenues upon her general levies shall be set apart for common-school purposes. This is said to be in violation of the compact under which it is claimed she was readmitted to representation. Her reconstruction constitution required that one-fourth of her whole revenue should be set apart for all time, it mattered not what her common-school fund might be. It seems from the tables that have been presented here that she has now a common-school fund of over $2,000,000 invested in Government bonds, and over sixty million acres of land, selected and unselected, that are to be disposed of and to go into the common-school fund as a permanent endowment of that fund. From these sources and others she might pile up her school fund until she was enabled to keep her schools open twelve months in the year in every school district and extend the privilege of education to every child throughout the entire State out of this endowment alone, and yet under this constitution, which is claimed to be in the nature of a compact and to contain irrevocable provisions, she would still be required to set apart one-fourth of her whole revenue to go into that common-school fund, whether it was needed or not.

This question might as well be considered and met now before the country as not. The intimation has gone forth in this debate that if these conditions termed irrevocable with respect to the State of Texas and other southern States are not continued and complied with whatever may be the local interests of the people in regard to them, at some time or other the Congress of the United States or the Federal Government will undertake to deal with them for having exercised just such powers as every other State exercises.

Mr. President, the animus of this whole question may perhaps be found in one expression contained in the speech of the distinguished Senator from Vermont at the very close of his speech. Speaking of the irrevocable laws that had been imposed upon the people of the States lately in rebellion, he says:

> We have only enacted wholesome, equal laws, that meet in the State of Vermont—we having similar State laws—with the universal approbation of everybody.

These laws meet with the universal approbation of everybody in the State of Vermont, and therefore they ought to be good enough for the State of Texas or any other State. That is the Procrustean bed by which the rights of other States are to be measured. Such good and wholesome laws as meet the approbation of the people of a particular State are to be pressed upon the people of every other State, especially upon that part of our country which was engaged in rebellion. No, sir; that proposition will not do. If that doctrine is to be presented and pressed, difficulties are still ahead of us that it is very hard to see the end of, there must be but one test upon this question. There must be but one demand made in regard to this matter, and that is the test of the Constitution of the United States, the demand that every State shall conform its constitution and laws to that Constitution and obey the laws made in pursuance thereof. Whatever is asserted outside of that is as revolutionary in its character as the very act that it seeks to condemn on the part of the Southern States, not forcible, not military, but still a dangerous attempt to overturn a fundamental principle of our Government that cannot meet with any favor when it comes to be examined before the people.

When General Grant in his brief letter eight years ago accepted the nomination tendered him by the republican national convention he closed it with the laconic sentence, "Let us have peace." When will we have peace? When will that time come? Will it be reached by attempting to undermine the principles of our Government and destroy the harmony of our system by dwarfing certain States of the Union, and to hold over them *in terrorem* the threat of reconstruction if they do not conform their action to what is claimed to be irrevocable conditions upon which they were admitted again to representation here? No, sir; we cannot have peace by such means. Peace can only come when we once more have a perfect Union by a clear and distinct recognition of the rights of the several States under the constitution; when there shall be no distiction claimed between any States that are represented in the Federal Union.

When there shall be but one demand made upon any State, that of obedience to the Constitution of the United States and the laws made in pursuance thereof, and when we shall know neither North, South, East, nor West in regard to the administration of those laws; when that time shall come then we may "have peace." It will be a peace founded upon a reunion of the different sections of this country under the one common bond of the Constitution, and may defy even time itself. It will be a restoration of our old ship of state with all its

sails set to the breeze. Then it may be in the power of the whole people of this broad land to join in singing—

Sail on, O ship of state!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!

We know what master laid thy keel,
What workmen wrought thy ribs of steel;
Who made each mast, and sail, and rope;
What anvils rang, what hammers beat;
In what a forge and what a heat,
Were shaped the anchors of thy hope.

We can never reach that by constantly criminating and recriminating, and by distorting the difficulties that must necessarily arise from time to time in various sections of the country, particularly in the southern sections of the country, growing out of the anomalous condition in which the people there are placed. If the whole people of this country, North and South, could once come together on a common plane and mingle together so as to understand each other, so as to become acquainted with each other thoroughly, then would this sectional prejudice vanish, then would cease these attempts to distort unfortunate difficulties and lawless acts that the civil authorities for the time being may not be able to cope with or put down; in a very short time anything like color line in the South would be broken up. New parties would form upon real issues of policy and statesmanship, and the dangers that are still ahead of us would forever pass away.

Mr. President, I desire to say something, not exactly in reply to the distinguished Senator from Ohio, [Mr. SHERMAN,] but upon a proposition in the same general line of discussion. He concluded his very able partisan speech by saying that the question now before the country was whether the democratic party should be restored to power. He very properly omitted from his stand-point another question that very naturally arose along with that, and that is, Can the republican party stand the ordeal of the trial before the bar of public opinion? Because those two things necessarily to a very considerable extent run together. When you consider whether you will bring one party into power, you very naturally consider whether the party in power ought to remain there, whether its course and conduct have been such as to entitle it to a still further lease of that power. I propose to examine this other question which runs along with the one stated by him. Has the republican party so conducted itself as to entitle it to the continued confidence of the people of this country? In his opening remarks the Senator spoke of the platform adopted by the democratic party in its recent convention at Saint Louis. He said it commenced with a demand for reform. It would be very natural to inquire whether there was that condition of things now existing that makes such a demand proper? Has the republican party recognized such a condition of things? I shall not examine the record of that party behind the canvass of 1868, but I shall commence with reading the seventh resolution adopted by it in its national convention of that year. It is as follows:

The Government of the United States should be administered with strict economy; and the corruptions that have been so shamefully nursed and fostered by Andrew Johnson call loudly for radical reform.

So it seems that when the party met in convention in 1868 it found corruption in the Government. It charges that this corruption had been "carefully nursed" by Andrew Johnson, who held the presidential office by the support of the republican party, and it insisted that corruptions in office should no longer continue.

The people took them at their promise and elected the candidates they nominated on that occasion, General Grant, and Mr. Colfax, of my own State. Before the term of office had expired under that election, I am sorry to say that the Vice-President was involved in some difficulties growing out of a Credit Mobilier and in the receipt of certain moneys which a Mr. Oakes Ames, of the republican party, charged him with having received as a part of the fruits of this fraudulent corporation; and in his discharging himself from that charge Mr. Colfax disclosed a very strange increase in his exchequer by donations made to him by a very liberal-minded man in the city of New York who had a contract with the Government for furnishing envelopes. How that question of veracity has ever been settled between Mr. Ames and the Vice-President elected on this platform I am unable to state, nor is the matter of much consequence. But the four years passed away, and it seems that when the republican party assembled again in national convention they had not fully accomplished this work of reform. In fact, matters had not improved, but had grown worse, and involved the whole system of our civil service. The corruptions which had been so "shamefully nursed and fostered" by Andrew Johnson still seemed to cling to the body-politic, and in 1872 they took another tack upon this question. Their fifth resolution is as follows:

Any system of civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing; and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life-tenure of office.

That is what they said four years ago. They were going to introduce an entirely new system of civil service, one where honesty and efficiency were to be the sole qualification. They proposed to strike down the system by which political patronage was given to men on account of their party zeal. Would it not be interesting to see how much of that they have accomplished? Where is that civil service they promised us then that should be based on these exalted ideas of capacity and honesty? Where is that system of laws which "abolish the evils of patronage" and "make honesty, efficiency, and fidelity the essential qualifications for office?" Where are these reforms that they thus promised?

But, Mr. President, let me come on down to their present position on this subject. In their platform adopted at Cincinnati in June last they say:

We rejoice in the quickened conscience of the people concerning political affairs and will hold all public officers to a rigid responsibility, and engage that the prosecution and punishment of all who betray official trust shall be speedy, thorough, and unsparing.

That is a most remarkable declaration made less than two months ago in the city of Cincinnati. They rejoice in the quickened conscience of the people. I am one of the doubting Thomases on that subject. I cannot believe that they rejoice in that quickened conscience. It seems to me that they are more like the Hibernian who was trembling in the prisoners' dock, and when the judge said to him, "You need not be alarmed, Patrick; you shall have justice done to you," replied, "Oh! faith, your honor, and that is just what I object to." [Laughter.] When they talk about their joy at the quickened conscience of the people, in view of all their surroundings, it is not strange that plain, practical people should doubt their sincerity.

But what do they propose to do? Hold all public officers to a "rigid responsibility, and engage that the prosecution and punishment of all who betray official trust shall be speedy, thorough, and unsparing." Here are their promises, what have been their performances? What has been their past record? What fruits have they brought forth from such an abundant bloom of promises? "For by their fruits ye shall know them." Running along with this specious declaration of theirs, they denounced the corruption of the administration of Andrew Johnson, after they had put it out of his power to remove an officer by their tenure of office law. Then four years after they proposed a radical change in the civil-service system by legislation, by which the patronage of the Administration should be controlled so that it should no longer be given out to men on account of partisan services; and at Cincinnati they expressed their great joy at the fact of the quickened conscience of the people on the subject of public affairs. Well, sir, in that time we have had the Credit Mobilier, and then came the Sanborn contracts, by which in certain cases one-half the revenue was given to the party who collected the money. Fifty per cent. of the collections! That was much better than the man who was engaged in picking up lime; he said it required no capital, and all that he got was clear gain, but still he had to find something before he realized any gains at all. But under this Sanborn contract the thing was already at hand in the form of a tax levied. "O, but," they say "was not the Secretary of the Treasury who permitted these contracts to be made driven from his office by the action of the republican party?" No; public opinion compelled him to resign the secretaryship, and then he was appointed to an office for life and confirmed by the republican Senate. That was administering punishment speedily and with a vengeance. Not much of a vengeance! To be kicked out of an office that would expire with the life of the Administration and be placed in one that would only expire with the life of the occupant is not very harsh punishment.

Then came Leet and Stocking, young adventurers, into whose hands was intrusted the general-order business for the port of New York, and who in a short time, less than twelve months, without any capital whatever of their own, filched from the commerce of that one port over $100,000. Their punishment was speedy. When the merchants of New York, aroused at the injustice and smarting under this extortion, demanded an investigation, their punishment was to let them off with their ill-gotten gains.

Then under this Administration and under these promises of reform we find a firm in New Jersey, the Cattell Brothers, who it seems have made enormous sums of money as brokers for contracts in the Navy Department, brokerage on contracts that they obtained. There is no corruption about that that I know of, but it seems strange and singular that this firm, one of whom was formerly, as I am informed, a copartner of the present Secretary of the Navy, should be able to sit down at the door of the Navy Department and there take toll day by day and throughout the year from all who come forward to get contracts, until the toll was counted up by thousands and tens of thousands of dollars.

Then the late Secretary of War made a good thing out of the post-traderships. One post, not perhaps a very important one either, for we understand that the sales at that post for a year did not amount to over $100,000 or $150,000, paid money that went almost directly into the pockets of the Secretary of War until he had received over $21,000 in the course of four or five years, receiving it quarterly. That was better than the tub-mill. A few such positions as that would make any man's fortune; and yet the speedy justice that has been promised has so far not been meted out, as far as I can understand.

But there is one thing, the whisky frauds, where punishment has been meted out to some of the offenders. There was one Department of the Government that was under the control of a man who seems to have thought that an enforcement of the law was a necessary obligation resting upon him as a public officer, and he therefore called around him other men who had similar ideas on that subject and they commenced the enforcement of the laws and did break up

a number of rich and powerful rings that had been formed in various States to defraud the revenue and to contribute to the corruption fund of the republican party for election purposes, but by no means reached the whole of them, by no means accomplished all that might have been accomplished in that way. It is true as this investigation went on they drew nearer and nearer around the seat and center of power until it entered the very portals of the White House. I do not believe that General Grant has any taint of personal dishonesty about him. I never have believed it. I believe so far as his honesty and personal integrity are concerned they are without reproach; but he had given his confidence to men in regard to whom it cannot be said that they stood like him, and as this investigation went on it reached nearer and nearer to that confidence. It is true, General Grant said, and it was a worthy saying, as these investigations seemed to point with more directness to some in whom he had confided and trusted, "Let no guilty man escape;" yet when it came to a final attempt to enforce the law, such arrangements were made, such instrumentalities used, such action taken by the courts, that another saying came in, and that was, "let no guilt-edged man be punished." I do not think that any one believes for a moment that these investigations would have reached their end if they were still continued to be pressed.

But a very singular thing took place. The people had become conscious that something was going wrong. It was no idle declaration when it was stated in the republican platform that the "conscience" of the people concerning public affairs has become quickened. The people proposed to take the man who had inaugurated these prosecutions and that reform—I mean the people represented in the republican party—and put him at the head of affairs and see if on being placed there he would accomplish for the whole system of Government what he was endeavoring to accomplish in one Department of it. But the people were not represented at Cincinnati, and he was not placed there, and then in a very short time he was invited to "step down and out," and those who aided him most in carrying on these investigations and bringing these whisky rings to justice were one by one invited to "step down and out" until a complete change was made. Now I will say of that Department, instead of that Secretary, another good man has been placed at the head of the Department, but whether he can accomplish the work which was thus commenced as one who had already his hand upon the work and was engaged in going forward to its completion is a very different question. But what a commentary on the pledge of the republican party to see that speedy punishment should be meted out to the guilty. The guilty are permitted to escape, and the man who attempted to bring them to justice is driven from office in disgrace.

It seems to me that when this canvass opens and we come to consider whether the democratic party shall be restored to power the people will not find it difficult to decide between that party which can point to its past record on which no taint of dishonesty rests and the republican party which has only made promises to break them. The verdict in regard to the republican party will be, "Weighed in the balance, and found wanting."

Mr. BOUTWELL. Mr. President, I do not rise for the purpose of continuing this debate, but rather to lay before the Senate tables touching one or two questions that have been the subject of discussion recently in the Senate. First, I ask attention to a table, which I will send to the reporter to be printed when I have considered it, showing the public debt of the United States each year from 1836 to 1871, when the change was made in the system of stating the accounts in the Treasury. This table is made up upon each of the plans which have been the subject of discussion. One of the tables shows the debt each year by the receipts and expenditures account, and the other table shows it by the issues and redemption account. The difference has been frequently stated to the Senate that the issues and redemption account is the account in the Register's Office of bonds and other securities which have passed through his Office, whether they have been actually issued to the public and the proceeds received or not, and also the amount outstanding as appears from his books on a given day whenever there is a settlement, whether or not some of those securities have been actually redeemed by the Treasurer and have not been entered on the books of the Register. The amount by receipts and expenditures represents the public debt by warrants covering into the Treasury the proceeds of bonds sold, and also by warrants authorizing the issue of payments made on account of the public debt. It is apparent therefore that at any particular time these two statements must differ if there are any transactions going on in the Treasury requiring time. This table gives the commencement of the public debt in 1836, and the increase of that debt each year as appears from the reports made by the Secretary of the Treasury upon both systems. The two accounts are to be found in the statement of the public debt for the years 1870 and 1871.

The other statement of the public debt by issues and redemptions commences at the same time. It is given for each year, and the increase of the public debt by each of these statements for each year is shown. At the end of the period named, 1870, when the account was opened in the office of the Secretary of the Treasury by receipts and expenditures, it appears that the aggregate of increase upon the two systems of accounting agree, with the exception of $426,399.98. That difference was explained by the Treasury Department in the report which the Finance Committee made to the Senate a short time since, and is to be found on page 21 of that report; but in order that the explanation of this difference might appear it has been appended to this statement.

Now, it appears that these two statements for this period of time, however they differ, as they do differ from the very nature of the accounting for particular years, show in the aggregate for this entire period of time the same increase of the public debt by each system; and therefore each is a test of the accuracy of the other. This discrepancy of $426,399.98, which occurred some time ago, is explained fully in detail in this account. I cannot but think that this statement presented to the Senate under the authority of the Treasury Department where it was made, and presented to the country, will be conclusive upon the point which has been raised here:

Statement of the increase or decrease of the public debt in each year from 1836 to 1871, inclusive, from the receipts and expenditures account.

	Outstanding debt.	Increase.	Decrease.
December 31, 1835		*$37,513 05	
December 31, 1836	$336,957 80	299,444 78	
December 31, 1837	3,308,124 07	2,971,166 24	
December 31, 1838	10,434,221 14	7,126,097 07	
December 31, 1839	3,573,343 82		$6,860,877 32
December 31, 1840	5,250,875 54	1,677,531 72	
December 31, 1841	13,594,480 73	8,343,605 19	
December 31, 1842	20,601,226 28	7,006,745 55	
June 30, 1843	32,742,922 00	12,141,695 72	
June 30, 1844	23,461,652 50		9,281,269 50
June 30, 1845	15,925,303 01		7,536,349 49
June 30, 1846	15,550,202 97		375,100 04
June 30, 1847	38,826,534 77	23,276,331 80	
June 30, 1848	47,044,862 23	8,218,327 46	
June 30, 1849	63,061,858 69	16,016,996 46	
June 30, 1850	63,452,773 55	390,914 86	
June 30, 1851	68,304,796 02	4,852,022 47	
June 30, 1852	66,199,341 71		2,105,454 31
June 30, 1853	59,803,117 70		6,396,224 01
June 30, 1854	42,242,222 42		17,560,895 28
June 30, 1855	35,586,956 56		6,655,265 86
June 30, 1856	31,972,537 90		3,614,418 66
June 30, 1857	28,699,831 85		3,272,706 05
June 30, 1858	44,911,881 03	16,212,049 18	
June 30, 1859	58,496,837 88	13,584,956 85	
June 30, 1860	64,842,287 88	6,345,450 00	
June 30, 1861	90,580,873 72	25,738,585 84	
June 30, 1862	524,176,412 13	433,595,538 41	
June 30, 1863	1,119,772,138 63	595,595,726 50	
June 30, 1864	1,815,784,370 57	696,012,231 94	
June 30, 1865	2,680,647,869 74	864,863,499 17	
June 30, 1866	2,773,236,173 69	92,588,303 95	
June 30, 1867	2,678,126,103 87		95,110,069 82
June 30, 1868	2,611,687,851 19		66,438,252 68
June 30, 1869	2,588,453,213 94		23,234,637 25
June 30, 1870	2,480,672,427 81		107,780,786 13
Increase		2,836,894,734 21	356,222,306 40
Decrease		356,222,306 40	
Outstanding		2,480,672,427 81	

*The item of "interest on old debt" is not included in the outstanding in the "receipts and expenditures" account until 1837.

Old unfunded debt $27,437.96, old Treasury notes $5,755, and Mississippi stock $4,320.09	$37,513 05
Unclaimed interest and principal of old debt	253,576 00
Total	291,089 05

Statement of the increase or decrease of the public debt in each year from 1836 to 1871, inclusive, from the issue and redemption account.

	Outstanding debt.	Increase.	Decrease.
January 1, 1836		*$291,089 05	
January 1, 1837	$1,878,223 55	1,587,134 50	
January 1, 1838	4,857,660 46	2,979,436 91	
January 1, 1839	11,983,737 53	7,126,077 07	
January 1, 1840	5,125,077 63		$6,858,659 90
January 1, 1841	6,737,398 00	1,612,320 37	
January 1, 1842	15,028,486 37	8,291,088 37	
January 1, 1843	26,898,953 33	11,870,466 96	
July 1, 1843	27,203,450 69	304,497 36	
July 1, 1844	24,748,188 23		2,455,262 46
July 1, 1845	17,093,794 80		7,654,393 43
July 1, 1846	16,750,926 33		342,868 47
July 1, 1847	38,956,623 38	22,205,697 05	
July 1, 1848	48,526,379 74	9,569,756 36	
July 1, 1849	64,704,693 71	16,178,313 97	
July 1, 1850	64,228,238 37		476,455 34
July 1, 1851	62,560,395 26		1,667,843 11
July 1, 1852	65,131,692 13	2,571,296 87	
July 1, 1853	67,340,628 78	2,208,936 65	
July 1, 1854	47,242,206 05		20,098,422 73
July 1, 1855	39,969,731 05		7,272,475 00
July 1, 1856	30,963,909 64		9,005,821 41
July 1, 1857	29,060,386 90		1,903,522 74
July 1, 1858	44,910,777 66	15,850,390 76	
July 1, 1859	58,754,699 33	13,843,921 67	
July 1, 1860	64,769,703 08	6,015,003 75	
July 1, 1861	90,867,828 68	26,098,125 60	
July 1, 1862	514,211,371 92	423,343,543 24	
July 1, 1863	1,098,793,181 37	584,581,809 45	
July 1, 1864	1,740,690,489 49	641,897,308 12	
July 1, 1865	2,682,593,026 53	941,902,537 04	

Statement of the increase or decrease of the public debt—Continued.

	Outstanding debt.	Increase.	Decrease.
July 1, 1866	$2,783,425,879 21	$100,832,852 68	
July 1, 1867	2,692,199,215 12		$91,226,664 09
July 1, 1868	2,636,320,964 67		55,878,250 45
July 1, 1869	*2,597,722,983 37		38,597,981 30
July 1, 1870	*2,480,246,027 81		117,476,955 54
Total		2,841,161,603 80	360,915,575 97
Decrease		360,915,575 97	
Outstanding		2,480,246,027 83	

*In the Register's report for 1869 the outsanding public debt was published as		$2,489,002,480 58	
Which is the amount of the public debt less cash and sinking fund in the Treasury, to which should be added the amount of cash and sinking fund	$156,167,813 58		
Less accrued interest	47,447,310 79		
		108,720,502 79	
			$2,597,722,983 37
*In the same report for 1870 the outstanding public debt was published as		2,386,358,599 74	
To which should be added the amount of cash and sinking fund	144,494,984 61		
Less accrued interest	50,607,556 52		
		93,837,428 09	
			2,480,246,027 83
Outstanding as shown by the receipts and expenditure account			2,480,672,427 81
Outstanding as shown by the issue and redemption account			2,480,246,027 83
Difference			426,399 98

This difference or apparent increase of the debt as shown in the finance report for 1870 consists of the following items:

Amount of the bonds purchased for the sinking and special funds prior to July 1, 1870, but not received and paid for prior to the passage of the act of July 14, 1870, and consequently not deducted from the outstanding public debt on July 1, 1870, on "receipts and expenditures" account		$3,689,100 00
(See note 14, finance report, 1871, page 7.)		
Amounts not included in the "issues and redemptions" account, but included in the "receipts and expenditures" account:		
Old debt, $57,665; interest, $64,164.81	121,829 81	
Mexican indemnity	1,104 91	
Bounty land-scrip	3,975 00	
(See note 10, finance report for 1871, page 7.)		
Amount advanced to the Treasurer to pay interest on certificates of indebtedness, used to redeem principal, thus making a difference between the two accounts of	21,435 52	
Amount of Treasury notes of 1857, checked off on the loan-books in excess of redemptions	5,100 00	
(See note 6, finance report for 1871, page 7.)		
Amount of loan of 1848 redeemed and twice deducted on loan-books	800 00	
(See note 9, finance report for 1871, page 7.)		
"In the examination of the account of the Texan indemnity loan, it was discovered that $30.62 had been covered as principal which should have been covered as interest, also that $17,080 was covered as principal which should have been covered as premium"	17,110 62	
(See note 7, finance report for 1871, page 7.)		
"In the quarter ending September 30, 1868, $150.22 was covered to the credit of principal of the loan of 1863, which should have been covered as premium"	150 22	
(See note 3, finance report for 1871, page 7.)		
Miscellaneous covering-warrant No. 459, of December 20, 1865, covered as receipts from principal of 5.20 loan of 1865, $995,247, which should have been covered as premium	995,247 00	
Making a total discrepancy of		$4,855,843 08
From which deduct the following items:		
Purloined Treasury notes redeemed under the first section of the act of August 10, 1846, charged on "receipts and expenditures" account to this loan, being equivalent to a duplicate issue, should be excluded altogether	23,289 86	
Lost note of 1860 redeemed on bond of indemnity, and again redeemed when the note was presented by the holder	500 00	
Amount of certain 7.30 notes of 1861 returned by the Treasurer as not issued, and canceled, as shown by the Register's books	$45,000 00	
Amount of old demand and legal-tender notes stolen from the Treasury after the Treasurer had received credit for their redemption, and again put in circulation. These amounts were recovered, but, instead of being deposited as debits to the loans, were covered as miscellaneous receipts:		
Old demand notes	18,000 00	
Legal-tenders	5,996 06	
(The actual amount recovered on account of legal-tenders was $6,000, $3.94 in excess of the amount necessary to make the account good.)		
An examination of the loans of one and two year notes of 1863 shows that the amount outstanding is $140 less than shown by the "issues and redemptions" account	140 00	
Amount of compound-interest notes lost at sea in the steamship Republic, paid to Ober, Nanson & Co. per act of February 22, 1867	59,500 00	
(See note 11, finance report of 1871, page 7.)		
Discount on fifty-million loan of July and August, 1861, only the net amount of receipts from this loan being covered into the Treasury. The actual discount at which this note was negotiated was $5,338,768.09, but the receipts were increased by $1,134,168.71 accrued interest	4,204,599 38	
Discount on loan of 1842	42,417 80	
Amount of bonds of the loan of June, 1864, issued to the Plainfield Bank of New Jersey, in lieu of same amount stolen before delivery to the bank	30,000 00	
		$4,429,443 10
Difference explained		426,399 98

I will also present to the Senate in this connection and with the design that the two may be printed in the RECORD the debt statement as prepared by Secretary McCulloch on the 1st day of March, 1869, and also the debt statement that was subsequently prepared in a more detailed form, showing the changes that were made in the debt statement under my administration, of which complaint has been made, and showing also that when the difference is taken into account in regard to the Pacific railroad bonds and charging the earned interest to the debt they are precisely the same:

Statement of the public debt of the United States on the 1st of March, 1869.

Debt bearing coin interest.		
Five per cent. bonds	$221,529,300 00	
Six per cent. bonds, 1881	283,677,400 00	
Six per cent. 5.20 bonds	1,602,587,350 00	
		$2,107,854,050 00
Debt bearing currency interest.		
Certificates at 3 per cent	57,140,000 00	
Navy pension fund, at 3 per cent	14,000,000 00	
		71,140,000 00
Matured debt not presented for payment.		
Three-year 7.30 notes, due August 15, 1867, and June and July, 1868	1,816,350 00	
Compound-interest notes, matured June 10, July 15, August 15, October 15, December 15, 1867, May 15, August 1, September 1 and 15, and October 1 and 16, 1868	3,422,460 00	
Bonds, Texas indemnity	256,000 00	
Treasury notes, acts July 17, 1861, and prior thereto	148,411 64	
Bonds, April 15, 1842, January 28, 1847, and March 31, 1848	202,800 00	
Treasury notes, March 3, 1863	375,432 09	
Temporary loan	189,010 00	
Certificates of indebtedness	12,060 00	
		6,422,463 64
Debt bearing no interest.		
United States notes	356,021,073 00	
Fractional currency	36,781,547 50	
Gold certificates of deposit	28,775,500 00	
		421,578,180 50
		2,606,994,694 14
Six per cent. (lawful money) bonds, issued to Pacific Railroad Companies		53,937,000 00
Total debt		2,660,931,694 14
Amount in Treasury, coin	98,741,260 72	
Amount in Treasury, currency	16,853,529 04	
		115,594,789 76
Amount of debt, less cash in Treasury		2,545,336,904 38

The foregoing is a correct statement of the public debt, as appears from the books and Treasurer's returns in the Department on 1st of March, 1869.

HUGH McCULLOCH,
Secretary of the Treasury.

Statement of the public debt of the United States on the 1st day of March, 1869.

DEBT BEARING INTEREST IN LAWFUL MONEY.

Authorizing acts.	Character of issue.	Rate of interest.	Amount outstanding.	When redeemable or payable.	Accrued interest.	When payable.
March 2, 1867, and July 2, 1868	Certificates	3 per cent.	$57,140,000 00	On demand, (interest estimated for 7 months)	$714,250 00	Annually or on redemption of certificate.
July 23, 1868	Navy Pension fund	3 per cent.	14,000,000 00	Interest only applicable to payment of pensions	70,000 00	January and July.
Aggregate of debt bearing interest in lawful money			71,140,000 00		784,250 00	

Statement of the public debt of the United States on the 1st day of March, 1869—Continued.

DEBT BEARING COIN INTEREST.

Authorizing acts.	Character of issue.	Rate of interest.	Amount outstanding.	When redeemable or payable.	Accrued interest.	When payable.
June 14, 1858	Bonds	5 per cent	$20,000,000 00	Payable after 15 years from January 1, 1859	$166,666 67	January and July.
June 22, 1860	Bonds	5 per cent	7,022,000 00	Payable after 10 years from January 1, 1861	58,516 67	January and July.
February 8, 1861	Bonds, 1881	6 per cent	18,415,000 00	Payable after December 31, 1880	184,150 00	January and July.
March 2, 1861	Bonds, (Oregon war,) 1881	6 per cent	945,000 00	Redeemable 20 years from July 1, 1861	9,450 00	January and July.
July 17 and August 5, 1861.	Bonds, 1881	6 per cent	189,317,400 00	Payable at pleasure of Government after 20 years from June 30, 1861.	1,893,174 00	January and July.
February 25, 1862	Bonds, (5-20's)	6 per cent	514,771,600 00	Redeemable after 5 and payable 20 years from May 1, 1862.	10,295,432 00	May and November.
March 3, 1863	Bonds, 1881	6 per cent	75,000,000 00	Payable after June 30, 1881	750,000 00	January and July.
March 3, 1864	Bonds, (10-40's)	5 per cent	194,567,300 00	Redeemable after 10 and payable 40 years from March 1, 1864.	4,864,182 50	March and September.
March 3, 1864	Bonds, (5-20's)	6 per cent	3,882,500 00	Redeemable after 5 and payable 20 years from November 1, 1864.	77,650 00	May and November.
June 30, 1864	Bonds, (5-20's)	6 per cent	125,561,300 00	Redeemable after 5 and payable 20 years from November 1, 1864.	2,511,226 00	May and November.
March 3, 1865	Bonds, (5-20's)	6 per cent	203,327,250 00	Redeemable after 5 and payable 20 years from November 1, 1865.	4,066,545 00	May and November.
March 3, 1865	Bonds, (5-20's)	6 per cent	332,998,950 00	Redeemable after 5 and payable 20 years from July 1, 1865.	3,329,989 50	January and July.
March 3, 1865	Bonds, (5-20's)	6 per cent	379,506,400 00	Redeemable after 5 and payable 20 years from July 1, 1867.	3,795,064 00	January and July.
March 3, 1865	Bonds, (5-20's)	6 per cent	42,539,350 00	Redeemable after 5 and payable 20 years from July 1, 1868.	425,393 50	January and July.
Aggregate of debt bearing coin interest			2,107,854,050 00		32,427,439 84	

DEBT ON WHICH INTEREST HAS CEASED SINCE MATURITY.

April 15, 1842	Bonds	6 per cent	$6,000 00	Matured December 31, 1862	$360 00	
January 28, 1847	Bonds	6 per cent	58,850 00	Matured December 31, 1867	3,531 00	
March 31, 1848	Bonds	6 per cent	137,950 00	Matured July 1, 1868, (9 months' interest	4,828 25	
September 9, 1850	Bonds, (Texas indemnity)	5 per cent	256,000 00	Matured December 31, 1864	12,800 00	
Prior to 1857	Treasury notes	1 mill to 6 per ct	104,511 64	Matured at various dates	3,135 35	
December 23, 1857	Treasury notes	5 to 5½ per cent	2,400 00	Matured March 1, 1859	120 00	
December 17, 1860	Treasury notes	6 to 12 per cent	500 00	Matured January, February, and March, 1862	30 00	
March 2, 1861	Treasury notes	6 per cent	3,450 00	Matured April and May, 1863	207 00	
July 17, 1867	Treasury notes, (3 years)	7 3-10 per cent	37,550 00	Matured August 19 and October 1, 1864	2,816 25	
March 3, 1863	Treasury notes, (1 and 2 years)	5 per cent	375,432 00	Matured from January 7 to April 1, 1866	18,771 60	
March 3, 1863	Certificates of indebtedness	6 per cent	12,000 00	Matured at various dates in 1866	720 00	
March 3, 1863, and June 30, 1864	Compound interest notes	6 per cent	3,422,460 03	Matured June 10, 1867, and October 16, 1868	663,957 24	
June 30, 1864	Temporary loan	4, 5, and 6 per ct	189,010 00	Matured October 15, 1866	7,795 55	
June 30, 1864, and March 3, 1865	Treasury notes, (3 years)	7 3-10 per cent	1,816,350 00	Matured August 15, 1867, and July 15, 1868	132,593 55	
Aggregate of debt on which interest has ceased since maturity			6,422,463 64		851,665 79	

DEBT BEARING NO INTEREST.

July 17, 1861. February 12, 1862.	Demand notes	No interest	$126,213 75			
February 25, 1862. July 11, 1862. March 3, 1863.	U. S. legal-tender notes	No interest	355,894,859 25			
July 17, 1862	Postal currency	No interest	36,781,547 50			
March 3, 1863. June 30, 1864.	Fractional currency	No interest				
March 3, 1863	Certificates for gold deposited	No interest	28,775,560 00			
Aggregate of debt bearing no interest			421,578,180 50			

Bonds issued to the Union Pacific Railroad Company and branches, interest payable in lawful money.

[Interest at the rate of 6 per cent.; bonds payable in thirty years from date.]

Authorizing acts.	Character of issue.	Amount outstanding.	Interest payable.	Interest accrued and not yet paid.	Interest paid by United States.	Interest repaid by transportation of mails, &c.	Balance of interest due United States.
July 1, 1862, and July 2, 1864	Bonds, (Union Pacific Co)	$25,998,000 00	Jan. 1 and July 1	$259,980 00	$1,313,765 52	$719,236 87	$854,508 65
July 1, 1862, and July 2, 1864	Bonds, (Union Pacific, Eastern Division.)	6,303,000 00	Jan. 1 and July 1	63,030 00	645,723 09	413,458 02	295,295 07
July 1, 1862, and July 2, 1864	Bonds, (Sioux City and Pacific.)	1,112,000 00	Jan. 1 and July 1	11,120 00	52,963 76	16 27	64,067 49
July 1, 1862, and July 2, 1864	Bonds, (Central Pacific)	2,362,000 00	Jan. 16 and July 16.	17,715 00	517,956 83	46,158 10	1,236,585 49
		16,242,000 00	Jan. 1 and July 1	162,342 00	584,829 76		
July 1, 1862, and July 2, 1864	Bonds, (Central Branch Union Pacific, assignees of Atchison and Pike's Peak.)	1,600,000 00	Jan. 1 and July 1	16,000 00	157,808 26		173,808 26
July 1, 1862, and July 2, 1864	Bonds, (Western Pacific)	320,000 00	Jan. 1 and July 1	3,200 00	37,006 03		40,206 03
Total issued		53,937,000 00		533,287 00	3,310,053 25	1,178,869 26	2,664,470 99

Recapitulation of the public debt of the United States on the 1st day of March, 1869.

	Amount outstanding.	Total amount outstanding.	Interest.	Total.
Debt bearing interest in coin, namely:				
Bonds at 5 per cent., issued before March 3, 1864	$27,022,000 00			
Bonds at 5 per cent., (ten-forties,) issued under act of March 3, 1864	194,567,300 00			
Bonds of 1881, at 6 per cent	283,677,400 00			
Five-twenty bonds at 6 per cent	1,602,587,350 00			
		$2,107,854,050 00	$32,427,439 84	
Debt bearing interest in lawful money, namely:				
Certificates, 3 per cent. interest	57,140,000 00			
Navy pension fund, 3 per cent. interest	14,000,000 00			
		71,140,000 00	784,250 00	
Debt bearing no interest, namely:				
Demand and legal-tender notes	356,021,073 00			
Postal and fractional currency	36,781,547 50			
Certificates of gold deposited	28,775,560 00			
		421,578,180 50		
Debt on which interest has ceased since maturity		6,422,463 64	851,665 79	
Total debt—Principal outstanding		2,606,994,694 14		
Interest accrued			34,063,355 63	
Total debt—Principal and interest				$2,641,058,049 77
Amount in Treasury—Coin belonging to Government			$69,965,700 72	
Coin, for which certificates of deposit are outstanding			28,775,560 00	
Currency			16,853,529 04	
				115,591,789 76
Amount of public debt, less cash in Treasury				2,525,463,260 01

The foregoing is a correct statement of the public debt, as appears from the books and Treasurer's returns in the Department, on the 1st of July, 1869.

GEORGE S. BOUTWELL, *Secretary of the Treasury.*

I will also take this occasion to call attention to another matter which has been the subject of discussion here and which was referred to particularly last evening by the honorable Senator from Pennsylvania, [Mr. WALLACE.] The honorable Senator from Indiana [Mr. MCDONALD] this morning called the attention of the Senate to the circumstance that in 1868, when the national republican party met in convention, a resolution was passed declaring that there were corruptions in the Government which had been nursed by Andrew Johnson, and that we promised, if power were confided to us again, that we would make some reform. He also said that we proposed this year to do the same thing. I have in my hands a communication from the Secretary of the Treasury in reply to a letter which I addressed to him. I will ask the Clerk to read the letter, because I wish to establish the fact that the Secretary of the Treasury is responsible for the paper which I propose to lay before the Senate.

The Secretary read as follows:

TREASURY DEPARTMENT, *August* 10, 1876.

SIR: Your letter of above date requesting me to furnish you a statement of the receipts and disbursements of the Government from its organization down to June 30, 1875, exhibiting the amount of defalcations and the ratio of losses per $1,000 to the aggregate receipts and disbursements, arranged as nearly as practicable according to administrations, and also in periods prior and subsequent to June 30, 1861, has been received.

In reply I have the honor to transmit herewith the statement called for.

Very respectfully,

LOT M. MORRILL, *Secretary.*

Mr. BOUTWELL. The statement contains the receipts of the Government each year from its organization arranged by administrations. It shows also the losses per $1,000 on the receipts and the losses per $1,000 on the disbursements for each administration from the organization of the Government to the present time.

TREASURY DEPARTMENT, WASHINTON, D. C., *August* 10, 1876.

Statement showing the receipts and disbursements of the Government from its organization to June 30, 1875; exhibiting also the amount of defalcations and the ratio of such losses per $1,000 to the aggregate received and disbursed, arranged as nearly as practicable in periods of Administrations, and also in the periods prior and subsequent to June 30, 1861; prepared under the direction of the Secretary of the Treasury.

RECEIPTS, LOSSES, AND RATIO OF LOSSES PER $1,000 TO AGGREGATE OF RECEIPTS.

Administration.	Period of service.	Customs.			All other sources.*		
		Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.
	Yrs.						
Washington, George	8	$36,605,014 63	$204,528 19	$5 58	$19,843,706 69	$6,023 61	$0 30
Adams, John	4	33,548,222 90	42,249 60	1 25	12,537,195 50		
Jefferson, Thomas	8	101,086,982 70	271,669 36	2 68	7,151,934 84	15,520 75	2 18
Madison, James	8	119,951,870 49	217,042 29	1 80	146,294,644 29	77,933 00	53
Monroe, James	8	140,125,287 60	227,432 45	1 62	38,524,676 84	402,514 37	10 44
Adams, John Q	4	88,941,104 61	222,103 18	2 49	8,876,950 17	110,849 92	12 48
Jackson, Andrew	8	173,830,077 97	1,215,304 45	6 99	81,352,697 19	197,083 17	2 42
Van Buren, Martin	4	67,283,444 08	204,502 94	3 03	62,665,104 83	127,825 40	2 03
Harrison, William Henry	4	78,946,436 31	254,939 03	3 22	37,789,568 56	175,042 36	4 63
Tyler, John							
Polk, James K	4	110,564,342 31	7,719 11	06	91,293,166 14	10,390 87	11
Taylor, Zachary	4	194,257,446 48	215,749 08	1 10	16,951,166 43	60,521 50	3 57
Fillmore, Millard							
Pierce, Franklin	4	245,148,753 03	131,277 05	53	37,031,076 53	81,724 73	2 20
Buchanan, James	4	184,125,082 85	38,776 03	21	128,234,596 71	155,227 80	1 21
Lincoln, Abraham	4	305,360,453 61	31,261 99	10	4,365,099,684 00	477,331 61	10
Johnson, Andrew	4	699,977,488 65	254,498 55	36	3,342,338,949 81	2,308,223 35	69
Grant, Ulysses S	6	1,125,540,148 00	24,342 43	02	2,871,328,335 84	1,252,540 17	43
		3,704,992,156 22	3,623,395 73	97	11,267,313,514 37	5,458,722 61	48
Prior to June 30, 1861		1,575,114,065 96	3,313,292 76	2 10	688,546,544 72	1,420,727 48	2 06
From July 1, 1861, to June 30, 1875		2,130,878,090 26	310,102 97	14	10,578,766,969 65	4,037,995 13	38

*Includes internal revenue, direct tax, public lands, miscellaneous, dividends, interest, premiums, and receipts from loans and treasury notes.

Statement showing the receipts and disbursements of the Government from its organization to June 30, 1875—Continued.

RECEIPTS, LOSSES, AND RATIO OF LOSSES PER $1,000 TO AGGREGATE OF RECEIPTS—Continued.

Administration.	Total.			Post-office.†		
	Receipts.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
Washington, George	$56,448,721 39	$210,551 80	$3 72	$684,960 00	$1,920 73	$2 80
Adams, John	46,085,418 40	42,249 60	91	836,267 00	2,211 43	2 64
Jefferson, Thomas	108,238,977 54	287,960 11	2 65	3,147,447 00	12,373 13	3 93
Madison, James	166,246,514 78	294,975 29	1 10	5,412,429 00	41,238 14	7 61
Monroe, James	178,649,964 44	629,946 82	3 52	9,240,531 00	107,304 77	11 61
Adams, John Q	97,818,054 78	332,953 10	3 40	6,406,022 00	38,591 35	6 02
Jackson, Andrew	255,182,775 16	1,412,384 62	5 53	21,352,923 18	42,487 51	1 98
Van Buren, Martin	129,948,548 91	392,328 34	3 01	18,284,961 77	51,809 86	2 83
Harrison, William Henry Tyler John	116,736,004 87	439,981 39	3 68	18,666,750 20	2,679 46	14
Polk, James K	201,857,508 45	18,109 98	08	16,861,478 41	2,571 24	15
Taylor, Zachary Fillmore, Millard	211,908,612 91	276,270 58	1 30	26,582,570 74	52,946 20	1 99
Pierce, Franklin	282,179,829 56	213,001 78	75	40,439,110 70	280,126 05	6 92
Buchanan, James	312,359,679 56	194,003 83	62	56,957,922 74	172,278 46	3 02
Lincoln, Abraham	4,670,460,137 61	508,493 60	10	48,779,085 45	93,467 63	1 91
Johnson, Andrew	4,042,316,438 46	2,502,721 90	63	81,016,286 91	167,236 74	2 06
Grant, Ulysses S	3,996,868,483 84	1,276,882 60	31	169,869,803 72	152,768 23	89
	14,973,305,670 59	9,082,118 34	60	524,558,549 82	1,222,012 93	2 32
Prior to June 30, 1861	2,263,660,610 68	4,734,020 24	1 09	224,873,373 74	808,540 33	3 59
From July 1, 1861, to June 30, 1875	12,709,745,059 91	4,348,098 10	34	299,665,176 08	413,472 60	1 37

† Collects and disburses its own revenues.

DISBURSEMENTS, LOSSES, AND RATIO OF LOSS PER $1,000 TO AGGREGATE DISBURSEMENTS.

Administration.	Period of service.	War, Navy, Pensions, and Indians.			Miscellaneous.		
		Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
	Yrs.						
Washington, George	8	$12,401,544 51	$3,722 40	$0 30	$43,025,277 77	$34,775 33	$0 80
Adams, John	4	18,893,618 72	24,419 16	1 29	24,918,307 72	166,531 68	6 68
Jefferson, Thomas	8	27,041,493 66	235,735 61	8 71	80,644,818 10	68,098 94	84
Madison, James	8	135,228,344 34	1,642,167 64	12 14	119,876,761 74	213,279 09	1 77
Monroe, James	8	74,787,221 28	1,767,506 57	23 63	113,650,558 21	725,029 04	6 37
Adams, John Q	4	39,580,722 11	222,423 02	5 61	57,683,278 31	291,406 58	5 05
Jackson, Andrew	8	129,858,963 93	923,217 18	7 10	93,687,085 48	1,383,019 56	14 76
Van Buren, Martin	4	85,310,491 15	414,297 37	4 85	51,783,947 19	2,485,356 47	47 99
Harrison, William Henry Tyler, John	4	56,698,040 36	194,790 18	2 20	52,559,360 88	1,008,452 22	19 18
Polk, James K	4	133,247,948 61	945,907 38	7 09	71,946,751 96	766,262 44	10 65
Taylor, Zachary Fillmore, Millard	4	96,788,823 66	585,406 94	6 04	97,581,669 48	899,785 74	9 22
Pierce, Franklin	4	129,975,289 73	812,768 53	6 25	155,663,585 92	862,084 11	5 53
Buchanan, James	4	159,856,370 92	1,458,093 56	9 12	168,326,897 47	834,731 96	4 95
Lincoln, Abraham	4	3,064,226,505 86	5,487,741 06	1 79	1,603,231,415 36	1,111,281 85	69
Johnson, Andrew	4	811,869,437 99	809,484 35	99	3,079,706,821 11	1,080,156 82	35
Grant, Ulysses S	6	617,100,119 23	658,339 39	1 06	3,390,758,269 98	758,201 90	22
		5,592,794,936 06	16,116,020 39	2 88	9,205,044,806 68	12,688,453 73	1 37
Prior to June 30, 1861		1,099,598,872 98	9,160,455 59	8 33	1,131,348,300 23	9,738,813 16	8 60
From July 1, 1861, to June 30, 1875		4,493,196,063 08	6,955,564 80	1 54	8,073,696,506 45	2,949,640 57	36

	Total.			Recapitulation.†		
	Disbursements.	Losses.	Loss on $1,000.	Amount involved.	Total losses.	Loss on $1,000.
Washington, George	$55,426,822 28	$38,497 78	$0 69	$112,560,503 60	$250,970 31	$2 22
Adams, John	43,811,926 44	190,950 84	4 35	90,733,611 84	235,411 87	2 59
Jefferson, Thomas	107,686,311 76	303,834 55	2 82	219,072,736 30	603,467 79	2 75
Madison, James	255,105,106 08	1,855,446 73	7 27	526,764,049 86	2,191,660 16	4 16
Monroe, James	188,437,779 49	2,492,535 61	13 22	376,328,274 93	3,229,787 20	8 58
Adams, John Q	97,264,000 42	513,829 60	5 28	201,488,077 20	885,374 05	4 39
Jackson, Andrew	223,346,049 41	2,306,236 74	10 31	500,081,747 75	3,761,111 87	7 52
Van Buren, Martin	137,094,438 34	2,899,653 84	21 15	285,327,949 02	3,343,792 04	11 71
Harrison, William Henry Tyler, John	109,187,401 24	1,133,242 40	10 37	244,590,156 31	1,565,903 25	6 40
Polk, James K	205,194,700 57	1,712,169 82	8 34	423,913,687 43	1,732,851 04	4 08
Taylor, Zachary Fillmore, Millard	194,370,493 14	1,485,192 68	7 64	432,861,676 79	1,814,409 46	4 19
Pierce, Franklin	285,638,875 65	1,674,852 64	5 86	608,257,815 91	2,167,982 47	3 56
Buchanan, James	328,183,268 39	2,292,825 52	6 98	697,500,870 09	2,659,107 81	3 81
Lincoln, Abraham	4,667,457,921 22	6,599,022 91	1 41	9,386,697,144 98	7,200,984 14	76
Johnson, Andrew	3,891,576,259 10	1,889,641 17	48	8,014,908,984 47	4,619,599 81	57
Grant, Ulysses S	4,007,858,389 21	1,416,541 29	35	8,174,596,676 77	2,846,192 12	34
	14,797,839,742 74	28,804,474 12	1 94	30,295,683,963 15	39,108,605 39	1 29
Prior to June 30, 1861	2,230,947,173 21	18,899,268 75	8 47	4,719,481,157 63	24,441,829 32	5 17
From July 1, 1861, to June 30, 1875	12,566,892,569 53	9,905,205 37	78	25,576,202,805 52	14,666,776 07	57

* Includes disbursements on account of public debt, interest, premiums, and all civil expenses, exclusive of Post-Office.
† Including Post-Office and all other amounts collected or disbursed, and the losses thereon.

NOTES TO FOREGOING TABLES.

1. In cases where the accounts of defaulting officers embraced more than one period the losses, unless known to have occurred in other periods, have been charged to the periods in which the accounts were opened in this Department. In cases of defaulting banks, however, for want of other information, the losses have been charged to the periods in which they are reported on the books, though, doubtless, in several instances they actually occurred in previous periods.

2. No deductions have been made for amounts which may be collected hereafter, though a large percentage of the recent losses will doubtless be yet recovered.

3. In preparing this statement the receipts and disbursements since June 30, 1843, have been classified by fiscal years, as in the published official reports; the losses have in all cases been classified by calendar years, it not being practicable to separate the losses occurring in the fractional years of each period; but the periods compared being of the same length, the result is substantially correct.

I call attention to the difference between Johnson's and Grant's administrations to show that the promise which we made to the country in 1868 that things would be better in this respect if we were continued in power has been performed. Of all the immense disbursements of the administration of General Grant's Administration only thirty-four cents on the thousand dollars have been lost to the country.

Mr. WALLACE. Will the Senator from Massachusetts permit me to ask him a question?

Mr. BOUTWELL. Certainly.

Mr. WALLACE. I ask whether these receipts and disbursements of General Grant's term include the manipulations of the public debt? Do they include all the handling of money in the Treasury?

Mr. BOUTWELL. The statement includes all the operations of the Treasury; receipts and expenditures from revenue, public debt, and everything of the kind.

Mr. WALLACE. Does it include all the exchanges of bonds in manipulating the public debt?

Mr. BOUTWELL. Yes, sir; and I may say that in the matter of the exchange of bonds there has never been one dollar lost during General Grant's Administration.

Mr. WALLACE. That is precisely what I want to get at; that these things in which there is no risk are taken into this total.

Mr. BOUTWELL. There is risk. Money comes in. We took at one time $20,000,000 of coin and had it accumulated at one moment. Will you say there is no risk in the receipt and disbursement of such vast sums of money, relying entirely on integrity, because a bond is like "the baseless fabric of a vision" in a case of such magnitude as that?

The honorable Senator from Pennsylvania last evening instituted a comparison between the return of the Treasury Department since 1836 with the statement made by Mr. Woodbury when he was Secretary of the Treasury in 1839, and asked the Senate to believe that the statement made by Mr. Woodbury when he was Secretary of the Treasury, upon a call by the House of Representatives, was more trustworthy than the statement which we now have from the Treasury in regard to the losses during Mr. Van Buren's administration.

Mr. WALLACE. Let me ask the Senator from Massachusetts simply whether the statement now produced concurs with the statement furnished under the resolution of February 19—whether it does not differ in its totals and its results?

Mr. BOUTWELL. I presume not; I do not know about that. It is a statement which the Secretary of the Treasury sends to us. I have only to call attention to the letter which Mr. Woodbury sent to the House of Representatives with the statement to which the Senator from Pennsylvania called the attention of the Senate last evening to show that while there was entire integrity on the part of Mr. Woodbury, because he disclosed the ground on which he proceeded, nevertheless that the statement is of no value to us in our efforts to ascertain the truth in regard to the losses during Mr. Van Buren's administration. In the first place he excludes the losses by "the pet banks;" he excludes losses in the Post-Office Department. Mr. Woodbury in his letter, which is dated December 9, 1839, (which is House of Representatives Executive Document No. 10 of the Twenty-sixth Congress, first session,) says:

> So far, also, as any payments have been made from time to time, and proved or credited, since or before 1837, the original balance has been reduced to the amount rendered proper from that cause. In obtaining correct results as to all the real losses, a further deduction has been made by the accounting officers of such amounts as appear to be well secured by sureties, extents on lands, &c., though not actually paid. After that, a general deduction of about 20 per cent., on an average, has likewise been made from the aggregate in all cases of the old collectors of taxes and internal revenue, and of all disbursing officers connected with the Army and Navy, on account of the more probable loss of vouchers, and on account of informalities, equitable set-offs and allowances, which could not be granted without special legislation, and on account of insolvencies, accidents, deaths, removals to distant States, and of other causes which may probably have prevented the interposition of just defenses and claims.

Mr. EDMUNDS. A very elastic way of getting at a fact.

Mr. BOUTWELL. In submitting that report to the House of Representatives at that time he made statements as to the mode in which the result was reached that deprives it now of all value whatsoever, especially in presence of the fact that we have from the records of the Treasury Department a statement showing exactly how much was realized. The probability is that there was a failure to recover the claims which he estimated were of some value, supported as they were by personal sureties and what he calls extents on lands, the exact nature of which I do not know, but I suppose some sort of execution or process by which something was to be recovered, and after the failure of those, as in most instances there probably was a failure to recover, we have the exact result. Probably if he had lived to this time he would have realized a disappointment.

Mr. DAVIS. Is the Senator through?

Mr. BOUTWELL. Yes, sir.

Mr. GORDON. I suggest that the Senate take a recess until half past seven o'clock.

Mr. DENNIS. I ask the Senator to give way for a motion to go into executive session.

Mr. DAVIS. I believe I have the floor.

The PRESIDENT *pro tempore*. The Senator from West Virginia has the floor.

Mr. DAVIS. I have very little to say; I shall not exceed five minutes, probably, and as the Senator from Massachusetts finished his remarks upon the statement from the Treasury Department made in answer to a resolution offered by me in regard to defaulters, I want to notice that for a moment, and then refer to the public-debt statements.

We find in the statement as made, and as I think unfairly made, the total disbursements from January, 1834, to June 30, 1861, twenty-six years, to be $1,369,977,502. We find from July 1, 1861, to June 30, 1875, fourteen years, they were $12,566,892,569; showing that bonds, and probably the Treasury notes, the greenbacks, and other notes handled in the Department must have been brought into this calculation for the purpose of making the percentage of loss the least. We find that in twenty-six years $1,396,000,000 only were handled, while from 1861 up to 1875, a period of fourteen years, there were $12,500,000,000 handled, and the comparison is drawn and the percentage made on the enormous sum I have just mentioned; showing that in one case there were only brought into the account the actual moneys collected and paid out through disbursing agents, and in the other case there must have been brought in the bonds and other securities that passed through the Department.

But that is not all. According to this statement that the total losses from 1861 to 1875 were nearly $10,000,000, while for the twenty-six years previous they were about $12,000,000, showing that even for the fifteen years the loss is three-fourths as great as the loss of twenty-six years previously.

This statement is made up for a purpose, and that purpose is to show one period as large as it can be got and the other as little as it can be. That is the long and short of it.

Now as to the public debt. I should like to have the attention of the Senator from Massachusetts. I should be glad to ask him who made the table just presented by him?

Mr. BOUTWELL. It comes here under the authority of the Secretary of the Treasury. If the Senator wishes to know what clerk prepared it——

Mr. DAVIS. O, no; my question was to ascertain whether it was made by request from the Senator from Massachusetts to the Treasury Department.

Mr. BOUTWELL. O, yes, I will say that I understood it was made or nearly made before I made the request. It was commenced and perhaps nearly completed before I made the request.

Mr. DAVIS. I am not calling in question why it was made. The object of the question is to know whether it comes officially.

Mr. BOUTWELL. The letter of the Secretary was read in the presence of the Senate, sending it to me. It is not official to the Senate perhaps, but it is an official table.

Mr. DAVIS. The table has been ordered to be printed in the RECORD, and of course we shall all see it. I cannot analyze it without seeing it; but I take it for granted that it is made in the line of the report of the Finance Committee as to the explanation of the increase of the public debt. Any Senator who will examine will find the theory they worked on in that particular cannot sustain itself. Take the year previous to the remodeling of the debt in the Treasury Department and you find about $90,000,000 of an increase from the year it was reported. In other words, in 1869 the Secretary of the Treasury reported the debt in round numbers at $2,400,000,000, and the next year that amount was changed and made about $90,000,000 more. This system of subtraction from one year and adding to another cannot explain any one year with itself. It may explain a series of years on a certain theory, but cannot explain a single year; and if a single year cannot be explained on its own basis——

Mr. EATON. I desire to say to the Senator from Ohio, as I see him now present, that I hope he will not leave the floor. I have a word to say to him.

Mr. DAVIS. It cannot explain itself. For instance, in the year 1862 you find that the public debt was stated in round numbers at $514,000,000. It stood at $514,000,000 from that time up to 1870, and in 1870 when the debt statement was remodeled and restated and then it was made $524,000,000, making a difference of about $10,000,000. Now the theory started to subtract one year from another will not explain that, cannot explain it.

But there is another important item in all this explanation concerning the debt and expenditures and receipts. All the explanations that have been made have gone to the public debt. It is well known to all the Senators that in the remarks I submitted to the Senate I referred to expenditures and receipts that had stood upon the

annual reports to Congress, some of them as much as thirty years, and at the expiration of that time, or in 1870, they were restated, and in some cases made larger and in some cases made smaller; but in the aggregate there was a considerable increase as to expenditures. As to the receipts they were made smaller in some cases, larger in others; but when you come to the aggregate amount they were made considerably less. The explanation, as I understand from the Senator from Massachusetts, in the paper that is presented goes only to the public debt.

Mr. GORDON. Will my friend allow me to make a motion?

Mr. DAVIS. I will hear the purpose.

Mr. GORDON. I move that at half past five o'clock we take a recess until eight o'clock, and then re-assemble for debate only. There are a number of gentlemen who are anxious to speak, and I am very anxious to go home.

Mr. EDMUNDS. That is adopting too popular manners altogether.

Mr. GORDON. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate take a recess from half past five to eight o'clock.

Mr. EDMUNDS. Does not that change the rules about debate only?

Several SENATORS. Say half past seven.

Mr. GORDON. I will modify it to half past seven.

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate take a recess from half past five to half past seven.

Mr. RANDOLPH. I understood the Senator from Georgia to propose that we meet for debate only.

The PRESIDENT *pro tempore*. That would require unanimous consent.

Mr. BAYARD. I hope the hour will be eight o'clock.

Mr. GORDON. I am willing to modify it to eight o'clock.

Mr. ANTHONY. If it is understood that there are to be no votes taken, the earlier we meet the better.

Mr. EDMUNDS. There is no such understanding. I do not believe in adopting the manners of the tribunes of the people in this body exactly. If we are going to sit let us sit for business, which includes debate. I think we had better hold on now. We shall finish this presently.

The PRESIDENT *pro tempore*. The motion is to take a recess from half past five to half past seven o'clock.

The motion was not agreed to.

Mr. DAVIS. When the statement presented by the Senator from Massachusetts is printed I shall as a matter of course have some remarks to submit upon it; but as to the statement about defaulters a good deal has been said of that and it has been ordered to be printed in the RECORD. Do I understand the Senator from Massachusetts has adopted that as being correct and coming from himself?

Mr. BOUTWELL. It comes from the Treasury Department. The Secretary of the Treasury sends it to me and I present it. My indorsement of that would not be worth much.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 561) for the relief of Major Junius T. Turner.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message further announced that the House insisted on its amendments to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. M. WADDELL of North Carolina, Mr. J. K. LUTTRELL of California, and Mr. J. A. GARFIELD of Ohio managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenses of the Government;" in which it requested the concurrence of the Senate.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. WINDOM. I ask consent to call up the bill just passed by the House extending the existing appropriations, for three days, I think.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenses of the Government," and it was read. It continues and extends in full force and effect until and including the 14th day of August, 1876, the provisions of the act named.

Mr. EDMUNDS. Four days.

By unanimous consent the bill was read three times, and passed.

BILLS RECOMMITTED.

Mr. SARGENT. Some time since the Committee on Naval Affairs reported a bill (S. No. 932) for the relief of David De Haven. The committee supposed that the facts justified the report. They have some reason to doubt that now, and have instructed me to ask that it be recommitted. I make that motion.

The motion was agreed to.

Mr. COCKRELL. On the 8th instant, at the instance of the chairman of the Committee on Military Affairs, the bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia, was reported adversely and the bill indefinitely postponed. I ask that that vote may be reconsidered and the bill recommitted to the Committee on Military Affairs. I have spoken to the chairman of the committee. It was reported in my absence.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

THE HAMBURGH RIOTS.

The Senate resumed the consideration of the resolution to print 10,000 extra copies of the President's message and accompanying document in relation to the late massacre at Hamburgh, South Carolina.

Mr. EATON. In his letter of acceptance the democratic candidate for the Presidency stated that for the last eleven years the Federal taxes amounted to $4,500,000,000. That was questioned by the Senator from Ohio, [Mr. SHERMAN,] who said it was incorrect, and he read certain figures or showed a table. I remember distinctly having a conversation with Mr. Tilden some six months ago when this question arose, and the same remark was made to me then that is made in his letter of acceptance now; and now I assert from the tables I have here—the fiscal year 1876 is not yet ended—that he is within the truth; that for the eleven past years the people have been taxed $4,607,574,202.23, and "figures do not lie," as the honorable Senator from Vermont [Mr. EDMUNDS] informs us. They do not lie; they are here unless they come from the Treasury Department false.

Mr. SHERMAN. What is the table?

Mr. EATON. I assert it from the same table that the Senator from Ohio used. Of course, I take in that, as Mr. Tilden did, not 1876 but 1865, as one of the eleven years. The year 1876 is not ended and therefore the candidate is entirely right and entirely honorable.

Mr. SHERMAN. You include the last year of the war.

Mr. EATON. No matter; those were taxes that the Government took from the people and the people paid. That is the question.

Mr. EDMUNDS. Will my friend allow me to make a suggestion to him?

Mr. EATON. I will, with pleasure.

Mr. EDMUNDS. I think the Senator is right in supporting Tilden, and in including the last year of the war, because he was very much opposed to it, and it ought to be left out.

Mr. EATON. I am very much obliged to the honorable Senator from Vermont for interjecting something here in regard to Mr. Tilden's opposition to the war, it has so much to do with the question.

Mr. EDMUNDS. It has a good deal to do with it.

Mr. EATON. A great deal to do with it, and Senators who cannot look beyond that one single thing cannot go into a question of figures, I am afraid, correctly.

Now, the candidate of the democratic party is within the truth, as generally democratic statements are within the truth; but it is $100,000,000 more than he says in his letter of acceptance. Let that go on the record. I ventured to suggest to the honorable Senator from Ohio not in the same words, because I do not use so many—he did not give me time—that Mr. Tilden's figures were more apt to be correct than his, whereupon the Senator from Ohio indulged in language in the highest degree unparliamentary and exceedingly offensive to me personally. I will not go so far as to say that it was insulting, but it came as near it as language ought to come on the floor of the Senate. This is not the place to use language of that character; it is not the arena for it. He ventured to use language and put it upon record. I do not object to it if he desires it to go there, but I desire to say here that it is not the language that one Senator should use to another; it is unparliamentary; it is offensive. I know he said afterward that he used it kindly. It is a sort of kindness that I do not fancy.

Mr. SHERMAN. I should like the Senator to tell us what he reads from in support of this statement as to $4,600,000,000. I have the table before me.

Mr. EATON. I thought I said to the Senator that I excluded the year 1876, which has come in since Mr. Tilden's letter was written, and took the year previous, and I assert that the amount is more than $4,500,000,000.

Mr. SHERMAN. I hope my friend will still retain the floor, because I think I can convince him that he is in error. Here are two tables; one is receipts and the other expenditures. The allegation contained in the democratic platform applies only to the taxes levied upon the people of the United States; it does not apply to the expenditures of the people's money. A large portion of the money included in the $1,297,000,000, the cost of the last year of the war, was derived from loans, United States Treasury notes, bonds, &c., in various forms. All the taxes of every form, description, and kind, all the money that comes into the Treasury, except only from loans, is contained in the table I have in my hand. I will ask the Senator to look at it; I will hand it to him. I do not care whether you commence with the fiscal year 1865, which of course began July 1, 1864,

or the next year, he is grossly in error. The receipts from taxes in the year 1865, commencing on the 1st of July, 1864, were only $333,000,000, while the next year, as soon as the war was over, for the fiscal year 1866 the taxes were $558,000,000. The Senator sees, therefore, that if he takes that year and omits the present he reduces rather than enlarges the figures. I again repeat, as perfectly and conclusively shown by this paper, that the aggregate receipts from all sources except from loans were $4,192,623,801 during the eleven years.

Mr. EATON. And thirty-four cents.

Mr. SHERMAN. And thirty-four cents, and that includes, my friend will see, $167,037,384 of premium on sales of gold. That is not revenue, or if it is it is balanced by the premium paid on bonds, because this was the very process by which we sold gold and bought bonds, both transactions being made on a currency basis. This $167,000,000 is not in the nature of money collected from the people; it is in the nature of a premium on gold, collected from the people it is true, but that was balanced by the premium paid on the purchases of bonds. But including that I again repeat that the revenue from all sources, from internal taxes, from direct taxes, from customs duties, from sales of public lands, from premiums on loans and sales of gold coin, and other miscellaneous items all included, was but $4,192,623,000 for the eleven years, and therefore Governor Tilden was wrong when he stated it at $4,500,000,000, and the Senator was wrong.

Look at the other table which the Senator now brings to support his theory. If he says the expenditures of this Government for eleven years, including the payment of the interest on the debt, pensions, and all that, amount to $4,600,000,000, I may agree with that, because the amount expended in one single year, the last of the prosecution of the war, was $1,297,555,000, or more than one-fourth of the whole aggregate of expenses since that time. Those were expenses and they were paid by loans. But that is not what Governor Tilden says; it is not what the democratic platform says. He says we have collected in the form of tax $4,500,000,000. I say it is not true, and whether you include the year 1864, or 1865, or any other year, or take any eleven years whatever, you may take any eleven years from the beginning of the war to this time commencing at the beginning of the war, and we never collected that aggregate of taxes in eleven years. We have collected more in the last eleven years than we did in the eleven years from the beginning of the war. The largest taxes collected by the Government of the United States in any one year were $558,000,000, which was collected the year after the war was over; the next year it was $490,000,000 when we commenced reducing taxes, but during the war our tax revenues were $41,000,000, $51,000,000, $110,000,000, $264,000,000, and $333,000,000. As a matter of course, during the war our taxation did not yield so much revenue as it did afterward. Taking eleven years of the highest taxation levied on the people of the United States in any form, and the aggregate of that including the premium on gold is only $4,192,000,000.

Mr. BAYARD. May I ask the Senator why is it that he states that the premium upon gold is not to be classed as part of the public revenue? Does not all the gold that comes to the Treasury come from the people? Where does it come from? It comes from the duties on our imports, and the merchants, who are our citizens, who buy that gold, pay for it, and therefore if they pay into the Treasury so much in gold which, when transmuted into our present currency, amounts to $167,000,000 more, certainly that is so much more that goes into the Treasury, because the figures in the Senator's hand are of paper money, and not of gold; and therefore it seems to me very plain that when you ask what has been the burden upon the people and you pay it in paper money and you draw a part of that in gold which they had to pay you in gold, if you estimate their burden you must estimate it in paper, and not in gold.

Mr. SHERMAN. Let me answer the question of the Senator before it gets so long that I shall forget it. He asks me why this premium on gold ought not to be counted. I will say that the way in which the business was conducted was simply a mode of book-keeping. For instance, this gold was used for the purchase of the bonds of the United States. In my judgment—and I criticise the action of Mr. McCulloch, Mr. BOUTWELL, and these other gentlemen with some reluctance—this ought to have been made a direct operation by the use of gold in the purchase of the bonds and this complication of accounts ought never to have arisen. The gold ought to have been used for the purchase of bonds; but they preferred, on the other hand, to sell the gold and then use the greenbacks resulting from that sale in purchasing bonds for which they paid a premium. But admitting that the Senator is correct, still the total amount is only $4,192,000,000, and Governor Tilden is wrong. I do not impute to him any intentional wrong, but he is wrong in his figures.

Mr. BAYARD. May I ask another question growing out of that theory? and I apply for information to the chairman of the Committee on Finance. I observe that that table states net revenue, net expenditures. I ask him whether there is not a large portion of the revenue which is there stated as net on which there was an expense in collection which was borne by the parties that brought the revenue to the Government?

Mr. SHERMAN. I am glad my friend asked me that question. I answered the same question to the Senator from Connecticut, and I now say publicly that every dollar of money from any source whatever that comes to any man for the use of the Government of the United States goes into the Treasury. Formerly it was not so.

Mr. BAYARD. I mean on these tables.

Mr. SHERMAN. What is meant by "net revenue" is revenue derived from other sources than bonds, because the bond account is kept separate from the expenditure account. Formerly the expenses of collecting the customs revenue were paid out of the fund, and only the balance was covered into the Treasury; but that system was abolished many years ago when I first became a member of Congress, and the customs expenses are appropriated for just as any other service. When the internal-revenue service was started the same course was adopted. For one year or I think perhaps two years—the Senator from Massachusetts, who was the first Commissioner, can tell—the expenses of the internal-revenue system were paid out of the receipts; but that was abolished by the second law we passed on the subject of internal revenue, and all the money collected was carried into the Treasury and the expenses paid out in ordinary way of other expenditures. Collectors of internal revenue and the like were paid out of the general revenue.

Mr. BAYARD. What is there termed "net revenue" means in fact gross revenue, irrespective of the sale of bonds?

Mr. SHERMAN. Yes; it means the net revenue except sales of bonds.

Mr. BAYARD. It does not mean "net revenue," but gross revenue except the sales of bonds.

Mr. SHERMAN. That is the fact. I have inquired myself if there is any source of revenue not carried into the Treasury, and it is only the bonds the account of which is kept separately. I believe the Senator will find on inquiry that that is the case. It is necessary to discriminate constantly in this table between expenditures and revenue, because every dollar of money paid out for any service or employment of the United States is paid out of the Treasury, and if the Senator can find any money that is paid from any other source I am certain I will be with him, as it is one of those trust funds that I have been trying always to have covered into the Treasury.

Mr. EATON. Mr. President——

Mr. WINDOM. Will the Senator from Connecticut yield for a motion for a recess?

Mr. EATON. No, I shall be through in a moment.

The Senator from Ohio has doubtless satisfied himself but he has not satisfied me, and his explanation will not satisfy the country. A few words will end this sort of financiering. Let us take his recapitulation of the expense of the Government. It amounts in the eleven years to $4,607,574. What is it made up of? Interest on the public debt. Where did the money come from to pay the interest on the public debt? Out of the pockets of the people and from nowhere else. Neither the Secretary of the Treasury nor the chairman of the Committee on Finance can find any other place to get that money from. What next? Pensions? Where did the money come from to pay the pensions of the Government? Out of the pockets of the people, the tax-payers, and from nowhere else. The expenses of the Indians, which amounted in this term to about $60,000,000, form the next item, and where did that come from I pray you? Out of the pockets of the people. What next? The Navy Department, the War Department, the miscellaneous items. Where, I pray you, did all this money come from? The Senator from Ohio sticks in the bark.

Mr. SHERMAN. I can tell my friend where $950,000,000 of it came from in a single year.

Mr. EATON. Where?

Mr. SHERMAN. The last year of the war we spent $1,297,000,000. We collected in the way of taxes $333,000,000. That makes a difference of about $950,000,000, which we borrowed. It is part of the public debt.

Mr. EATON. But the interest is paid by the people and the money has been paid by the people. Whenever you reduce your debt you reduce it by taxation, and if you pay off part of this $950,000,000 it comes out of the pockets of the people. It is a part of this whole system. When the Senator from Ohio undertakes to say that Mr. Tilden has attempted to deceive the people of the United States, let him look to his own figures and to his Treasury Department. There is no other way to pay the debts of this people except by taxing this people, and if you borrow $500,000,000 to-day and pay it to-morrow, they pay it, because we get the money out of the earnings of the people to pay it; and it will not do to tell me or any other reflecting man that because this money is borrowed to-day and paid to-morrow it is not paid by the earnings of the people. Sir, Samuel J. Tilden was within the figures, as he will always be found to be when he makes statements as to figures.

Mr. HAMILTON. Mr. President——

Mr. WINDOM. The Senator from Texas yields to me to make a motion for a recess until half past seven.

Several SENATORS. Eight o'clock.

Mr. CONKLING. I ask the Senator to say in his motion that only the resolution now before the Senate shall be in order to-night.

Mr. DENNIS. Before the motion is put, will the Senator from Minnesota allow me to move for an executive session?

Mr. CONKLING. Let us have an understanding. I will yield to the Senator from Maryland in a moment. May we have an under-

standing that only the measure now pending shall be in order this evening?

Mr. EDMUNDS. I want to call up a measure, not for action, but so that it will be in order to-morrow.

Mr. WINDOM. I modify my motion at the suggestion of several Senators to eight o'clock.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate take a recess until eight o'clock from this time.

Mr. DENNIS. I ask the Senator to withdraw that to allow me to move an executive session for a few moments.

Mr. WINDOM. I promised to do so.

Mr. EDMUNDS. Let the motion be made to take effect on the termination of the executive session.

Mr. WINDOM. Very well. I will modify the motion to take effect at the conclusion of the executive session.

Mr. CONKLING. Is that motion in order?

The PRESIDENT *pro tempore*. It is not.

Mr. CONKLING. I object. Now, the Senator from Maryland can make his motion.

Mr. DENNIS. I move that the Senate proceed to the consideration of executive business.

Mr. WINDOM. I will renew my motion after the executive session.

The question being put, it was declared that the ayes appeared to prevail, when Mr. SARGENT called for a division.

Mr. EDMUNDS. Has the motion for executive session priority of a motion for a recess?

The PRESIDENT *pro tempore*. A motion for a recess has priority.

Mr. EDMUNDS. I move then——

Mr. CONKLING. I rise to a point of order. The Senate is dividing. I submit to the Senator from Vermont that he is out of order.

Mr. EDMUNDS. I am rising to make a motion like a motion to adjourn, and therefore in order.

Mr. CONKLING. My point is that the Senate is dividing. I insist on the Chair executing the order of the Senate. Let us have rules for all alike here.

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Maryland moved an executive session; the Senator from California called for a division. The Senator from New York is in order.

Mr. CONKLING. Then let us have a division.

Mr. EDMUNDS. Can I not now move for a recess?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. EDMUNDS. I do.

Mr. CONKLING. I object. I say the Senate is dividing, and I insist upon it that the Chair should enforce the rules against the Senator from Vermont as he does against me and everybody else.

Mr. EDMUNDS. So do I, but the rule is in my favor.

Mr. CONKLING. Let us see if we can have a division of the Senate.

Mr. EDMUNDS. I rose to move a recess.

The PRESIDENT *pro tempore*. The Chair rules that the Senator from Vermont is in order.

Mr. CONKLING. While the Senate is dividing, does the Chair rule that?

The PRESIDENT *pro tempore*. The motion for a recess is in order.

Mr. CONKLING. I appeal from that decision and I ask for the yeas and nays on that ruling. I do not mean to be disrespectful to the Chair, and now I will state my point. The Senator from Maryland, [Mr. DENNIS,] recognized by the Chair, moved that the Senate proceed to the consideration of executive business. The Chair put that to a vote *viva voce;* the Senator demanded a division, and pending that division the Senator from Vermont [Mr. EDMUNDS] interposed, or attempted to, a motion for a recess; and the Chair rules that before executing the order or dividing the Senate or completing the division, that motion is in order. From that decision I appeal.

Mr. EDMUNDS. The Senator has misunderstood the point, although, as the motion is not debatable, I can only state it. Before the Chair undertook to take a division, before he asked anybody to rise, I rose to make a motion such as a motion to adjourn would be, a motion to take a recess; the Chair recognized me; and now I insist the motion is in order.

Mr. CONKLING. Does the Senator say that after the motion for an executive session was put and after a division was demanded but before it begun he made his motion?

Mr. EDMUNDS. That is what I say.

Mr. CONKLING. Then the Senator from Vermont knows as well as I do that that is the very case which interferes with executing the order of the Senate.

Mr. EDMUNDS. I think I know exactly the reverse.

Mr. CONKLING. That question I propose to have the Senate vote on.

Mr. EDMUNDS. Very well.

Mr. CONKLING. That when a division is ordered——

Mr. EDMUNDS. This is not debatable.

Mr. CONKLING. I am not debating.

The PRESIDENT *pro tempore*. The Senator from New York will state his point.

Mr. CONKLING. I appeal from a ruling that after a division has been demanded and a count challenged in that way, and before that division has taken place, in the middle of that vote, the Senator from Vermont can make any motion. I want the Senator from Vermont to abide by the rules.

Mr. EDMUNDS. So do I.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Vermont to rise to move a recess before the division was called for.

Mr. CONKLING. No, sir, I absolutely assert the contrary upon my veracity.

The PRESIDENT *pro tempore*. Then that would turn the decision of the Chair.

Mr. CONKLING. And the Senator from Vermont has not insisted on any such thing.

The PRESIDENT *pro tempore*. That would change the question entirely. The Chair understood the case thus: That the Senator from Maryland moved that the Senate proceed to the consideration of executive business. The Chair decided that that motion seemed to be carried. The Senator from Vermont states that he rose to move a recess. If the Senator from Vermont states that before the call was made for a division he moved a recess, the Chair would entertain the motion. If it was made after, then the Senator from New York is correct and the Chair would overrule it.

Mr. EDMUNDS. I state exactly this, partly just as the Senator from New York has stated it, that after the Chair had said "The ayes appear to have it," somebody called for a division, but before the Chair stated the question, and in that state of it exactly, before the Chair asked anybody to rise, and before the Senate was divided, I rose to move a recess; but I did not rise to move a recess until after somebody had said from his seat "I ask for a division." That, I believe, was exactly it. I think our recollection is the same.

Mr. CONKLING. I do not think we differ essentially.

The PRESIDENT *pro tempore*. Upon that statement of the case the Chair will sustain the point of order raised by the Senator from New York.

Mr. EDMUNDS. I would appeal if it did not take too much time.

Mr. CONKLING. Now let us have the vote on going into executive session.

The PRESIDENT *pro tempore*. The Senator from Vermont will understand the Chair. He understood the Senator from Vermont to state that after the Senator from California asked for a division on the question, the Senator from Vermont rose to move a recess.

Mr. EDMUNDS. And before the Chair put the question of a division to the Senate.

The PRESIDENT *pro tempore*. The call of the Senator from California was a question of the decision of the Chair, and therefore the question was not settled and the Senate was then dividing.

Mr. EDMUNDS. If that is the unanimous judgment of the Senate, we will enforce it all the time, though it is clearly against law. But I do not care.

The PRESIDENT *pro tempore*. The Chair therefore sustains the point of order made by the Senator from New York. The question is on the motion of the Senator from Maryland that the Senate proceed to the consideration of executive business. Those who are in favor will say "ay." [Putting the question.]

Mr. EDMUNDS. If the question is now being put to the Senate, the Senate is not dividing, and I move a recess to take place from five minutes to six o'clock to eight o'clock.

Mr. CONKLING. I insist on a division of the Senate and the execution of the order of the Senate.

The PRESIDENT *pro tempore*. The Senate is now dividing on the question. The Chair is putting the question at the instance of the Senator from California on the motion of the Senator from Maryland.

Mr. EDMUNDS. Would a motion to adjourn be in order?

The PRESIDENT *pro tempore*. Not while we are dividing.

Mr. EDMUNDS. The Chair was putting the question by a *viva voce* vote.

The PRESIDENT *pro tempore*. The Chair was putting the question by a *viva voce* vote.

Mr. EDMUNDS. Is that a division when we vote *viva voce?*

The PRESIDENT *pro tempore*. That was a division. The question is on the motion that the Senate proceed to the consideration of executive business.

The question being put, there were on a division ayes 28.

Several SENATORS. "Given up."

The PRESIDENT *pro tempore*. The ayes have it.

Mr. EDMUNDS. Did a quorum vote?

The PRESIDENT *pro tempore*. No objection was raised.

Mr. EDMUNDS. I raise the question.

The PRESIDENT *pro tempore*. The Senator states that he raises an objection. The Chair will count the negative side. Those opposed will rise.

Eight Senators rose in the negative.

The PRESIDENT *pro tempore*. Twenty-eight in the affirmative and eight in the negative. The ayes have it.

The Senate thereupon proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were re-opened, and (at six o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 10, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the resolution of the Senate to print four thousand copies of the report of the Special Committee to Investigate the Late Elections in Mississippi.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. JONES of Nevada, Mr. DAWES, and Mr. KEY.

PROTECTION OF RIGHT OF SUFFRAGE.

Mr. LORD. I ask unanimous consent to have a resolution read.

The Clerk read as follows:

Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment of the Constitution of the United States, which is as follows:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

and whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof; and whereas it is asserted that the exercise of the right of suffrage is in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated; and whereas all citizens, without distinction of race, or class, or color, are entitled to the protection conferred by such article: Therefore,

Be it resolved by the House of Representatives, That all attempts by force, fraud, terror, intimidation, or otherwise to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case which has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death.

Mr. LORD. I move the adoption of that resolution.

Mr. KASSON. I second the motion.

Mr. CONGER. I object to the resolution.

Mr. BEEBE. I rise to make a privileged report from the Committee on Expenditures in the Navy Department.

Mr. LORD. I understand the gentleman from Michigan [Mr. CONGER] is willing to withdraw his objection to the resolution.

Mr. CONGER. I would like to have the resolution read again.

The preamble and resolution were again read.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution at this time?

Mr. REAGAN. I simply want to say that, as I understand, the preamble affirms a condition of things the existence of which may be controverted. If so, I do not want to vote to affirm a state of facts of which we have no knowledge.

Mr. LORD. The preamble merely declares that "it is asserted that the exercise of the right of suffrage is resisted," &c.

Mr. COX. I suggest to my colleague [Mr. LORD] that he strike out the preamble. We should allow the States to take care of this mischief, which is local.

Mr. LORD. This proposition has been submitted to a great many gentlemen from the South, among them the distinguished gentleman from Virginia, [Mr. TUCKER,] who, though he thought no resolution necessary, suggested the first part as to the fifteenth amendment. The whole preamble was added, save one clause, to satisfy southern members. The resolution simply states the provision of the Constitution just as it is, and asserts that in the North and the South alike there should be protection for the free exercise of the right of suffrage under that constitutional provision, of course by the States, unless a State or States should refuse, when further legislation would be necessary. I think the resolution should be adopted unanimously.

Several MEMBERS. Let us have the yeas and nays.

Mr. CLYMER. My judgment is that this ought to go to a committee.

Mr. LORD. I demand the previous question, and shall call the yeas and nays on the adoption of the resolution.

Mr. CLYMER. Pending that I move that the resolution be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore*. The demand for the previous question takes precedence.

The question being taken on seconding the demand for the previous question, there were—ayes 83, noes 53; no quorum voting.

Tellers were ordered; and Mr. LORD and Mr. CLYMER were appointed.

Mr. BLAND. I ask that the resolution be again read.

The preamble and resolution were again read.

Mr. BLAND. I think that this proposition ought to be discussed.

Mr. CLYMER. Is it possible to vote separately upon the preamble and the resolution?

The SPEAKER *pro tempore*. The House is now dividing.

The House divided; and the tellers reported—ayes 79, noes 19; no quorum voting.

Mr. BLAND. I call for a further count.

Mr. HOAR. I make the point of order that the objection that there is no quorum can only be made by a gentleman rising in his seat.

Mr. BLAND. Well, I rise in my seat and make the objection.

The SPEAKER *pro tempore*. The point of order of the gentleman from Massachusetts [Mr. HOAR] is very well taken, and if uniformly enforced would save the Chair infinite trouble. Gentlemen frequently complain that they have not been recognized, when the difficulty is that they have not arisen from their seats. If a gentleman rises in his seat to address the Chair, the Chair is very likely to see him. The point is made that no quorum has voted upon the count by tellers.

Mr. STEVENSON. I move a call of the House.

Mr. HOAR. My point of order is that the objection of the gentleman from Missouri [Mr. BLAND] should be taken by him rising in his seat, so that it may be recorded.

The SPEAKER *pro tempore*. It has been so done.

Mr. BLAND. I believe I rose in my seat to object. I simply desire that the previous question may be voted down and that we may have some discussion upon a resolution of this importance. I do not say that I will vote against the resolution.

The SPEAKER *pro tempore*. The matter is not subject to discussion now.

Mr. CLYMER. I rise to a question of order.

Mr. KASSON. Is there any motion in order except to move that there be a call of the House?

The SPEAKER *pro tempore*. The motion to adjourn is in order, or a demand for the yeas and nays.

Mr. KASSON. But not on seconding the demand for the previous question. Consequently I move that there be a call of the House.

The SPEAKER *pro tempore*. The gentleman is correct, only two motions are in order, to adjourn and that there be a call of the House.

Mr. CLYMER. I rise to a question of order, and it is that my motion to refer was made before the gentleman from New York demanded the previous question.

The SPEAKER *pro tempore*. It is not in order pending the demand for the previous question, and the gentleman from Iowa declines to yield for that purpose.

Mr. KASSON. I ask for a vote on my motion that there be a call of the House.

Mr. HOAR. I ask leave to make a suggestion. The gentleman from Missouri [Mr. BLAND] says he desires discussion on the resolution and does not know whether he will vote against it or not. I suggest to the gentleman from New York to agree by unanimous consent there shall be discussion on the resolution for half an hour.

Mr. EDEN. I object.

The SPEAKER *pro tempore*. This can only proceed by unanimous consent.

Mr. HOAR. The Chair always entertains such a proposition.

Mr. EDEN. I object to debate and demand the regular order.

The SPEAKER *pro tempore*. The Chair would be glad to entertain any proposition, but objection is made and there is a demand for the regular order. The question is on the motion of the gentleman from Iowa that there be a call of the House.

The House divided; and there were—ayes 69, noes 46.

So the motion was agreed to.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Abbott, Adams, Bass, Bell, Blackburn, Bliss, Blount, Buckner, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Cason, Caulfield, Chapin, Chittenden, Collins, Cowan, Crapo, Culberson, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Faulkner, Fuller, Ganse, Gibson, Glover, Goode, Goodin, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Jenks, Frank Jones, Thomas L. Jones, Kelley, King, Lamar, George M. Landers, Lane, Leavenworth, Le Moyne, Mackey, Maish, Meade, Milliken, Money, Neal, O'Brien, Oliver, O'Neil, Phelps, John F. Philips, Plaisted, Platt, Powell, Purman, Randall, James B. Reilly, Sobieski Ross, Scales, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Wash, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whitthorne, Wike, Andrew Williams, Charles G. Williams, Benjaman Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young.

Mr. FELTON. I desire to state that my colleague, Mr. HARTRIDGE, is sick in bed.

The SPEAKER *pro tempore*. It is not time to offer excuses.

ARTIFICIAL LIMBS.

The SPEAKER *pro tempore*. The Chair, by unanimous consent, will announce the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seaman, and others, as follows: Mr. RUSK, Mr. RICE, and Mr. BAGBY.

PROTECTION OF RIGHT OF SUFFRAGE.

Mr. KASSON. Mr. Speaker, how many members have answered to their names?

The SPEAKER *pro tempore*. One hundred and seventy-three.

Mr. KASSON. That is more than a quorum; and therefore I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. KASSON. I now ask that the tellers take their places.

The SPEAKER *pro tempore*. The tellers will resume their places; and the question is on seconding the demand for the previous question.

The tellers resumed their places; and the House again divided.

Mr. HALE. I notice my amiable friend from New York [Mr. COX] is present and not voting.

Mr. COX. That side does not run the House altogether. I wish to say to my friend that I am ready to vote on this resolution——

Mr. CONGER. I object to debate.

Mr. COX. Why do you not close up your own side?

Mr. HALE rose, and his remarks were rendered inaudible to the reporter by the beating of the Speaker's gavel.

The SPEAKER *pro tempore*. The gentleman from Maine is entirely out of order.

Mr. COX. I do not vote at the dictation of the other side.

Mr. HALE. I hope the gentleman will be allowed to go on.

The SPEAKER *pro tempore*. The Chair must insist on order in the Hall.

Mr. COX. When gentlemen are called to order, are they not compelled to be seated?

The SPEAKER *pro tempore*. They are requested to take their seats, and the gentleman from Maine will be kind enough to resume his seat.

Mr. HALE. If the Chair will be kind enough, I will say that I have known the question raised before, and that is the reason why I raised it now.

Mr. EDEN. I call the gentleman to order.

The SPEAKER *pro tempore*. The gentleman from Illinois is out of order himself.

Mr. EDEN. Have I not a right to make a point of order?

The SPEAKER *pro tempore*. You have, but only from your own seat. The Chair has requested gentlemen to take their seats.

On the question of seconding the demand for the previous question, the tellers report—ayes 90, noes 21.

Several MEMBERS. No quorum.

Mr. KASSON. Let gentlemen who make the point that there is no quorum rise from their seats.

Mr. REAGAN. I rise in my place and make the point that no quorum has voted.

Mr. KASSON. Then nothing is left but again to move a call of the House, if gentlemen on that side will not vote.

Mr. YEATES. They are following your example of the other day.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. KASSON] moves a call of the House.

The question being taken, there were—ayes 85, noes 30.

So a call of the House was ordered.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll.

Mr. LORD. Mr. Speaker——

Several MEMBERS. Regular order.

Mr. LORD. I ask unanimous consent that I may make a very brief statement in regard to this resolution.

Mr. SAVAGE. I object.

Mr. KASSON. There is no objection to that from this side of the House.

Mr. LORD. I want to call the attention of the House for a moment to what I consider a grave misapprehension in regard to this resolution. I therefore ask unanimous consent to make a brief statement.

Mr. HEREFORD. I object.

The SPEAKER *pro tempore*. The gentleman from West Virginia objects to debate.

Mr. LORD. Allow me only one word of explanation.

Mr. HEREFORD. We do not want any explanation.

Mr. SPRINGER. I hope the demand for the previous question will be withdrawn so that discussion may be allowed.

[Cries of "Regular order!"]

Mr. SPRINGER. I am satisfied there will be no opposition to this resolution if it is understood.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair must insist on gentlemen preserving order. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Messrs. Abbott, Adams, Bell, Blackburn, Bliss, Blount, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Cason, Canfield, Chapin, Chittenden, Collins, Cowan, Crapo, Culberson, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Gibson, Glover, Goode, Goodin, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Thomas L. Jones, Kelley, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Mackey, Meade, Milliken, Money, Neal, O'Brien, Oliver, O'Neill, Phelps, John F. Philips, Plaisted, Platt, Powell, Purman, Randall, Sobieski Ross, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Wike, Andrew Williams, Charles G. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young.

The SPEAKER *pro tempore*. The call of the roll shows that one hundred and seventy-eight members are present. What is the pleasure of the House?

Mr. SAVAGE. I move that further proceedings under the call be dispensed with. And I hope this side of the House will stop this filibustering and let us get a vote.

Mr. ATKINS. This side of the House is not filibustering. The gentleman is mistaken.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) Debate is not in order.

Mr. KASSON. There was a remark made which was not heard here. Was it not that gentlemen on the other side are not voting?

Mr. EDEN. Is debate in order?

The SPEAKER *pro tempore*. It is not.

Mr. EDEN. Then I object to debate.

Mr. COX. Is the motion to dispense with further proceedings under the call debatable?

The SPEAKER *pro tempore*. It is not.

Mr. COX. I would like to say that this side of the House is ready to vote for the resolution. It is a little demagogical, but we will vote for it.

[Cries of "Regular order!"]

Mr. COX. Let us come to a vote on the resolution.

The question being taken on the motion of Mr. SAVAGE to dispense with further proceedings under the call, it was agreed to.

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question on the resolution submitted by the gentleman from New York, [Mr. LORD;] on which question tellers were ordered.

Mr. EDEN. I wish to make an excuse for an absent member. My colleague from Illinois, Mr. CAULFIELD, is detained from the House on account of sickness.

Mr. McCRARY. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman on a question of order.

Mr. McCRARY. Before the House divides, I ask that Rule 31 be read by the Clerk.

The SPEAKER *pro tempore*. The Clerk will read Rule 31.

The Clerk read as follows:

31. Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

The SPEAKER *pro tempore*. What is the point of order of the gentleman from Iowa?

Mr. McCRARY. I desired to have the rule read.

The SPEAKER *pro tempore*. The rule has been read.

Mr. McCRARY. That is all I desired.

The question recurred upon seconding the demand for the previous question.

Mr. COX. I rise to a question of order. The gentleman from Iowa [Mr. McCRARY] has had the rule read in relation to this matter for a purpose and I think the order ought to be enforced. My point of order is that the gentlemen upon the other side of the House shall be required to vote as well as gentlemen upon this side. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair cannot require members on either side of the House to vote.

Mr. CONGER. Before the Chair decides the point of order——

The SPEAKER *pro tempore*. Debate is not in order.

Mr. CONGER. I rise to speak to the point of order raised by the gentleman from New York, [Mr. COX.]

The SPEAKER *pro tempore*. The gentleman is not in order.

[Renewed cries of "Regular order!"]

Tellers were ordered; and Mr. LORD and Mr. CLYMER were appointed.

The House divided; and the tellers reported—ayes 133, noes 18.

So the previous question was seconded.

The main question was then ordered to be put.

The question recurred on the preamble and resolution.

Mr. KASSON. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CLYMER. I ask a division of the vote on the preamble and resolution.

Mr. WILSON, of Iowa. Will not the question be first upon agreeing to the resolution and then upon the preamble?

The SPEAKER *pro tempore*. Certainly the question must first be taken upon the resolution and then the preamble.

Mr. HOAR. I desire to inquire whether in a case where the preamble and resolution are so intimately connected that the resolution will have no sense and will be ungrammatical if the preamble be stricken out a demand for a division is in order?

The SPEAKER *pro tempore*. The Chair understands this question to be divisible.

Mr. COX. Will the House vote first upon the resolution or upon the preamble?

The SPEAKER *pro tempore*. The House will vote first upon the resolution and then upon the preamble.

The Clerk read the resolution, as follows:

Be it resolved by the House of Representatives, That all attempts by force, fraud, terror, intimidation, or otherwise to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case which has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death.

Mr. COX. I ask my colleague from New York [Mr. LORD] to allow me to offer an amendment in the nature of a proviso to the resolution.

Mr. KASSON and Mr. CONGER objected.

Mr. COX. I shall vote for the resolution as it stands, but I prefer to offer an amendment to it.

Mr. CONGER. I object to debate.

The question was taken on agreeing to the resolution; and there were—yeas 174, nays 2, not voting 109; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Beebe, Blair, Boone, Bradford, Bradley, Bright, William R. Brown, Horatio C. Burchard, Burleigh, Cabell, John H. Caldwell, Cannon, Caswell, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cox, Crounse, Cutler, Danford, Darrall, Davis, Davy, Dibrell, Durand, Durham, Eames, Eden, Egbert, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Frye, Garfield, Gause, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartzell, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Hoar, Holman, Hooker, Hopkins, House, Hunton, Hurd, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, King, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lewis, Lord, Luttrell, Lynch, Lynde, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Monroe, Morgan, Morrison, Mutchler, Nash, New, Norton, Odell, Packer, Payne, Pierce, Piper, Poppleton, Potter, Pratt, Rainey, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Tarbox, Terry, Thomas, Thompson, Thornburgh, Washington Townsend, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Wait, Erastus Wells, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, James Wilson, and Yeates—174.

NAYS—Messrs. Bland and Reagan—2.

NOT VOTING—Messrs. Abbott, Adams, Bass, Bell, Blackburn, Bliss, Blount, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Cason, Caulfield, Chapin, Chittenden, Collins, Cowan, Crapo, Culberson, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Fuller, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Kelley, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Mackey, Meade, Milliken, Mills, Money, Neal, O'Brien, Oliver, O'Neill, Page, Phelps, John F. Philips, William A. Phillips, Plaisted, Platt, Powell, Purman, Randall, Sobieski Ross, Sayler, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Teese, Throckmorton, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Wike, Andrew Williams, Charles G. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—109.

So the resolution was agreed to.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. My colleague, Mr. WALLING, is absent by leave of the House.

Mr. FELTON. My colleague, Mr. HARTRIDGE, is absent on account of sickness.

Mr. WILLIS. I am paired with my colleague, Mr. LEAVENWORTH, but I voted "ay," because Mr. LEAVENWORTH if present would have voted "ay." I desire further to state that my colleague, Mr. BLISS, is absent by leave of the House.

Mr. ATKINS. My colleague, Mr. YOUNG, is detained at his room by sickness.

Mr. SPENCER. My colleagues, Mr. GIBSON and Mr. ELLIS, are absent. If present they would vote "ay."

Mr. CONGER. My colleagues, Mr. WALDRON and Mr. HUBBELL, are absent by leave of the House. If present they would vote "ay."

Mr. STRAIT. My colleague, Mr. DUNNELL, is absent by leave of the House. If present he would vote "ay."

Mr. MACDOUGALL. My colleague, Mr. ADAMS, is necessarily absent from the House. If present he would vote "ay."

Mr. STEVENSON. My colleague, Mr. CAMPBELL, is absent by leave of the House. If present he would "ay."

Mr. HARTZELL. My colleague, Mr. SPARKS, is absent by leave of the House. If present he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. LORD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon adopting the preamble.

Mr. BANKS. I make the point of order that the previous question has not been ordered upon the preamble.

Mr. HOAR. The previous question was ordered upon the whole subject.

Mr. BANKS. That cannot be under the rule.

The SPEAKER *pro tempore*. The Chair understands that the previous question was ordered upon the preamble and the resolution.

Mr. KASSON. And the yeas and nays were ordered on both; and after they were ordered a division of the question was demanded.

Mr. BANKS. The preamble is open to amendment until the resolution has been disposed of. The previous question, which has been ordered, cannot apply to this preamble, and it is at this moment open to amendment.

Mr. BLAND. I move to lay the preamble on the table.

Mr. BANKS. The rule is explicit upon the point I have stated.

Mr. HOAR. My colleague cites in regard to this preamble the practice of the House in reference to the title of a bill. It never has been held in this House when the previous question was ordered on an entire matter, and had been partly executed, some one having demanded a division of the question, that the previous question did not apply to the rest of the subject, in this case to the preamble.

Mr. GARFIELD. The point made by the gentleman from Massachusetts [Mr. BANKS] applies only to the title of a bill, and not to the preamble of a resolution. This is a resolution with a preamble, and the previous question was ordered upon the whole subject. The fact that it is a divisible proposition does not make any difference as to the point whether the previous question ordered by the House covers the whole matter. However, the gentleman from Missouri [Mr. BLAND] has moved to lay the preamble on the table.

Mr. BANKS. The statement of the gentleman from Ohio [Mr. GARFIELD] is not correct, because the rule of the House relates specifically to a resolution, and declares that the adoption of the previous question does not cover the preamble of the resolution. I will read if the gentleman desires it. It will be found on page 164 of the Digest and is as follows:

The preamble is not covered by the previous question ordered upon the passage of the resolution, but is itself subject to a separate demand of the previous question.

I make the point at this time, because it is impossible for the House by ordering the previous question upon the resolution to deprive itself of the power of amending the preamble, until the question upon the resolution has been decided.

Mr. KASSON. I will ask the Clerk to read the record of the motion submitted by the gentleman from New York [Mr. LORD] in reference to the previous question.

Mr. COX. I believe debate is not in order pending the motion to lay upon the table.

Mr. BLAND. I withdraw that motion.

The SPEAKER *pro tempore*. The motion to lay on the table was not entertained by the Chair, because at the time the gentleman from Massachusetts [Mr. BANKS] had the floor upon a point of order.

Mr. BANKS. I do not care about the point of order particularly, and will withdraw it.

Mr. COX. I ask the Chair, whether or not a separate vote can be had upon the different whereases in this bill?

Mr. KASSON. I want the point of order decided, and I ask that the Clerk read the record of the call for the previous question.

The SPEAKER *pro tempore*. The Clerk will read from the journal.

The Clerk read as follows:

Mr. LORD, by unanimous consent, submitted the following preamble and resolution, and moved the previous question on the adoption of the same, to wit.

Mr. KASSON. That covers the whole.

The Clerk continued to read as follows:

And the question was put, Will the House second the demand for the previous question?

When no quorum voted.

Then, on motion of Mr. KASSON,

Ordered, That there be a call of the House.

And the roll having been called, the following-named members failed to answer to their names.

Mr. KASSON. That is not important.

Mr. GARFIELD. The Chair will see that in distinct terms the previous question was ordered on the preamble and resolution, or, in the words of the Journal, "on the same."

Mr. MCCRARY. I think the point of order of the gentleman from Massachusetts [Mr. BANKS] was made too late. The time to have made that point was when the previous question was called on the preamble and resolution.

Mr. COX. Would it be in order at this time to make a parliamentary inquiry, pertinent to this matter?

The SPEAKER *pro tempore*. It would.

Mr. COX. My inquiry is whether the question upon these various whereases in the preamble is divisible?

The SPEAKER *pro tempore*. It is.

Mr. COX. The reason I ask that is——

Mr. CONGER. I object to debate.

Mr. MILLS. Is an amendment to this preamble now in order?

The SPEAKER *pro tempore*. It is not. The Chair will decide the point of order raised by the gentleman from Massachusetts, [Mr. BANKS.] The gentleman from New York [Mr. LORD] having moved, as appears by the record, the previous question upon the preamble and resolution, the previous question applies to both propositions. If he had demanded the previous question on the resolution alone, then the previous question would have applied only to that. The House, however, has ordered the main question to be now put upon both the preamble and resolution.

Mr. KASSON. I call for the yeas and nays on the adoption of the preamble.

Mr. COX. I call for a division of the question, so that a separate vote may be taken on each clause of the preamble.

The preamble was again read, as follows:

Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment to the Constitution of the United States, which is as follows:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

and whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof; and whereas it is asserted that the exercise of the right of suffrage is in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated; and whereas all citizens without distinction of race, or class, or color are entitled to the protection conferred by such article: Therefore,

Mr. COX. I had proposed to ask a division so as to have a separate vote on that part of the preamble which makes an assertion of certain facts, because that assertion is not considered as absolutely true. But I withdraw that call for a division.

Mr. LORD. The preamble makes no affirmation of facts; it merely declares that "it is asserted," &c.

Several members objected to debate.

The question was taken on agreeing to the preamble; and there were—yeas 125, nays 31, not voting 129; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Blair, Boone, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Caswell, Cate, Conger, Crounse, Cutler, Danford, Davis, Daty, Durand, Eames, Eden, Egbert, Evans, Finley, Fort, Foster, Freeman, Frye, Garfield, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Hartzell, Haymond, Henderson, Hooper, Hopkins, House, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kasson, Kehr, Kimball, King, Franklin Landers, Lane, Lapham, Lawrence, Lord, Luttrell, Lynch, Lynde, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Monroe, Morgan, Nash, New, Norton, Packer, Payne, Pierce, Potter, Pratt, Rainey, Rea, John Reilly, James B. Reilly, Riddle, John Robbins, Robinson, Rusk, Sampson, Savage, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Thompson, Thornburgh, Washington Townsend, Tufts, Turney, Van Vorhes, Robert B. Vance, Walt, White, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, James Williams, William B. Williams, Willis, James Wilson, and Yeates—125.

NAYS—Messrs. Bland, Bradford, Bright, Cabell, John H. Caldwell, John B. Clarke of Kentucky, Clymer, Cook, Dibrell, Durham, Felton, Forney, Franklin, Hereford, Goldsmith W. Hewitt, Hunton, Hurd, Lewis, Mutchler, Piper, Poppleton, Reagan, Rice, William M. Robbins, Tarbox, Terry, Thomas, Throckmorton, John L. Vance, Waddell, and Jeremiah N. Williams—31.

NOT VOTING—Messrs. Abbott, Adams, George A. Bagley, John H. Baker, Bass, Beebe, Bell, Blackburn, Bliss, Blount, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Cason, Caulfield, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cochrane, Collins, Cowan, Cox, Crapo, Culberson, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Faulkner, Fuller, Gause, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Holman, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Kelley, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Levy, Mackey, Meade, Milliken, Mills, Money, Morrison, Neal, O'Brien, Odell, Oliver, O'Neill, Page, Phelps, John F. Philips, William A. Phillips, Plaisted, Platt, Powell, Purman, Randall, Roberts, Miles Ross, Sobieski Ross, Sayler, Scales, Schleicher, Schumaker, Seelye, Sheakley, Smalls, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—119.

So the preamble was adopted.

During the roll-call the following announcements were made:

Mr. HEREFORD. My colleague, Mr. FAULKNER, is quite sick today, and is therefore absent.

Mr. HOUSE. My colleague, Mr. YOUNG, is detained from the House by sickness.

Mr. WILLIS. I am paired with my colleague, Mr. LEAVENWORTH. If he were here he would vote as I have done, "ay." My colleague, Mr. BLISS, is absent by order of the House. If here he would vote "ay."

Mr. STENGER. My colleague, Mr. JENKS, is absent by leave of the House.

Mr. SCALES. I am paired with the gentleman from Massachusetts, Mr. SEELYE. If he were here he would vote "ay," and I should vote "no."

Mr. FOSTER. I am paired with my colleague, Mr. WALLING. I presume that if he were present he would vote "ay," as I have.

The result of the vote was announced as above stated.

Mr. LORD moved to reconsider the vote by which the preamble was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF TILTON, WHEELWRIGHT & CO.

Mr. BEEBE. I desire to make a privileged report from the Committee on Expenditures in the Navy Department. The committee have directed me to report the testimony taken by them, together with the report of the majority and the views of the minority, with reference thereto. I ask for the reading of the resolutions appended to the report of the majority.

Mr. HALE. I rise to make a point of order. I presume that the gentleman from New York [Mr. BEEBE] introduces this report claiming that it comes under the resolution which was adopted on Monday last. My point is that it does not come under that resolution and is not embraced in it.

I do not know whether the present occupant of the chair [Mr. SPRINGER in the chair] was present and appreciated the whole force of the rule adopted on last Monday. The object sought and attained by that rule, which was agreed upon, as will be remembered, after a day's filibustering, was that committees which had not reported (and I ask the attention of the Chair to this as a cardinal point) should be allowed to report. The Chair will remember that through the whole of that sometimes boisterous day especial significance was laid upon the importance of having both the majority and minority reports from a committee come in at the same time. Discussion upon that point swayed from one side to the other; largely between my friend from New York [Mr. COX] and myself. Finally, coming together as we did in a spirit of fairness, that rule was established.

And its object, Mr. Speaker, was that all committees which had not reported should be allowed to get their reports before the House and before the country on certain conditions. The report submitted by the gentleman from New York [Mr. BEEBE] does not in any regard come under the principles which were established by that resolution. His is a report which has been already presented, upon which subject a minority report has also been presented; and the two have been printed, gone to the country, and been recommitted to the committee not to be brought back by a motion to reconsider. This case was not affected, I claim, by the rule that we adopted; and, to show that, I call the attention of the Chair to a part of the colloquy which took place on that day.

The point had come up as to when the rule established should apply. Here is the RECORD:

Mr. HALE. Then let it be understood that this agreement is prospective, not retrospective.

Mr. SPRINGER—

The present incumbent of the chair—

And also that where the majority and the minority of a committee are now ready to report they can report at any time?

Mr. HALE. Certainly.

Mr. YEATES. The arrangement to date from this day.

Mr. HALE. From this day.

Mr. BEEBE—

Raising then the question raised now—

How will that arrangement affect the cases where the majority and the minority reports have been printed and recommitted, not to be brought back on a motion to reconsider? Could not those committees report at any time, the minority being ready?

Mr. YEATES. They have already reported.

Showing what the view was then, that these were outside of the scope of the resolution.

Mr. WAIT. I cannot see the embarrassment the gentleman from New York [Mr. BEEBE] speaks of. If the majority and the minority are both ready to report, then they can report at any time.

Below on the same page, after the gentleman from New York [Mr. COX] read the proposition as agreed to, I find this:

Mr. HALE. That is a fair proposition, and unless that can be agreed to there is no use in talking any further about it.

The proposition stated to be fair is this:

"*Resolved*, That the investigating committees may have leave to report during the remainder of this session at any time after forty-eight hours from the time the committee have agreed to their report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House; but if the minority is absent from the meeting of the committee then notice shall be given in the House itself."

Mr. BEEBE. Will there be objection to adding that in all cases where both the majority and minority are ready both reports may be made at any time?

Showing the gentleman himself wanted something more added to the rule to bring his committee in.

Mr. COX. Nobody will object to that.

Mr. BURCHARD, of Illinois. I object to that with closed doors.

Mr. BEEBE. I put the question to my friend from Maine.

Mr. HALE. What is the question?

Mr. BEEBE. Is there objection where the majority and minority are both ready to their reporting at any time?

Showing again he did not consider his committee came in under the rule, but must come in, if at all, under the proposition that both the majority and minority are ready; then it could come in.

Mr. HALE. Of course there is no objection to that. This agreement does not apply to such a case as that.

And there, Mr. Speaker, the question was left, clearly showing at the time it was understood both by the House and, as I believe it must have been, by the Speaker that the rule as established was for the purpose of bringing in the reports of committees who had no opportunity of getting before the House and the country on forty-eight hours' notice. But in no regard did it apply to a case where a committee had got in and had its report printed and the views of the minority printed; and both reports were recommitted, not to be brought back on a motion to reconsider.

As to the other proposition, the gentleman from New York suggested at that time whether the committee may report when both sides are ready and the question came up. I do not raise that now. I raise the point, and ask the ruling of the Chair on it, as to whether the agreement we made on Monday last does include committees which had already reported and their reports sent back, not to be brought back on a motion to reconsider. I understand at the time that it did

not. What I have read of the colloquy shows members so understand it. The gentleman from New York cannot have otherwise understood it, because he claimed they came in in another way. It was so left in the agreement submitted by the gentleman from New York, [Mr. COX,] which was then adopted by the House, and it was understood it did not embrace such cases. It was an important agreement, and it must be construed strictly, as the lawyer in the chair must know.

Mr. BEEBE. Mr. Speaker, the gentleman from Maine has stopped short of the resolution which was finally adopted as the result of the proceedings had on the occasion to which he has alluded. I did endeavor during the progress of the discussion to have it distinctly understood that the proposition should include those committees where reports have been submitted and recommitted with an order to be printed, not to be brought back, &c. I was struggling throughout for what I believe I obtained on that occasion: priority over committees where no reports had been made at all. I stated then that this committee had agreed upon their report. I stated that this minority report had been submitted here and had been printed by order of the House.

Now, sir, I claim, independently of the resolution adopted on that occasion, the intendment, the necessary construction of the language used during the discussion on that day, bears me out in the claim that I could have reported at any moment after that understanding had been reached; and, desiring to exercise abundant caution, I planted myself on the resolution which the gentleman has carefully refrained from reading.

I ask the clerk to read the resolution adopted as the final determination of the discussion had on Monday.

Mr. HALE. That is what I just read.

Mr. BEEBE. I did not hear the gentleman read it.

The Clerk read as follows:

Resolved, That the investigation committees may have leave to report during the remainder of this session at any time after forty-eight hours' notice from the time the committee have agreed to the report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House; and if the minority is absent from the meeting, said notice of the same shall be given in the House.

Mr. BEEBE. According to my recollection the gentleman from Maine did not read that resolution.

Mr. HALE. Why, yes; I did.

Mr. BEEBE. That is a matter of recollection, and it is not important.

Now, Mr. Speaker, it will be seen that the resolution clearly authorizes all committees to report where there had been a submission of the views of the majority to the minority forty-eight hours before the report is sought or attempted to be introduced. My position was that without submitting anything to the minority in a case of this kind we had a right to report at any time. But the committee was called together. The gentleman who submits the views of the minority accepted notice then, and he will accept it now. He was notified more than forty-eight hours ago. And under any possible construction this committee is now authorized and entitled to report. I do not care to take up further time of the House in the discussion of a proposition which to me seems so clear and plain.

Mr. YEATES. As the gentleman from Maine has alluded to me, I wish to state what I consider to be the agreement that we entered into prior to the adoption of that resolution.

I understood, Mr. Speaker, from the gentleman from Maine [Mr. HALE] that the objection raised on his side of the House was to any report being brought in here where the minority would not have the opportunity of being heard. And to prevent that, resort was had to calls of the House, by which considerable delay was occasioned. Finally, for the purpose of allowing the minority the opportunity to be heard, as he requested—and if you look back to the gentleman's remarks you will see he so stated it—the resolution of the gentleman from New York [Mr. COX] was offered and adopted, giving the minority the relief they sought. I said that certain reports had already been made, and the reason I said that was this: These reports having been made to the House, the minority reports being in as well as the majority reports, no advantage could be taken of the minority; and therefore they were not included in this agreement. That was what I meant, and I meant nothing else.

The gentleman from Maine [Mr. HALE] distinctly stated that what he wanted was that the minority should have a fair chance of being heard, and that no report should be brought in here at the end of the session or at any time when the minority could not be heard; and I was willing to adopt his views on that subject, not believing it was the design of any one to prevent the minority of a committee being heard. The object was to give full guarantee that the minority should be heard; but where reports had been made, the majority making a report and the minority making a report, wherefore should we have any delay, both sides having been fully represented? I think that was the true meaning of the resolution offered by the gentleman from New York, [Mr. COX,] and that I think was the full understanding of the House in adopting it.

Mr. HALE. Let me ask the gentleman a question.

Mr. YEATES. I will hear the gentleman.

Mr. HALE. Did the gentleman from North Carolina [Mr. YEATES] realize, at that time, that what was wanted was that committees that had not got into the House should get in? Does he not bear in mind that those committees that had got in here had had their opportunity? They come in with their reports and have them printed and they go to the country, and then they themselves ask that the reports be recommitted, which is done on the customary order, not to be brought back on a motion to reconsider. It was not those committees that the gentleman from New York [Mr. COX] or any gentleman, I take it, sought to get at by this resolution. Those committees had been in, had reported, had got their reports before the public. It was another class of committees we were wrangling about on Monday.

Mr. YEATES. I will answer the gentleman's question. I understood the whole point made upon this question to be that the minorities of committees that had not made reports should have an opportunity of being heard.

Mr. HALE. That was it.

Mr. YEATES. But I did not understand that it prevented a report being taken up that had already been made where the minority had been heard, for the gentleman said his object was not to prevent reports of committees or action upon them, but to protect minorities. That was the ground the gentleman took.

Mr. COX. I wish to ask the gentleman from Maine whether he desires by this point of order to obstruct the reports of a majority and a minority of a committee coming in where there is perfect accord between the majority and the minority? If he does not mean that, what can he mean?

Mr. HALE. Let me tell the gentleman what I mean.

Mr. COX. In a moment. Now the gentleman disavowed that the other day. And our basis of agreement was precisely this: The only contest on that side of the House was that the minority should have sufficient notification. That was our agreement. We agreed, as the record shows, where the majority and minority did agree to report, whether the reports were recommitted or otherwise, no contest should be made.

Mr. HALE. Now let me answer the gentleman's question. I do not propose where the majority and minority of the committee have agreed upon a report outside of this resolution which was adopted on Monday and where they ask a consideration of their reports to object, but what I do object to is that the gentleman should attempt to bring in this report under that resolution; he can come in outside of the resolution.

The SPEAKER *pro tempore*. The Chair then understands the gentleman from Maine to withdraw his point of order.

Mr. HALE. No, I insist on the point of order if the report be pressed under this resolution. I will not object to the introduction of the majority and minority reports where both parties have agreed that under this resolution the report of the gentleman from New York [Mr. BEEBE] is not in order.

The SPEAKER *pro tempore*. Is the gentleman from New York desirous to report these resolutions independently of the resolution adopted on Monday last? The Chair need not decide on the point of order raised by the gentleman from Maine.

Mr. HALE. Certainly, if the gentleman does not claim to report it under the resolution I will not press the point of order.

Mr. BEEBE. I claim the privilege to make this report under the resolution adopted on Monday last, which was clear and explicit. I claim that under the unwritten agreement of the House, as manifested by the discussion at the time, I had a right to report at any time. In witness of that fact I will call the attention of the House to what occurred on that occasion. I desire, inasmuch as the gentleman from Maine [Mr. HALE] has reiterated the statement that he had no objection to the majority and minority reports being presented at the same time, I want to hold up the gentleman's own action upon that occasion as a mirror in which he can see his present action.

I call attention to the fact that when that committee made their report they asked it should be a special order by agreement, and that was objected to by the gentleman from Maine. In view of that objection the committee could do nothing more than that which he was willing to allow them to do, and that was to present their report and have it printed and recommitted to the committee, not to be brought back by motion to reconsider, as the parliamentary phrase is. Now, I wish the Chair to understand the committee claim the right to report these resolutions without reference to the resolution adopted on Monday last, and, further, they claim the right to report it under that resolution, the terms of which are too explicit to be disputed.

The SPEAKER *pro tempore*. It is clear that under the rules of the House the gentleman has no right to submit a report from a standing committee of the House at this time; and if the gentleman from New York has a right to report now he derives that right from the order made by the House on Monday. That order has been read, and it is not necessary that the Chair should now read it again. That resolution unquestionably was intended to embody the sense of the House; and it is not necessary to consult the debates preceding its adoption, in order to construe it, unless its language is susceptible of two constructions or is of doubtful meaning. But this is not the case. The order, or resolution, provides that investigation committees may report at any time after forty-eight hours from the time the committee have agreed to report and submitted the same to the minority, and this committee having agreed upon their report have a right to re-

port now. Then, if forty-eight hours' notice has been given to the minority that the majority report will be submitted to the House, of course they have a right to make the report. The Chair does not know what is the fact in reference to that matter.

Mr. BEEBE. I stated that to be the fact; and the gentleman from New York, [Mr. BAKER,] who represents the minority of the committee, and myself are not at all at variance upon that question.

The SPEAKER *pro tempore*. That being the case, the Chair will overrule the point of order. The Chair does not know whether this report now submitted to the House has ever been submitted to the House before and been recommitted. It comes to the House now as the report of a committee under the new order of Monday last.

Mr. CONGER. Will the Chair allow the minority to speak on that point, as was done yesterday?

Mr. BAKER, of New York. This report was made from the 1st of August, and was ordered to be printed. We have submitted our report; and the only object, as I understand it, now on the part of the chairman is that at this time the two reports may be discussed. Now I have no ambition to engage in such a discussion. The reports were submitted to the House and ordered to be printed before the arrangement on Monday last was made.

The SPEAKER *pro tempore*. Then the Chair understands that the report is in order, and the Clerk will read the resolution reported by the majority of the committee.

Mr. HALE. Where is the minority report? It should also be before the House.

The SPEAKER *pro tempore*. The Clerk will first read the resolutions reported by the majority of the committee.

Mr. HALE. This is a matter cognate to what has engrossed a great deal of the time of the House, and I do not see that there is any need for further discussion upon it. It is proposed that the two reports shall go to the country together. I can if I choose call for the reading of both reports, which will take up the most of the day; but it seems to me that in the cases of other investigations, and notably so in the investigation into naval affairs and the real-estate pool and Jay Cooke & Co.'s indebtedness, of which the gentleman from Missouri [Mr. GLOVER] is chairman, their reports were referred to the Committee on the Judiciary, and I think that this report should take the same reference.

Mr. BEEBE. This committee comes here with the majority report recommending positive action by the House, and it is the desire of the majority of that committee to get an expression of opinion from the House in reference to the several resolutions attached to the majority report. That was my object in requesting that the resolutions might be read. If the gentleman from Maine [Mr. HALE] desires to inform himself by having these reports read in full after they have been before this House for more than a week, and on file in the document-room, where he could have secured a copy at any time, it will not take forty minutes to read both reports. What I desire is action at this time upon the resolutions.

Mr. HALE. Do the minority of the committee submit a resolution?

The SPEAKER *pro tempore*. The Chair is informed that the minority submit no resolution.

Mr. WILSON, of Iowa. I think there is one thing which does not seem to be properly understood by the House relative to the right of a committee having leave to report at any time. There are various committees that can report at any time, notably these investigating committees and committees of conference, &c. But I do not understand that that gives those committees the unquestioned right to have their reports considered by the House at the time when submitted unless there is no other business before the House.

Now this House has under consideration at this time as unfinished business the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote referring the President's message on the sundry civil appropriation bill to the Committee on Appropriations. On that unfinished business the gentleman from Pennsylvania [Mr. TOWNSEND] had the floor yesterday and yielded to a motion to adjourn. Now there is no doubt at all about the right to enter a motion to reconsider or the right to report at any time of these investigating committees, or the right of a committee of conference to report even in the midst of other business before the House. But that other business must first be disposed of in some manner before the report of an investigating committee can be considered. If this motion to reconsider, which is now the unfinished business, was disposed of, then anybody could raise the question of consideration upon the report of an investigating committee. But the House adjourned on yesterday with the gentleman from Pennsylvania [Mr. TOWNSEND] on the floor, and he undoubtedly has now the right to finish his remarks on that question of high privilege, almost the highest known to the House, before the gentleman from New York [Mr. BEEBE] can demand consideration of his report. That is the point of order I make.

Mr. BEEBE. When a committee is authorized to report at any time, it is authorized to make its report for action and for consideration. Such is the universal, unvarying practice of this House.

Mr. WILSON, of Iowa. Will the gentleman refer to some instance of that kind?

Mr. BEEBE. When the Committee on Appropriations report a bill it is for action.

Mr. WILSON, of Iowa. No; it is for reference to the Committee of the Whole on the state of the Union.

Mr. BEEBE. The whole trouble rests here. This committee has recommended the removal of a high officer of this Government, and the other side of the House dare not face the music on the record made.

Mr. WILSON, of Iowa. We do not know that; we have not heard the resolutions read yet.

Mr. HALE. I think the gentleman has no reason to say that this side of the House is afraid of any recommendations from the other side. There have been other recommendations made, and I do not think this side of the House has shown any fear to meet them.

Mr. HURLBUT. Is there any doubt in the mind of the Speaker as to the point of order raised by the gentleman from Iowa, [Mr. WILSON?]

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. I presume there can be no question about it. The business of the highest privilege now is the unfinished business of yesterday, and the gentleman from Pennsylvania [Mr. TOWNSEND] is entitled to the floor on that business; there can be no question about that. I understand that he is now ready to take the floor.

Mr. LAWRENCE. It has been repeatedly decided by the Speaker that the unfinished business takes precedence of everything else.

Mr. BEEBE. I desire to state that the gentleman from Pennsylvania [Mr. TOWNSEND] came to me this morning and spoke in reference to this matter. I stated to him that we desired action on this report, and that in my judgment, unless much time was desired by gentlemen on their side of the House, it would not involve any great length of time to enable the House to come to a conclusion upon it.

Mr. WILSON, of Iowa. A single word. I do not rise for the purpose of antagonizing the gentleman from New York, [Mr. BEEBE;] I never do that. I merely want it distinctly understood how we shall proceed with these highly privileged questions which we have so many of. If the gentleman from Pennsylvania [Mr. TOWNSEND] desires to withdraw his claim to the floor at this time, I have no objection at all, and I am willing to vote on any resolution that may come before the House. But we must observe our rules of practice here, or we will get so badly mixed up as not to know what we are about.

Mr. TOWNSEND, of Pennsylvania. The pending question is on the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the message of the President on the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. BEEBE. That is not the pending question while I have the floor.

Mr. TOWNSEND, of Pennsylvania. Upon that question I am entitled to the floor. If I understand the rules of the House that motion to reconsider is a question of the highest privilege. If it be so and I am entitled to the floor, I desire now to take it and go on with my remarks.

The SPEAKER *pro tempore*. The Chair will decide the point of order raised by the gentleman from Iowa, [Mr. WILSON.] The gentleman from New York [Mr. BEEBE] having submitted a report which the Chair has held to be privileged, and the Clerk having proceeded to read or being about to proceed to read the resolutions accompanying the report without objection from any one, the Chair thinks the point of order comes too late.

If reference to the other question raised, however, the Chair will decide it upon its merits. The question of reconsideration is now remitted to the order of unfinished business; and as such the Chair does not understand that it takes precedence of a privileged question, such, for instance, as the right of a committee of conference to report at any time. This committee having claimed the right under the recent order of the House to report at any time, it is now in order to submit that report. If, however, the gentleman from Pennsylvania [Mr. TOWNSEND] had obtained the floor immediately after the reading of the journal and claimed the right to speak on the unfinished business, he could not have been taken from the floor, that being the business then in order. But the floor has been taken by another gentleman who has submitted a report, which the Chair thinks now in order. The gentleman from New York [Mr. BEEBE] is therefore entitled to the floor.

Mr. BEEBE. I ask that the resolution appended to the majority report be read.

The Clerk read as follows:

Resolved, That Isaiah Hanscom, chief of the Bureau of Construction and Repair of the Navy Department, is unworthy and incompetent to hold that position, and that the interests of the Bureau, the Department, and the Government require his removal.

Resolved, That by reason of the negligence of George M. Robeson, Secretary of the Navy, and his order to pay the firm of Tilton, Wheelwright & Co. the claim presented by them in January, 1874, the Government of the United States was defrauded by said Tilton, Wheelwright & Co. of the sum so paid, to wit, $32,019.10.

Resolved, That a copy of the annexed testimony, together with the reports of the majority and minority of the committee and of these resolutions, with notice of the action of the House of Representatives herein, be laid before the President of the United States by the Clerk of this House.

Mr. CONGER. This is a very important matter, affecting two citizens of the United States. I ask that before the House passes upon these resolutions the report be read.

Mr. LAWRENCE. And the views of the minority?

Mr. CONGER. I call for the reading of the majority report and the views of the minority.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BEEBE] is entitled to the floor for one hour.

Mr. BEEBE. I do not understand that this reading will come out of my time.

The SPEAKER *pro tempore*. The Chair understands that any gentleman would have the right to call for the reading of a paper before he is required to vote upon it.

Mr. CONGER. I believe I am entitled to ask the reading before we consider it.

Mr. HALE. The Chair on a moment's reflection must see that the reports must first be read before there is any discussion of the question by any gentleman. It is the reports that come in here this morning; and they must be read before the House can be asked to consider them. The Chair, if he will refresh his recollection, must remember that reports are always read at once before any gentleman takes the floor. A report is not before the House until it is read, if any gentleman asks for the reading.

I beg to call the attention of the Chair to an illustration. Even in the case of an appropriation bill coming before the House, it is first read before the gentleman reporting it can submit his remarks. It is first read as a whole; then the speech-making comes in; and then the bill is read by clauses for amendment. The primary fundamental proceeding in the consideration of a report is the reading of that report.

Mr. HOAR. The Chair will pardon me for suggesting that the right given to a committee to report at any time is not a right to offer resolutions at any time but to present a report. It is a report that is to be submitted; and it must be read to the House if any gentleman desires it. I do not know that the gentleman from New York [Mr. BEEBE] has any choice—from what he has said I suppose he has not—as to whether the report shall be first read and his remarks he made afterward.

Mr. BEEBE. I have no objection to the reading of the report; but I do not think it should come out of my time.

Mr. HOAR. The Chair will pardon me for reminding him that the practice in regard to private bills reported from committees settles this question.

Mr. HALE. It is not claimed that the reading of the report will come out of the time of the gentleman from New York. Of course he will have his hour.

The SPEAKER *pro tempore*. The Chair understood the gentleman from New York to take the floor for the purpose of discussing this question; and the reading was called for afterward; but that question is waived by the statement of the gentleman from New York that he does not desire the floor now. Therefore as the reading of the reports has been called for, they will be read.

The Clerk proceeded to read the reports, but was interrupted by a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

ORDER OF BUSINESS.

Mr. HEREFORD. As the message just received announces that the Senate has acted on the river and harbor bill, I desire at this time to present to the House the conference report on that subject.

The SPEAKER *pro tempore*. It will not be in order now, as a paper is being read.

Mr. KASSON. O, yes, it will be.

Mr. HEREFORD. If the gentleman from New York [Mr. BEEBE] will consent that this matter shall be laid aside temporarily, I would like to have the conference report considered now.

Mr. KASSON. As a matter of order, I wish to say that under the rule and practice of the two Houses a gentleman calling up a conference report for action can even take a member who is speaking off his feet.

Mr. WILSON, of Iowa. I understand the rule to be (and it has a close connection with the point I raised a few moments ago) that a gentleman may be taken off his feet by the presentation of a conference report; but it is for the House to determine whether that report shall be considered or not. This is of the highest privilege, and can be made at any time, so as to let us know it is there if we want it; but we are not compelled to consider that or anything else.

Mr. BAKER, of New York. I presume the gentleman will not have objection to have this report considered.

Mr. BEEBE. There is no objection, so far as I know, to having a vote taken on the conference report, provided it is understood we only waive for that purpose.

Mr. RUSK. You do not waive anything. That is the rule.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HEREFORD. I rise to submit a privileged report, which I send to the Clerk's desk to be read, and on its adoption I demand the previous question.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 12, 35, 46, 78, 102, 110, 128.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 103, 104, 106, 107, 108, 109, 111, 112, 114, 115, 117, 118, 120, 121, 124, 125, 126, 127, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 162, and 164; and agree to the same.

That the Senate recede from its amendment numbered 5, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "three" in lieu of "five;" and the House agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert the words "and fifty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 13, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "ten;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert "and thirty-two;" and after the word "thousand," in line 1, page 6 of the bill, insert "five hundred;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 44, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "fifteen" in lieu of "twenty-five;" and the House agree thereto.

That the Senate recede from its amendment numbered 56, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "thirteen" in lieu of "thirty;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same, with an amendment as follows: Insert "thirty-eight" in lieu of "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same, with an amendment as follows: Strike out "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same, with an amendment as follows: Strike out "sixty-six" and insert "fifty;" and the Senate agree to the same

That the Senate recede from its amendment numbered 93, and agree to the clause proposed to be stricken out, with an amendment as follows: In lieu of "three thousand" insert "twenty-five hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same, with an amendment as follows: In lieu of "three thousand nine hundred and sixty," insert "thirty-five thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165 and agree to the same, with an amendment as follows: Insert "one hundred and forty-two" in lieu of "one hundred and fifty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 113, and agree to the clause proposed to be sticken out, with the following amendment: In lieu of "50,000" insert "29,600;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same, with an amendment as follows: In lieu of "50" insert "30;" and the Senate agree thereto.

That the Senate recede from its amendment numbered 119, and agree to the clause proposed to be stricken out, with an amendment as follows: In lieu of "seven" insert "five;" and the House agree thereto.

That the Senate recede from its amendment numbered 122, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "ten;" and the House agree thereto.

That the Senate recede from its amendment numbered 123, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "eight;" and the House agree thereto.

That the Senate recede from its amendment numbered 134, and agree to the clause proposed to be stricken out, with an amendment as follows: Insert "five" in lieu of "eight;" and the House agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same, with the following amendment: In lieu of the words proposed to be inserted insert as follows: "*Provided*, That $10,000 thereof shall be expended for removing the bar at Fort Smith, Arkansas; *And provided further*, That $40,000 of the above sum shall be expended on the Missouri River, including improvements opposite Saint Joseph, Missouri, and at Nebraska City;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same, with the following amendment: Strike out "200," in line 22, page 15, and insert in lieu thereof "175;" and the Senate agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same, with an amendment as follows: Insert "72" in lieu of "75;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same, with the following amendments: Insert after the word "water" the words "at mean tide," and after the word "rivers" the words "to the port of New Orleans;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same, with an amendment as follows: Insert after the word "therefore," in line 18 of said amendment, the following: "Not to exceed $10,000;" and the Senate agree to the same.

FRANK HEREFORD,
JOHN H. REAGAN,
OMAR D. CONGER,
Managers on the part of the House.

WM. B. ALLISON,
A. A. SARGENT,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. WILLIS. I call for the reading of the bill, which has never been reported.

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question on agreeing to the report of the conference committee, and the gentleman from New York [Mr. WILLIS] calls for the reading of the bill.

Mr. WILLIS. I want to know what I am to vote upon.

The SPEAKER *pro tempore*. The Chair will state that the reading of the bill is not privileged at this time. The only matter of privilege is the reading of the report on which the gentleman is to vote.

Mr. WILLIS. I move to lay the report of the committee of conference on the table.

Mr. HOAR. I rise to a question of order, and I ask the attention of the Chair as it is a question of order of some importance. My point of order is that it is not in order to move to lay a conference report on the table. The respect and courtesy between the two branches forbid it. The Chair will do me the favor before he looks at the Manual to listen to what I say. The only parliamentary motion is a motion to postpone the time of considering the report; but the report can be made, as has been already stated, even pending a motion to adjourn, while a member is on his feet, or pending a motion for a call of the House. It is of the very highest privilege.

Now, in the Congress before the last a question arose as to a statement by Mr. Barclay in the Digest to the effect that a motion to lay a conference report on the table is in order. The then Speaker, [Mr. Blaine,] believing that was a very important point and that it was wrongly stated in the Digest, called the attention of the House to it and desired some member to make a motion, so that the matter might be formally settled. I made the motion at the request of the Speaker. Thereupon my honorable colleague, who had been formerly Speaker of the House, [Mr. BANKS,] rose and stated the motion was out of order. The Chair sustained the point of order, and the House on appeal from the decision of the Speaker unanimously confirmed the decision, and that has been the rule ever since. What I have stated will appear by a reference to the Globe for the Congress before the last.

The Chair will see that one reason for this rule is that the order to lay a bill on the table is never communicated to the other branch, and courtesy would require us to communicate to the other branch our disposal of the report of a conference committee; an order to lay on the table being practically though not technically a final disposition of the matter; in this House it is practically so, being an indefinite postponement.

Mr. HEREFORD. I insist upon my motion for the previous question.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. HOAR] still has the floor on the point of order.

Mr. HOAR. I only desire further to say that I am opposed to this bill, and do not make the suggestion in the interest of the bill but in the interest of a very important parliamentary principle.

Mr. REAGAN. I rise to a question of order. The motion of the gentleman from West Virginia [Mr. HEREFORD] was a demand for the previous question. He did not surrender the floor—and I made the objection when the gentleman from Massachusetts rose—he did not surrender the floor for the motion to lay the report upon the table. It is therefore not before the House.

Mr. BANKS. I rose a few moments ago to make a remark which my colleague [Mr. HOAR] has made before I obtained the floor. I wished to state the reason for this rule. This being a question of courtesy between the two Houses, a conference report must be disposed of before any other business is determined, and our action must be communicated to the Senate. Now, when a bill is laid upon the table it can never be reached again. Any proposition laid upon the table in this House can never be again reached.

Mr. HEREFORD. I insist on the call for the previous question.

Mr. LUTTRELL. I rise to a parliamentary inquiry. Have we not the right to demand the reading of each section of the bill to which an amendment is proposed by the conference committee to know what the amendment is?

Mr. HEREFORD. The bill is not before the House. It is only the conference report which is before the House.

The SPEAKER *pro tempore*. The Chair will rule on one point of order at a time. The point of order raised by the gentleman from Massachusetts [Mr. HOAR] will be first considered; and if gentlemen desire to address themselves to that point of order the Chair will be glad to hear them. That point is whether a motion to lay the conference report on the table is now in order.

Mr. HEREFORD. I claim that I had the floor and demanded the previous question. The gentleman from New York [Mr. WILLIS] did not have the floor for the purpose of moving to lay the report upon the table.

Mr. WILLIS. I had the floor to make that motion.

Mr. HEREFORD. I made a demand for the previous question, and on that I insist.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. WILLIS] would be entitled to take the floor to make that motion to lay on the table if that motion were in order at that time, or any other motion that is in order. But the gentleman from Massachusetts [Mr. HOAR] raises the point of order that it is not in order to move to lay the report on the table. If gentlemen desire to address themselves to that question the Chair will be glad to hear them.

Mr. WILSON, of Iowa. I desire to say a word on the point of order. The principal point made by the gentleman from Massachusetts [Mr. BANKS] is that laying the report on the table is a finality; that if the House lays the conference report on the table that motion takes the bill with it, and we cannot reach it again. Now, sir, we have a method by which we can reach it. Suppose this House wants to take time to consider this report, the report may be laid upon the table and a motion to reconsider filed. That will bring the matter before the House whenever called up as a question of the very highest privilege. Now, I concede that if the conference report were laid on the table without the entering of a motion to reconsider, that action would be discourteous to the Senate. But I maintain also that if the convenience of the House requires that time should be gained for the purpose of investigating the amendments reported by a conference committee, then it is competent to table the report and to enter a motion to reconsider, which can be called up when the convenience of the House permits it.

Mr. WILLIS. Perhaps the Chair may already have before him a reference to the clause of the Digest on page 82, under the head of conference committees, "the report may be laid on the table."

Mr. REAGAN. There is one point which I desire to raise. The chairman of the committee of conference had taken the floor and had presented his report and called for the previous question upon it, as he was entitled to demand it, and when that motion was made he was entitled to have it disposed of before any one else took the floor to make another motion, and the gentleman from New York [Mr. WILLIS] made his motion to lay the report upon the table from his seat and without special recognition by the Speaker.

Mr. WILLIS. I was recognized.

Mr. REAGAN. My colleague on the committee [Mr. HEREFORD] was recognized by the Chair.

The SPEAKER *pro tempore*. The Chair has ruled upon that question, overruling the point of order. The Chair now desires to ask a question of the gentleman from Massachusetts.

Mr. REAGAN. May I ask this question in reference to the point of order which I raised? Did I understand the Speaker to decide that when a member has called the previous question he can be taken off the floor by any member in order to enable that member to make a motion?

The SPEAKER *pro tempore*. A motion to lay upon the table takes precedence of a call for the previous question.

Mr. REAGAN. I concede that, if the other member has authority to make a motion, but the point with me is whether he can supersede another member in order to make a motion to lay on the table.

The SPEAKER *pro tempore*. When a gentleman submits a motion for the previous question for the consideration of the House, he yields the floor, and then any other gentleman can take the floor and submit another motion which is in order at the time.

Mr. HEREFORD. Do I understand the Speaker to rule that I lost the floor when I moved the previous question?

The SPEAKER *pro tempore*. Yes, sir; the gentleman was not entitled to the floor after he demanded the previous question. After reporting from the committee of conference and moving the previous question upon agreeing to that report, he had no further right to the floor.

The Chair now desires to ask the gentleman from Massachusetts [Mr. HOAR] whether the ruling in the Digest, to which he has referred, was not overruled at a subsequent time?

Mr. HOAR. This ruling was read to the House by the Speaker at that time, and he stated that he desired to call the attention of the House to the fact that the authority in Barclay's Digest was otherwise, and thereupon, after considerable discussion, the House unanimously sustained the Chair, and held that a motion to lay a report of a committee of conference on the table was not in order. The matter was discussed by many of the most distinguished members of the House, and especially by my distinguished colleague from the fifth district, [Mr. BANKS,] who argued that a motion to lay a report from a committee of conference on the table would be an act of discourtesy to the co-ordinate branch of the Legislature; and therefore the House authoritatively overruled such a motion.

Mr. WILLIS. I submit that the unwritten law of the House is no more binding upon it than our written law when it depends upon the memory of the gentleman from Massachusetts.

The SPEAKER *pro tempore*. The Chair will decide the point of order. Under the rule of the House as it stands, stating what is the priority of motions, namely, first a motion to adjourn, then a motion to lay on the table, and then the previous question—under that rule it would be in order to move to lay any report or proposition pending before the House on the table previous to taking the vote upon the main question; but the Chair is informed that the uniform usage of the House has been not to entertain a motion to lay on the table a report of a committee of conference, it being discourteous to the other House to dispose of it in that manner, and in pursuance to the usages of the House the Chair rules that the motion to lay upon the table is not in order. This point was settled by the House on appeal from the decision of the Chair on the 8th of June, 1872. (See Congressional Globe, second session Forty-second Congress, page 4460.)

Mr. WILLIS. I now call for the reading of the engrossed bill.

Mr. HEREFORD. The report only is before the House.

The SPEAKER *pro tempore*. The only question before the House is, Will the House agree to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the river and harbor bill?

Mr. WILLIS. I rise to a parliamentary inquiry, and that is whether or not the members of this House will have an opportunity before

they are called upon to vote on the passage of this bill to know what its contents are; and, if so, when?

The SPEAKER *pro tempore*. That is a matter within the control of the House, and not of the Chair.

The question was put on seconding the demand for the previous question; and on a division there were—ayes 95, noes 35.

Mr. WILLIS. I call the attention of the Chair to the fact that no quorum voted.

No quorum having voted, tellers were ordered; and Mr. HEREFORD and Mr. WILLIS were appointed.

The House divided; and the tellers reported—ayes 105, noes 43.

So the previous question was seconded.

The question recurred on ordering the main question to be put.

Mr. WHITE. I rise to a parliamentary inquiry. If the previous question is voted down will it not be in order to recommit this report to the committee of conference?

The SPEAKER *pro tempore*. It will be in order if the previous question is not ordered.

Mr. WHITE. Then I hope it will be voted down.

The question was taken upon ordering the main question; and on a division there were—ayes 99, noes 35.

Mr. RICE. No quorum has voted.

The SPEAKER *pro tempore*. The Chair then will appoint tellers; and Mr. RUSK and Mr. HEREFORD will act as tellers.

The House again divided; and the tellers reported—ayes 106, noes 29.

Mr. WILLIS. No quorum has voted, and I demand a further count.

The SPEAKER *pro tempore*. That can only be had by calling the yeas and nays.

Mr. WILLIS. If the gentleman from West Virginia will agree that we shall have a vote by yeas and nays upon the adoption of the report of the committee, I will not insist upon a further count.

Mr. HEREFORD. I am perfectly willing that the gentleman should have the yeas and nays.

No further count being insisted upon, the main question was ordered.

The question recurred on agreeing to the report of the committee of conference.

Mr. HURLBUT. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRISON. I had intended to make some remarks upon this bill, but will not detain the House at this time to do so. I ask unanimous consent that they may be printed in the RECORD.

Mr. WHITE. I ask unanimous consent also to print some remarks upon this bill.

Mr. WIGGINTON. I make the same request.

Mr. MAGOON. I ask the same privilege.

There was no objection, and leave was accordingly granted to the above members to print remarks in the RECORD upon the river and harbor appropriation bill. [See Appendix.]

The question was then taken upon agreeing to the report of the committee of conference; and there were—yeas 104, nays 55, not voting 126; as follows:

YEAS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., William H. Baker, Ballou, Banks, Banning, Bradford, Bradley, Bright, Burleigh, John H. Caldwell, Cason, Caswell, Cate, Conger, Cook, Crounse, Davy, Dibrell, Durand, Durham, Eames, Egbert, Evans, Felton, Finley, Forney, Foster, Franklin, Freeman, Garfield, Gunter, Hale, Andrew H. Hamilton, Hancock, Benjamin W. Harris, Hartzell, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, House, Hunton, Hurd, Hyman, Kasson, Kehr, Kimball, King, Franklin Landers, Lane, Lawrence, Levy, Lewis, Lynde, Magoon, MacDougall, McCrary, McDill, Monroe, New, Norton, Page, Payne, William A. Phillips, Pierce, Piper, Potter, Rea, Reagan, John Reilly, James B. Reilly, Riddle, John Robbins, William M. Robbins, Rusk, Sampson, Schleicher, Sheakley, Siemons, A. Herr Smith, William E. Smith, Spencer, Strait, Stone, Tarbox, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Whiting, Willard, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, James Wilson, and Yeates—104.

NAYS—Messrs. Ainsworth, Anderson, John H. Baker, Beebe, Bland, Boone, William R. Brown, Horatio C. Burchard, Cabell, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cutler, Davis, Eden, Fort, Frye, Goodin, Hardenbergh, Hoar, Hurlbut, Thomas L. Jones, Lapham, Luttrell, Lynch, Maish, McMahon, Meade, Morgan, Mutchler, Odell, Packer, Poppleton, Powell, Rainey, Randall, Rice, Robinson, Savage, Scales, Singleton, Sinnickson, Springer, Stenger, Stevenson, Terry, Thompson, Turney, Wait, G. Wiley Wells, White, Wigginton, James Williams, and Willis—55.

NOT VOTING—Messrs. Abbott, Adams, George A. Bagley, Bass, Bell, Blackburn, Blair, Bliss, Blount, John Young Brown, Buckner, Samuel D. Burchard, William P. Caldwell, Campbell, Candler, Caulfield, Chapin, Chittenden, Cochrane, Collins, Cowan, Cox, Crapo, Culberson, Danford, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Faulkner, Fuller, Gause, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Hill, Hoge, Holman, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Joyce, Kelley, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lord, Mackey, McFarland, Metcalfe, Miller, Milliken, Mills, Money, Morrison, Nash, Neal, O'Brien, Oliver, O'Neill, Phelps, John F. Phillips, Plaisted, Platt, Pratt, Purman, Roberts, Miles Ross, Sobieski Ross, Sayler, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—126.

So the report of the committee of conference was agreed to.

During the call of the roll the following announcements were made:

Mr. EDEN. My colleague, Mr. CAULFIELD, is detained from the House by illness.

Mr. WOODBURN. On this question I am paired with Mr. BLACKBURN, of Kentucky. If present he would vote "no," and I would vote "ay."

Mr. MONROE. My colleague, Mr. DANFORD, who is necessarily absent from the House this afternoon, is paired with Mr. HUBBELL, of Michigan, who is absent by leave of the House. If present Mr. HUBBELL would vote "ay," and Mr. DANFORD would vote "no."

Mr. CASWELL. My colleague, Mr. WILLIAMS, of Wisconsin, is absent by leave of the House. If here he would vote "ay."

Mr. HEREFORD moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF TILTON, WHEELWRIGHT & CO.

Mr. BEEBE. I now call for the regular order.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The regular order being called for, the House will now resume the consideration of the report of the Committee on Expenditures in the Navy Department in relation to the claim of Tilton, Wheelwright & Co.

Mr. BEEBE. I understand that the gentleman from Michigan [Mr. CONGER] will withdraw his request for the reading of the report, and we propose then to take a vote upon the resolutions accompanying the report without any discussion. If the further reading of the report is dispensed with, I shall call for the previous question and ask a vote upon the resolutions of the majority of the committee without any discussion.

Mr. CONGER. If that proposition is assented to, and on those conditions, I will withdraw my demand for the further reading of the report.

Mr. BEEBE. I now call for the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions were adopted.

Mr. BEEBE moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Pennsylvania. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the unfinished business of yesterday, upon which the gentleman from Pennsylvania [Mr. TOWNSEND] is entitled to the floor.

Mr. SINGLETON. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SINGLETON. It is a report from the Committee on Printing.

The SPEAKER *pro tempore*. That is not of so high a privilege as to take the gentleman from Pennsylvania from the floor.

Mr. TOWNSEND, of Pennsylvania. I will yield to the gentleman from Mississippi, [Mr. SINGLETON,] if it does not come out of my time and does not take away my right to the floor.

Mr. ODELL. I move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is in order, inasmuch as the gentleman from Pennsylvania [Mr. TOWNSEND] has yielded the floor.

Mr. ODELL. I will withdraw the motion.

Mr. TOWNSEND, of Pennsylvania. In yielding the floor to the gentleman from Mississippi, I want it understood that I am not thereby taken from the floor.

The SPEAKER *pro tempore*. The gentleman necessarily loses the floor when he yields to another gentleman for some other purpose. But the Chair will again recognize the gentleman.

Mr. MACDOUGALL. I ask of the gentleman from Mississippi [Mr. SINGLETON] to yield to me for a few moments.

The SPEAKER *pro tempore*. If the gentleman from Mississippi yields the floor it will be the duty of the Chair to assign the floor.

Mr. MACDOUGALL. If it takes the gentleman from Mississippi from the floor, I will not ask it.

Mr. SINGLETON. It is a matter of indifference to me whether I occupy the floor or not. I only desire to submit a report from the Committee on Printing concerning the printing of the Agricultural Report.

Mr. MACDOUGALL. As I am obliged to leave town by the five-o'clock train, I desire now to submit a report from the Committee on Military Affairs.

Mr. RANDALL. I give notice that after the report of the gentleman from New York [Mr. MACDOUGALL] is disposed of I shall call for the regular order.

MAJOR J. T. TURNER.

Mr. MACDOUGALL. I am instructed by the Committee on Military Affairs to report back, with a recommendation that the same do pass, Senate bill No. 561 for the relief of Major Junius T. Turner.

The bill was read. It authorizes and directs the Paymaster-General to pay to Junius T. Turner, of Washington, District of Columbia, late a captain in the Third Regiment of Maryland Cavalry Volunteers, such sum as shall equal the travel-pay of a captain of volunteers from Washington, District of Columbia, to San Francisco, California, such distance to be computed by the nearest traveled route.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. WADDELL. I ask that the amendments to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships be insisted upon, and that the House agree to the conference asked by the Senate.

There being no objection, it was ordered accordingly.

The SPEAKER *pro tempore* announced the appointment of Mr. WADDELL, Mr. LUTTRELL, and Mr. GARFIELD as the conferees on the part of the House.

ORDER OF BUSINESS.

Mr. CONGER. Mr. Speaker, I withdrew a moment ago the call for the reading of a report which would have occupied considerable time, mainly in order that some investigating committees who are prepared to report might put in their reports to-night. I refer more particularly, if the chairman is ready, to the investigation of Federal officers in Louisiana. I believe the committee are prepared to make their report without discussion, simply to have it printed.

The SPEAKER *pro tempore*. The Chair must recognize the gentleman from Pennsylvania, [Mr. TOWNSEND,] who, under the rules, is entitled to the floor.

Mr. CONGER. There will be no discussion on this report.

Mr. TOWNSEND, of Pennsylvania. If I am entitled to the floor, I propose to go on.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman as entitled to the floor.

Mr. HUNTON. I ask the gentleman from Pennsylvania to yield for a moment to me that I may introduce a disability bill, which will not take any time.

Mr. TOWNSEND, of Pennsylvania. I cannot yield to any one, because there are so many applications to me that if I should yield to all, I should not be able to proceed.

TEMPORARY APPROPRIATIONS FOR SUPPORT OF THE GOVERNMENT.

Mr. TOWNSEND, of Pennsylvania, proceeded to address the House, but during the delivery of his remarks, yielded to

Mr. RANDALL, who said: Mr. Speaker, the appropriation bills, I may say, are now substantially agreed upon. There are, however, a thousand amendments embraced in the legislative bill alone, and it is impossible that the clerks can prepare that bill and the others to-day so that they may be presented to the two Houses for final passage. In view of this fact, it has been deemed proper, upon consultation with the Secretary of the Treasury, to present for adoption now a bill making temporary appropriations for the expenditures of the Government. The communication from the Secretary of the Treasury is in these words:

> I think the time should be so extended as to cover the passage of the appropriation bills.
>
> LOT M. MORRILL,
> *Secretary of the Treasury.*

Recognizing, in concurrence with the judgment of the Secretary, the necessity for a measure of this kind, I ask unanimous consent to introduce a bill entitled "A bill to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government.'"

There being no objection, the bill (H. R. No. 4087) was introduced and read a first and second time.

The bill provides that the provisions of the act approved July 31, 1876, entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government, approved June 30, 1876,'" be extended and continued in full force and effect until and including the 14th day of August, 1876.

Mr. RANDALL. That is next Monday.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, there being ayes 98, noes not counted.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now return the floor to my colleague, [Mr. TOWNSEND, of Pennsylvania,] and thank him for his courtesy.

GOLD AND SILVER COINAGE.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, when the hammer fell on my remarks on the silver question last Saturday afternoon I was about to give a brief history of our national legislation on our metallic currency, and being prevented then, I avail myself of the opportunity afforded me now briefly to give that history.

In doing so I will endeavor to avoid treating it from a partisan stand-point, for it ought never to be considered a party question, and I will speak of it entirely as a question of financial policy and political economy.

The only bill as yet reported to the House on this subject is the bill of the gentleman from Missouri, although other bills having a similar effect have been endeavored to be submitted to our attention.

With regard to the bill of the gentleman from Missouri, [Mr. BLAND,] if we strip it of all its machinery of gold notes and silver notes, and gold bars and silver bars, the whole case, in my judgment, lies in a very narrow compass. It is simply this proposition, whether any national legislature can by statute prescribe and fix a certain definite proportion between the values of any two commodities while the production of those commodities is left unrestricted and free, whether those commodities be wheat and corn, or cloth and muslin, or copper and nickel, or silver and gold, or any other products of labor whatsoever.

The friends of the bill of the gentleman from Missouri think that it can be done, and in his bill the gentleman has fixed the proportion between silver and gold precisely at 16 to 1 by authorizing the recoinage of the silver dollar at 412.8 grains and leaving its coinage unlimited and unrestricted, and making it a legal tender of all debts, public and private, to any amount, not specified to be paid in gold coin.

I think the experience of the world shows a sufficient number of instances where governments have endeavored to fix the proportions between different kinds of money and have signally failed, to satisfy any reflecting mind of the impossibility of such a task. Our revolutionary fathers endeavored first to maintain an equality between their paper issues and specie. Failing therein, they next attempted to maintain a definite proportion between their paper money and the Spanish silver dollar without any better success, for as the war went on the paper issues increased and their proportionate values were continually changing.

The French revolutionary government, with its wonderful energy and terribly despotic power, strove to regulate the prices of the products of industry, especially of the necessaries of life, and also to preserve an equality between their assignats and coin. To effect this result they enacted the most severe penalties against any one who should attempt to sell at prices above what were fixed by law or should hold coin at a higher value than the nominal value affixed to their paper currency. They were not, however, more successful than our revolutionary ancestors, and men bought, and sold, and paid prices for commodities, and accepted paper money or specie, according to their own views of their respective values. The laws of trade and commerce were then, as now, stronger than the laws of the national legislature.

As it has been with the prices of other commodities, so has it always been with metallic currencies. Being the products of labor, they are regulated by the same commercial laws as wheat and corn, cotton and muslin, tobacco and whisky; supply and demand, the action of other governments on their currencies, and other factitious circumstances fixing their prices and varying their proportionate values in the markets of the world.

All governments have found it impossible to preserve a fixed and definite proportion between the different metals that they have used for a currency.

Our own country is a notable instance of the difficulty; for although we have had nominally a double standard or bimetallic currency, yet really and practically it has been but a single one, sometimes of silver and sometimes of gold, according to the value we may have affixed by statute to the coinage of either metal.

Under the act of April 2, 1792, establishing a mint, the proportion between silver and gold, at the suggestion of Hamilton, then Secretary of the Treasury, was fixed at 15 to 1. By that act the eagle contained 24.75 grains of pure gold to the dollar or 27 grains standard, and the silver dollar contained 371¼ grains pure silver or 416 grains standard. By that legislation the gold was undervalued and the gold coins were exported to countries where they were valued higher. This proportion remained until 1834, and silver was the practical currency, no gold being seen in the hands of the people as a circulating medium. The gold coinage between 1792 and 1834, both years included, was $15,680,000 only, while the silver coinage, less minor coins, reached $39,690,000.

In an endeavor to obtain a more correct valuation of the two metals and make a more proper adjustment of the proportion between them, Congress, by the act of June 28, 1834, fixed the quantity of pure gold in the eagle at 232 grains or 258 grains standard, the silver dollar remaining as before, thus making the proportion between the two metals, 15.407 to 1.

This change reduced the amount of pure gold in the eagle about 6.26 per cent. on its former weight, and the gold began to circulate as currency. It still did not produce the desired result; and on January 18, 1837, another effort was made to make statutory regulations conform to the laws of commerce, and the weight of the silver dollar was fixed at 412½ grains, the ratio between silver and gold being thus arranged at nearly 16 to 1.

But commerce ruled. The price of silver in the market governed its circulation, and from this period to 1853 the silver coinage disappeared to a considerable extent and the prevailing coinage was gold, the double eagle and the gold dollar having been authorized by the act of March 3, 1849, in the proportions of standard gold in the eagle.

The effect of these laws of 1834 and 1837, together with the discovery of gold in California, was shown in the mint returns, which showed a coinage of gold from 1835 to 1852, inclusive of both years, of $221,011,000, and of silver, less minor coins, of $39,523,000 only.

Notwithstanding these changes in the coinage the silver coins were exported, and, in order to keep sufficient silver coins in the country for

change for the use of the people, on February 21, 1853, Congress demonetized those coins of a denomination less than a dollar and fixed the half dollar at 192 grains standard silver and the lesser denominations in proportion, and fixed their legal-tender quality at $5, and authorized the gold piece of $3.

This reduction in weight and change in the proportion between the lesser silver coins and gold to 14.188 to 1 and consequent overvaluation of them, served to keep the subsidiary coins from exportation; but the silver dollar, that remained at its weight of 412½ grains, was undervalued, which, at the ruling prices of silver in the market, caused its exportation, and left gold as the principal medium of exchange for the larger contracts of the people.

The gold coinage from 1853 to 1873 inclusive was $580,111,000, and the silver coinage $65,929,000.

The large production of gold between 1847 and 1873 disturbed the proportion between the silver and gold coins. In the latter year silver sold in the market at one hundred and eighteen cents per ounce, and the silver dollar was worth a fraction over one hundred and three cents in countries using silver coin, but was valued by us at only one hundred cents, and consequently was withdrawn from circulation and exported at a profit to the bullion-broker.

Congress again intervened and made another change in the silver coinage, and in 1873 established the half dollar at 192.9 grains and the minor silver coins in proportion, thus making two half dollars just equal to the five-franc piece of France. It left out of the coinage the silver dollar of 412.5 grains, after full debate on several occasions in the Forty-first and Forty-second Congresses, and authorized the trade dollar of 420 grains for the benefit of the local trade between California and China and Japan, and demonetized the whole mass by restricting its legal-tender power to $5 in any one payment, and made the gold dollar the unit of value.

From this it will be seen that from 1792 to 1834 our metallic currency, although nominally bimetallic, was really only of silver, and from the latter date till now it has practically been only of gold, with the exception of that small portion of silver which has been overvalued and demonetized for the purpose of keeping it as tokens for change in the small transactions of every-day life.

Five different efforts have thus been made by our Congress to establish a double standard of metallic currency, all of which have failed to produce the result desired.

England also tried the experiment with a like want of success. In 1816 she abandoned the effort, and the only silver coins she tolerates are small silver coins or tokens, which are so greatly overvalued that they remain at home for change among her laboring classes and the shopkeepers.

We are pointed to France as an instance of the success of a bimetallic currency, but, like England, she does not allow an unrestricted coinage of silver. In 1866 she formed a monetary union with Italy, Belgium, and Switzerland to last until 1880, as stated in the report of the Director of the Mint for 1875, whereby all silver coins of those countries below the five-franc piece were degraded from 900 parts fine to 835 parts, and the issues restricted to six francs or about 116 cents to each inhabitant, so that her minor silver coins are depreciated in quality, and all are restricted in quantity. It is thus that these countries prevent an excess of issues of silver coins and keep the supply down to what governments may deem the wants of those nations. Their legislation, although somewhat different from ours, has practically the same effect, and shows their consciousness of an inability to keep up a double standard when the production and coinage of the metals are unrestricted.

The Netherlands have closed their mints against silver coinage, except for government purposes.

The mint report just quoted says that the exclusive gold standard since 1870 has been adopted by the United States, Germany, Japan, Sweden, Denmark, and Norway.

The silver standard in Russia, Austria, Mexico, China, and the Indies yet prevails. The double standard exists in France, Belgium, Italy, Switzerland, the Netherlands, Portugal, and Spain to a limited extent. The restricted character of the double standard there I have already shown.

It will thus be seen that all efforts of the nations to keep up an unrestricted double standard have failed. It must necessarily be so, because the proportionate production and uses of the two metals are continually changing, and hence their relative values will change as well.

It is a well known rule of finance that where two currencies of different values are imposed upon a people with intent that they shall circulate together, the cheaper one always drives out the dearer or more valuable one.

It is proposed by the bill of the gentleman from Missouri and other bills that have been offered here to create a silver dollar of 412.8 grains, which is just sixteen times the weight of the gold dollar, and to make it a legal tender for all debts public and private.

The impracticability of using silver for a general and reliable currency may be well seen in its great fluctuating values.

The sales in London rule the market here and fix our prices. English silver is 925 parts in 1,000, fine, our standard is nine-tenths fine.

In 1863 silver was worth 61½ pence per ounce in London, equal to 121 cents here. In 1872 it had fallen to 60¼ pence per ounce, or 119 cents in our currency, making the then silver dollar worth a little over 103 cents, and making it profitable to export it. A month ago it was sold at 47 pence per ounce, equal to 92.726 cents in our currency, and making the silver dollar worth 74.53 cents in gold. At that price it would require 553.87 grains of silver in a silver dollar to make it equal in value to a gold dollar, making the proportion 21.46 to 1. By the last quotations it has risen to 51 pence per ounce, equivalent to 100.6 cents, and worth 86.53 per dollar, or 3.47 cents less than greenbacks, and requiring that there should be 477.04 grains of silver to equal a gold dollar, which would be about equal to 18.5 to 1.

Such fluctuating values would disturb all the contracts and business of the people and would require continuous and vacillating legislation to keep the proper proportions between gold and silver, if we should endeavor to keep up a double standard.

The effect of the contemplated law would be to substitute the cheaper metallic currency for the more valuable one, and remit us back again to a single standard of bulky silver. It would drive every dollar of gold out of the country, and give us a changing standard as variable as an India-rubber yard-stick would be, and would alter, at the same time, all contracts that had been made all over the nation. It would be to require all creditors, whether men working for daily wages or monthly pay, all men on salaries, all annuitants, to receive 13.47 cents in the dollar less than they had bargained for. It would enable the savings-banks to pay their $900,000,000 of indebtedness to the working classes at a sum over 13 per cent. below gold and about 3½ per cent. less than the paper dollar. It would enable the national banks to pay their depositors the $620,000,000 they owe them in depreciated silver at the same reduction. It would reduce the duties on imports to the amount of the difference in value between the silver coinage and the gold in which they are now payable, and encourage the importation of excessive quantities of goods to the injury of the American manufacturer, closing up many establishments and throwing thousands of workmen out of employment.

All duties being then payable under the proposed law in silver currency, the Government would have to buy gold to pay the interest on the public debt at a heavy loss, but if partisan clamor should drive the Government to pay the principal or interest of the national indebtedness in silver, then the Government creditors would have to take 13.47 cents less in the dollar than they had supposed they bargained for if silver remained at the present rates.

If this construction should be put upon such a law as is proposed, it would be considered a partial repudiation of the national obligations; it would be fatal to our public credit, and would defeat, as I have heretofore said, all efforts toward changing the remaining $1,000,000,000 of 6 per cent. bonds to loans at a lower rate of interest, for every lender of money to the Government supposed he was to have gold coin in return. As some of the countries of Europe are demonetizing it as a standard, the increased value which would be temporarily given to it here, if the bill should become a law, would make this country the common receptacle of all the demonetized silver of the Old World and thus eventually bear down its price below its present market rates, for that silver, waiting for a better market, may probably be counted at more than a hundred million of dollars.

Gold, being a scarcer metal and its production less variable, has been considered by most nations the most valuable for a metallic currency. Its prices measured by other commodities do not fluctuate so much or so rapidly as silver, and Mr. Linderman, the able Director of the Mint, in his report of 1873, after stating the disturbances that have arisen in the bullion market, says:

It is evident that Congress acted wisely in establishing gold as the sole standard of value.

He also says in the same report that—

The experiences of different countries, our own included, have conclusively shown that the double or alternate standard of gold and silver at fixed rates is subject to derangement from variations in the relative value of the two metals, and that the steady value of the money unit, which is a matter of great importance, can only be maintained by making one of the precious metals the standard or measure of value, and assigning a subordinate position as to coinage for the other.

From the experience of foreign nations and our own I am satisfied that an unrestricted bimetallic currency of equal value cannot be maintained, and is a commercial and financial impossibility.

In my judgment, then, the passage of the bill would be a national calamity. It would be prejudicial to national credit and national honor, for by the general understanding of the Government and its creditors, as I have endeavored to show on a former occasion, its obligations were understood to be payable in gold, for when our loans were contracted *gold* was the only metallic "coin," save subsidiary coins, known to the people of the nation; and in addition it would disturb and unsettle all contracts that have been entered into between individuals.

I trust the bill will not be allowed to pass.

Mr. BLAND. The gentleman from Pennsylvania [Mr. TOWNSEND] has referred to the payment of Government bonds in gold alone. I wish to ask him whether the act of 1869 does not specifically declare those bonds payable in gold and silver, recognizing silver as well as gold as a proper medium of payment?

Mr. TOWNSEND, of Pennsylvania. The act of 1869 says that the bonds of the Government are payable in coin. As I endeavored to show on a former occasion, the only coin then known to the people was gold except subsidiary coins not a legal-tender over $5.

I now yield to my friend from Mississippi, [Mr. LYNCH.]

The SPEAKER *pro tempore*. The gentleman from Mississippi [Mr. LYNCH] is entitled to the thirty minutes remaining of the hour of the gentleman from Pennsylvania.

Mr. WELLS, of Mississippi. Will my colleague [Mr. LYNCH] yield for a motion to adjourn?

Mr. LYNCH. Before yielding for that motion, I want to make a request of the House. I am very desirous to speak, because my State as well as the race with which I am identified has been very extensively alluded to in discussions in this House. But it would be impossible for me to say in thirty minutes all that I desire to say. I therefore ask the House to allow me, when this question is again taken up, to speak as within my own time, so that I shall be entitled to an hour instead of thirty minutes. I hope there will be no objection to this request.

Mr. BLAND. I shall object, as I want to press the silver bill.

The SPEAKER *pro tempore*. The Chair will state the position of the gentleman from Mississippi. He occupies the floor for the remaining portion of the hour of the gentleman from Pennsylvania. At the expiration of those thirty minutes, unless there is unanimous consent, his time cannot be extended any further. If any gentleman moves to lay the motion to reconsider upon the table, further time may be extended to him, but the Chair would be compelled to give an opportunity for the motion to lay upon the table.

Mr. LYNCH. I hope the gentleman from Missouri will withdraw his objection.

Mr. STENGER. When the time of the gentleman from Mississippi has expired, I give notice I shall move that the motion to reconsider be laid upon the table.

Mr. CONGER. I hope there will be no objection to receiving reports for printing.

The SPEAKER *pro tempore*. The gentleman from Mississippi has yielded to his colleague [Mr. WELLS] to move the House adjourn.

Mr. WELLS, of Mississippi. I move the House now adjourn, and insist on the motion being put to the House.

Mr. BANNING. Before we adjourn I should like to make a statement to the House.

The SPEAKER *pro tempore*. Whatever is done must be by unanimous consent.

Mr. WELLS, of Mississippi. I will yield to the gentleman for a motion to refer.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. CONGER. I ask that the gentleman from Indiana [Mr. NEW] be permitted to make his report, to be laid upon the table and ordered to be printed, and also that an opportunity be afforded to submit a report from the minority.

The SPEAKER *pro tempore*. It is not proper for the gentleman from Mississippi to make a motion to adjourn and then parcel out the floor to half a dozen members to introduce this or that proposition.

Mr. WELLS, of Mississippi. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the motion to adjourn.

Mr. NEW. I ask unanimous consent to submit a report from a select committee.

The SPEAKER *pro tempore*. The Chair would be glad to entertain any request. The mere fact, however, that the gentleman rises to submit a privileged report does not entitle him to be recognized pending the motion to adjourn. If there be no objection, however, the Chair will recognize the gentleman from Indiana.

Mr. CONGER. It is only to submit a report for printing.

Mr. RICE. I demand the regular order of business.

The SPEAKER *pro tempore*. The gentleman from Ohio demands the regular order of business, which is a motion to adjourn; pending that, however, the Chair asks by unanimous consent that a report may be received from the Committee on Enrolled Bills.

ENROLLED BILLS.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota;

An act (H. R. No. 3392) for the relief of John R. Harrington; and

An act (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

APPROVAL OF A BILL.

A message from the President, by U. S. GRANT, jr., his Secretary, informed the House that the President had approved and signed a bill of the House of the following title:

An act (H. R. No. 1336) to establish a new land district in the territory of Wyoming.

COTTON CLAIMS.

The SPEAKER *pro tempore*. The Chair, by unanimous consent, lays before the House a letter from the Secretary of the Treasury, in reference to a resolution of the House of March 14, transmitting a tabular statement of cotton claims presented to and paid by the Secretary of the Treasury from January 1, 1865, to January 30, 1876.

Mr. WILLIS. I move that communication be referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

Mr. WILSON, of Iowa. I think the order to print should not be made until the Committee on Expenditures in the Treasury Department report whether its printing is necessary or not.

Mr. WILLIS. If it is not printed, it will facilitate more robbery.

The SPEAKER *pro tempore*. It is not a question of argument.

The report was ordered to be printed, and referred to the Committee on Expenditures in the Treasury Department.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Rev. I. L. Townsend, Chaplain of the House, for one day;
To Mr. ROBINSON, indefinitely on account of sickness;
To Mr. FAULKNER, indefinitely on account of sickness;
To Mr. WALDRON indefinitely;
To Mr. SEELYE an extension for nine days;
To Mr. BAKER, of New York, indefinitely on account of illness; and
To Mr. DAVIS, for ten days from the 11th instant.

CONDUCT OF LOUISIANA FEDERAL OFFICERS.

Mr. NEW. If there be no objection I will submit a report from the committee on the management of federal offices in Louisiana, and ask also that the minority be allowed to present their views, and that both be laid upon the table and ordered to be printed.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. CONGER. I present the views of the minority, and ask that they be printed with the majority report.

Mr. DARRALL. I submit a minority report on that branch of the inquiry relating to the shooting of Senator Twitchell and David King at Coushatta, Louisiana, and ask it be printed with the other reports.

The SPEAKER *pro tempore*. The Chair hears no objection; and the reports will be laid upon the table, and ordered to be printed.

And then (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. FINLEY: The petition of Eveline Glover, that she be granted a pension from the time of the death of her late husband, who was a private in Company E, First Regiment Florida Cavalry, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Caroline R. Dulany, widow of Commodore Bladen Dulany, that her pension be increased to $50 per month, to the Committee on Revolutionary Pensions.

Also, the petition of Sarah A. Auld and Mary E. Duncan, heirs at law of Edward Auld, deceased, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

Also, papers relating to the petition of R. A. Somerville, for rectification of certain allowances to his father, William Somerville, deceased, who was an officer in the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. WARD: The petition of George E. Ward, late a private in Company K, Thirteenth New York Cavalry Volunteers, for an increase of pension, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *August* 11, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. EDMUNDS. I see that the Journal does not show the motion for a recess that I made, the point of order submitted, and the ruling of the Chair, as I believe the Journal should as a part of the action of the Senate. If that ruling is to stand as a precedent, it ought to be in the Journal, so that we shall know officially what the proceeding was. I think the Journal ought to be corrected in that particular.

Mr. CAMERON, of Wisconsin. On Tuesday last the Senate entered an order——

Mr. EDMUNDS. I had called attention to a question of the Journal which is not yet disposed of.

The PRESIDENT *pro tempore*. In what respect does the Senator from Vermont desire the Journal to be corrected?

Mr. EDMUNDS. I submit that the Journal is not full in not showing the motion that was submitted for a recess, the point of order that was made upon it, and the ruling of the Senate speaking through the Chair on that point. That was a part of the proceedings of the Senate, and I think the Journal ought to show it. If it is to stand as a precedent, the Journal certainly ought to show it. I, of course, care nothing about it in this particular instance; but I think the Journal always ought to show all the proceedings. This particular

instance, of course, is not of the least practical consequence; but as a precedent establishing what the ruling of the Senate is in certain cases the Journal ought to show it, and being a true Journal it ought to show actually the motion that was made, the ruling of the Chair, and the decision of the Senate. It perhaps is not of practical consequence enough in this instance to make any point about it.

The PRESIDENT *pro tempore*. The Journal will be corrected according to the fact. The RECORD shows substantially how it was, and the Chair was not aware that it was not entered in the Journal.

Mr. EDMUNDS. I did not suppose the Chair was aware that it was omitted from the Journal.

The PRESIDENT *pro tempore*. The correction will be made according to the facts.

ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, disagreed to by the House of Representatives.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. LOGAN, BOOTH, and GORDON were appointed the conferees on the part of the Senate.

PARTITION OF REAL ESTATE.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3168) relating to the partition of real estate in the District of Columbia, asking a conference on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. Will the Senate agree to the conference asked by the House?

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. FRELINGHUYSEN, Mr. HOWE, and Mr. STEVENSON were appointed the committee on the part of the Senate.

JOHN H. RUSSELL.

Mr. CAMERON, of Wisconsin. An order was entered on Tuesday last authorizing John H. Russell to withdraw from the files of the Senate his papers in the matter of his claim against the United States for the loss of a steamboat. I find upon inquiry that the petition—there is no bill in the case—has been recommitted to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the petition of John H. Russell, praying compensation for the loss of a steamer alleged to have been destroyed by the confederates during the late war.

The motion was agreed to.

HAWAIIAN TREATY—ORDER OF BUSINESS.

Mr. SARGENT. I hold in my hand a telegram addressed to the honorable the Senate of the United States, signed by thirty of the leading citizens and firms of San Francisco. Among others, I see the names of Eugene Casserly and Milton S. Latham, formerly Senators in this body, F. F. Low and Charles Clayton, formerly members of the House, and other gentlemen of the highest character and commercial standing.

This telegram says:

> The honor of the country, its national and commercial interests, demand the passage of the Hawaiian treaty bill, and we, the undersigned, humbly pray for immediate action.

I should like to say, with reference to this matter, that the most lively interest in it is felt in San Francisco and on the Pacific coast, and that delay in action upon it is producing considerable confusion to our commercial interests. I am not sure, from some of the telegrams that I have received, but that it would be better if the question should terminate even by defeat rather than to have it hang on, day after day, and week after week, and perhaps go over this session. I earnestly trust that the Senate will give an hour or two to the consideration of this matter and allow it to be terminated.

Mr. MORRILL. I agree with the Senator that it would be most advantageous to the country to have it terminated by defeat.

Mr. SARGENT. I know the Senator's hostility. I should like to ask the Senate to take a recess at five o'clock until half past seven or eight o'clock in order to consider this treaty at the night session. I know how important it is to Senators who desire it that they shall make speeches; but it seems to me that we have now been making speeches for nearly a week and perhaps it will run some time longer. We are coming to the very heel of the session, and night sessions seem to be absolutely necessary in order to attend to legislative business. I, of course, would much rather take up the matter to-day and discuss it and dispose of it by daylight. It would inconvenience me as much as any other Senator, especially after a hard day's work, to come here at night, but I see no other way to have the subject considered. If some Senator can make some other suggestion which will enable me to see through the difficulty I should be happy to hear it.

Mr. EDMUNDS. I wish to suggest to the Senator from California that I understand it is not usual to receive as a petition or memorial a telegraphic dispatch. Of course there is not the slightest objection to the Senator calling attention to it, as he has already done; but as a mere matter of precedent and regular proceeding I believe it has been settled often that a telegraphic dispatch cannot be put in as a petition.

Mr. SARGENT. I do not understand it to be within the rule; but I read the dispatch as part of my speech.

Mr. EDMUNDS. I wish to say that I feel it an imperative duty, as I gave notice day before yesterday, after the pending order is disposed of to move to take up the constitutional amendment; but I can assure the Senator from California that, so far as the Judiciary Committee are concerned, so far as they can possibly see, we shall not all of us occupy three-quarters of an hour in the whole discussion in presenting the views of the committee and defending them; so that that will take but little time.

Mr. SARGENT. I know how important that amendment is, and I think my views are very much in harmony with the Senator's on that matter; but I have asked the Senate now for some weeks to give me an opportunity to have this measure heard, and by and by I shall submit the motion which I have suggested.

Mr. EDMUNDS. I am in favor of sitting right straight along and not having a recess.

Mr. HOWE. Whenever the Senator thinks he is justified in making the motion the Senate will pass upon it properly. I want to say in this connection that I hope there will not be much time taken up in discussing the relative merits of different orders before the Senate. My colleague wants to move the consideration of a bill which, although it does not interest the United States at all, does interest a gentleman whose whole fortune the United States has in possession, and my colleague would like to call the attention of the Senate to it.

Mr. SARGENT. I should like to make a suggestion, which I think is practical, and that is that after the speech is concluded by the Senator who now has the floor on the pending resolution, that resolution be disposed of. There will be an opportunity to make general speeches upon the matter brought forward by the Senator from Massachusetts [Mr. BOUTWELL] by the report of his committee. I myself may desire to speak upon that matter and I know that others will. That can be taken up a little later, and we can meanwhile dispose of some of these urgent matters of legislation, without disposing of which the Senate ought not to adjourn.

Mr. BOUTWELL. Mr. President——

The PRESIDENT *pro tempore*. There is no motion pending. Petitions and memorials are still in order.

Mr. SHERMAN. The Senator from Massachusetts may know what I am about to refer to, the appointment of a commission on the silver question. I was compelled to yield, as Senators are aware. That is the only matter in my charge that is pressing, and I should like to have the Senate act upon it this morning. I suppose there will be no debate about it.

Mr. BOUTWELL. I think the Senator from Ohio is entitled to have that resolution considered.

Mr. SHERMAN. If the Senator will allow me, I should like to have it taken up now, unless there is objection. I move that the House resolution on the silver question be taken up.

Mr. LOGAN. I believe the only way to get anything before the Senate is to be persistent. I have tried for nearly a month to get up the bounty bill. I think no business pending is more important than that. I move to take up House bill No. 58, commonly known as the bounty bill, and I ask for a vote on my motion.

Mr. SHERMAN. My motion is first in order.

The PRESIDENT *pro tempore*. The Senator from Ohio desires to take up what is known as the silver bill. Is there objection?

Mr. LOGAN. I have asked the indulgence of the Senate so often in regard to this matter, and as there seems to be no disposition to allow it to come up, if an objection will put over any of these other measures, I shall object, and I will insist on objecting to everything, I do not care what it is, until I have a vote on taking up this bill.

Mr. HITCHCOCK. If the Senator from Ohio will allow me, I want to call his attention to one fact which may affect the motion he makes, and that is the absence of the Senator from Nevada, [Mr. JONES,] who takes a very deep interest in the matter referred to by the Senator from Ohio. I for one should like to hear his views upon it, and probably at a later hour to-day he will be here.

Mr. SHERMAN. I have no doubt the Senator from Nevada would be willing to have it taken up. I can say that the Senator from Illinois [Mr. LOGAN] can represent him probably better than any one else on the question when it is taken up.

Mr. HICHCOCK. I presume the Senator from Nevada can represent himself better than anybody else could.

Mr. SHERMAN. I know his opinion about it. However, I only desire to have it considered to-day because I think there will be no serious objection to the passage of the resolution.

The PRESIDENT *pro tempore*. Is there objection to considering the joint resolution suggested by the Senator from Ohio?

Mr. LOGAN. I object.

Mr. SHERMAN. I move to take it up.

The PRESIDENT *pro tempore*. Until the order of morning business is through, one objection rules it out.

REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of the proceedings in the impeachment trial of William W. Belknap, with the opinions of Senators, to report a bill as a substitute for the concurrent resolution, and to ask for its present consideration.

The bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap was read and passed to the second reading.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I think it had better go on the Calendar and take its chance with the other unobjected cases, as it is a bill.

Mr. ANTHONY. It is a bill, but it should be disposed of now for reasons of public economy. I do not care whether these extra copies are printed or not, but I should like to have the matter disposed of, because the type is kept standing.

Mr. EDMUNDS. Is the type up?

Mr. ANTHONY. I suppose it will be stereotyped.

Mr. LOGAN. Let the bill go on the Calendar.

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution of the House of Representatives to print additional copies of the report of the commission of engineers upon the reclamation of the alluvial basin of the Mississippi River, have instructed me to report a bill as a substitute for the concurrent resolution. These resolutions are made bills because there is no money already appropriated applicable to this purpose, and if we are to order printing we must appropriate money to pay for it. We have economized the public printing by cutting down the estimates one-third, and then we are constantly called upon to order printing for which there is no appropriation.

The bill (S. No. 1041) to provide for printing the report of the engineers on the reclamation of the alluvial basin of the Mississippi River was read and passed to the second reading.

Mr. ANTHONY. Both of these bills ought to be disposed of in some way at this time, especially the last one, because the work is not to be stereotyped.

Mr. EDMUNDS. How much money does it call for?

Mr. ANTHONY. Fourteen hundred dollars.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SAULSBURY. I ask whether the general appropriation on the subject will not cover that printing?

Mr. ANTHONY. It will not cover it and cover the ordinary printing ordered by the Senate and the House, such as the printing of bills and reports.

Mr. EDMUNDS. Let it go on the Calendar.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred a petition of citizens of the District of Columbia, praying that the time fixed by law for the completion of the repavement of Pennsylvania avenue be not extended beyond December next, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1009) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, reported in favor of its indefinite postponement.

He also, from the same committee, to whom was referred the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, reported it without recommendation, and asked that it be placed upon the Calendar.

Mr. KERNAN. What becomes of the report adverse to repealing the proviso limiting the time for paving Pennsylvania avenue to the 1st of December? Does it go on the Calendar?

The PRESIDENT *pro tempore*. The bill is just reported and goes on the Calendar.

Mr. SPENCER. The committee report the House bill without recommendation, and the Senate bill we want indefinitely postponed.

The PRESIDENT *pro tempore*. Both will go on the Calendar.

BILLS INTRODUCED.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1043) to amend the provisions of section 2966 of the Revised Statutes regulating the collection of duties on imports and tonnage, &c.; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1044) making appropriations to pay judgments of the Court of Claims; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF DISTRICT GOVERNMENT.

Mr. WINDOM. If there be no further morning business, I move to take up the House bill providing for the expenses of the District of Columbia until December next.

The PRESIDENT *pro tempore*. The Senator from Ohio had moved, out of order, however, the consideration of what is known as the silver bill.

Mr. PADDOCK. Did not the Senator from Illinois [Mr. LOGAN] move to take up House bill No. 58, the bounty bill?

The PRESIDENT *pro tempore*. He did not move to take it up, for he was not in order; but he gave notice that he would move to proceed to its consideration. The Senator from Ohio was out of order, and the Senator from Illinois objected and gave notice that he would move at the proper time to take up the bounty bill. The Senator from Minnesota is the first who has risen in order to move to take up a bill.

Mr. WINDOM. I think it will not take much time.

The PRESIDENT *pro tempore*. The Senator from Minnesota is entitled to the floor.

Mr. WINDOM. I move to take up the House bill providing for anticipating taxes in the District of Columbia, reported back from the Senate Committee on Appropriations a few days ago.

Mr. PADDOCK. I understand the Senator from Illinois to object to this.

Mr. WINDOM. The morning business has been concluded.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. The motion is before the Senate.

Mr. LOGAN. Let the Senate decide it.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to take up for consideration the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

The question being put, there were on a division—ayes 21, noes 11; no quorum voting.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 27, nays 10; as follows:

YEAS—Messrs. Anthony, Boutwell, Christiancy, Cockrell, Cragin, Davis, Dennis, Eaton, Edmunds, Ferry, Frelinghuysen, Gordon, Hamlin, Howe, Kelly, Kernan, Key, McCreery, Maxey, Morrill, Norwood, Patterson, Sargent, Sherman, West, Windom, and Withers—27

NAYS—Messrs. Cameron of Wisconsin, Clayton, Cooper, Harvey, Hitchcock, Logan, Mitchell, Oglesby, Paddock, and Saulsbury—10.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dorsey, Goldthwaite, Hamilton, Ingalls, Johnston, Jones of Florida, Jones of Nevada, McDonald, McMillan, Merrimon, Morton, Randolph, Ransom, Robertson, Sharon, Spencer, Stevenson, Thurman, Wadleigh, Wallace, Whyte, and Wright—34.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I move to amend the bill by inserting in line 6, after the word "by," the word "temporary," and striking out the words "or otherwise;" so as to make the bill read:

That to enable the commissioners of the District of Columbia to defray the expenses of said District to December 1, 1876, they are hereby authorized to anticipate by temporary loans the taxes for the fiscal year ending June 30, 1877, a sum not to exceed $418,957.96, the interest on which shall not exceed 6 per cent. per annum.

The amendment was agreed to.

Mr. KERNAN. Permit me to inquire have the preliminary steps been taken to levy this tax and in what shape it is?

Mr. WINDOM. We have passed a tax law, but it does not take effect until December.

Mr. EDMUNDS. It takes effect now, but they cannot get the money until that time. Now I move to amend by adding at the end of the bill:

Said sum so borrowed shall be repaid out of the first avails of said taxes.

Mr. KERNAN. I assume that this is not one of the loans that the United States guarantee, of which we have heard so much. There is no pledge of the United States to repay this.

Mr. WINDOM. There is an express provision that it shall be repaid out of the taxes collected.

Mr. KERNAN. Who becomes liable for it in the mean time? The Federal Government?

Mr. EDMUNDS. Let us adopt that amendment, and then we can discuss the bill.

Mr. KERNAN. I only want it explained.

The amendment was agreed to.

Mr. EDMUNDS. Now I want to say a word on this bill, and I want to speak for one tax-payer in this District, a small one to be sure, and that is myself, in common with all the other tax-payers. This District now owes more than $20,000,000, and we have at last either at this session or the last one—I have forgotten which, this has been so long—made an explicit provision that the total debt of this District should not be increased under any circumstances whatever, which everybody thought, it being between twenty and twenty-five millions, was a very useful although a pretty late thing to do. Now the very first thing that happens about this District afterward is to provide for increasing this debt by nearly a half million dollars. I am opposed to it. I am opposed to it because I can see that although

this money is now, as the amendment provides, to be repaid out of the first avails of these taxes next fall, that amount of taxes thus used will leave a deficit the next year of just the same or a greater amount.

So then for one—and I suppose we are likely to stay here all the time during the rest of this Congress apparently—I am willing to have the commissioners of this District get on as best they may, or not get on at all, from now until the time their money comes in, but they can get on. They will have to delay opening their schools for a month or two undoubtedly; they will have to diminish the operations of the board of health; they will have to curtail a great variety of incidental expenses that are wholesome and useful, I agree; but when we are absolutely swamped and crushed with this enormous debt, I want to put in as vigorous a protest as I can, without taking up time about it, against under any circumstances making the debt any larger. If we have not the money, let us wait until we have. Let us get on without the streets being swept, without anything that can possibly be dispensed with, and there is money enough so that it will not become disorganized. Let us get on and start with the money that we raise by this tax; and when the United States wants to appropriate something more, as it ought to do out of its own Treasury to aid from time to time with its share, that will be very well.

Now, as to the remark of my honorable friend from New York, I think the United States will be responsible for this money in the political sense. I do not mean to say that I think they will be responsible for it by a suit in the Court of Claims. I do not say whether they would or would not; but we have exclusive jurisdiction in this District; these commissioners are a corporation, a municipality established by us. We authorize them to borrow certain moneys. There is no power but ours that can take the money from the people by taxes to make them pay it. Therefore the United States are bound in that sense to see to it that the people who loan this money on the credit of the commissioners get it repaid to them and that we cause taxes enough to be raised or money otherwise furnished as a matter of political good faith to make it up.

Mr. KERNAN. I make this inquiry, and I am disposed to join in this most vigorous protest of the Senator from Vermont, because the old law under which the Government is said to be liable now for some $15,000,000, if you will remember its terms, simply provided that the bonds of the District should be issued, and that the Federal Government agreed to fix the proportion that should be paid by the Federal Government, and that it would levy taxes on the District for the residue. The real reason why they became liable at all on these bonds issued, which are not in the name of the Government, is that the Government did agree that it would appropriate its share and that it would cause taxes to be levied on the District; and yet we have run on since 1874 with no government for the District, and there seems to be money now sought which I doubt not it will be claimed if borrowed if we do not get it out of the taxes must come out of the Federal Treasury. Now whether it is to be paid out of the Federal Treasury or by the people of the District, I think from what I can learn that the time has come when we should insist that there shall be no more borrowing of money here; and, as the Senator from Vermont says, let us get along until December and start with the money then and keep from running in debt any more.

Mr. WINDOM. The Senate has already agreed to appropriate $500,000 toward the share of the Government of the United States in the expenses of the District of Columbia. In the sundry civil bill an amendment of that kind was passed by the Senate not authorizing a loan but a contribution of what was believed to be our share of these expenditures for one year. Now, Mr. President, the theory of the Senator from New York sounds very well, but when you take into account the fact that the Government of the United States owns from 40 to 50 per cent. of the property in the city of Washington, which is subject to no taxation whatever, I submit that it is hardly the fair thing to do to refuse to contribute anything toward the expenses. We are as much interested in good government in this District as the citizens are. If the Government property was subject to taxation, these contributions would be wholly unnecessary. We have made them for several years. The Senate, as I said a moment ago, proposed to make this contribution this year, but the House refused to make any contribution whatever.

Now look at the state of the case for a moment, Mr. President. We legislate, as was stated by the Senator from Vermont, for the District of Columbia, and in that legislation we have provided that the authorities shall perform certain duties which require an expenditure of money. Among other things, in the bill which provides for repaving Pennsylvania avenue we require the District of Columbia to take up and relay the water and gas pipes. I believe the District of Columbia is also required to light the entire city. The Government does not pay for lighting at all, except its public buildings. We require certain things with reference to schools, with reference to the police, with reference to the board of health, and in every other way we legislate compelling the District to pay money, and at the same time we put it out of its power to raise money by any means whatever.

The tax law passed at this session postpones the collection of taxes until next December, so that they have no means of providing a revenue from taxation until that time. We have also repealed a law which authorizes the District of Columbia to collect for licenses, and by that repeal I am informed they lose something like $100,000.

Mr. EDMUNDS. We have not repealed all the license laws, only the license on merchants.

Mr. WINDOM. I am told that the change of the license law reduces the revenues of the District $100,000.

Mr. EDMUNDS. But the tax on real estate increases it by more.

Mr. WINDOM. That is true, but that does not take effect until December, and this bill is merely to provide for the expenses of the District until moneys can be received under that law. Having put it out of the power of the District to receive money by taxation, having modified the license law so as to reduce their revenues largely, having provided that they shall perform certain duties requiring money, we have at the same time provided that they shall not borrow money and increase the debt of the District of Columbia under penalties of imprisonment in the penitentiary and a large fine; and now we propose to stand here and say that we will not even give them a dollar as our contribution to the share of the expenses we ought to pay, nor will we let up in the least upon the prohibition to borrow money.

I submit, Mr. President, that this places the District in a very embarrassing position. The very least we can do, if we propose to contribute our fair share of expenses, is to allow them to borrow until our tax laws will bring money into the treasury and re-imburse that amount out of it.

Mr. KERNAN. The Senator from Minnesota does not understand me as complaining of him; but I do desire to call attention to the state in which we are leaving this District, believing that we never shall improve it until we put a stop to the shiftless, temporary borrowing of money. By the law of 1874, if I remember aright, the prior government was abolished, and in one of the sections it was declared that there should be a commission of members of the two Houses appointed, who should apportion the sum of the expenses of the government of this District which shall be paid by the Federal Government and what portion should be assessed on the property of the District, and that there should be a commission to propose and arrange some government for the District; and yet now, in 1876, there is no provision for a government, as I understand, and there is no apportionment of the amount which shall be paid by the people and what by the Federal Government; but we refuse to appropriate, as it is said, and we go on borrowing.

I concede that there should be ascertained and fixed the sum to be paid out of the Federal Treasury toward the expenses of government in this District, in lieu of what I suppose the General Government ought to be assessed for its property, and that the rest should be assessed upon the property of the District. This is just to the people of the District and I think we should do that and do that the first thing, because if we go on borrowing temporarily, not fixing the share of the Federal Government, not governing it as any other locality should be governed, by some known, fixed regulations and laws, we shall in a year or two have such another scene as when I came into the Senate last January: general denunciation, a great amount of debt, and a great deal of complaint that more had been spent than ought to have been spent.

I am not saying whether that is just or not; but I insist that we owe it to the people of the District, to the property-owners, to the Government—we owe it to all that is thrifty and economical in government that we should not go on borrowing temporarily upon somebody's credit, without any great certainty whose, and not saying how much shall be paid out of the Federal Treasury and how much by the property of the District, and appropriating the one and collecting the other, and not spending any more than we do appropriate and collect.

I say this in the interest of the people of the District and in the interest of the Treasury of the United States, and I hope that that will be done and that we shall not resort to this sort of shiftless mode of getting along which we are permitting and encouraging now

Mr. FRELINGHUYSEN. Mr. President, the Senator from New York says that there has been no proper government formed for this city. That is not the fault of the city nor of the District.

Mr. KERNAN. I am speaking of the legislation.

Mr. FRELINGHUYSEN. It is our fault.

Mr. KERNAN. It is the fault of Congress; so I mean.

Mr. FRELINGHUYSEN. It is the fault of the Senator from New York, and the Senator from New Jersey, that they have not introduced proper measures for the government of the District, and it is no argument why we should leave this city penniless when we are going off here for three or four months, and the same is true in reference to the apportionment of the sum that the city and the Government should pay. These citizens are powerless, and it seems to me it would be almost disgraceful for the Congress of the United States, when they have the sole power to govern this city, to go off without making any provision for the preservation of the health and property of the city or any provision for the preservation of our own property or the health of the employés of the Government.

As to the United States being liable under this bill I most respectfully beg leave to differ from the Senator. The provision of the bill is that this shall be a temporary loan made by the District of Columbia to be paid out of a certain fund, to-wit, the taxes which shall be collected by next December. If I buy one of these bonds I buy it according to the terms of the bill, and the Government of the United States is in my opinion in no sense liable.

Mr. SAULSBURY. I think we had better adhere to the resolution of Congress expressed in the law which prohibits the commissioners contracting any additional debt. It seems to me the Senator from Minnesota might perhaps amend the bill so that they might avail themselves of funds derived from taxing property. While the commissioners are not at liberty, I understand, to collect taxes prior to the 1st of December, if there was a provision in this bill authorizing a small abatement on the voluntary payment of taxes before that time, you would then perhaps be in receipt of sufficient money to carry on the government of the District until the 1st of December, and not commit injustice to any one, and contract no new debt by simply allowing an abatement of taxes. I know that is the policy pursued in some States, to allow a small abatement to persons who see proper to anticipate the time of payment.

Mr. EDMUNDS. I will say to the Senator that the difficulty about getting in the taxes earlier arises from the time necessary to assess them. The bill passed too late to make the assessment, so that you cannot find out how much the taxes are for some time.

I move now to strike out all after the enacting clause of this bill and insert the following provision:

That the sum of $500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid into the treasury of the District of Columbia as the share of the United States toward the expenses of said District for the year beginning July 1, 1876.

That the Senate has already once passed in the miscellaneous bill, but it was stricken out by the House; and now I can hardly doubt, if the facts be as stated by the Senator from Minnesota, that the House of Representatives, rather than let these people run in debt any more, if they are really in necessity and must have some money, to appropriate some sum (if it is right that the United States should, as we have all once agreed that it is and do agree now) which will contribute our fair share for the time being and not have any experiments of borrowing money.

Mr. SHERMAN. I hope that amendment will be adopted. I do not want myself to violate the law we passed early in this session prohibiting the increase of the debt in this District. If the House say $500,000 is too much, let them put it down to $50,000 or whatever they think proper, to be paid out of the Treasury.

Mr. INGALLS. As one member of the Committee on the District of Columbia I have had good reason to be aware of the very anomalous and unsatisfactory condition of affairs in this District so far as relates to taxation and everything else affecting the social condition of the people, and I fully agree with what the Senator from New York has said in relation to the necessity of having some fixed and suitable system for the administration of affairs in this community. But, sir, that is not precisely the question that is now before the Senate. Here is an immediate and urgent and pressing necessity. Congress is about to adjourn, leaving an empty treasury here in the District and no means appropriated for the purpose of carrying on the necessary functions of its government. Therefore, withholding all criticisms as to the condition of affairs here as to the way they have been administered, I ask, what is the duty of the Senate and of Congress in this present juncture? If there is no money with which to pay for the lighting of the streets; if there is no money with which to pay for the necessary repairs that must be made upon the streets and in other portions of the city; if there are no funds with which to carry on the sanitary operations and protect the public health, what is our duty sitting here as one department of this Government? To waste our time in empty criticisms and hostile animadversions about the way affairs have been carried on here? Certainly not. It is our business to make some provision, and immediately and instantaneously, by which the affairs of this District may be continued until such time as the wishes of Congress can be effectuated with regard to a permanent form of government in Washington. The people of this District are not to blame for the present condition of affairs. The law under which the taxes are now being collected was not passed until a period so late that the funds and revenue cannot be obtained in time to realize the necessary money to carry on the necessary affairs of this District. The people are not to blame for it; and therefore they should not be made to suffer for it. We are to blame for it; and therefore if there is anybody to be blamed or if there is any criticism to be made, we are the ones to share it. We ought not to inflict on the people here an unnecessary and dangerous delay.

So far as the amendment offered by the Senator from Vermont is concerned, it is undoubtedly correct; but it introduces a new principle that will probably result in hostile action on the part of the House, and may, therefore, defeat the whole object and purpose of the bill now before the Senate.

Mr. EDMUNDS. As it is in the form of an amendment it will probably go to a conference and we can retire if necessary.

Mr. INGALLS. That is very true. In the form of an amendment it may be submitted to a committee of conference of the two Houses; but inasmuch as this same amendment has been once submitted on an appropriation bill, has once been before a committee of conference, and has been rejected, it appears to me as if we ought not to delay action on this bill for the purpose of again repeating an experiment that has once proved to be ineffectual.

I do not like the terms of the original bill. Instead of saying that they are authorized to anticipate the taxes by a temporary loan, it seems to me that it would be proper to say that they should be authorized to make a temporary loan to be re-imbursed out of the first collection made under the tax law that we have passed. I should like to see the bill so amended. It seems to me it is a plain, imperative duty resting upon us to furnish these unfortunate people here with the means of carrying on their government, especially as they are in no sense whatever to blame for the delay.

Mr. HOWE. I should like to hear the amendment of the Senator from Vermont reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

That the sum of $500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid into the treasury of the District of Columbia as the share of the United States of the expenses of said District for the year beginning July 1, 1876.

Mr. HOWE. The whole dispute is between two or three different methods of raising a small sum of money for the use of the District of Columbia. Let us vote, before the District perishes, on these propositions one after the other, until we have voted on the last proposition that is offered. Whatever we agree to, it will either be the bill which has passed the House or some amendment of that bill, which will go to the House, and we shall come to an agreement by and by.

Mr. WINDOM. I feel it my duty to say that, while I cannot accept this amendment from the Committee on Appropriations, as I do not know what their views may be upon it, it so fully accords with my own judgment as to what is right that I am willing to take the chances of securing the action of the House favorable to it. We may not be able to do so, but I cannot bring my mind to vote against this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WINDOM. I move to amend the title in accordance with the amendment, so as to make it read: "A bill making an appropriation to assist in defraying the expenses of the District of Columbia."

The motion was agreed to.

EQUALIZATION OF BOUNTIES.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Illinois, [Mr. LOGAN.]

Mr. SHERMAN. I addressed the Chair first, Mr. President.

Mr PADDOCK. The Senator from Illinois has constructively held the floor for an hour.

Mr. LOGAN. I will only say this about addressing the Chair first: It is the first time I ever knew that question raised after a gentleman was recognized.

Mr. SHERMAN. I ask the Senator himself if I did not address the Chair first.

Mr. LOGAN. I do not know; the President has decided you did not. I was not noticing who addressed the Chair except myself. I know I did; but who did first is a matter for the President, and he has decided that I did.

Mr. SHERMAN. I hope the Senator will let me take this silver commission up; I must leave the city.

Mr. LOGAN. I am sorry for that, because I am sorry to lose the society of the Senator; but at the same time I cannot give up the floor if I am recognized. I move to take up House bill No. 58.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. LOGAN. I make the motion now.

The PRESIDENT *pro tempore*. The Senator from Illinois moves——

Mr. EDMUNDS. The Senator from Texas [Mr. HAMILTON] is entitled to the floor on the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Texas is not present.

Mr. LOGAN. I move to postpone all prior orders and take up House bill No. 58.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to postpone the present and all prior orders for the purpose of considering House bill No. 58.

Mr. LOGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I was paired with the Senator from Pennsylvania, [Mr. CAMERON.] I do not know how he would vote. I should vote "nay," if at liberty to do so.

The question being taken by yeas and nays, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Boutwell, Cameron of Wisconsin, Clayton, Conkling, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Key, Logan, McDonald, McMillan, Mitchell, Oglesby, Paddock, Patterson, Spencer, West, and Windom—21.

NAYS—Messrs. Anthony, Bayard, Bogy, Booth, Burnside, Christiancy, Cooper, Davis, Dennis, Eaton, Edmunds, Gordon, Howe, Kelly, Kernan, McCreery, Maxey, Merrimon, Morrill, Norwood, Randolph, Sanson, Sargent, Sherman, Wallace, and Withers—26.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bruce, Cameron of Pennsylvania, Cockrell, Conover, Cragin, Dawes, Dorsey Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, Morton, Robertson, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, Whyte, and Wright—24.

So the motion was not agreed to.

Mr. HAMLIN. I now move to take the post-route bill from the table. The Senator who is entitled to the floor is not here. We cannot afford to wait for him to come.

Mr. SHERMAN. I should like to ask the Senator to let me take up the silver commission bill.

Mr. HAMLIN. Let me get up the bill and then if that will not take time I will yield.

Mr. EDMUNDS. If this resolution is going over, I, according to previous notice, want to call up the constitutional amendment, and I hope my friend from Maine will not press his motion. If this motion is not agreed to I shall move, after my friend from Ohio has had done what he asks the privilege of doing, to take up the constitutional amendment.

Mr. LOGAN. I have no objection to taking up the bill suggested by the Senator from Maine; but I should like to make this proposition to the Senate, to allow the bounty bill just refused to be taken up to be taken up to-night at eight o'clock to be considered. All I desire is this, which I think in all fairness should be done, to have the amendments to the bill read, and the Senate agree or disagree to them, and take the vote. I do not propose to detain the Senate with any discussion; but there are enough people in this country interested in this bill at least to demand that they shall have a vote on the passage of a bill of this character. All I ask is that the bill be voted upon. If there is a majority of the Senate against it, that will end it. If there is not, let the bill be passed. I do not want to detain the Senate by discussion, but I want a vote on the bill. It has been here certainly long enough and been laid out of the way for every other measure that has come up before the Senate. I do not think it is right for us to evade a square vote on the bill. There is no other way to get it up. If the Senate will agree to take it up to-night at eight o'clock, it will not take an hour unless somebody wants to discuss it. I will not take fifteen minutes unless some question may be asked that calls for an explanation. I will agree that I will not take over fifteen minutes in explanation of the provisions of the bill and then I will ask for a vote unless it is in answer to some question Senators may ask me in regard to some provision in the bill. I make that motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is pending. The Senator from Maine has moved to postpone the present and all prior orders for the purpose of considering the post-route bill.

Mr. MORRILL. I want to say that I am not opposed to any bill that shall fairly and properly equalize bounties. This bill is not such a bill. It is a bill to add one-half to the pay of the Army during all the time of the rebellion. But there is another thing in relation to the bill——

Mr. HITCHCOCK. Mr. President, what is the question?

The PRESIDENT *pro tempore*. The Senator from Nebraska makes the point of order that the discussion is not on the pending question. The Chair sustains the point of order.

Mr. MORRILL. Then I desire to say that I am opposed to taking it up because I do not believe that in the time we now have we can so lick the bill into shape that it can possibly be executed. There is no provision for furnishing the funds; and this session is now so near a close that I despair of making any appropriation for the additional number of clerks, at least three hundred or more in number, that it will require to execute the law if the bill should be passed.

Mr. President, again I am satisfied that we ought not at this——

Mr. HITCHCOCK. Is debate in order?

The PRESIDENT *pro tempore*. The Senator is within the rules confined to the question before the Senate. The Chair supposed the Senator was speaking about postal clerks, but observes that his remark relates to clerks for the War Department.

Mr. MORRILL. I am speaking against the propriety, on account of the shortness of time, of taking up this bill, because I do not believe we have time, as I have said, to lick it into shape so that the soldiers will reap the benefit of it instead of the claim agents. I think that the opening of the accounts of all the soldiers of the war would merely open it for the benefit of the claim agents, and not of the soldiers. I will be prepared to show, when I have time to discuss the merits of the bill, that it will require one hundred and fifty or more millions of dollars from the Treasury, which is not provided for, and is indispensable whenever the bill becomes a law.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that the bounty bill is not before the Senate. The question is on taking up the post-route bill.

Mr. LOGAN. I ask permission of the Senate to reply for just one minute to the statement of the Senator from Vermont.

The PRESIDENT *pro tempore*. Is there objection?

Mr. LOGAN. I desire just one moment. I did not intend to discuss the proposition; but I cannot allow to pass unnoticed such remarks as the Senator from Vermont has made, so uncalled for and so unsupported by the record. I know he is a gentleman of great information, and I supposed he had more on this subject than he exhibits. His statement that this is to pay double to soldiers for their service in the field is not warranted by any fact in the record. It is a proposition to pay the soldiers that which the law gave them and, by certain orders of the War Department, prohibited them from getting by their being mustered out of the service before their time had expired. The object of the bill is to give to those soldiers what the Government owes them and not what the Government does not owe them; and for the Senator to say that there is not time to lick this bill into shape is saying that the committee has not the ability to make a proper bill. This bill needs no licking into shape; and it does not require the money to be paid either this year or next, but only provides that these soldiers shall receive what the law authorized them to receive during the war, and it will not do for the Senator to dodge on the ground that there is not appropriation in this bill. I have always the manliness when I oppose a bill to say that I oppose it. But to undertake to oppose a bill by stating facts that do not belong to it and are in no wise connected with it is unworthy of the Senator from Vermont and of the candor that he usually exhibits. I say in my place now that this is a bill to pay the soldiers what the Government owes them and what the Government has failed to pay them.

Mr. MORRILL. I do not think the Senator from Illinois is responsible for the shape of this bill, as it comes to us from the House; but I wish to ask him what was the pay of the soldiers during the war, and if this is not an additional eight and one-third dollars a month when the pay was $16?

Mr. EDMUNDS. I must call for the regular order. My friend from Illinois has had his three minutes.

Mr. LOGAN. I will answer the question and then yield.

Mr. EDMUNDS. The Senator may go on another minute.

Mr. LOGAN. I only want to answer that question. The Senator misapprehends it. He says this adds to their pay. It does not. The Congress of the United States gave to the soldiers a certain amount of money as bounty over and above their pay. It gave $100 for one year, $200 for two years, and $300 for three years; and this is to supply the deficit that the Government failed to pay them when they had not served the exact time but were mustered out sooner, for instance, a day or two days before their time expired. Then the Government refused to pay them the bounty at all because they had not served the entire time for which they had enlisted. This is to give them the eight and one-third dollars a month for the time they served and equalize them with those who did serve out the time; and that is all there is in it.

Mr. MORRILL. Let me ask the Senator, for he is perfectly familiar——

Mr. BOUTWELL. I rise to a question of order. I insist we ought to proceed with the regular order.

The PRESIDENT *pro tempore*. The debate is by unanimous consent, and objection is made to its further continuance.

Mr. BURNSIDE. I hope the Senate will give unanimous consent to consider this bill this evening.

The PRESIDENT *pro tempore*. That question is not before the Senate. Several Senators have objected to debate.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The Senator from Maine moves the postponement of the present and all prior orders for the purpose of taking up the post-route bill.

Mr. EDMUNDS. I of course have no particular opposition to the post-route bill, but I think it ought to wait until we act on the constitutional amendment which the House has sent over to us, and I ask my friend therefore to let me call up that and then I shall have no objection to yield to him.

Mr. HAMLIN. I submit the matter to the Senate.

Mr. EDMUNDS. Then I hope the Senate will not agree to my friend's motion, and if it does not I will move to take up the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The question being put, the ayes were 32.

Mr. EDMUNDS. I give it up. The constitutional amendment has no chance against the post-route bill.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1007) concerning the employment of Indian scouts.

The message also announced that the House had passed a bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska;

A bill (H. R. No. 3392) for the relief of John R. Harrington;

A bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota; and

A bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenses of the Government."

PETITION.

The PRESIDENT *pro tempore* presented a petition of citizens of Michigan, praying relief from alleged hardships incident to the requirements of the homestead law; which was referred to the Committee on Public Lands.

THE POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3628) establishing post-roads, the pending question being on the following amendment proposed by Mr. HAMLIN as an additional section:

SEC. 2. That section 1 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877 and for other purposes," approved July 12, 1876, be, and the same is hereby, amended by repealing the following words:

"*Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to re adjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes' approved March 3, 1873, for the transportation of mails on the basis of the average weight."

And that the sum of $900,000 be, and the same hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated for transporting the mails of the United States on railroads.

Mr. HAMLIN. Mr. President, at the time when the Senate had under consideration the bill which is now before us, I had been inviting its attention to the propriety of making a provision for the restoration of what are called the fast-mail trains, and I had introduced an amendment to accomplish that object. The bill was summarily laid upon the table, and I think now, with the addition of that power which belongs to fast trains, I have finally succeeded in getting the bill again before the Senate. I had addressed the Senate perhaps half an hour in relation to that subject, and at that period of time what I proposed to say would have occupied about another half hour. So, while other gentlemen have been addressing the Senate on other questions, I have occupied the position of having a speech half delivered for several days, and as Senators have questioned somewhat the courtesy which I manifested in seeking to get this bill again before the body I mention it.

I said the other day that time was money to the business man, and I will change the axiom and say that time is of value to the legislative body and especially to this body now; and I will not continue the debate in relation to the fast-mail service, but will leave it for the judgment of the Senate upon what I have already said, adding only that I will withdraw the amendment which I submitted the other day, which was a repeal of the 10 per cent. reduction applied to all roads, and present a new amendment applying only to the New York Central, and the Michigan Southern route to Chicago, and the Pennsylvania railroad to Saint Louis, and then to leave the Senate to determine what they will do. I withdraw the pending amendment, but I submit two or three amendments for additional routes to the bill which I ask the Senate to adopt.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. The amendments are, after line 819, to insert:

From Ferrytown to White Plains.

After line 1053 to insert:

From Charlotte to Bellburg.

After line 96 to insert:

From Fresno, via Fort Miller, Big Dry Creek, Academy, to Toll House.
From Fresno to Riverdale.
From Visalia, via Grangerville, to Leonore.

Mr. HAMLIN. I now submit the following amendment for the restoration of what were called the fast mails——

Mr. PADDOCK. I ask the chairman to give way for me to offer a little amendment in respect to a new route.

Mr. HAMLIN. Yes, sir. Let the Senator have his amendment put first.

Mr. PADDOCK. I move to insert after line 724:

From Nebraska City, via Glen Rock and Sheridan, to Humboldt, Nebraska.

The amendment was agreed to.

Mr. HAMLIN. Now I offer my amendment, and ask that it be read.

The Chief Clerk read:

SEC. —. That the sum of $150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876; *Provided*, That the Postmaster-General is hereby authorized to only apply this sum to restoring, so far as it may be possible to do so, the transportation of the mails by the fast-mail trains, by the New York Central, the Hudson River, and Lake Shore and Michigan Southern Railroads between New York and Chicago, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

Mr. HARVEY. I did not hear distinctly the reading of the amendment, and I wish to ask the Senator from Maine, the chairman of the Committee on Post Offices and Post-Roads, what is the amount proposed to be appropriated?

Mr. HAMLIN. One hundred and fifty thousand dollars.

Mr. HARVEY. And to be applied to the railroads named simply for the purpose of the transmission of the fast mails?

Mr. HAMLIN. Yes, sir.

Mr. HARVEY. I hope that amendment will not be adopted. Early in the session we had before us a bill fixing the rate of postage on third-class matter. That bill was unsatisfactory to half the Senate; but being presented by a united committee, the Committee on Post-Offices and Post-Roads, the bill brought forward by that committee was sustained here against a proposition which I offered to reduce the postage on third-class matter to the rates which had existed prior to the 3d of March, 1875. That was done for the reason urged by the committee that it was necessary to do so in order to make as nearly as might be the Post-Office Department self-sustaining. I never believed that the Department should be made self-sustaining. I earnestly advocated such a rate of postage as had existed prior to the amendment I have alluded to and which was passed in an appropriation bill on the 3d of March, 1875. The Senate was equally divided on that proposition, and it was lost for the lack of a single vote. The bill then went to the House of Representatives, and was considered by a committee of conference, the result of which was that a compromise was agreed to that is, if possible, more unsatisfactory than either of the propositions, a compromise which makes discriminations between certain classes of third-class mail matter that seems to rest on no reason at all. For instance, I will cite the fact that in that classification sheet-music, which is classed as third-class mail matter, is transmitted at the rate of one cent for two ounces, and seeds, cuttings, bulbs, and other matters of that kind, recognized as third-class matter, also are transmitted at the rate of one cent per ounce, being double the rate charged upon sheet-music and other third-class matter rated without any more apparent reason than there is in the discrimination between these two kinds of articles.

But, independent of this question, I am opposed to the proposition for another reason. The Senator from Maine the other day in the first part of his speech stated that we are without any remedy; in other words, that we are at the mercy of a few men controlling the lines of railroad mentioned in this amendment. Sir, if I understand it aright, all the railroads in this country have been declared post roads, and if a necessity arises I think it is within the power of this Government to make provision to have the mail carried on those routes in whatever way may be deemed just to the parties owning the roads, and this can be reached by the Government under the right of eminent domain, if necessary.

I am, therefore, opposed to making a discrimination in favor of these lines and in favor of that small proportion of the people of this country classed as business men in the sense in which the term is here used, meaning simply merchants and bankers and others engaged in the transmission of matter through the mails for the purpose of mercantile gain.

There is a very large proportion of the people of this country who deem it of more importance that the people at large, the people residing in small towns and villages and on the farms in the rural districts, should have at least equal facilities for the transaction of their business through the mails with the class that I have alluded to.

Mr. PADDOCK. I should like to ask the Senator if on all the remittances that are made from the State of Kansas to the commercial center of New York or the commercial center of Chicago and all the remittances that may be sent or credited from New York or Chicago to Kansas in the transactions as to grain and other products of that State one day's interest saved on every remittance and on every credit would not be of very great benefit to every citizen in his State, directly or indirectly?

Mr. HARVEY. I apprehend that the interest of the majority of the citizens of the State in that matter would be exceedingly remote. I fear it would be so remote that it would be hardly appreciable.

Mr. PADDOCK. Well, sir, I will say that it is considered of so great importance by the banks and others at Chicago who make great daily remittances from that city to New York that they are willing to undergo almost any other privation rather than of this fast mail. I know that is the case with the commercial center in my State, Omaha.

Mr. HARVEY. I am aware that this would be a great benefit to the city of Chicago. That is unquestionable. It would be a great benefit to the particular lines of railroad mentioned in this amendment. That is unquestionable. But it involves the necessity of making an additional appropriation of $150,000 for the purpose of inducing those companies to run a train a little more rapidly than the usual mail trains upon their roads when they are already receiving a compensation larger than that given to any railroad in the civilized world for the transmission of the United States mail. I say that the advantages resulting to the people of the United States are not sufficient to warrant that expense and the concession of the principle that is involved in it.

Mr. WEST. Will the Senator allow me to ask him a question?

Mr. HARVEY. Yes, sir.

Mr. WEST. I presume the Senator is informed on the subject, and I for one should like to be informed, and I have no doubt the Senate would. I wish to ask him what is the basis for his statement that mails are carried in this country at a greater cost than in any country in the civilized world? I do not question the truth of the statement, but I should like the Senator to state to us if he knows—he must have had some information to base that statement on—what it costs to carry the mails in France and in England on railroads.

Mr. HARVEY. Well, sir, I have not at hand the statistics. I did not expect this question to come up this morning, but I think the Senator can easily satisfy himself on that point.

Mr. WEST. I have not been able to do so.

Mr. HARVEY. The mails in France and England are transmitted much more often, much more expeditiously than they are on the gen-

erality of routes in this country, and therefore there may be at first sight an apparently greater expenditure there than in this country; but I abide by the fact that I have stated, and I have no doubt that I can produce the authority.

But I was going on, when interrupted by the Senator from Louisiana, to speak of the principle involved in this matter. The roads mentioned in this amendment are the very roads spoken of in the report of the Special Committee on Transportation of the Senate, who tell us that a few men controlling these roads at their will impose a heavy tax upon the business of this country for the transmission, not of the remittances spoken of by the Senator from Nebraska involved in the transactions of the commercial business he alluded to, but of the products themselves constituting the basis of that business. I say it is reported by the Committee on Transportation that a few men controlling these roads at their own sweet will impose on the people of this country taxes on the transmission of the necessities, the absolute comforts, and the few luxuries that the people generally of this country are enabled to obtain; these railroads levy a tax upon them such as neither this Congress nor any other legislative body in this country would dare to impose. It would create a political revolution, as they say and say truly. And yet these few men, not satisfied with the power which they enjoyed at that time, must levy upon the Government itself for the transmission of its official mail matter in a few hours less than they have been accustomed to carry it, and for the intelligence which the Government assumes to convey by its mail lines, an extra compensation of $150,000, and that for a matter in which few people comparatively are interested and by which none of the other lines of transportation of the mails are benefited. It is simply a concession of that much money to a position that these men have taken that the laws must be made to conform to their peculiar interests.

For these reasons, which I have stated hurriedly, not being fully prepared to discuss the question because I had no anticipation this bill would come up to-day, I am opposed to this amendment and I hope it will not prevail, and I am fearful that, should the amendment prevail, it would involve the loss of all that is contained in the bill.

Mr. WEST. Mr. President, as I had the honor to serve with my esteemed friend from Maine [Mr. HAMLIN] upon the committee of conference on the disagreeing votes of the two Houses on the post-office appropriation bill, I desire to say a few words in behalf of the proposition that he has submitted to the Senate at the present time.

The fast-mail system of the United States, as we all know, is a recent improvement of the expedition with which the public business is generally transacted in the North and the West. It has met, I think, with the community at large as much favor as almost any proposition of that character that has ever come under their notice. When the House of Representatives refused to accede to the ideas of the Senate to the extent that would permit the continuance of the fast-mail service, as one of the conferees on the part of this body I felt that it was my duty to permit the sacrifice of that service rather than to have the stoppage of the service at large. But since the result has developed that that action has ended the fast-mail service in this country such representations have come to us from the public through the press and other mediums as should induce us to consider the propriety of its restoration.

Now I ask attention of the Senate for a moment to the amounts of money that have been used in the last fiscal year and are proposed to be used in the various characters of mail service throughout the country in the coming year.

By an official statement which I have from the Postmaster-General, I find that the amount of money expended in the railroad service for the fiscal year just ended was $9,874,956. We have appropriated $9,100,000 for the ensuing year, $774,000 less than the preceding year, abating the amount payable to these railroads by 10 per cent., and not allowing for any possible increase natural to the service. So we are going into an expenditure this year of $9,100,000 against $9,874,000 last year. But how is it with the remote districts represented here by my friend from Kansas? How is it with those suffering people in the remote West, who, the Senator says, are not to be benefited by this appropriation? Instead of curtailing their facilities, instead of reducing the amount to carry mails in Kansas by the stage routes and by horses, we give $1,100,000 more this year than we have ever given before. I will substantiate that statement by the quotation which I will make:

The amount for star and steamboat service—

Star service it is well known means the mails carried by stage and horses—

for the year ending June 30, 1876, was $5,634,403.

The amount that we have appropriated for these citizens of Kansas and on the frontier and in the extreme West who are not benefited, the Senator says, by the fast mails in the localities here specified—although that is a point which I will answer—is this year $6,730,851. In other words, we have cut down the service at home, in the very heart of the system, three-quarters of a million and added to the extremities $1,100,000. If the Senator will answer the proposition how the extremities are to be saved when you cut off the circulation at the heart, I shall be obliged to him.

That this reduction was made, and that it was justifiably made, I have no doubt. The rates upon railroad transportation were raised before the panic. Since that time there has been a general cutting down in prices all over the country, and notably in railroad freights. Therefore the reduction was justifiable, and I went with the House, and the committee of which I had the honor to be a member went with the House in that reduction; but we warned them, "Do not pare too close;" we pleaded with them for a few hundred thousand dollars to maintain this fast-mail service, but our efforts were of no avail; and what is the consequence? If we can facilitate the service on behalf of the people of the United States situated on the frontier and in the remote districts of the country, where it is well known that the mail service contributes nothing to the support of the Government, but, on the contrary, is an extreme expense, why not facilitate it in the regions where it does pay, for the mails from New York and Chicago undoubtedly return a large percentage in excess of the expense? Surely the proposition is reasonable. Surely it would conduce to the benefit of those in the remote districts as well as those in that immediate section of the country.

The Senator should not ignore the question which was put to him by the honorable Senator from Nebraska when he called his attention to the fact that the remittances between Chicago and New York were facilitated and expedited twelve hours by this process. I ask him, is it no benefit to the men out West who are remitting their money to the commercial centers of the country that twelve hours shall be gained on every one of them? Can the Senate contemplate, can any gentleman here tell me, how much money is passing hourly and momently through the mails of the United States, in regard to which time is money? Will not the little pittance of $150,000 asked for in this proposition to restore a fast-mail service be paid, and be paid over and over again, to the people of this country by the saving of interest on their remittances? Most assuredly and most undoubtedly it will. If we can in our bounty and according to our conception of what is just to these remote districts furnish them with a million and odd dollars more than we gave them last year, can we not cut off this $150,000 instead of $750,000, the amount which was given to these railroads?

The Senator says a few railroads are preying upon the people. If they are preying upon the people, they are not preying through the Post-Office Department, because nobody has ever disputed the idea that the railroads throughout the country, at the rate of compensation given to them by the Government of the United States, are not paid in proportion to their other business.

This is a small matter. We have cut down, I repeat again, $750,000 over the amount expended last year and we have cut too close. That is my opinion, and I think it will be the opinion of the Senate; I am quite confident that it will meet the approbation of the House at the other end of the Capitol. I think it ought to be done, nor can I see nor have I heard anything advanced that should prevent it when it is known that we are deprived of these privileges.

Mr. MAXEY. I was a member of the conference committee on the disagreeing votes of the two Houses on the post-office appropriation bill, and I agreed to the report of the conference committee. The principal trouble between the two Houses was in regard to the compensation to railroads for carrying the fast-mail service. I then believed that report was a just and fair compromise between the two Houses who disagreed, and I signed the report along with the other members of the Senate committee. It was signed correspondingly by the conferees on the part of the House and it was adopted by both Houses. I regarded that as a settlement of a very disputed question between the two Houses. I believed that, in accordance with the great reduction which has taken place throughout this country in everything, there should be a decrease in the compensation paid to railroads corresponding to that which has taken place everywhere else. That report was unanimously adopted in the conference committee and adopted by both Houses. I may be mistaken but it occurs to me that if the proposition of the Senator from Maine is adopted now, it is a departure from that which was settled by that conference committee. That is the view which I take of it.

One other point. It has been said here to-day, and it has been said on many other occasions, that in the newly settled parts of the country the mails are really an expense to the Government. Undoubtedly that is true. It has been true of every State as it was being settled, but the policy of this Government has been to settle up its new Territories and to advance intelligence into the country as it was being settled. That has been carried out in all the States as they were being settled. The Post-Office was an expense to the older and more populous States until the country became settled up. That is true of that country which is now being settled up, and the policy which has been pursued in sending mails out from the centers into the newly settled country is a policy which is pursued toward every State now settling up. It is but just and right that that should be done, although it may be an expense to the general public.

In respect of this fast-mail service, while all admit that it may be a matter of convenience and to certain localities a matter of importance, yet the question which was before my mind in the conference was, is it of such importance that the whole people of the country should pay this large amount of money which we have cut down, $900,000? Is it of so much importance that we shall extend this fast-mail service for the benefit of the few at the expense of the many? We have now a proposition to appropriate $750,000 for a service that is limited to certain railroads named, yet to my mind the

same proposition still presents itself. While it may be and doubtless is of importance to certain portions of the country, it is not of that importance that will justify taking out of the Treasury of the whole people that amount mainly for the benefit of a few.

But the principal point which I desired to mention was the view that I took of it as a member of the conference committee, and I only did so because I regarded the course pursued by that committee as right and as a settlement of the question. I think so yet, and I therefore stand by the report of that committee, which has been adopted by both Houses.

Mr. HAMLIN. I want to say one word in relation to what has fallen from the Senator from Texas. The Senator from Texas is right in saying that the whole committee agreed to the report in relation to the post-office appropriation bill; but that Senator will recollect distinctly, I am quite sure, that it was done under the expression of the belief that it would not stop what were called the fast-mail trains. That was the belief expressed by all the House members of the committee; and while it was not my opinion I knew very well that I might err and they might be correct. I therefore agreed to it.

This is the case in a nut-shell: We have here a bill that appropriates $1,000,000 to establish exterior post-offices and post-routes, to which I agreed as a matter of right; but when you come to the great arteries that furnish the communication and the revenues of your Department, which do the great amount of business, and they ask that they shall be accommodated in the transmission of the mails they receive twenty-four hours between Chicago and New York, and that it shall be done only at the expense of $150,000, I appeal to the Senator from Texas and ask if it is not a policy which those who are interested in the little offices ought to adopt? I ask if in justice, I ask if in right, I ask if in accordance with the best interests of the service, the great channels ought not to be accommodated to that small extent, while we are at the same time accommodating the exterior offices to the amount of $4,000,000? That is the way in which it is presented precisely. It is simply and only to remedy a condition of things which it was believed would not exist if the 10 per cent. reduction on the railroad service was adopted all over the country. A road that carries your mail thirty-five miles an hour is entitled to more compensation than that which makes but twenty miles.

The whole question is whether we shall restore this fast service. I believe it ought to be done. I am quite sure, I am positive that if I had known the reduction would have discontinued this service I never would have agreed to the report of the conference committee. Every member who did sign it signed it with the belief that it would not accomplish that result. To that extent it would change the action of the report of the conference committee if this amendment should be adopted, none else; it only meets a contingency which it was not then supposed would arise. I have nothing further to say.

Mr. MITCHELL. I should like to inquire of the Senator from Maine whether he thinks the action on the part of the railroad companies was simply a "bluff game," or whether they could not afford to carry the fast mail?

Mr. HAMLIN. They cannot do it at the reduced rate.

Mr. SAULSBURY. In addition to what the Senator from Texas has said in reference to this proposition in relation to the report of the conference committee, I think we ought to consider this question carefully. The proposition is to pay certain railroads, two, I believe, a specified sum of money for placing upon their lines fast-mail trains. That these fast-mail trains would be an accommodation to a certain extent, and to a very considerable extent, I admit, to certain business interests of the country. There can be no question about that.

In the first place, while we are economizing, while even the public service is said to be greatly embarrassed by the economy which is instituted, is it not proper to be careful how we pay for that special service which is but a luxury to the business interests of the country? It is not indispensable, because their mails will be carried even if the fast mails shall not be put on. They will be carried in the usual time that they have heretofore been carried, because this fast-mail service is comparatively an experiment yet. Besides that, there are other sections of country than those which are supposed to be aided by fast-mail service that have equal claims upon the attention of Congress. What particular advantage should New York and Chicago and other northern cities which are benefited by this service have over other sections of the country? For instance, suppose the Baltimore merchants desire a fast mail, they have as much claim to be served with that fast mail as the merchants of New York and the merchants of Chicago. Suppose some men want a fast-mail train from here to New Orleans by the way of Richmond and Atlanta. They have just the same right to ask that a small appropriation shall be made for that. Where, I ask, is the expense of this service to stop?

Besides, I do not hesitate to say that your mails will go by fast trains whether you adopt this amendment or not. I know that it is desirable to the railroad companies to be paid liberally for these fast-mail trains, and I am aware that they have threatened to discontinue the service if they are not paid; but as an American Senator, legislating for the interests of the whole people, I close my ears to the threats of the railroad companies in any such thing. If it does not pay, then let them not do it; it is their right, their privilege, to stop; but their threats to me are not to influence my action in any respect. If I am willing that the mail service shall be properly performed, then I close my ears, I repeat, to any intimation or threat on the part of any railroad corporation that they are going to discontinue a service which may be desirable to the business interests of society. Your fast mails will go, whether this amendment shall pass or not; but, as a matter of course, if the railroad companies by temporarily lopping off these mails can come to Congress and extort appropriations to carry them, they will do so. When they find that the Congress of the United States are determined not to yield to any such demand, they will comply with the wishes of the public. In my opinion they could afford to run even fast-mail trains without the 10 per cent.

After all, while I consider that the fast-mail trains are an advantage to the business interests of the country to a certain extent, I do not believe that they are of such paramount importance as to justify us in entering upon appropriations for carrying fast mails through every portion of this country; because it would tax very heavily the Post-Office Department and increase the expenses of that Department. I see no special reason why a particular section or locality should have the benefit of this service, which is not proposed by this amendment to be extended to other sections of the country. It is said that they are benefited in certain points beyond these centers. I ask if the mails for Richmond and Saint Louis have to be carried to Chicago to be distributed. There are mails to Cincinnati, there are mails to Louisville; and once you establish the policy that certain localities shall have the advantage of fast-mail trains by special appropriations in that behalf, you will have petitions here from other sections of the country praying that similar justice may be done to them, and that they may have the same advantage.

I dislike very much to vote against any amendment which emanates from the Committee on Post-Offices and Post-Roads, especially when it meets the approbation of the chairman of that committee, who I know is very careful in all he does on a question of that kind; but an honest conviction that this amendment ought not to pass induces me, reluctantly, I admit, to vote against it.

Mr. DENNIS. I am in favor of the amendment offered by the Senator from Maine, because any restriction upon the transmission of information is a step backward in this age. I am not only willing to vote for that amendment but I move to add to it the following:

And to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, $75,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER, (Mr. BURNSIDE in the chair.) The question recurs on the amendment of the Senator from Maine as amended.

Mr. DAVIS. Let it be reported as amended, so that we may understand it.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as section 2 the following:

SEC. 2. That the sum of $150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central and Hudson River and Lake Shore and Michigan Southern Railroads, between New York and Chicago, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati; and to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, $75,000.

Mr. SAULSBURY and Mr. HARVEY called for the yeas and nays, and they were ordered.

Mr. SAULSBURY. I know that this proposition is calculated to increase the expenses of the Post-Office Department, and I think that the expenses of that Department are already sufficiently high. This was the judgment of the Senate in passing upon the post-office appropriation bill. I do not know where this matter is to stop. If we are to go on all over the country and pay for extra mail service, where is the limit?

Mr. HAMLIN. If the Senate will lay this bill on the table or indefinitely postpone it we can save another million of dollars. It is a simple question whether you will expend a million of dollars to have new routes and then deny the great heart of the country that communication which it needs.

Mr. SAULSBURY. So far as the provisions of the bill are concerned it is simply to extend the ordinary postal facilities by connections to neighborhoods that do not now have them. The general object of the bill is simply to establish post-routes where the people have no post-routes. To that bill it is proposed to append a provision to pay for specified services for certain localities where they have already great postal facilities. The amendment of the Senator is not on a par with the general provisions of the bill. I am aware of the character of the bill. It is to establish certain post-routes. Why? Because there are certain localities that have no postal facilities. To such a bill is appended an amendment to pay for special service by

fast-mail trains, for the benefit of certain other localities that already have very great postal facilities. There is a very marked difference between the general features of the bill and the amendment of the Senator from Maine. At any rate, I shall record my vote against the whole bill if such a provision as that is made.

Mr. HITCHCOCK. I trust that the amendment of the Senator from Maine will be adopted. I believe that the business interests of the country demand that this fast mail shall be kept up and maintained. The only objection I have to it is that it does not go far enough. While it provides for the transmission through the main arteries of commerce of this fast mail, it stops before it reaches the end. I believe that this fast mail should not only be put on and kept on to Chicago, but be extended to Omaha.

The objection is raised by the Senator from Delaware that it is to give specific facilities to localities. The proposition is to extend fast mails through the whole central arteries, and I believe that it is for the general good that this proposition should be adopted. While I do not desire, by the amendment which I propose to offer, to embarrass it in any way, I wish to have a vote of the Senate upon a proposition to extend the fast-mail service from Chicago to Omaha.

Mr. HAMLIN. I hope the Senator will not offer that amendment now. Let us hold on to what we have got. I trust the time will come, I doubt not it will, under a commission which will be appointed in pursuance of the law we have passed this year to arrange the compensation of our railroads, when we shall ultimately regulate the cost of transporting our mails upon three principles, speed, weight carried, and amount of service rendered. It is now done almost exclusively upon weight. But in doing so much as we do, my friend from Nebraska will get his mail twenty-four hours earlier by keeping this amendment in than he gets it to-day. The effect will be the same in the East; so that all the length and breadth of the land will receive the benefit of the twenty-four hours which are saved by the present fast mail. I have no more doubt about it than I have of my existence that there ought to be a great trunk fast mail through the country east and west and another north and south, with their compensation predicated upon the rate of speed that they make and the amount of service they perform. Then the smaller routes and the smaller offices will all reap the benefit, though not as immediate and direct as the others. I hope the Senator from Nebraska will not embarrass the bill by adding on to it collateral questions by amendments to the amendment; but let us take the amendment as it now is and have the sense of the Senate upon it.

Mr. PADDOCK. I desire to remind my colleague on the Committee on Post-Offices and Post-Roads, the distinguished chairman of the committee, that this shortening of time between Chicago and Omaha is not alone for the benefit of Omaha and Nebraska. That is the connecting link between the whole country to the westward, and half a continent will have the speed of its mail increased at least twenty-four hours if this service can be extended to Omaha. All of California and Oregon, all the Pacific coast from the southernmost limit of California to Alaska will receive the benefit of such an extension. It certainly is a very important amendment and ought to be adopted. I feel myself authorized to say this because the question did not arise and was not considered by the committee as a whole. While I agree with my friend that nothing should be done to embarrass the progress and final passage of this bill, and indorse the sentiment, in that respect, of my colleague from my own State, yet at the same time the proposition of my colleague is so important a thing to be accomplished that it seems to me that the Senate ought readily to consent that it should be done.

Mr. LOGAN. I agree with the Senator from Maine. I certainly have no opposition to, or desire to interfere with, the proposition of the Senator from Nebraska; but believing that we can get what the Senator from Maine proposes and that it is all we can get, I shall certainly support his amendment. The time shortened between New York and Chicago, so far as the expense is concerned, more than repays the people who are benefited by these fast-mail trains in the saving of interest between business men in the transmittal of checks, drafts, &c., between those two cities. If you cut off the number of hours each week that is saved between these cities, the amount of interest on the commercial paper that passes between these two cities, by any kind of calculation you will find the benefit to those people much greater, to such a degree, it seems to me, that the country cannot afford to strike down the facilities that have been afforded to those people in their mail matter. All I desired was to make the one suggestion which I have made.

Mr. HARVEY. The Senator from Maine says that we should hold on to what we have got. Let us see what we have got if the amendment is adopted as it stands. We have got two lines running east and west through the northern section of the country, one line running from Philadelphia over the Philadelphia and Wilmington road by way of Baltimore to Washington, and then diagonally across one of the other fast lines to Chicago, making three lines to be picked out specially by legislation here and paid an extravagant rate of compensation for carrying the mails between certain points in a very small portion of the country, resulting, as I admitted at first, in some benefit to the people engaged in financial and commercial speculations.

Mr. HAMLIN. If the Senator wants to be correct, and certainly he is incorrect, will he allow me to correct him?

Mr. HARVEY. Yes, sir.

Mr. HAMLIN. The Department did not pay these fast-mail trains one more red cent than it paid any other mail-train anywhere else that went twenty miles an hour in my State, or that went twenty miles an hour in his State—not one mill more.

Mr. HARVEY. Does the Senator mean that this amendment as it stands pays them no more than other roads are to be paid?

Mr. HAMLIN. I mean that under the old law the fast-mail trains were paid no more than was paid other roads. They cannot perform the service with the 10 per cent. cut off, and now on these fast roads we propose to put the 10 per cent. back. I undertake to tell the Senator and the Senate that it is not proposed to pay them as much as they receive for carrying freight over these roads.

Mr. HARVEY. The proposition does not involve what was done under the old law as relates to this matter, because the old law made no provision for this fast-mail business. It was an experiment entered into by the Post-Office Department upon its own motion, as I understand it. If I may be pardoned the expression, it looks like dodging the question to say they are getting no more because you take 10 per cent. off the rest and then restore 10 per cent. so far as these particular lines are concerned.

Mr. HAMLIN. The Senator was speaking of what the Government had paid, and I simply said that it had not paid to these trains any more than it had paid to others.

Mr. HARVEY. I am speaking of what the Senator proposes in this amendment.

Mr. HAMLIN. I propose in the amendment to pay the old rate, which is 10 per cent. more than the rate now paid.

Mr. HARVEY. And the 10 per cent. is cut off elsewhere.

Mr. HAMLIN. Yes, on twenty-five-miles-an-hour roads.

Mr. HARVEY. Elsewhere except on these few roads, picked out as by a special favor in a legislative act.

Mr. HAMLIN. They are great arteries of business.

Mr. HARVEY. O, yes; great arteries of business.

Mr. WEST. By reciprocal favor of service.

Mr. LOGAN. Will the Senator from Kansas allow me to make a suggestion to him? Does he not know that Chicago, speaking in regard to the roads west, is the great distributing office of the whole Northwest? It is the second office in the United States, and from that depot the mail matter goes to all the western country. More time is gained by having a fast mail from Chicago to New York than by having a fast mail from New York to any other place.

Mr. HARVEY. I will answer the Senator from Illinois. I know Chicago is a great city, and that the Chicago post-office is a great office and a good office; but I know that when you get a few miles away from Chicago, from the end of the line to which you propose to give this subsidy of 10 per cent. additional for carrying the mails at a little more brisk rate, the country is not benefited at all, because the connection is not continuous.

Mr. LOGAN. The country is benefited just twenty-four hours, or whatever number of hours is saved between Chicago and New York. The country receives that benefit because that time is taken off from all mails going west. They receive the mail just that number of hours sooner than they would otherwise receive it.

Mr. HARVEY. It so happens that we have had a little experience under this fast-mail line, and we know practically that so far as we are concerned in the interior of the country, in the very center of the continent, we got our mails no sooner than we did before. The parties who are benefited by this subsidy of 10 per cent. are the owners—probably that is saying too much—not the owners but the particular managers of these lines of railroad. In this day and age the owners of railroads often are not greatly benefited by subsidies that their roads receive, but the parties having the management of them are. I say they are benefited, and a few metropolitan newspapers are benefited, and two or three great cities are benefited, while the country at large pays the expense, while the country people can have no reasonable mail facilities afforded to them. When an effort is made in their behalf it does not meet the sanction of the Senate, and fails for that reason; yet some of us are ready it seems to vote for what is an essential subsidy of 10 per cent. above what other contractors for carrying the mails upon railroads receive in order that the mail may be carried in less time upon three lines crossing one another, as they do at one or more places and covering but a very small portion of the country, affording no additional facilities elsewhere.

Mr. LOGAN. I should like to ask the Senator a question. He says nobody is benefited except these great cities. Suppose that in the transmission of mercantile paper between New York and Chicago, on account of the saving of time, millions of dollars passing through the mails in that way, $100,000 of interest that would be charged each day on these credits is saved to the merchants; would not the merchants be able to afford sales to the people at just that much less throughout the whole length of the country? Do not the people pay all the taxes on the goods? Is not all the expense counted together, and do not the people who purchase pay it all? Then if this amount is saved by the merchant, cannot the merchant afford to sell just that much cheaper to the people?

Mr. HARVEY. The people pay the taxes levied upon the merchant for the exorbitant rates which are charged upon freight and expressage. They pay the tax levied by these very same persons upon the

products of their farms, their factories, and their mines, and they are called upon now to pay $225,000 additional to afford these facilities to the people engaged in transporting back and forth and in the business of exchanging merchandise, while the benefit, as I say, so far as the masses of the people are concerned, amounts to nothing, for the reason that the speed given upon these few lines is lost by breakage of connection upon other lines before this mail matter reaches the mass of the people. We are called upon to subsidize three railroads running through one little corner of the country at an expense to the rest of the people of the United States of $225,000. That is what the proposition is.

Mr. LOGAN. I would state one other point to the Senator. The very cities that he complains of as being benefited, the cities of Chicago and New York——

Mr. HARVEY. I do not complain that they are benefited.

Mr. LOGAN. No, but one city which the Senator says is benefited, the city of Chicago, pays more revenue to the United States Government than any other district in the United States, and the record shows it. The Government is indebted more to that city for revenue of an internal character than to any other district in the United States of America, and more than all New England combined.

Mr. HARVEY. I have not said a word about Chicago.

Mr. WEST. Mr. President, the Senator from Kansas regrets that the people of the United States are to be taxed $225,000 more for carrying their mails. It is a very lamentable fact perhaps in his estimation that they are taxed at all. It is a very great misfortune in his estimation that they have to pay $30,000,000 a year for these mail facilities. But in their own estimation and in the estimation of the Senate there is no direction in which the money of the people is spent as much to their advantage as in sustaining the mail system of the Government.

Then he also regrets that some railroads are to get more than others. When the honorable Senator leaves this Chamber, as he will in a few days, he will have his selection of a route, and I ask him will he take a twenty-mile-per-hour train at $6 to New York, or will he take the limited express and expedite his business, and pay $10 and get through more expeditiously and more comfortably? So it is with the mail. We pay some companies so much for carrying it so fast; we pay others in proportion to the character of the service they render and the benefit they may be to the public.

But I want to say one word with reference to the amendment offered by the honorable Senator from Nebraska, [Mr. HITCHCOCK.] It can only embarrass this question. He can have no expectation of seeing it enacted into a law, for the reason that it was put upon the post-office appropriation bill quite recently, was sustained by the Senate, but——

Mr. PADDOCK. My friend will allow me.

Mr. HARVEY. Will the Senator, before——

Mr. WEST. I cannot hear two at once. I yield to my friend from Nebraska.

Mr. PADDOCK. I desire to correct my friend from Louisiana in respect of the matter which he states. The amendment to which he refers was another amendment covering another subject, the question of the Sunday mail between Chicago and the eastern terminus of the Union Pacific road, and did not relate at all to the question of fast trains.

Mr. WEST. Will the Chair have the kindness to have the amendment of the Senator from Nebraska [Mr. HITCHCOCK] read.

Mr. PADDOCK. The amendment of which the Senator speaks ought to be incorporated in the bill, because it makes a difference of one day's service for all the trans-Missouri country, all the country between the Missouri River and the Pacific Ocean, and I understand that it will be offered by the honorable Senator from Iowa at the proper time.

The Chief Clerk read the amendment of Mr. HITCHCOCK.

Mr. WEST. I ascertain that I did misconceive the scope of the amendment; but at the same time the Senator from Nebraska must be aware that if this proposition is embarrassed with extensions in all directions, they will weight it so down that it will be impossible to accomplish what we want. Now if the Senator from Kansas desires to ask me a question I will yield to him.

Mr. HARVEY. I wanted to ask whether the Senator supposes I object to appropriating money to the support of the Post-Office Department? I have stated repeatedly that I do not; but I want to see it appropriated in the interest of the people, and not in the interest of certain peculiar corporations or of a few classes. I want to see it made so that the people of the country can be equally benefited.

Mr. HITCHCOCK. I should certainly be unwilling to embarrass the passage of the amendment offered by the Senator from Maine.

SUPPRESSION OF INDIAN HOSTILITIES.

The PRESIDING OFFICER, (Mr. BURNSIDE.) The Chair asks indulgence to lay before the Senate a message from the President of the United States which has just been received. It seems to be of importance.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a telegram of the 5th of August instant, from Lieutenant-General Sheridan to General Sherman, a letter of the 11th of the present month from General Sherman to the Secretary of War, and a letter from the latter, of the same date, to me, all setting forth the possible needs of the Army in consequence of existing hostilities.

I would strongly urge upon Congress the necessity for making some provision for a contingency which may arise during the vacation, for more troops in the Indian country than it is now possible to send.

It would seem to me to be much more economical and better to authorize an increase of the present cavalry force by twenty-five hundred privates, but, if this is not deemed advisable, then that the President be authorized to call out not exceeding five regiments, one thousand strong each, of volunteers, to serve for a period not exceeding six months.

Should this latter authority be given I would not order out any volunteers unless, in my opinion, based upon reports from the scene of war, I deemed it absolutely necessary, and then only the smallest number considered sufficient to meet the emergency.

U. S. GRANT.

EXECUTIVE MANSION, *August* 11, 1876.

WAR DEPARTMENT,
Washington City, August 11, 1876.

The PRESIDENT:

I have the honor to transmit herewith the copy of a dispatch from Lieutenant-General P. H. Sheridan, dated the 5th instant, with a letter of this date from General Sherman, transmitting the same.

I desire to renew the expression of my opinion that the best way to re-enforce the troops now operating against the Indians will be to add the twenty-five hundred privates to the regiments already in existence; but, if Congress should not do this, then I advise that the President be authorized, in his discretion, to call for volunteers not to exceed five thousand in number.

I trust that Generals Terry and Crook may be able to deal such a blow to the hostile Indians that even this may not be necessary; yet prudence dictates that measures should be taken to meet all possible contingencies.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

A true copy:
C. C. SNIFFEN, *Secretary.*

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., August 11, 1876.

SIR: I have the honor herewith to transmit a copy of the dispatch of General Sheridan, of August 5, and invite your attention to the fact that after stripping nearly every post in his military division, except those in Texas and the South, he has only been able to re-enforce General Crook to the extent of seventeen hundred and seventy four and General Terry to eighteen hundred and seventy-three men for offensive operations.

He has also re-enforced the garrison along the Missouri River and at the agencies of Spotted Tail and Red Cloud so as to prevent their lending assistance to the hostile camps.

Inasmuch as Congress may soon adjourn, prudence dictates that we should be prepared for any possible contingency; and if it is not possible to obtain the increase of twenty-five hundred men asked for our cavalry regiments, I would most respectfully advise that the President be requested to ask authority to accept the services of five thousand volunteers for the period of six months or during hostilities, these volunteers to be accepted and mustered in from the States and Territories most convenient to the theater of operations.

I have the honor to be, your obedient servant,

W. T. SHERMAN, *General.*

Hon. J. D. CAMERON,
Secretary of War.

A true copy:
C. C. SNIFFEN, *Secretary.*

CHICAGO, *August* 5, 1876.

General W. T. SHERMAN,
Washington, D. C.:

I have not yet been able to re-enforce the garrison at Red Cloud, at Spotted Tail, or at Standing Rock to be strong enough to attempt to count the Indians or to arrest and disarm those coming in. I beg of you to see the Military Committee of the House and urge on it the necessity of increasing the cavalry regiments to one hundred to each company.

General Crook's total strength is seventeen hundred and seventy-four, Terry's eighteen hundred and seventy-three, and to give this force to them I have stripped every post from the line of Manitoba to Texas. We want more mounted men. We have not exceeded the law in enlisting Indian scouts, in fact have not as many as the law allows us; the whole number in this division is only one hundred and fourteen. The Indians with General Crook are not enlisted or even paid. They are not worth paying; they are with him only to gratify their desire for a fight and their thirst for revenge on the Sioux.

P. H. SHERIDAN,
Lieutenant-General.

A true copy:
C. C. SNIFFIN, *Secretary.*

Mr. LOGAN. I move that the communications be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

PUBLICATION OF ARMY REGULATIONS.

Mr. LOGAN. Now while I am up I ask leave to introduce a joint resolution and ask that it be printed and lie on the table. It is a resolution in reference to Army matters.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

The joint resolution was read at length, as follows:

Whereas the President was, by act of Congress approved March 1, 1875, authorized to make and publish regulations for the government of the Army in accordance with existing laws; and whereas by act of Congress approved July 24, 1876, a commission was created, to which has been referred the whole subject-matter of reform and re-organization of the Army of the United States: Therefore,

Resolved by the Senate and House of Representatives, &c., That the President be requested to postpone all action in connection with the publication of said regulations until after the report of said commission is received and acted on by Congress at its next session.

Mr. LOGAN. If there be no objection to that, I should like to have it passed; but if there is, I will ask that it be printed and lie on the table. It is a matter of some importance. It prevents the publica-

tion of regulations until the Army commission shall meet and examine the subject.

Mr. ALLISON. That ought to pass.

Mr. LOGAN. I should like to have it passed without reference, if the Senate will permit.

By unanimous consent the joint resolution was read three times, and passed.

THE POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3628) establishing post-roads, the pending question being on the amendment submitted by Mr. HITCHCOCK to the amendment of Mr. HAMLIN.

Mr. HITCHCOCK. I was saying, Mr. President, when I was interrupted that I should be very sorry to embarrass the amendment of the Senator from Maine by any amendment which I should offer. I am very anxious, as anxious as any one can be, that we shall get something in return for the abandonment of the fast-mail train, so called. I am very willing and very glad, if we cannot get what we think we should have and what we want, to take what we can get; but it seems to me the Senator is a little inconsistent. He proposes to decrease the time for the carrying of the mails through the great center of this country by decreasing that time by giving us a fast mail on two routes from the East as far west as Chicago and then stopping. My proposition is by a small appropriation comparatively, $40,000, to give to that whole scope of country west of Chicago one day's shortening of time.

I cannot see why, great as Chicago is, Chicago should receive the benefit of two fast-mail trains from two different directions and that there that advantage should stop. I cannot see why Washington Territory, Oregon, and California, and Nevada, and Idaho, and Montana, and Colorado, and Utah, and Nebraska, and Kansas, and Iowa, and Dakota, and the whole vast country there, should not by the appropriation which I propose receive the advantage of one day in fast mails while the country east of that receives the advantage of a fast mail over two separate and distinct lines. It does seem to me that if economy is the purpose, we could economize by giving a fast mail over the one central line between New York and Chicago, and give a fast mail from Chicago for the five hundred miles which I propose. It seems to me that that appeals to the reason and judgment of the Senate and of the country; and while I am unwilling to embarrass the passage of the bill, I do think that I am entitled to a vote on the merits of the amendments I have proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maine as amended.

Mr. BOGY. I desire to offer an amendment to the amendment. By the amendment now pending the northern line is provided for. While it is true that Chicago is the great distributing point for that whole northwestern country, yet it is also true that Saint Louis is a great distributing point for another great section of country; and the object of my amendment is to carry on this same line between Chicago and Saint Louis so as to extend the service on the northern fast line as provided in the amendment, by the way of Chicago to Saint Louis, leaving Chicago, however, to be what Chicago is, a great distributing point, but to carry on the mails that are not to be distributed at that point but are to be distributed at Saint Louis, down to Saint Louis by a fast train. I move to insert after the word "Chicago" the words:

And over the Alton, Chicago and Saint Louis Railroad to Saint Louis.

In that way Chicago will receive mail facilities directly from New York by the roads mentioned in the amendment of the Senator from Maine, also from Philadelphia through the Pennsylvania Central, and from Baltimore by the amendment offered by the Senator from Maryland, and Saint Louis will receive the same, and so will Cincinnati. Thus these three great points in the West will be placed exactly on the same footing as to facilities for the fast mail, and this will be attained by the adoption of my amendment, which is after "Chicago" to insert "and over the Alton, Chicago and Saint Louis Railroad to Saint Louis."

Mr. ALLISON. Allow me to suggest to the Senator from Missouri that he do not insert any particular railroad between Chicago and Saint Louis. I think there are two or three lines, and it might be that a better arrangement could be made with one of the other lines than the one he specifically mentions. Let it be open.

Mr. BOGY. I concur with the Senator and am willing to receive the suggestion. I thought of it myself and suggested to the Senator from Maine to make the same thing applicable to his whole amendment. In the appropriation there ought to be no roads mentioned, but we should leave the power with the Postmaster-General to make the best arrangement he can with any road between New York and Chicago, Chicago and Saint Louis, Philadelphia and these points. But the amendment having been matured by my friend from Maine, and as these railroads had made the contract, I thought it better not to make the change. I will, however, receive the suggestion of my friend from Iowa, for I think it is an improvement, and provide simply that the mails should be carried on to Saint Louis. The Clerk will put in the proper words.

Mr. HAMLIN. I have no objection to the amendment in that form.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the Senator from Maine.

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to offer an amendment which I think ought to be adopted, not proposing a fast mail between Chicago and Omaha, but proposing an amendment which will authorize a daily mail between Chicago and Omaha.

Mr. HAMLIN. Do not connect it with this amendment; offer it afterward. I ask the Senator to offer it on its own merits.

Mr. ALLISON. Very well; I withdraw it for the present.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, as amended, on which the yeas and nays have been ordered.

Mr. HARVEY. I wish simply to call the attention of the Senate to the fact that this is the inauguration of a system of subsidies to favorite railroad lines.

Mr. HAMLIN. I do not think that is worth replying to at this stage of the session.

Several SENATORS. Let the amendment be read as amended.

The Chief Clerk read as follows:

SEC. 2. That the sum of $150,000 be, and is hereby, appropriated, out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central, and Hudson River, and Lake Shore and Michigan Southern Railroads between New York and Chicago and to Saint Louis, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

SEC. 3. That to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington and Baltimore Railroad, and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, $75,000, to be paid out of the revenues of the Post-Office Department for the year ending June 30, 1877.

The question being taken by yeas and nays, resulted—yeas 30, nays 18; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Davis, Dawes, Dennis, Frelinghuysen, Hamlin, Howe, Ingalls, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morrill, Oglesby, Paddock, Randolph, Sargent, Wadleigh, Wallace, and West—30.

NAYS—Messrs. Clayton, Cockrell, Cooper, Eaton, Edmunds, Gordon, Harvey, Hitchcock, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Sherman, Spencer, and Stevenson—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Bruce, Cameron of Pennsylvania, Conover, Dorsey, Ferry, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, Morton, Patterson, Robertson, Sharon, Thurman, Whyte, Windom, Withers, and Wright—23.

So the amendment was agreed to.

Mr. HAMLIN. I have another amendment which I offer by direction of the Committee on Post-Offices and Post-Roads:

SEC. —. That from and after the passage of this act the bonds of all postmasters may, by direction of the Postmaster-General, be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster-General, in the place and stead of the Postmaster-General; and all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service, in like manner may be signed by the First Assistant Postmaster-General, in the place and stead of the Postmaster-General, and his signature shall be attested by the seal of the Post-Office Department.

SEC. —. That the Second Assistant Postmaster-General, on the order of the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department for mail transportation and for supplies of mail-bags, mail-catchers, mail-locks, and keys, and all other articles necessary and incident to mail transportation.

SEC. —. That the Third Assistant Postmaster-General, when directed by the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, all warrants on the Treasurer of the United States for the payment of money out of the Treasury for the use of the postal service; and shall also sign, in his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts for supplies of postage-stamps, stamped envelopes, newspaper-wrappers, postal cards, registered package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service.

Mr. WITHERS. I would ask the Senator from Maine to withdraw that amendment for a moment, in order that I may offer one in connection with the subject of fast-mail trains. This relates to a different matter entirely.

Mr. HAMLIN. Will the Senator state what he wants?

Mr. WITHERS. The amendment which I propose to offer, if the Senator permits me to offer it now, is to insert the following:

SEC. —. That the Postmaster-General be, and he is hereby, authorized to contract for the transmission of a fast mail daily from Washington to New Orleans, via Richmond, Virginia; and that the sum of $100,000 be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

Mr. HAMLIN. That can come in afterward. All there is in this amendment is simply to authorize the several Assistant Postmasters-General to sign the proper papers that go from their several departments instead of compelling the Postmaster-General to do it. The Postmaster-General told me yesterday that he had been four days all the time continuously signing mail contracts and they did not emanate

from him but emanated from the Second Assistant Postmaster-General. This is simply to allow the various assistants to certify as the Postmaster-General has heretofore certified, leaving the Postmaster-General with his time to devote to the interests of the country and the Bureau officers to make the proper certificates. I think there will be no objection to it.

Mr. EDMUNDS. I should like to have the last part of the amendment which relates to drawing money from the Treasury read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

That the Third Assistant Postmaster-General, when directed by the Postmaster-General, shall sign with his name, in the place and stead of the Postmaster-General, all warrants on the Treasurer of the United States for the payment of money out of the Treasury for the use of the postal service.

Mr. EDMUNDS. I do not think that is a good amendment, and I submit it to my friend from Maine. I think it departs from the universal history and custom of the Government, which has required all moneys drawn from the Treasury to be on the requisition of the heads of the Departments in respect of which they are to be applied, and I move to strike out that part of the amendment.

Mr. HAMLIN. I think that rule is observed to a certain extent in the Treasury Department now; but it is of very slight importance compared with the two previous sections, which include the great amount of manual labor. I have, therefore, no objection to the Senator's motion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from Maine.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. WITHERS. Now I offer my amendment, to insert as an additional section the following:

SEC. —. That the Postmaster-General be, and he is hereby, authorized to contract for the transmission of a fast mail daily from Washington to New Orleans, via Richmond, Virginia; and that the sum of $100,000 be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

I merely wish to state that as by the amendments to the bill which have already been adopted provision is made for three fast-mail trains from east to west, I think in carrying out the suggestion of the Senator from Maine who offered the original amendment it would be well enough to put in at least one provision extending these facilities and advantages to the southern communities and southern cities. We have now no mail facilities, scarcely those of an ordinary character even, and I think it would comport with the interests of the whole country as well as of that section to give us the benefit of one fast mail.

Mr. HAMLIN. In view of the routes for which this fast-mail service has already been provided I have only this to say, that I regard the amendment offered by the Senator from Virginia as eminently proper and will give to it my vote.

Mr. BOGY. Before the vote is taken I will make a suggestion. I think it very likely so large an amount will not be necessary. I move, therefore, to insert after "dollars" the words "or so much thereof as may be necessary." I hope my friend will accept the suggestion.

Mr. WITHERS. I accept the suggestion.

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be so modified.

The amendment, as modified, was agreed to.

Mr. ALLISON. Now I offer the following amendment to come in as an additional section:

SEC. —. That the Postmaster-General is hereby authorized to contract for the daily transmission of mails between Chicago and the eastern terminus of the Union Pacific Railroad at a cost for extra service not exceeding $25,000.

Mr. EDMUNDS. That is to Omaha in fact, is it not?

Mr. ALLISON. To Council Bluffs.

Mr. PADDOCK. I suggest to the Senator that he change it from "eastern terminus" to "Omaha."

Mr. ALLISON. No, sir; I prefer not to do that, for the reason that I want to connect with the Union Pacific Railroad, and I do not know exactly where it commences.

Mr. PADDOCK. There is a little complication about the question of transfer there which might get in the way of the transportation of the mail.

Mr. ALLISON. I propose to get rid of that complication. I think the amendment had better be left as it is.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. DAVIS. I ask the Senator whether he has not already a daily mail between these two points? They are prominent points, and I take it there should be a daily mail there.

Mr. ALLISON. I will state to the Senator from Virginia that there has been a daily mail between Chicago and the eastern terminus of the Union Pacific Railroad. That daily mail was arranged for by a contract of the Postmaster-General for the extra service, the Sunday service, so called, at the rate of $25,000 per annum; but under the post-office appropriation bill which was passed a few days ago from necessity that mail will be cut off, or at least there is danger of its being cut off unless provision is made for it, and therefore I move to insert the provision. It was in this post-office appropriation bill, but struck out by the committee of conference.

Mr. DAVIS. I see no special reason why a Sunday mail should be provided for a particular road. The other roads I believe run a Sunday mail and are paid by the weight of the mail. This is an extra compensation, independent of the regular pay for carrying the mail by the pound. Other roads run the Sunday mail without extra pay, and I see no reason why an extra provision should be made for a special road.

Mr. ALLISON. I will explain to the Senator from West Virginia. These railroads between Chicago and Omaha are only required to transport the mails six times a week, but there being three of them, they have arranged to carry one mail a week extra, alternating over the three roads; and therefore if this mail is continued they must receive some compensation for it. The Senator very well knows that these railways between Chicago and Omaha carry the great through mail between New York and San Francisco; and if they do not carry it daily, passengers and mails will be obliged to lay over at Chicago going westward and at Omaha coming eastward.

Mr. RANDOLPH. This is so much additional service, I understand.

Mr. ALLISON. It is additional service.

Mr. DAVIS. It is additional service in this way: It is additional to the regular pay paid to other roads. They are paid, as I understand, by the pound so much per mile, regulated by the weight carried. If this $25,000 extra is paid, it is an extra payment to this particular road over other roads. I believe I am right about that.

Mr. ALLISON. The Senator does not seem to understand that these mails will go over these several roads six times a week unless this provision is made, and when this provision is made the mails will go seven times a week and connect with the Union Pacific Railway which starts from Omaha every morning in the year. Otherwise the mail will be obliged to lay over once a week twenty-four hours.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. INGALLS. Mr. President, the arrangement for the transmission of mails, as it stands under the bill and the amendments that have now been made to it, seems exclusively to favor what may be called the extreme northern line across the continent. We have provisions for the transmission of the mails from New York via the Lake Shore and Michigan Southern to Chicago, and thence across Iowa to the city of Omaha or Council Bluffs, there connecting with the Union Pacific Railroad.

Mr. HITCHCOCK. The fast mail was not extended to Omaha.

Mr. INGALLS. A daily mail; the Senator is very technical. There is also provision for the transmission of a fast mail from Chicago to Saint Louis, and there it stops. By this arrangement, partial and incomplete and unsatisfactory as I believe it to be, the southwestern portion of the country is left entirely unaccommodated. It is not necessary for me to call the attention of the Senate to the fact that that portion of the country embraces a large part of the area of the State of Kansas, the Indian Territory, the State of Colorado, and the Territories of Arizona and New Mexico. It is, therefore, in my judgment, essential that, to prevent this partiality, the system should be continued still farther from Saint Louis to give that portion of the country the same advantages that are now received by the northern and northwestern portions of the country. I therefore propose the following amendment:

SEC. —. The Postmaster-General is hereby authorized to contract for the transmission of fast mails between Saint Louis and Topeka, Kansas, and that the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the Post-Office Department for the performance of this service.

The reason why I name the city of Topeka is because at that point the Kansas Pacific Railroad, extending directly west to the city of Denver, and the Atchison and Topeka Railroad, extending in a southwestern direction across the State of Kansas into Colorado to Pueblo, where it there connects with the Denver and Rio Grande Railroad, intersect, so that the mails arriving from Saint Louis can there be distributed upon both these great trunk lines. I think, sir, a mere statement of the necessities of that portion of the country will be sufficient to recommend this amendment to the favorable consideration of the Senate.

Mr. HAMLIN. I shall not undertake to take up the time of the Senate in arguing the question; but this is running the thing to that extreme degree which makes it an amendment that the Senate ought not to adopt.

Mr. INGALLS. When the Senator from Maine speaks about running it to an extreme that the Senate ought not to adopt, I beg him to correct his geography. The city of Topeka is but very little further west than the city of Omaha, and the provision that is made extends now to that city; and it certainly is no more than just that the advantages of this system should be extended westward from Saint Louis as well as from Chicago.

Mr. HAMLIN. The Senator's amendment would commend itself to my judgment with almost as much propriety if he had included some point in the Indian Territory beyond. It does not embrace that population nor does it furnish that amount of revenue which will justify what you call your fast mail, any more than every little remote inland office would demand a daily mail by star service. It has not been extended to Omaha, as the Senator supposes.

Mr. HITCHCOCK. I rose to correct the Senator in that respect.

Mr. HAMLIN. I will not take up the time of the Senate.

Mr. HITCHCOCK. Unfortunately it was not extended to Omaha.

Mr. INGALLS. I submit the amendment to the consideration of the Senate, as I suppose I have a right to do.

Mr. HAMLIN. Certainly.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. MAXEY. I submit the following amendment:

That the Postmaster-General is authorized to contract for fast-mail service between the city of Saint Louis, Missouri, and Galveston, Texas.

Mr. HAMLIN. I hope it will not be adopted. That is all I have to say.

Mr. MAXEY. The amendment already adopted carries this fast-mail service to Saint Louis. I think its extension to Texas is very important.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

The amendment was rejected.

Mr. PADDOCK. I offer an amendment covering three additional sections.

The amendment was read, as follows:

SEC. —. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

SEC. —. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and, in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

SEC. —. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters, documents, packages, and other matter relating exclusively to public business: *Provided*, That such Senator, Representative, or officer shall write upon each letter, document, or other matter so sent by him his name, with the proper designation of the office he holds; and the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States: *Provided*, That the penalty herein shall not be construed to interfere with the constitutional power of each House to punish or expel a member.

Mr. INGALLS. Before being called upon to vote on this proposition I should be glad to have some explanation of the practical effect of it, not being able to derive that from the cursory reading of the Clerk.

Mr. ALLISON. Perhaps it had better be read again for the information of the Senator.

Mr. PADDOCK. If the Senator desires, the amendment can be read again. I will state that this amendment was prepared by the Committee on Post-Offices and Post-Roads, and I was instructed by that committee to report it as an independent measure. I did so, but on consultation with the committee it was agreed that I should offer the bill, as it was drawn and perfected by the committee, as an amendment to this bill. I did not purpose to advocate the passage of the measure. If the measure in its provisions does not commend itself to the Senate, I do not care to waste its time in the discussion of it.

It is a very carefully guarded bill. The first section does away with the present very pernicious system of official franks through and by which great abuses come and great expense comes. The other provisions are plain and simple. I believe it is true that all who did ever enjoy the franking privilege under the old laws do now enjoy it under a more expensive system except Senators and Members of Congress, who are required in all correspondence on public business to pay their own postage; and I consider that it is quite as important, quite as essential that the representatives of the people who are in constant and continued correspondence with them, attending to their business, should have free communication with them and with the Executive Departments concerning their business, and that the people should have free communication with them.

Whatever may be done by the State Department in the performance of the duties devolving upon the Secretary of State, whatever information he may obtain for the use of the people in connection with the performance of his duties, whatever may be done by the Treasury Department, and whatever information may be gained in the performance of those duties by the officers thereof respecting commerce, finance, revenue, the tariff, or other subjects and matters in charge of that Department, and so with the Interior, the War, the Navy, and all other Departments of Government ought to be given freely to the people. This can only be done by giving to Senators and Members of Congress the authority to distribute such information when printed to their constituents without expense for postage; the burden otherwise would be too grievous to be borne. There are very many considerations that may be urged in favor of the passage of this measure; but, sir, I do not now propose to spend any further time in discussing it.

Mr. SAULSBURY. I desire to ask the Senator if this franking privilege extends to documents published by Congress?

Mr. PADDOCK. It extends no further than to cover all matters relating to public business. It covers nothing of personal letters or personal packages of any character whatever.

Mr. SAULSBURY. Does it cover all documents published by authority of Congress?

Mr. PADDOCK. Yes, sir. Whatever there is of information which the Government through its Executive Departments proposes to give to the people, that goes free. Whatever business may be required to be done through communications between Senators and Members and their constituents, that which relates exclusively and only to public business is to go free.

Mr. SAULSBURY. As far as I am concerned I would prefer that the franking privilege should not extend to letters of any character. A difficulty will arise very frequently and men will inadvertently, if they have the privilege of franking certain letters, without thought and casually, perhaps without design, violate the law and put their frank on private correspondence. If it applied simply to the documents published by the authority of Congress, without applying to correspondence, I would be for it.

Mr. PADDOCK. The Senator from Delaware has the privilege of offering an amendment. I am not at all tenacious of any provisions of this amendment except those which are most carefully guarded.

Mr. SAULSBURY. I am in favor of sending out, under the frank of members of Congress, every document published by the authority of Congress for the information of the people; and I am in favor of sending out those matters from the Agricultural Department, such as seeds, &c., which are furnished by the Commissioner to members of Congress to be distributed to their constituents. But I see that a difficulty must arise if the franking privilege is extended to official communications apart from private communications of individuals, because by inadvertence there will be numerous violations of law. I would prefer to pay the postage upon my official correspondence with my constituents rather than to run the risk of violating in a single instance the law, and placing my frank upon a private letter which was not official. I would therefore suggest an amendment of that kind.

Mr. PADDOCK. Let the Senator prepare his amendment.

Mr. INGALLS. Mr. President, franking is miscalled a privilege. It never was a privilege. It is a burden that has always been felt as such by every person who was ever called upon to exercise it, or who ever had the opportunity of enjoying it. Its repeal, however, in my judgment, was an act of timidity, if not of cowardice, that never was called for by the country and has never been justified or sanctioned by the American people. Ever since that repeal was made, there has been an effort by indirection and by timidity and by moving a step here and a step there to get back again to the same position that was occupied before the repeal was made. I see in the amendment that is now proposed by the Senator from Nebraska one other effort apparently in the same direction. Everybody knows that the ultimate result of these proceedings is to be that franking will be restored. So far as I am concerned, I am entirely willing to vote to restore it to-day in all its full proportions, unshorn and unlimited, and I should very much prefer to vote for that than to be called upon session after session to vote here a little and there a little, now to frank turnip seed and then to frank pumpkin seed, and next session to frank an Agricultural Report and then a piece of the CONGRESSIONAL RECORD; and now to frank official communications. I think that if we intend to restore the franking burden, not the franking privilege, we had better proceed like men to do it and do it without delay, and do it frankly.

Mr. KERNAN. Mr. President, if there are abuses in the system of franks that exist now they ought to be corrected. I could not hear distinctly the provision in regard to franks used by departmental officers, but by the present law Members and Senators can frank the CONGRESSIONAL RECORD and the Agricultural Report. In my judgment we should not pass this provision and give a frank for all printed matter and all letters written on public business or relating to anything else. I do not desire to argue it; but my judgment is very strong that it is not a thing that we should do. There is some allowance made to us out of the Treasury for stationery, &c., and beyond that, if we cannot do otherwise, we can send the documents as freight, and distribute them in that way. I think it would be a bad precedent to commence to restore franking in this way. I hope the provision will not be adopted.

Mr. MITCHELL. I will state to the Senator from New York that it costs me from $25 to $30 a hundred pounds to send documents as freight from here to my residence or to any one of my constituents. For one I cannot stand that.

Mr. KERNAN. I suppose that where there are documents that parties want, it is no trouble if a member finds they desire them to send them subject to the charge to be paid on delivery.

Mr. MITCHELL. Then my constituents would have to pay.

Mr. KERNAN. I think there was so much dissatisfaction existing with the franking before that we should not take small steps toward restoring it, but leave the law stand as it is.

Mr. DAWES. I should like to inquire of the Senator from New York if he has observed that the existing law which authorizes the franking of a part of the CONGRESSIONAL RECORD has had the effect to swell that volume to undue proportions?

Mr. KERNAN. My observation is that under any system it is

swelled to very large proportions. I do not think that has caused it to be increased.

Mr. DAWES. To do that by legislative enactment which tends directly to fill it with matter which would not otherwise go there, merely for the purpose of getting the benefit of franking, seems to me to be not only doing by indirection what we have hardly courage enough, as the Senator from Kansas [Mr. INGALLS] says, to do by direction, but to be paying for printing in the CONGRESSIONAL RECORD every year very much that we would not pay for were it not for the fact that we desire to seek the benefit of the franking privilege.

Mr. MORRILL. May I ask the Senator from Massachusetts if that does not result from another House authorizing speeches to be printed that never were delivered at all?

Mr. DAWES. The other House, I know, authorizes the printing of speeches that are never delivered at all; and this House authorizes anybody, by merely requesting leave, to put in the RECORD anything that it seems to him or to us would be a desirable thing to frank to our constituents. It is an occurrence of every day.

I have voted for the abolition of the franking privilege time and again, a dozen times I think; I have voted for it every time it has been up for the last twenty years; I have voted for it with the firm conviction that it was an unwise thing to repeal it; but the metropolitan press of the country set about the work of aggrandizement and of bringing all methods of the distribution of information in this country under its own control. It established agencies here; it availed itself of the telegraph; it condensed the information to be distributed about the country and had it brought to its own establishments; and in that way it brought the press of the country step by step under its own control. It was necessary to complete that work to prevent the distribution as much as possible freely through the mails of information from this center by other means. Through that press working upon the country press and making them believe that this was the privilege of the representative in Congress, and through that country press making the people come to believe it, there was a public sentiment created that could be met in no other way, in my opinion, but by experience. I was governed in voting for the repeal of the franking privilege by the wish to have it demonstrated to the people that it was their privilege, and that its repeal was their loss. It was the aggrandizement of a few central papers at their expense through the country press. Sir, from the day it was repealed this sentiment has been becoming more and more to be established in the country that it was a mistake of the people; that they were misled in this view of the case. I know the country press had no idea when the bill passed the House of Representatives absolutely abolishing the franking privilege, so that no matter should go free through the mail, that it was going to cut off a privilege that they had enjoyed for twenty years of distributing their papers through their own counties free in the mail. I remember a leading editor in my own district writing me a very strong letter when I was in the other House urging me to go for the abolition of the franking privilege, and I had the satisfaction of writing him that I had just recorded my vote upon a bill that would require him to pay postage on all his papers throughout the county as well as on all the letters that he sent to me. He was utterly astonished. He wrote back that he did not desire any such thing as that; he desired to have his papers go free through the mail; he only wished to have the privilege members of Congress had enjoyed so long abolished, so that they should pay for what they sent through the mail. I only speak of that as an illustration of the common sentiment in the country.

Now, sir, I believe that the people understand this thing, and I believe that they see more and more the necessity, if they desire to obtain correct information from this center of what is going on here, of not depending solely upon the disposition and character of a few gentlemen, sitting up in the gallery over your head, however honorable they may be. They color, they shape, they determine how much of the information transmitted from here shall go throughout the country, and it should not be so. A Member of Congress or a Senator should have the opportunity of availing himself of the mails of the country to let the country know what is being done here, and not depend upon these gentlemen who are themselves depending upon a power behind that pays them and controls them, and, I am sorry to say, in many instances shapes and colors the very dispatches they send. The only cure for it is to create every possible facility for sending at the least possible expense from here and the least possible burden to those who send it all manner of information that people desire.

It so happens that the raid made upon the franking privilege which emanated from the Post-Office Department some five or six years ago and resulted in the passage of the law taking it away has been shown time and again to bring no possible relief to the burdens and expenditures of the Post-Office Department. To-day they are as large and larger than they were before this franking privilege was abolished. They were so the very next year. You could not discover certainly in any diminution of the cost of transporting the mails the fact, and you had to depend solely on the information which was constantly kept before the public that this privilege had been abolished; and every attempt here to facilitate the distribution of valuable information in the form of public documents or any other way is spied out first by this same metropolitan press and the alarm is given that it will lead to a restoration of that condition of things when the public will be relieved of the control by that press of the information that they receive. That press, seeing that this control is to be infringed upon and done away with, sounds the alarm. They have sounded it this past winter. Nobody else is heard to cry out or complain; you hear it from no other quarters but from these centers, and it is quite evident to me that the people see now what the purpose and object of it was in the beginning and what the effect of it is to be.

I am ready myself to vote for a restoration of the franking privilege. When I voted to repeal it I publicly avowed in the House of Representatives that it was my purpose, if possible, to make it a school-master to demonstrate to the people that in this particular they had been deluded, and that no relief to the public burden would come from it. And that no relief has come from it is quite apparent to everybody else but to this particular interest that is so seriously and constantly, and it seems to me for a very good reason, opposed to its restoration.

Mr. MAXEY. When the franking privilege was repealed I was not a member of the Senate but was a private citizen of the State of Texas, and I regarded it as extremely unwise. Experience since has confirmed me in that opinion. As far as I know or have reason to believe, in the State which I have the honor in part to represent, no one lives there but who is in favor of the restoration of the franking privilege. I am in favor of it because it is a measure directly in the interest of the people. It is a matter which concerns the people more than it does the member of Congress. The people are to-day earnestly and anxiously looking to the Congress of the United States, and they want to know the truth in regard to what is going on here. The exact truth they will get through the official documents, and when they get those official documents they will determine whether or not those they have sent here are faithfully discharging their duty or otherwise. I believe that every member of Congress should be held responsible, whether he be a Senator or a Member of the House of Representatives, directly to the people he represents for his official action, and in order to get that certainly and beyond question they must resort to the RECORD.

I believe that, so far as all the various Departments of the Government are concerned which are required to make their reports to Congress, what is done by those Departments should be also known to the people, and I do know from actual personal knowledge that there is a demand and I might say a crying demand on the part of the people throughout the country to hear the truth in regard to what is going on in the administration of the Government in all its various Departments. So believing, and believing that it is in the interest of the people that this privilege be restored, that it is a privilege directly in the interest of the people, I have favored it.

But the Senator from New York says that these documents can be sent by express. Why, Mr. President, many of us represent portions of the country where there are no express-offices, where it is impossible to reach the people by express. The only means we have of sending these documents to the extreme outposts of the American Union is through the mails; and those of us who have endeavored to do our duty, to distribute all the documents which have been assigned to us, know perfectly well the great expense it involves. It is a serious expense to a member of Congress to do what? To do what the people want him to do; and my experience of the people is that no honest man wants another to pay for his convenience. The people of the country do not want a member of Congress to pay out of his own pocket that which is for their benefit. The allowance which is made to a member of Congress is made for his services, and there is no more reason why the postage which is required to pay for the distribution of documents should be paid out of his pocket than there is that the blacksmith's bill or any other bill of the people should be paid out of his pocket. That is the view I have of that matter.

Another thing. Unless the franking privilege is restored as it was, your plan of printing public documents ought to be abolished. There is no good sound sense or reason in filling the document room with documents, published at the expense of the people, and letting them lie there to rot. If you print these documents, circulate them; circulate them under the franking privilege, because the people want them for their benefit; and as the people do want them, they are willing to pay for them.

In an official communication sent to the Post-Office Committee of the Senate, of which the Presiding Officer is a member as well as myself, the Postmaster-General stated that there would be no additional expense to the country by reason of the restoration of this privilege. Then why, I ask, should it not be restored? It seems to me that wisdom and sound policy require it. It may not be of so much importance to those who live in the densely-settled parts of the country where they have the benefit of railroads and expresses; but to those who are settling up new States it is a matter of the greatest importance. I hold that the object of the post-office establishment was the dissemination of intelligence for the benefit of the people, and that it is but right to give the people the means of knowing exactly what is going on not only in the legislative department of the Government, but in all the various branches of the executive department which are required to make their reports here.

For these reasons, which are satisfactory to me, I have favored the restoration of the franking privilege as embodied in the amendment of the Senator from Nebraska.

About the point made by the Senator from Delaware in regard to letters I care nothing. If it may be that fraud might be practiced by reason of letters being sent under the franking privilege which did not concern the public business; if there can be no means of preventing fraud of that kind, then I say I care nothing about letters one way or the other; but as to the distribution of documents, I do believe it ought to be done under the franking privilege.

Mr. KERNAN. Mr. President, my experience is different from that of the Senator from Massachusetts or the Senator from Texas. There was satisfaction expressed generally, especially where I live, when the franking privilege was repealed. The old plan was thought to be a great expense upon the mass of the great body of the people for the few comparatively who receive documents. But my own experience ought not to have much weight. Have there been any petitions presented to either House of Congress that any man knows of, praying for the restoration of this privilege in any degree? I have not heard of them if there have been any. I have heard no complaint at home, but on the contrary satisfaction. Therefore, I had supposed that the community were quite well satisfied when there can be sent to them the largest book printed here for ten cents when franked, when there can be sent to them daily free under a frank the RECORD of the proceedings of Congress, when the printed matter which goes from Departments can be sent to them at two cents a pound by mail. Now, if everybody in the community could have one of these documents I should say let the people pay the expense of carrying them free; but that is not so. No gentleman believes we can print here matter enough to send to any considerable number of our constituents. It is only a few who will receive them, and I think those few can well afford to have them go with the postage as now regulated by law.

I do not want to argue the question, but I do not think gentlemen are correct. There have been no petitions indicating that anybody asks for a restoration of the franking privilege in any degree, so far as I know.

Mr. PADDOCK. Mr. President, I should like to inquire of the Senator from New York if on the other hand during all the winter, all the summer, when the press have been speaking of this partial restoration, the bill itself having been published generally throughout the country months ago, he has heard any criticism upon it. I have failed to see any.

Mr. KERNAN. I do not remember that I have; but I do not think that is a very great guide. Our people, if they wanted this matter sent them free, would ask for it. After the strong expression of public sentiment against this privilege before it was repealed, I think we might wait until we got a petition from some quarter asking us to restore it.

Mr. PADDOCK. I will say to the Senator from New York that, so far as my own people are concerned, I have had innumerable letters advising and recommending it, and indorsing the position I had taken in respect to the matter, and no newspaper in my State up to this time of either party has criticised it.

Mr. KERNAN. I have heard none of my constituents suggest it, though I have been sending to them through the mail and otherwise such documents as I could get. The Senator from Massachusetts says that they do not get accurate information. No franking privilege will give the people that information which they desire to get and do get every day in almost every village in this country through the telegraph—a synopsis of the proceedings here. This information comes far behind that, and that they want any way.

I do not desire to seek to argue this question with any earnestness. My own settled judgment is that it is wiser and better to leave this matter to be subject to the light postage it now is, the Agricultural Report to be sent free and the daily RECORD to be sent free.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I do not understand the object of the last provision of the amendment that it shall not repeal the Constitution of the United States.

Mr. HOWE. The right to expel a member is one of the "inalienable rights" I suppose.

Mr. FRELINGHUYSEN. I do not suppose it is necessary to provide that one of our acts shall not repeal that power.

Mr. PADDOCK. That was my opinion when the matter was considered in the committee, but it was suggested by some member of the committee that it would be well to put that on by way of precaution, and so it was done.

Mr. HOWE. I suppose this particular clause to which the Senator from New Jersey calls attention—my attention had not been attracted to it before—is to confer on the majority of the Senate the right to expel. Otherwise some might hold that only two-thirds could do it.

Mr. DAWES. That provision arose about the time that a distinguished member of the judiciary decided that an act of Congress had been passed which had taken from each House the right to punish for contempt. That was the way it came in this bill. It is due to the truth of history that it should be known that that was the reason, because of a distinguished legal opinion that was spread on the records of Congress.

Mr. HOWE. I think the Senator from Massachusetts is entitled to the gratitude of the Republic for putting that piece of history on the record. I rose, Mr. President, to suggest and to move an amendment to the pending amendment. In line 4 of the third section I propose to insert the conjunction "and" between "letters and documents," and to strike out the words following "documents" to and including "business."

The transmission of letters and documents to and from the representatives of the people seems to me to be the only privilege worth securing to the people. The transmission of packages seems to me to be too general a term to include in the bill, and then I think it of the utmost importance that you exclude from the bill this provision which always upon every letter and every document raises the question whether it does or does not relate exclusively to public business.

Mr. PADDOCK. I desire to say to the Senator from Wisconsin that if I was alone responsible for this measure I should accept his amendment readily, because I believe it to be a very correct one; but as I am not alone responsible for it, but only one of a committee which adopted the measure in its present form, I cannot accept his amendment.

Mr. HOWE. I will nevertheless submit the motion and take the judgment of the Senate upon it.

Mr. FRELINGHUYSEN. I suggest to the Senator that the word "packages" is unnecessary for the purpose of covering, as some one has suggested, seeds to be sent over the country, because there is a special act in reference to them.

Mr. HOWE. They are already provided for by existing law. With this amendment I will vote for the proposition.

Mr. FRELINGHUYSEN. And strike out the last proviso.

Mr. HOWE. I should vote to strike that out, but I do not think it will injure the Constitution much if we leave it in; and with the amendment I have suggested I think I should be willing to vote for the measure. I am a good deal like my friend from Massachusetts; that is to say, my record on this subject is a good deal like his. He says he voted for the abolition of the franking privilege for a good many years and very steadfastly. I did likewise. I was a little more sincere in my devotion to that cause than he says he was. I really wanted to get rid of the burden of franking my letters and the documents and the newspapers and the speeches and the hundreds of tons of information which I sent from year to year over the country. I preferred very much to pay the postage on my letters and on everything that I wanted to send to the people of the United States and everything that the people wanted me to send to them. I thought it was not "millions" in my pocket, as our friend Colonel Sellers would express it, but I thought it was money in my pocket to abolish this business of franking, and I voted for its abolition. I thought that when my constituents wrote to me on their business they would send me the means of paying the postage on letters in return, and I thought some means would be invented for sending those documents which are published, which we all send to the people through the mails, without burden to the constituents and without burden to the members of Congress. But we have contrived to put the law into such a confused state that I think the public do not really know whether we have the franking privilege or not. We frank every day more or less, and I do not think the people understand where the right to frank exists and where it ceases, so that almost no one who writes to a member of Congress on business of his own, no matter how expensive the return may be to the member here, thinks of inclosing the postage. It is very rarely the case in my experience.

Then there is another difficulty. You have put down the postage on your public documents to that very low figure which will not excuse you from sending them through the mail, and will not excuse you from taking the postage even if it is sent to you. Therefore you send your documents off. You have got to frank them, and you have got to pay ten cents a volume on them; and that is an additional charge. All the labor of the old system is left on the Senator or Representative, and a great deal of additional cost is imposed upon him.

Mr. President, if the people can afford to trust me with the frank on documents and on letters, I am willing to assume that responsibility. I do not want any inquiry framed, any issue made; I do not want to be summoned before a jury of my country or a committee of investigation to settle the question whether the letter I frank or the document that I send off absolutely and on the whole relates to public business. I want to be trusted so far as that is concerned. It would require a jury of experts undoubtedly in a great many instances to determine a question of that sort, and it would be extremely difficult to try it. Therefore, I think we had better not open that question. I believe the people of Wisconsin will trust me to that extent, and if they will not I know they can find a man in the State whom they will trust; so I would exclude it from this bill. I will vote for the measure and take the responsibility. I would a great deal rather pay the money when we send off the document. Then I know exactly how much it costs me and the whole controversy is settled. There is no penalty about it; there is no investigation about it. That is a clean transaction; I am out of pocket so much, and have done so much labor, and there is the end of it. When I cannot afford to pay the money and to do the work any longer, I know a very easy way of avoiding both.

Mr. CHRISTIANCY. I am placed in an awkward predicament

here by the action of two honorable Senators. In the first place, I had determined to say a few words upon this measure and the Senator from Massachusetts [Mr. DAWES] made precisely the speech which I had intended to make. In the next place, I had marked this proposition for an amendment, and the Senator from Wisconsin [Mr. HOWE] offered precisely the same amendment before I had an opportunity to offer it. I therefore conclude that both the Senators must be right, as they both agree with me. They are right at least to that extent; but perhaps I differ somewhat with the Senator from Wisconsin. I shall vote for the bill if the amendment proposed by the Senator from Wisconsin is adopted. I have always believed that the abolition of the franking privilege was a piece of demagogism. I believe it still. No matter from where it originated, it was a privilege that belonged to the people and not to Senators and Representatives. It operated for their benefit and not for ours. I will suggest, however, a little alteration in the phraseolgy of the amendment offered by the Senator from Wisconsin. Instead of saying "to and from the representatives of the people," I would say "to and from such representatives." I hope the Senator will accept that amendment, and I shall vote for it and for the amendment proposed by the Senator from Nebraska.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin [Mr. HOWE] to the amendment of the Senator from Nebraska, [Mr. PADDOCK,] which will be reported.

The CHIEF CLERK. It is proposed in line 4 of the third section of the amendment, after the word "letters," to insert the word "and;" and to strike out in lines 4 and 5 the words "packages and other matter relating exclusively to public business."

Mr. HOWE. The Senator from Louisiana [Mr. WEST] suggests to me, and he is perfectly right, that if the amendment to the amendment should be agreed to by the Senate, there are some words in the seventh line which will have to be stricken out in order to make it conform.

Mr. ALLISON. I ask the Clerk to read the amendment as it would read if amended.

The Chief Clerk read the third section, as follows:

That Senators, Representatives, and Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free of postage letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds.

Mr. CHRISTIANCY. Allow me to suggest that the amendment would read better to insert "to and from such Senators, Representatives, and Delegates" after "documents."

Mr. HOWE. I think those words are not required there, if the Senator will read the section down.

Mr. CHRISTIANCY. The amendment to the amendment then is well enough as it is.

Mr. SAULSBURY. I desire to ask the Senator from Wisconsin whether he thinks the word "documents" would cover all matter published by authority of Congress; for instance, the books published by authority of Congress, and the bills published?

Mr. HOWE. That is my understanding of the term.

Mr. OGLESBY. As this has been fixed up now and is a good thing, I suppose, as it is now to be voted on, I should like to hear it read, so that if it is going to pass I may have a little share in it.

Mr. HAMLIN. Let us take the question on the amendment to the amendment first.

Mr. OGLESBY. I want to see how it is proposed to be amended. I stepped out of the Chamber a few moments and do not know exactly what condition it is in.

Mr. HOWE. Let the Clerk read the last section.

Mr. OGLESBY. The last section, I suppose, is what ought to be read.

The CHIEF CLERK. The third section, as proposed to be amended, reads:

That Senators, Representatives, and Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds.

Mr. OGLESBY. That is very plain and easily understood.

Mr. ANTHONY. The word "document" is a very indefinite term, it seems to me.

Mr. HAMLIN. Mr. President, I wish to say a few words, and but a very few words on this question. I voted to abolish the franking privilege. Its abolition was accomplished under a public clamor which, in my judgment, was as distant as it could be in the world from what was the public judgment. I was influenced, however, myself, I believe, in no degree by that clamor. Two reasons controlled my vote; one was a belief that I would avoid the necessity of answering every letter which I received inquiring of me particularly what was the health of Mrs. Grundy at that immediate time or some other matter of about as much importance. Having established the custom of answering every letter and maintaining it to that time, however important or unimportant, I found an enormous correspondence upon my hands. I think my length of time here led to a vastly larger correspondence from my own State than there would otherwise have been. That was one reason which led me to believe that if I voted to abolish the system if any person wanted to know whether Mrs. Grundy was well or ill, he would have the courtesy to inclose a return postage-stamp. But this is not done. I was therefore disappointed in that to some degree, though not entirely. I am satisfied that it has diminished many of my letters, for many of that description which had been written when there was no imposition of postage upon a Senator were not written after the abolition. I was therefore not entirely disappointed in that view of the case.

Mr. PADDOCK. I should like to inquire of the chairman of the committee if he ever received any letters inquiring about Mrs. Grundy which were paid for with official stamps?

Mr. HAMLIN. I will state that before I get through. The second reason which I had for voting for the repeal was that I did believe that it would cause a very large saving in the expenditures for public printing. I thought so then; I think so now. In that, however, I have been disappointed very much. It did not produce that diminution in the expenses of public printing which I expected and had a right to expect. Still, I think the restoration of it will bring us back to a very largely increased amount of public printing, and for that reason, and that alone, I shall vote against the bill.

I had besides another reason, for I am making a frank confession now. It was to be rid of the great labor of franking the very large number of documents, hardly worth the trouble and expense of sending, to be distributed over my State.

Those were the considerations which induced me to vote for that bill. There is but little left except the public printing, and I think now we shall find that again swelling upon us in enormons proportions if we restore the franking privilege.

Mr. DAWES. Can the Senator call to mind a single item of public printing that we have omitted to order because we could not send out documents free?

Mr. HAMLIN. I think we have omitted not many, but have diminished very largely the number. You will increase, in my judgment, both the number and the different descriptions of documents printed by making them all go free.

In relation to the first and second sections of this amendment, I want to say that they are, in my judgment, eminently just and will bring a large saving to the country. There were undoubtedly abuses under the old franking privilege, but in my judgment the abuses were entirely insignificant when compared and contrasted with the abuses that exist under it to-day. Do Senators know that all Government officials are furnished with stamps for official correspondence? They are; and I know, if other Senators do not, that not a week has transpired during this session of Congress in which I have not received communications with official stamps, relating only to private business. That would be my construction. I ought, however, in justice to the persons using them, to say that they might have drawn a different construction. A postmaster writes me in relation to some personal matter of his. I cannot conceive that it is thereby official, but it is done, and done very frequently. Your franking privilege formerly was confined only and exclusively to members of Congress and the persons enumerated, the President, the Vice-President, an Ex-President, and a few others, and the abuse was very slight indeed, while to-day, with 60,000 people in this country using a frank, if they use it honestly and only abuse it in the manner I have suggested, by using it when they think it applies to official matter but does not, you have an amount of deficiency in the revenue in consequence of that method beyond what ever could or ever did arise from the franking privilege as it existed and was exercised by members of Congress. That is my judgment.

These two sections provide what? That the Government, instead of purchasing stamps, would make the saving, first, in the amount that it would cost the Government to purchase its stamps. I do not mean the value, for when you come to that it is taking the money simply out of one pocket and putting it into the other, no more and no less; but if you abolish the stamp you do save to the Government beyond a doubt all that it costs mechanically to manufacture the stamp. There is that actual saving in the first and second sections of the amendment. If this should become a law, it would allow the various Departments to send their official communications through the mails, and then at the end of the year I hold that it would be the duty of Congress to make an annual appropriation to pay what is a fair compensation for the use which the Government has of the mails. This amendment provides that it shall be done under an envelope with a printed formula thereon, making it penal to counterfeit that, precisely as it was penal to counterfeit or to use a stamp. There is, therefore, just the same safety, and, as my friend from Wisconsin [Mr. HOWE] suggests, these official envelopes will not get out of the possession, as little stamps could, would, and did. It is therefore economy to the Government to adopt the first and second sections of the amendment, and I rose only to state the reasons which would induce me to vote against the third section.

Mr. FRELINGHUYSEN. Do I understand that all of the third section after the word "holds" in the eighth line is stricken out?

The PRESIDENT *pro tempore*. It is not.

Mr. FRELINGHUYSEN. I suggest, and I trust the Senator from Wisconsin will add that to his amendment, to strike out all after the word "holds" in the eighth line.

Mr. HOWE. I would not strike it out.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin modify his amendment?

Mr. HOWE. No, I do not.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nebraska, [Mr. PADDOCK,] as amended.

Mr. EDMUNDS. Before the question is put, would the Chair be kind enough to have exactly the thing read which we are called to vote upon?

The PRESIDENT *pro tempore*. The Secretary will report the whole amendment as amended.

The Chief Clerk read as follows:

That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

SEC. 2. That, for the purpose of carrying this act into effect, it shall be the duty of each of the Exective Departments of the United States to provide for itself and its subordinate offices the necessary envelopes, and, in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

SEC. 3. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free of postage, letters and documents: *Provided*, That such Senator, Representative, or officer shall write upon each letter and document so sent by him his name, with the proper designation of the office he holds; and the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States: *Provided*, That the penalty herein shall not be construed to interfere with the constitutional power of each House to punish or expel a member.

Mr. EDMUNDS. I move to sfrike out the last proviso about interfering with the rights to expel a member. It is quite unnecessary.

Mr. PADDOCK. I accept that amendment.

The PRESIDENT *pro tempore*. Is there objection to this amendment to the amendment?

Mr. EDMUNDS. The Senator accepts it, he having it in his control.

The PRESIDENT *pro tempore*. It is not under the Senator's control, having been amended, but the Chair hears no objection and the amendment to the amendment will be regarded as agreed to.

Mr. MITCHELL. The last section provides that—

The same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States.

Section 1 provides that—

If any person shall make use of any such official envelope to avoid the payment of postage on his or her private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, &c.

I should like to know what would be a violation of the provisions of this first section.

Mr. FRELINGHUYSEN. I do not know any; and so it does not do any hurt.

Mr. MITCHELL. I should like to move to strike those words out. It certainly does not make sense the way it is now.

The PRESIDENT *pro tempore*. The question is on the amendment as amended, and the roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. ALLISON. I desire to state that the Senator from Massachusetts [Mr. BOUTWELL] and the Senator from California [Mr. SARGENT] are engaged in a conference and have paired upon this bill. The Senator from Massachusetts would vote in the negative, and the Senator from California in the affirmative.

The roll-call was concluded and the result was announced—yeas 30, nays 15; as follows:

YEAS—Messrs. Allison, Burnside, Christiancy, Cooper, Cragin, Davis, Dawes, Dennis, Edmunds, Frelinghuysen, Gordon, Harvey, Howe, Ingalls, Kelly, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Patterson, Randolph, Ransom, Saulsbury, Spencer, Stevenson, Wallace, West, and Withers—30.

NAYS—Messrs. Anthony, Bogy, Booth, Cameron of Wisconsin, Clayton, Cockrell, Ferry, Hamlin, Kernan, Logan, McCreery, McDonald, McMillan, Morrill, and Oglesby—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dorsey, Eaton, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Morton, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Whyte, Windom, and Wright—26.

So the amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. NORWOOD. Is it too late to offer an amendment?

The PRESIDENT *pro tempore*. An amendment is in order.

Mr. NORWOOD. I move to amend by inserting the word "Delegate" after the word "Representative," in the sixth line of section 3 of the amendment just agreed to; so as to make that part of the clause conform to the preceding part.

Mr. HARVEY. Is the motion now to concur in the amendments in gross?

The PRESIDENT *pro tempore*. It is; but the vote can be taken separately upon any amendment, if the Senator desires.

Mr. HARVEY. I ask to reserve the amendment making appropriations to certain railroads for carrying what is known as the fast mail.

The PRESIDENT *pro tempore*. That amendment will be excepted. The Senator from Georgia proposes an amendment.

Mr. NORWOOD. Section 3 of the amendment provides for Senators, Representatives, and Delegates, and in the proviso, in the sixth line, the word "Delegate" is omitted. I wish simply to supply that omission, so as to read:

Provided, That such Senator, Representative, Delegate, or officer shall write upon each letter and document so sent by him, his name, &c.

The amendment was agreed to.

Mr. ANTHONY. In the amendment of the Senator from Nebraska which was adopted, "the same penalty is prescribed for the violation of the provisions of this section as that provided in section 1 of this act for officers of the United States." The first section of the bill relates to post-routes, and I do not know that any penalty is there. I ask the Senator who introduced the amendment to make the correction.

Mr. ALLISON. The amendment should be section —.

Mr. PADDOCK. I move that the text be corrected. It means the first section of the amendment.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that correction will be made.

Mr. HITCHCOCK. I desire to renew the amendment which I offered in committee.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole first.

Mr. EDMUNDS. I wish to suggest to the Senator from Nebraska that there are one or two words in the amendment that seem to fall foul of the Revised Statutes about saying "his or her." The Revised Statutes provide in all cases of law that it is unnecessary to name the sex; the word "his" covers everybody. Therefore, as a mere matter of legal phraseology, I suggest that he strike out the words "or her" where some penalty is provided.

The PRESIDENT *pro tempore*. That will be done by unanimous consent. The Senator from Kansas [Mr. HARVEY] reserves the amendment in regard to fast trains. The question is on concurring in the other amendments in gross.

Mr. HARVEY. If in order, I call for the reading of the amendment making an appropriation for the fast-mail trains.

Mr. PADDOCK. Let us dispose of the other amendments first.

The PRESIDENT *pro tempore*. This being the first amendment, it will be considered first. The Secretary will report it.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted as sections 2, 3, and 4 of the bill the following:

SEC. 2. That the sum of $150,000 be, and is hereby, appropriated out of any moneys in the Treasury arising from the revenues of the Post-Office Department for the fiscal year ending June 30, 1877, in addition to the sum appropriated for inland-mail transportation by railroad by an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1872, and for other purposes," approved July 12, 1876: *Provided*, That the Postmaster-General is hereby authorized to only apply this sum in restoring, so far as it may be possible to do so, the transportation of the mails by fast-mail trains over the New York Central, and Hudson River, and Lake Shore and Michigan Southern Railroads, between New York and Chicago, and to Saint Louis, and over the Pennsylvania Railroad and its connections between New York and Saint Louis, New York and Chicago, and New York and Cincinnati.

SEC. 3. That to enable the Postmaster-General to arrange for fast-mail trains over the Philadelphia, Wilmington, and Baltimore Railroad, and over the Baltimore and Ohio Railroad and its connections to Washington, Saint Louis, and Chicago, $75,000, to be paid out of the revenues of the Post-Office Department for the fiscal year ending June 30, 1877; and that the Postmaster-General be, and he is hereby, authorized to contract for the transmission of fast mails daily from Washington to New Orleans via Richmond, Virginia; and that the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the revenues of the Post-Office Department for the performance of this service.

SEC. 4. That the Postmaster-General is hereby authorized to contract for the daily transmission of mails between Chicago and the eastern terminus of the Union Pacific Railroad at a cost for extra service not exceeding $25,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment.

Mr. HARVEY. I asked to except this amendment from concurrence, thinking that many Senators probably may not have observed the way in which the matter has grown. It began here with the proposition to give two lines $150,000 for the purpose of carrying on an arrangement for fast mails that had been entered into by the Post-Office Department without any legislative direction. The Senate voted at an early day of this session to reduce by 10 per cent. the allowance for carrying mails upon railroads. The House concurred in the reduction, so that we have the judgment of both Houses upon that matter that the pay should be reduced as much as 10 per cent.; but the managers of certain leading railroads in the country are dissatisfied. They make an issue with the law-making power by stopping what is known as the fast-mail trains. The metropolitan press, being greatly favored, more than any other interest, by the running of these fast lines, and favored to the detriment of the country press, at once raise a cry about the great wrong which the country suffers by the stoppage of the fast mails; and these two lines in some way secure recognition by the first amendment that is offered, and others succeed them one after another. Thus it will be seen that this thing not only opens the way for a new style of subsidizing railroads, but (although I do not believe it is intended to be so) it is in effect an invitation to railroad lobbyists to appear here and work for subsidies for each and every line of railroad that they think stands any show for getting such allowance. I see this amount has been increased

already to $350,000. The New York Central and the Pennsylvania Central railroads become the pioneers in this enterprise. It should be remembered that they, and those who have followed them so far, are but pioneers; for the railroad interest of this country is gigantic, and it is being consolidated in the hands of a few managers. It aspires already to do a great deal in the way of the government of the nation and of States. The Senator from Pennsylvania, [Mr. WALLACE,] in his political speech the other day, cited us to the fact, if it be a fact, that the Pennsylvania railroad, which I have no doubt was the one meant by him——

Mr. WALLACE. I will state to the Senator that the Philadelphia and Reading Railroad is a corporation of the State of Pennsylvania.

Mr. HARVEY. Very well. At any rate it was a railroad organization, which assumed as he says effectually to bring offenders to justice in that State; in other words, that it assumed the administration of justice in that State. The Senator said something about a weak executive. I do not believe the executive of Pennsylvania is a weak man. I believe he is a thoroughly able and efficient executive; but I do say that in any state or nation where either the executive or legislature is weak, gigantic corporations will be seeking for power. They will improve every opportunity, and the passage of this bill will give a precedent and an opportunity such as never should be given in a free country. It is a concession to the power of these corporations that never ought to be made.

I have urged other reasons, but these I think are sufficient to justify me in voting against concurring in the amendment.

Mr. RANDOLPH. Upon the vote that was taken just now as to the restoration of the franking privilege I was under a misapprehension. I desire to state now that my vote should have been cast against the restoration of that privilege. It is too late to correct it in any other way than by this statement.

Mr. SAULSBURY. I desire to call the attention of the Senator having charge of this bill to one feature of the bill, and that is, it authorizes the Postmaster-General to contract for carrying these fast mails, but there is no limitaton as to the period for which he may contract. I suggest to the Senator whether that is not leaving in the hands of the Postmaster-General more authority than he designs to leave, and whether there ought not to be some restriction as to the length of time for which he should contract. I do not suppose that the Postmaster-General will enter into any improvident contract with these companies in reference to time; but under the authority given I suppose he might contract for a long period of time. I therefore suggest to the Senator whether it would not be better to limit the period.

Mr. HAMLIN. I think there is a good deal in the suggestion, and I will move to amend by adding so as to read "to contract for a time not exceeding four years." That is the usual length of a mail contract, but if the Senator prefers I will say two years.

Mr. SAULSBURY. I prefer that the Senator should limit it to a less period than four years, for I think as it is an experiment two years will do.

Mr. HAMLIN. It is an experiment and I will say two years. That is about half the period of the usual lettings. I move to add as an additional section to the amendment the following:

SEC. —. That no contract entered into by the Postmaster-General for fast-mail service as herein provided for shall be made for a longer period than two years.

The amendment to the amendment was agreed to.

Mr. SAULSBURY. Before the vote is taken upon the passage of the bill I desire to say that I voted for the amendment for the restoration of the franking privilege because I am honestly in favor of that provision, and I did not wish to shirk any responsibility of a vote of that kind; but I am equally opposed to the provision in this bill proposing in some sense to subsidize certain railroads of this country by giving them compensation for carrying the fast-mail service. I therefore cannot vote for the bill as a whole. I must vote against the bill; but I wish it distinctly understood that in doing so I am not opposed to that feature of the bill which restores the franking privilege. For that amendment I voted, and I would have voted for it as a separate proposition; but I cannot vote for the bill which contains it, simply because the bill contains other provisions for which I cannot vote.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment reserved by the Senator from Kansas [Mr. HARVEY] in regard to the fast-mail service.

Mr. HARVEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I should like to inquire as a matter of order if the amendment which was previously offered by me in committee can be re-offered?

The PRESIDENT *pro tempore*. It can be offered after the amendments made in committee have been acted upon. The question is on concurring in this amendment as modified by the Senator from Maine, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Davis, Dawes, Dennis, Ferry, Frelinghuysen, Hamlin, Howe, Ingalls, Kernan, Logan, McMillan, Mitchell, Morrill, Norwood, Oglesby, Paddock, Patterson, Randolph, Sargent, Wallace, Windom, and Withers—31.

NAYS—Messrs. Booth, Cockrell, Eaton, Edmunds, Harvey, Key, McCreery, Maxey, Merrimon, Ransom, Saulsbury, Spencer, and Stevenson—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conover, Cooper, Cragin, Dorsey, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, McDonald, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, West, Whyte, and Wright—27.

So the amendment was concurred in.

Mr. HITCHCOCK. I now renew the amendment offered by me in committee. I move to add as an additional section to the bill the following:

SEC. —. That the Postmaster-General is hereby authorized to contract for the extension of such service to Omaha, Nebraska, and the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for such purpose.

I offer this amendment because since the action of the Senate on the amendment in committee other lines of less importance, of less business, have been added to the list of fast-mail lines. I desire to state that the amount of mail which leaves Omaha going west each day amounts to 15,000 pounds. I have not at hand the statistics which show the amount that leaves Chicago, but of course between Chicago and Omaha the amount added to the amount which daily leaves Omaha westward would make the aggregate between Omaha and Chicago amount to nearly 25,000 pounds daily. If the country can afford to indulge in the expense—I will not say expensive luxury because I think it is a wise policy, and I think these fast-mail lines should be established—but if the country can afford three fast-mail lines between the East and Chicago and Saint Louis, it can afford one, I think, for the great transcontinental mail between Chicago and Omaha.

Mr. SARGENT. The effect of not carrying the mail between Chicago and Omaha is that on Thursdays in San Francisco and all California our people receive no mail at all. If a link is kept up on Sunday or Monday there is a regular mail throughout the week.

Mr. HAMLIN. We have provided for that.

Mr. SARGENT. I thought that was what the Senator from Nebraska was speaking to.

Mr. HAMLIN. That has been agreed to.

Mr. SARGENT. I am glad of it; it is very important. I was absent for some hours on a committee of conference, and was not aware of the action taken by the Senate.

Mr. HITCHCOCK. That was agreed to. Since I was last up I have had a dispatch from the Department, which shows that I understated rather than overstated the amount. The aggregate amount between Chicago and Omaha daily is 27,779 pounds. If the country can afford to establish fast mails on these lesser lines it certainly can afford to extend the fast mail between Chicago and Omaha and reduce the time by twelve hours at least, as this appropriation would, for that amount of mail.

Mr. OGLESBY. Will the Senator from Nebraska allow me to ask him one question as to the cost? What will be the additional cost of extending this fast-mail line from Chicago to Omaha?

Mr. PADDOCK. Forty thousand dollars.

Mr. OGLESBY. Is that sufficient? Can it be done for $40,000?

Mr. HITCHCOCK. I will state for the information of the honorable Senator that I have no means at hand of stating accurately what amount will be necessary. My amendment provides the sum of $40,000. I base that more upon the relative distance between Chicago and Omaha compared with the distance between New York and Chicago, the distance between Chicago and Omaha being five hundred miles and that between New York and Chicago being one thousand miles.

Mr. OGLESBY. I ask now in regard to this amendment, the amount appropriated being $40,000, do you suppose that under that you will get the benefit of the service?

Mr. HITCHCOCK. I supposed so certainly, or I should not have offered the amendment. I believe so.

Mr. OGLESBY. And that no greater amount will be incurred at the end of the fiscal year than the $40,000 for this service?

Mr. HITCHCOCK. That is my opinion.

Mr. OGLESBY. I am inclined to vote for the Senator's amendment if it is to cost no more than that.

Mr. EDMUNDS. It cannot cost any more than is appropriated.

Mr. OGLESBY. I mean to say, if it shall actually cost more that, then you will not get the service.

Mr. HITCHCOCK. That is very true.

Mr. OGLESBY. I do not see that the amendment will do any good, if you are not certain about the amount appropriated being sufficient. If you are certain, I shall vote for it with a great deal of satisfaction.

Mr. HITCHCOCK. I am not by any means certain; but no money will be lost if the railroads refuse to accept the amount which is appropriated.

Mr. HAMLIN. The fast-mail service was established as an experiment. So far as we have had the benefit of it, I think we are able to state that it has been a most successful experiment; nor have I a doubt that within a reasonable period of time there will be through the main sections of the country fast routes established. The great arteries over which communication will pass will be those fast routes, and they will supply the little veins all along the lateral roads. We have now added something more to that in this bill. I hope the Senate will not agree to this amendment. There must be a limit to it somewhere. There are 27,000 pounds of mail matter daily, the Senator tells us, from Chicago to Omaha. They receive the benefit of

the fast mail to Chicago at Omaha just as much as they do at Chicago; that is, they get it just twenty-four hours quicker. We have done what I think is exactly right. We have added an amendment to this bill which gives them their seven days' service in the week, as they ought to have, so as not to require the mails to lie over a day. That being done, they get their mail twenty-four hours earlier at Omaha than they would get it if this fast-mail service were abolished. You must have a limit somewhere. The time will come when it will go to Omaha, I have no doubt. I say to the Senator from Nebraska that I might myself, with double the propriety, with double the facts to fortify me, move to extend this fast route from New York to Boston, reaching all New England. Why do I not do it? Because I am willing to let this system stand as it is until we can apply it gradually and not break it down. I hope the Senate will not agree to this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska, [Mr. HITCHCOCK.]

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. OGLESBY. The post-route bill as now amended contains the amendments proposed for establishing the fast-mail-line service. I consider that a very important service, and I shall be glad to give it my support. It also provides for a restoration of the franking privilege. I am opposed to the restoration of that privilege. I know of no public necessity that demands it, and I know of no public desire for its restoration. I personally have a knowledge on the subject from those whom I in part represent. I know of no sentiment for its restoration. It is in the nature of a privilege, say of it what you may. By large numbers of the community it is regarded also as a perquisite. I am aware of the personal convenience it brings to every member. I am fully aware of the personal convenience it would bring to me; but I know its restoration brings with it burdens of great weight and consequence, for it will inevitably follow, it must as certainly follow as that effect follows cause in due and reasonable season, that the restoration of this privilege means also a return to the publication of large numbers of public documents.

Mr. DAWES. I should like to ask my friend if he does not know that in no period of the history of the Government has there been so much public printing as there has been since the franking privilege has been abolished?

Mr. OGLESBY. I was informed by the Senator from Maine some time ago that that was not so.

Mr. ANTHONY. That is a mistake.

Mr. OGLESBY. I was informed by the Senator from Maine, who I know is far more familiar with the subject than I am and I think quite as familiar with it as the Senator from Massachusetts—perhaps I am going too far in that—but I was assured by the remarks of the Senator from Maine this morning that, although the variety of the public documents is substantially adhered to, the numbers in each line have been materially diminished and that the expense of public printing stands greatly curtailed in consequence of that. I think the restoration of the franking privilege must of necessity call us back to that responsive request, which will come upon us because of this food and this encouragement, to increase the number of public documents.

Mr. HOWE. Will the Senator allow me to ask him to explain what that necessity is which will demand the Congress of the United States to print documents for the mere purpose of having the fun of franking them?

Mr. OGLESBY. I will try to answer the Senator. Perhaps I shall not be able to do so satisfactorily. The people of this country do not like special privileges. I do not like them myself. I do not like what the people cannot have. I know that this franking is regarded by the public very largely as a privilege and also by some as a perquisite. The very moment that we come into the use of it, it seems natural to my mind and reasonable that they will say, "You have got the franking privilege; you have got all that Printing Establishment there; you have got all this force; now send us documents as you used to do." The Senate cannot have forgotten, I am sure I have not forgotten, that we carried that to such an extent that it became odious almost. Public documents were shipped over the country, and were unopened, unexamined, and unread to a very large extent.

Here is one point which I wish to make about public documents, and I am as frank about it as I can be. I never get a public document that I am not embarrassed. If I get three hundred and my colleague gets three hundred, or if I get one hundred and fifty and he gets the same number, or if I were to get five thousand and he the same number of any particular document, I am at once embarrassed how to dispose of them. We represent a State that has 500,000 voters in it. I am always embarrassed to know what disposition to make of a public document that I have. I cannot give it to one without selecting him from the many. I cannot tell for my life why I select him. It is not because he is wiser, not because he is better, not because he is stronger; but I somehow or other must make a selection, and it is always a disagreeable matter to me. It carries with it the taste or flavor of personal preference, which I do not like.

I voted at one time for a project of the Senator from Rhode Island, [Mr. ANTHONY,] and I think I am still in favor of that project. I do not know that it would be a very popular project, I do not know that it would meet with universal favor; but I think the sentiment of the country would sustain it. That is, to publish all public information, the reports of all the Departments, all scientific, all accurate, correct knowledge gathered up through all the Departments of the Government from all the corners of the Republic, and publish it at the public expense at the lowest possible dime; put it down to the lowest possible cent of cost of publication and then have a list of prices affixed to every one of the documents, the public papers and records; throw every facility within the reach of the people to have this information, and to have it at cost. This morning while the franking privilege was up a constituent of mine, a citizen of the State of Illinois, stood at the door, a perfect stranger to me. I was introduced to him and asked him his sentiments about restoring the franking privilege. Said he, "I would vote against it." I asked him why? Said he, "The people where I live do not want it. If we want a public document we ought to pay for it, because all of us cannot have public documents free." It seemed to me that covered the argument in a nut-shell. Because I think this franking privilege is wrong, because I am opposed to it, because I think it distasteful to the public mind of the country, I shall, although in favor of the fast-mail service, vote against the bill for these reasons.

Mr. HOWE. If the Senator from Illinois had been good enough to give us his counsel before we voted for this offensive measure, so that we could have profited by it, it would have been an act of kindness; but when he gets up and tells us after we have plunged into this slough, and tells the country what fools we are, I do not quite see what good it does me. Nevertheless, better late than never.

Mr. OGLESBY. The Senator from Wisconsin will indulge me a moment.

Mr. HOWE. Certainly.

Mr. OGLESBY. I wish to say that the Senator knows perfectly well that I entertain no such foolish notion at any time of being able to give him instruction or information upon any public service.

Mr. HOWE. But advice?

Mr. OGLESBY. Nor advice, nor suggestion.

Mr. HOWE. The Senator now is altogether too meek. He is able to give a great deal of advice, and he does give a great many most valuable suggestions; but in the spirit of candor that always actuates him, allow me to say that at this time there is no particular value in the suggestion that he has thrown out. He has assigned one of the best reasons in the world, one of the most conclusive reasons I ever heard here or elsewhere for his voting against this bill, and that is that he is opposed to it. That is always a good reason. But when he comes down to details and to explain why he is opposed to it, he does not make himself so clear to my mind nor is his reasoning so conclusive as it almost always is. He says first that the restoration of this franking privilege will of necessity work a return to the business of printing public documents; and I was dull enough not to see why that necessity followed so inevitably upon this vote, and asking him to explain he said that when the people saw clearly that the law clothed us with the right to send them documents free of cost, they would say "Print now, print, you can send them for nothing; keep printing, do not stop printing," and he says that that was the operation of the old law and that we, under the inspiration of these repeated and urgent demands, went on printing documents until they became odious to the people and never were opened.

Now what does my friend really think of the people? That because they see we have the right to write our names on a document they are going to insist that documents shall be printed, that the presses shall groan with that labor, and we groan with writing our franks, and send these documents to them when they are so odious that they will not open the document. The people the Senator represents are more intelligent than that, more rational; they will not make any such demand.

But the Senator says that his constituency is large; it is true; that they are a reading people; that is true. He is proud of that and does not mean to apologize for it. There is no occasion for any apology. And therefore he says that it is impossible for us to print so many documents that he and his colleague can send to everybody what everybody wants. Well, if documents have become odious to them, it will not be so difficult to supply the demand.

He says as we do print, with whatever energy we work the Printing Office, that there is a selection to be made, that he has got to determine every day whether he will send a book to Brown or Jones, to Black or White, and that is always a difficult point to determine. Very likely. He can vote against printing the document. That is one way of solving the difficulty. You can always avoid this particular irksome task by not printing the documents. If you do not print a document at all, you will not have any documents to frank; then your constituents will not have any documents to throw away; then their stomachs will not be turned by the sight of reading matter they do not want to look into. You will get rid of that in this way, and then this business of franking will be confined to the franking of letters which pass between the honorable Senator and his constituents. What about those letters? How many of them are the letters of the Senator himself? How many of them are written to others than those who are utter strangers to him who write to him on

business which nobody else can transact so well as he can, and which he is obliged to reply to or refuse to reply to?

I was once an attorney at law, and I was not a Senator or anything of that sort, and I worked for fees, and my employment, always liberal, was yet limited. I did not have to work for everybody; the whole State of Wisconsin were not my clients, and I have been absolutely surprised to find how much my business increased when I found myself clothed with the senatorial office and was so conspicuously advertised to my constituents and they found I would work for nothing. Really the extent of my business is——

Mr. CONKLING. Gratifying.

Mr. HOWE. "Gratifying," my friend from New York suggests. [Laughter.] A great many times since I have had the honor of a seat here by the side of my friend from New York I have been laid under obligations to him for a suggestion. I think I never felt so gratified to him before in my life as on this occasion. Gratifying! [Laughter.] That is the sort of franking which profits the constituent and does not profit the representative, and it is the kind of franking that I think the representative should be clothed with. It seems to me it is enough if the Senator will turn aside from public business and peruse the letter which calls on him to do some errand at the Pension Office, the Patent Office, the Land Office, the Fifth Auditor's Office, the First, the Third, the Fourth, the Sixth Auditor's Office, the Treasury, the numberless Bureaus and Departments here; it is enough for him if he will read the letter, go to the office or write to the office, get the information that is wanted, hurry up the matter which concerns him, and write the reply, and give his correspondent the information; it is enough, I think, to be demanded of the representative if he will do that without requiring that he shall pay three cents or six cents or twelve cents for the privilege of making that reply and doing that work.

But that is not all. Every Senator on this floor is a member of a committee, and with that committee and the members of it the people of the United States must have open communication, and in addition to all the countless letters which every one of you has to write as an individual Senator to constituents, is a vast number of communications which you have to send by virtue of your official position on committees. I have the honor to be at the head of the Joint Committee on the Library, and during the recess the bills drawn on the funds which are to be disbursed by that committee are not very large in the aggregate of the amount drawn, but in the number of bills they are very large. They come to me. To be sure the Librarian, who draws the bills for my signature, pays the postage on the bills that he sends to me, but he does not send me stamps to pay the return postage. What is my experience in a small way is the experience of other Senators, I take it.

The Senator from Illinois says that he has heard no demand on the part of his constituents for this kind of legislation. Nor have I heard any demand for it from my constituents. It is a measure which I venture to vote for upon my personal official responsibility and in the exercise of my own judgment, such as it is, and I shall submit that act to their approval or disapproval in entire confidence that it will meet with their approval on the whole and in spite of the very forcible suggestions made by my friend from Illinois.

Mr. OGLESBY. I am impressed with the idea, after listening to the Senator from Wisconsin with the pleasure with which I always listen to him, that he was not so much distressed about the suggestions I made which involve himself and other Senators in a noose, or a corner, or some sort of trouble for having voted without having heard from me as he was that I made any remarks at all; for, after having suggested in the outset that the valuable hints I had thrown out ought to have been given earlier, I was amazed, as I suppose the Senate was, to find that they had not had any more effect on his mind than the pouring of cold water on a wild duck's back. He is "of the same opinion still" that the restoration of the franking privilege is a good thing, and he is very manly about it; he votes for it on his own suggestion and says that his constituents must canvass that vote. The Senator is able to defend himself anywhere, at home or here, and I doubt not he honestly thinks his vote is for the good of his constituents. I doubt not he thinks, as other Senators think who have voted with him, that it is a wise and proper vote to give, and that they have felt and now feel that there has been a good deal of unnecessary feeling of hostility to the franking privilege. I know Senators feel that way, and therefore they vote as they do.

I, in rising to speak when I did, did not rise for the purpose of discussing the merits of the question. I did not expect to arrest the attention of the Senate for a moment, because its merits have been gone over since I have been in this body more than one dozen times. Both sides of the question—I think that I am not mistaken about it—are fully and thoroughly understood. It was not for that purpose that I rose. I had no such visionary idea in my mind as that I could throw any new light upon it. Neither did I desire or expect to drive anybody from any conclusion he might have about it. I did not even so much as wish to make any Senator feel uncomfortable over his vote. I only intended to explain my vote against the bill as amended, having voted for the amendment proposed by the Post-Office Committee and its honorable chairman restoring the fast-mail service, and attaching a good deal of importance to the utility of that service, for I believe it is a growing service with the country. I felt willing enough to vote for its restoration and to extend it also where it had not been before; but when this other question came in to complicate the bill, although of the same nature and relating to the same subject, but as diverse in substance as two objective points can be at either extreme of the pole, I must either vote for the bill with the restoration of the fast mail and with the franking privilege in it, or I must vote against it, and as my vote in the affirmative would be understood to be an indorsement of all the bill contains, I thought I could not afford to vote for the bill with that last amendment in with regard to the restoration of the franking privilege. I merely rose to submit the reasons why I should vote on the bill as I expect to do—against it.

I do not know that my notions about the franking privilege are correct; I do not know that they are sound; but I cannot help stating before taking my seat, and then I shall leave the subject, that the same train of circumstance that followed in its establishment will again follow in its re-establishment. To reason differently is to reason that the cholera that comes occasionally from the Asiatic countries to inflict that pestilence upon us would be different in one time from what it is in another epidemic period. No, Mr. President, the same consequences will in time follow, in my opinion. I should be glad to have all that is said and done, not only the public laws passed, scattered before the people, but the proceedings preliminary to the establishment of laws; I should be perfectly willing to have the country understand every motion, every speech, the action of every committee here. I would be as glad if it were spread before the people as any Senator here, but the Republic is too large for that. Forty-five million people cannot be accommodated with free public documents. It cannot be done. You cannot scatter public documents after the old style and fashion over this country. You must resort to another, and, I think, a more intelligent and more acceptable theory. We must print them at the lowest possible cent of cost and then distribute that information, as we do all others, to our constituents at their own expense. I do not send a document to a voter in Illinois, I have not sent one since I have been in this body, that has not gone to him at the cost and expense of other citizens of Illinois who get no documents. That is a simple proposition that I can comprehend and every living man can. Is it right for me to ask for that privilege for myself without giving it also to my constituency? Shall I ask to have my messages, written letters, and correspondence to them free and not have them write back free to me? The bill itself is wise enough to cover that ground. Correspondence both ways under the amendment goes free. Right along in the train of that correspondence, all that has been done in this body will strike the public mind as being entitled to go equally free. How shall we shake off the responsibility?

Mr. HAMLIN. Will the Senator allow me to interrupt him by saying that if he will read the text of the measure he will find that he is entirely wrong? It says "sent and received."

Mr. OGLESBY. I say the amendment provides for sending and receiving free, and I say it will necessarily follow, because the reasoning goes to that, in restoring the franking privilege it was logical, it was necessary to say that if I should write free to the West, of course the people of the West should write free to me. If it is their privilege, of course they should. That I would be in favor of if I were to vote for the franking privilege, of course. That is just. Now, reasoning in the same line, I know it leaves but a very short time when the public will demand documents equally free, and this body and the other body together will have to publish them, and hundreds and thousands and millions of dollars will be piled up to publish public documents, one in a dozen, one in fifty, or possibly one in a hundred of which will be diligently studied and examined, and the rest will go flocking and flooding, like wild geese, over the country, thrown away as worthless stuff. I think we cannot return to that system again. I think it is unwise to take the preliminary step now toward a return to it, not because I would not be willing as a Senator to have the privilege of writing my correspondence free. I am not better than any other Senator in that respect. I should be very glad to have my correspondence go free; but I do not think my correspondence ought to go free when it is, as I believe, not as other gentlemen believe it is, in its consequences to entail great expense on the Public Treasury.

Mr. PADDOCK. I should like to ask a question.

Mr. OGLESBY. I will yield.

Mr. PADDOCK. The reports of the Commissioner of Agriculture, which are more sought for than any others by his constituents and mine, who are mainly agricultural people, are already franked under the law as it stands now. They have been franked all the time.

Mr. OGLESBY. I understand that very well.

Mr. PADDOCK. I wish to ask my friend if for the reason that we propose now to permit the franking of all other documents he thinks that more Agricultural R eports will be printed, or that because of the privilege which has heretofore existed that they might heretofore be franked, the demand for the printing has been more excessive?

Mr. OGLESBY. I ask the Senator how many Agricultural Reports did he get as a Senator from Nebraska?

Mr. PADDOCK. I will say to the Senator that last year when I came here there was an accumulation of two or three years' reports, but being a new Senator I did not receive a large number. I do not

recollect exactly how many; I should say at least fifty, and probably more. I am unable, however, to state exactly; but I received a respectable number, which I sent to my State.

Mr. OGLESBY. The Senator received fifty or perhaps more. I received more.

Mr. PADDOCK. I do not remember the number. I wish to say that nothing I did during the time I was here last year gave so great satisfaction to the agricultural people I represent on this floor as the distribution of those reports of the Commissioner of Agriculture and the other public documents under the temporary privilege to frank the same which was given last year.

Mr. OGLESBY. I have no doubt that the distribution of the Agricultural Report by the Senator to his fifty constituents was very agreeable. I sent some two or three hundred home and I have no doubt they were very agreeably accepted. How agreeably were the other farmers feeling about that time who did not get any?

Mr. PADDOCK. I will say that where I send an Agricultural Report into an agricultural district of my State to one person a dozen or twenty and perhaps a larger number are very sure to have the use of that report. And the same is true of all public documents sent to rural constituencies.

Mr. OGLESBY. I do not know whether that is so or not; it may be so, or it may not be so. To some extent I presume it is so. I presume one farmer will hand the book to another if he cares to take it, but I do know that one thousand Agricultural Reports scattered between two hundred and fifty thousand farmers of Illinois are not so much as one drop of water in a bucket. What right have I, or has any Senator on this floor, to take fifty or one hundred Agricultural Reports and give them to such men? They may not be especial friends. He will distribute them and they get them. What right has he to select them and leave the others out? The Senator from Nebraska will say in answer, "Give me more;" ay, the whole country will say under this franking privilege, "Give us more, pour out these public documents until you flood the mails with them, do as you did ten years ago, load down the Printing Establishment, load down the cars with them." That is what I think. The Senator from Nebraska like myself must have been embarrassed because he did not receive a sufficient number. I never receive enough public documents to answer the demands of the people who would read them. Therefore those I give them to are specially privileged as I with the franking privilege am specially privileged.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. HAMLIN. I hope the Senate will vote.

The question being taken by yeas and nays, resulted—yeas 25, nays 18; as follows:

YEAS—Messrs. Allison, Burnside, Christiancy, Cooper, Cragin, Davis, Dawes, Dennis, Frelinghuysen, Gordon, Hamlin, Hitchcock, Howe, Ingalls, Kelly, Key, Logan, Maxey, Mitchell, Norwood, Paddock, Ransom, Sargent, West, and Withers—25.

NAYS—Messrs. Anthony, Bogy, Booth, Boutwell, Cameron of Wisconsin, Cockrell, Conkling, Eaton, Edmunds, Harvey, Kernan, McCreery, McMillan, Morrill, Oglesby, Saulsbury, Spencer, and Stevenson—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dorsey, Ferry, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Patterson, Randolph, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Whyte, Windom, and Wright—28.

So the bill was passed.

The title of the bill was amended by adding the words "and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

The message also announced that the House had passed a joint resolution (H. R. No. 164) in reference to the payment of awards of the Venezuelan mixed commission; in which it requested the concurrence of the Senate.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from their disagreement to the amendment of the House numbered 2, and agree to the same, with an amendment as follows: After the last word insert, "Excepting compensation for service performed by the said company for the balance of the term of the contract of the said company made in pursuance of the said act of February 17, 1865, and for which appropriation has been made."

JNO. P. JONES,
H. L. DAWES,
D. M. KEY,
Managers on the part of the Senate.

A. M. WADDELL,
J. K. LUTTRELL,
J. A. GARFIELD,
Managers on the part of the House.

Mr. EDMUNDS. What is the effect of that?

Mr. DAWES. The first amendment was to correct a mistake in a date in reference to a statute. The second amendment of the House excepted the provisions of the statute under which the contract was made. It was feared at the Post-Office Department that an exception of all claims under that statute would prevent the company from obtaining compensation for carrying the mail during the remainder of the term for which an appropriation was made. The Post-Office Department suggest that to save that this additional amendment be agreed to.

Mr. EDMUNDS. It does not cover any fresh claims?

Mr. DAWES. Not at all. It only allows them their compensation as heretofore appropriated.

The report was concurred in.

THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The motion was agreed to—ayes 29, noes not counted.

LIGHT-HOUSE AND FOG-BELL IN NARRAGANSET BAY.

Mr. BURNSIDE. I wish the Senator from Vermont would allow me a few moments.

Mr. EDMUNDS. As the Senator has been compelled so long to be absent by sickness, I will yield for the matter he wishes to call up, if it does not lead to debate.

Mr. BURNSIDE. During my absence Senate bill No. 492, making an appropriation for a light-house and fog-bell on Narraganset Bay, was passed over on the Calendar, and I now beg the present consideration of it if there is no objection on the part of any Senator. If it leads to any discussion, I shall not press it.

This rock on which this light is proposed to be erected occupies a most dangerous position at the mouth of the west passage of Narraganset Bay. The bill is unanimously recommended by the Committee on Commerce after examination. The erection of the light has been recommended by the Light-House Board for two consecutive years. The bill calls for an appropriation of $35,000 for the erection of a light. Inasmuch as this obstacle is in the main line of communication between the whole of the lower coast and the upper coast and New England and also the southern coast with Providence and Narraganset Bay, I hope Senators will deem it wise to allow the bill to pass.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 492) making an appropriation for the erection of a monument and spindle on Whale Rock, at the entrance of Narraganset Bay.

The Committee on Commerce propose to amend the bill so to make it read:

That there be appropriated, out of any money in the Treasury not otherwise appropriated, $35,000 for the purpose of erecting a light-house and fog-bell on Whale Rock at the entrance of Narraganset Bay, under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narraganset Bay."

RECESS.

Mr. INGALLS. At the suggestion of other Senators, I will state that it is desirable that the session should continue to-night. For the purpose of testing the sense of the Senate, if there is no objection, I will move a recess from five o'clock to half past seven.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

HANNAH W. SUMNER.

Mr. CONKLING. As there are now but ten minutes left of the hour at which the recess begins, if the Senator from Vermont has no objection I will ask the Senate to take up a long-belated House bill now on the Calendar, touching the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner. I will not state, be-

cause the committee know, that there are some reasons of merit about this case which lead me to move its consideration, and as nothing can be done with the regular order in this interval, I ask that it be taken up now.

Mr. EDMUNDS. Subject to a call for the regular order. I make no objection to anything being taken up if that is the general understanding. I say so now to save time in repeating it, as there are only ten minutes left.

There being no objection, the bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, was considered as in Committee of the Whole. It provides for pensioning Mrs. Hannah W. Sumner, widow of the late Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, at the rate of $50 per month during her widowhood, in lieu of the pension heretofore granted to her under the provisions of the general pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EASTERN BAND OF CHEROKEES.

Mr. ALLISON. I ask unanimous consent to call up House bill 3209, which will take but a moment.

Mr. EDMUNDS. I call for the regular order long enough to request the Chair to ask unanimous consent that the regular order shall not be displaced by any of these matters before the recess.

The PRESIDENT *pro tempore*. So the Chair understands.

By unanimous consent, the bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians was considered as in Committee of the Whole. It empowers the Commissioner of Indian Affairs to collect and receive, in payment of the amount due on certain judgments in favor of William Johnston and against William H. Thomas, now held by him in trust for the eastern band of Cherokee Indians of North Carolina, the lands mentioned and described in the award of Rufus Barringer, John H. Dillard, and Thomas Ruffin, as a board of arbitrators, under date of October 23, 1874, upon which such judgments were a lien; the lands to be taken at their cash value, to be determined by an appraisal to be approved by the Secretary of the Interior and conveyed to the eastern band of Cherokee Indians in fee simple.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BERTHOLD LOEWENTHAL.

Mr. LOGAN. I ask leave to call up House bill No. 1713, reported from the Committee on Finance.

There being no objection, the bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois, was considered as in Committee of the Whole. It provides for the payment to Berthold Loewenthal of $14,850, or so much thereof as he shall prove, to the satisfaction of the Commissioner of Internal Revenue, that he has expended in the purchase of revenues-tamps used by him to stamp manufactured tobacco and snuff, upon which a tax had previously been paid, under the revenue law in force at the time of their manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco and snuff.

Mr. LOGAN. There is a very lengthy report from the House committee and a report of the Senator from Tennessee [Mr. COOPER] from the Finance Committee of the Senate, and the bill itself was referred to the Commissioner of Internal Revenue and is perfectly correct.

Mr. COOPER. The bill is entirely right.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HAWAIIAN TREATY.

Mr. SARGENT. I only rise to give notice to the Senate that after the constitutional amendment has been disposed of I shall ask the Senate to take up the Hawaiian treaty bill.

HELEN M. STANSBURY.

Mr. McMILLAN. I ask the Senate to proceed to the consideration of the bill for the relief of Helen M. Stansbury, reported from the Committee on Pensions. It is a very worthy case.

There being no objection, the bill (S. No. 832) to increase the pension of Helen M. Stansbury was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to pay to Helen M. Stansbury, widow of Major Howard Stansbury, late major in the Corps of Engineers, United States Army, a pension at the rate of $25 per month, to be in lieu of the pension now paid to her.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF DISABILITIES.

Mr. GORDON. I move to proceed to the consideration of the bill (S. No. 951) to remove the political disabilities of Stephen D. Lee, of the State of Mississippi.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole.

Mr. GORDON. I move to amend by adding the names of John G. Walker, of Texas, and C. M. Wilcox, of Maryland. They are all reported from the Committee on the Judiciary.

Mr. STEVENSON. I think the Wilcox bill is already passed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. WITHERS. I suggest that all the cases of this kind on the Calendar be added.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: "A bill to remove the political disabilities of Stephen D. Lee and others."

HARVEY & LEVESY.

Mr. CAMERON, of Wisconsin. I ask that the Senate proceed to the consideration of House bill No. 3849.

There being no objection, the bill (H. R. No. 3849) for the relief of James W. Harvey and James Levesy, of the firm of Harvey & Levesy, of Wisconsin, was considered as in Committee of the Whole.

The bill refers the claim of James W. Harvey and James Levesy for alleged labor done and materials furnished under their contract with the United States for the building of the masonry work for the piers and abutments of the bridge across the Mississippi River from Rock Island to Davenport, Iowa, bearing date June 1, 1869, to the Court of Claims for hearing and adjudication, and to that end confers jurisdiction on the court to proceed in the adjustment of the accounts between the claimants and the United States as a court of equity jurisdiction, and provides that it may, according to the rules and principles of equity jurisprudence, in its judicial discretion, reform the contract and render such judgment as justice and right between the claimants and the Government may require.

The bill was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. DAVIS. Has the bill been reported favorably?

Mr. CAMERON, of Wisconsin. It is a House bill, considered by the Senate Committee on Claims, and reported favorably.

The bill was passed.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived the Senate takes a recess until half past seven.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

THOMAS I. FOX.

Mr. WALLACE. I ask unanimous consent to take up a bill on the Calendar for the pensioning of a blind soldier. It is regularly reported by the Committee on Pensions, House bill No. 1089.

By unanimous consent, the bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 25) providing for a commission to examine into the method of collecting internal-revenue taxes on distilled spirits and fermented liquors; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 852) for the relief of Elisha E. Rice;

A bill (S. No. 944) for the relief of Gilderoy M. Hardy;

A bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi; and

A bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE WILLARD of Michigan, Mr. G. W. CATE of Wisconsin, and Mr. J. HARTRIDGE of Georgia managers at the conference on its part.

The message also announced that the House had passed a concurrent resolution for the adjournment of both Houses of Congress on Monday, the 14th instant, at four o'clock p. m.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 561) for the relief of Major Junius T. Turner; and

A bill (S. No. 1007) concerning the employment of Indian scouts.

HARRY E. EASTMAN.

Mr. HOWE. I ask the Senate to proceed to the consideration of House bill No. 3374.

Mr. EDMUNDS. Let it be subject to a call for the regular order.

The PRESIDENT *pro tempore*. All these requests will be so considered.

There being no objection, the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Volunteers, was considered as in Committee of the Whole. It provides for the payment to Harry E. Eastman, of Green Bay, Wisconsin, of $639.08, in full satisfaction of his claim for pay as lieutenant-colonel of the Second Wisconsin Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PAVING OF PENNSYLVANIA AVENUE.

Mr. MORRILL. I merely want to call up a District bill that will take but a moment. I ask that the bill amending the act passed for repaving Pennsylvania avenue be taken up. It is the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

Mr. SARGENT. I object, not capriciously, but I think for good reasons.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is House joint resolution No. 1, proposing an amendment to the Constitution of the United States.

Mr. MORRILL. I want to appeal to the Senator from California. It is deemed necessary by the commissioners appointed to take charge of the work that this bill should pass.

Mr. SARGENT. I wish to ask the Senator is it not true that the property-holders on the Avenue have petitioned against this bill, stating that they have suffered on account of the condition of the Avenue.

Mr. MORRILL. I do not so understand. I understand that some of them have, but I do not understand that even those persons who have so petitioned, on a proper understanding of the facts, would object. The amount of it is that there are two provisions in the act that passed, one granting time that might be necessary and another providing that it shall be done by the 1st of December. Now it is questionable what this proviso applies to; and if by any accident the work should go over beyond the 1st of December it is then doubtful whether they can proceed to levy the tax upon the adjacent property-holders. But I wish to say to the Senator from Califonia and also to any that may feel an interest in the matter, that there is no purpose whatever to procrastinate this paving. It will be done most likely by the 1st of November.

Mr. SARGENT. I have so much confidence in the judgment of my friend from Vermont on matters relative to this District, in which he takes so much interest, that I am going to withdraw the objection, although I do it with some misgivings, I must confess. I withdraw the objection.

Mr. MORRILL. I think there is no sort of doubt about it.

Mr. CONKLING. To be frank with the Senator from Vermont, I want to say that I shall object to an unconditional repeal of that provision. If the purpose of the Senator is to extend the time to the 1st of January, I will not object to that, and so I have said to some of these proposed contractors who have spoken to me about it; but I will not by my vote allow these men to tear up the pavement of Pennsylvania avenue and then take their own time, whether it be through the whole of next winter or the summer after or some other time, to complete this job. Anything for which I vote must have a day fixed. There are 90,000 yards of this pavement. They say a thousand yards a day is a good day's work. That would require ninety days in the clear. Deducting Sundays and rainy days perhaps it is fair to say that there would be twenty-eight or thirty days lost between now and the 1st of December. That would leave them scant of ninety days. I will vote to extend the time so as to give them ninety days or one hundred days in the clear to do this thing. I take it for granted the contract will provide for such scrutiny and verification of this work that men will not be able to put off a slighted job upon the Government. But I repeat that I will not consent, either by withholding objection or any other way, to have this contract so made that the contractors at their convenience, either by the 1st of January or the 1st of March or on the 1st of next August as they please, may complete this roadway. The pavement of the street originally was an outrage. I have the right to say that because I looked upon it and I know how the blocks were put down. I watched it while it was being done. I am not willing to run the risk of a second botch and swindle in this pavement or an imposition by having them take a century if they choose with the privilege of repeating, to lay the pavement on this street.

Mr. MORRILL. Mr. President——

Mr. EDMUNDS. I call for the regular order. This evidently will lead to debate.

Mr. SPENCER. I ask the Senator from Vermont to yield to me that I may read some dispatches?

Mr. EDMUNDS. I think they will lead to debate.

Mr. SPENCER. I have received dispatches from Alabama which are a full and complete answer to dispatches received the other day by the Senator from Connecticut, [Mr. EATON,] to which I beg the attention of the Senate. I ask to have them read. They are very brief.

Mr. EDMUNDS. I am afraid they will lead to debate.

Mr. CONKLING. The Senator can read them in debating the amendment. He has a right to debate the amendment.

Mr. SPENCER. Certainly I have.

TRADE-MARK GOODS.

Mr. CONKLING. Mr. President, being compelled to be absent from the Senate in the morning, I ask unanimous consent to take up a message from the House which lies on the table.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in counterfeit trade-mark goods.

Mr. CONKLING. It is so late in the session that I think it hardly worth while to ask another conference with the House, although it differs radically with the Senate and the Judiciary Committee of the Senate touching this bill; but as the House has left it somewhat better than no bill at all, after consulting with the members of the Judiciary Committee I move that the Senate recede from its vote disagreeing to the House amendments and let the House have its way upon the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate recede from its disagreement to the amendments of the House.

The motion was agreed to.

THE SCHOOL AMENDMENT.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The Committee on the Judiciary reported an amendment to strike out all after the enacting clause of the joint resolution and in lieu thereof to insert the following:

That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of the said Constitution, namely:

ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to or made or used for the support of any school, educational or other institution under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested.

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

Mr. SPENCER. I have received this afternoon these two dispatches from Alabama. They are in answer to the dispatch read by the Senator from Connecticut [Mr. EATON] the other day from the chairman of the democratic State central committee, who stated that there have been no intimidation, no violence, in the election which took place there on last Monday.

These dispatches are:

MONTGOMERY, ALABAMA, *August* 11, 1876.

Hon. GEO. E. SPENCER:

The election was conducted under new laws, under color of which thousands upon thousands of republican voters were denied the right of suffrage. In no proper sense was there an election by the people in Alabama on last Monday.

CHARLES E. MAYER,
Chairman Republican State Executive Committee.

MONTGOMERY, ALABAMA, *August* 11, 1876.

United States Senator GEORGE E. SPENCER:

We emphatically deny any allegation to the effect that the election last Monday was conducted throughout Alabama with fairness or without disturbance or complaint of intimidation. Our denial will be sustained upon any fair investigation. As the issue has been publicly made such investigation seems due to all parties.

W. H. SMITH,
Chairman of Republican State Executive Committee.

Mr. President, all I desire to say is that I hope the Senate will appoint a special committee to investigate this election. As investigations seem to be a favorite subject with the democrats of this Congress, I can see no better opportunity than to investigate this election. I hope it will be done.

Mr. STEVENSON. This is a very important amendment to the Constitution, and I do not think there is a quorum present. I therefore ask to have the roll called.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. EDMUNDS. The roll cannot be called on mere demand. The Senator can make some motion that will make a test. Of course we do not want to vote without a quorum.

Mr. STEVENSON. I move a call of the Senate.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The Secretary will call the roll.

The Secretary called the roll; and 31 Senators answered to their names, as follows:

Messrs. Bogy, Boutwell, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Cragin, Davis, Eaton, Edmunds, Ferry, Frelinghuysen, Harvey, Howe, Ingalls, Kelly, Kernan, Key, McCreery, McMillan, Mitchell, Morrill, Paddock, Randolph, Sargent, Spencer, Stevenson, Wadleigh, West, and Windom.

Mr. EDMUNDS. Let the absentees be called.

The Secretary called the names of the absent Senators; and on this call

Mr. LOGAN answered.

The PRESIDENT *pro tempore*. Four are lacking to make a quorum.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absentees.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SAULSBURY, Mr. NORWOOD, Mr. BOOTH, and Mr. OGLESBY presently entered the Senate Chamber.

The PRESIDENT *pro tempore*, (at seven o'clock and fifty-five minutes.) There is a quorum present.

Mr. HOWE. I move that further proceedings under the call be suspended.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. I do not want the floor. I want the vote.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on the Judiciary as a substitute for the House resolution.

Mr. RANDOLPH. Mr. President, so long a time had passed by since the introduction of the Blaine amendment to the Constitution, relating to the public-school system, and so little interest had been taken in it of late, that I concluded it had served the purpose of its author, and was not likely to further engage public attention at this session.

In this view I was mistaken. We found upon our desks a day or two since the substance of the Blaine amendment, with a clause from the House committee added thereto, and we were informed that so far as the action of the House of Representatives was concerned the constitutional amendment was adopted.

Immediately following this action came a series of propositions changing that adopted by the House. Although the Blaine amendment had been before the country for months, had received no alteration or suggestion from its warmest friends, had been the text of praise and approval from one end of the country to the other for more than half of the year, no one questioned its force or validity, or doubted its efficacy if made a part of the Federal Constitution, until it received a sanction that has clearly disturbed and surprised some of the members of this body who are not democrats.

So we find upon looking at the report of the Judiciary Committee on our desks just now that the author of the Blaine amendment, in the judgment of the majority of the Judiciary Committee—to put it courteously—was either wanting in brains or honesty. For the propositions of the Judiciary Committee in substance declares that the amendment he proposes, and that which every republican paper in the land has for months sustained as indispensable to good government, is no amendment at all, would be non-effective if passed, and utterly falls short of the object of its promoters.

It does seem to me, Mr. President, and it will seem to the real friends of education, and to the plain people of the country, that all the wisdom and light that is now suddenly launched upon this amendment should have been given long ere this by the sincere friends of public schools. The amendment as it comes to us from the House is deemed by men as wise and learned as we are a complete and efficient act. It has, in substance, received the sanction of the great majority of the press and the people. Thus its adoption by the States would give rise to little or no contention, and when adopted would be received by courts and people as a final disposition of a dangerous question.

The amendment proposed by the Judiciary Committee is an altogether different affair from that the people have asked for or the press discussed. It opens, if adopted, many grave questions, good enough for the welfare of the legal profession, but bad enough for the body-politic. It will leave in doubt much that is now deemed settled, and, as it seems to me from the hasty perusal I have been able to give to the paper to-day, instead of disposing of a vexed question, taking it out of politics and contention, its main result, if it is not its object, will be to arouse anew, and unnecessarily, an element of discord.

I can take no part in any such legislation, save to attempt to prevent it. I have labored hard all the session to have an amendment passed substantially like that sent to us from the House. It is reasonable in character, acceptable to most men of all creeds and denominations, has no latent purpose to excite, no new scheme to add to the already dangerous powers of Congress, and, as is believed by most men, would prove a just and peaceful settlement.

For the House amendment I shall steadily vote; for all alterations of that proposition I shall vote against, as I believe most of the true friends of education should. The adoption of the House amendment concludes congressional action and relegates final action to the States. And if two-thirds of the Legislatures of the States concur in the House article, in my judgment it will be perfectly competent for the Secretary of State, in the usual form, to declare the fact and promulgate the additional article of the Constitution. Article 5 of the Constitution says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as parts of this Constitution, when ratified by the Legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Now, if it be contended that the House amendment does not set forth precisely which way the States shall make their ratification—whether by conventions or by the action of State Legislatures—my reply is that the defect may easily and promptly be remedied by an act or joint resolution of Congress designating the mode of ratification required, and such legislation would not take one hour, as we all full well know. There is no real difficulty, Mr. President, in the way of making the House amendment to the Constitution effective if all agree or a portion of the republican side agree that all good citizens should strive to make "religious dissensions as a force in politics as absurd as witchcraft."

If the amendment proposed by the House of Representatives shall become a part of the organic law, and its adoption shall make religious dissension as a force in politics profitless, then, sir, I shall consider it to have been one of the special privileges of my public life to have assisted by my vote to so important a result.

In my decision upon the House constitutional amendment I am guided by two considerations: first, is it right to enact; second, is it expedient to do? As no sensible and patriotic man questions the righteousness of an act that tends to bring peace out of discord, and as the elimination of the religious question from politics can have but one tendency, I have no doubt as to the righteousness of the amendment proposed by the House of Representatives.

This leaves alone to be determined the question of expediency; and this I decide upon the principle that whatever change can be wrought within the organic law, right in itself and tending to "insure tranquillity" and "promote the public welfare," is wise to do.

The House proposition to amend the Constitution of the United States, which I desire adopted, is in these words:

ART. 16. No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof, and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any funds so raised, or lands so used, be divided among any religious sects or denominations.

This article shall not vest, enlarge, or diminish legislative power in Congress.

It is simply an additional inhibition upon the States; no more, no less. It aims to be a conserving power in controlling that which, in most States, exists. It founds no new principle, expresses no opinion as to the wisdom or policy of an existing practice. It recognizes the fact that a system known as the common-school system has obtained in almost every State, has the sanction directly or indirectly of most State governments, has the generous support of most taxpayers, has passed almost unchallenged by the sentinels of the press, and has had for years the great sanction of an overwhelming public opinion.

It is with this existing policy as to a system of general education that the House amendment proposes to deal; by inhibiting States from establishing any form of religion; by forbidding them from permitting the public funds raised for the support of public schools to be under sectarian control or divided between religious denominations. From beginning to end as to the States there is no directory word in the amendment proposed by the House, only provisional ones. When any State shall have raised money by taxation for the support of public schools or obtained public moneys by other means, no portion of it shall be under sectarian control or divided between religious denominations.

Should one or more of the States decline, or omit to raise money for school purposes, or, possessing public moneys, decline to use them for such purposes, to them the new amendment is of non-effect. Its operation is not necessarily universal. In this respect it is less inhibiting than most of the inhibitory clauses of the Constitution. The effect of the House amendment is not to affirm education by Government as a principle, but to establish a principle regulating the policy of such States as may locally favor the public-school system.

Education, as the word is commonly used, is not a duty of the Federal Government, as ours is constituted. Nor, sir, can it ever be, without we make a certain and dangerous surrender to gain a possible advantage. As it now stands there is not a word to be found in the Federal Constitution—direct—or capable of fair construction—implied, that makes it a duty of Government to attend to the education of the children of its citizens. It is one of its privileges to assist, as it has done, whenever in its discretion the Congress has deemed such assistance wise or beneficent. Thus, the grant of public lands for township schools in the new States and for agricultural colleges in all the States, the advantages of which we have yet to fully appreciate.

But, sir, I re-affirm that there is not only no duty devolving upon the Federal Government, by reason of any provision in the Constitution, to directly care for the education of its citizens, but that the attempt upon the part of the Federal power to exercise authority in this direction would be without warrant, and as pernicious in precedent as it would finally become dangerous in practice.

But we are told we should make education a Government duty. We are warned to heed the "public conscience" upon this matter. The conscience of the State! Sir, there is no such reality. There cannot be. Conscience is the development of a moral element within the individual. State conscience there is none. Public sentiment there is, no doubt; but to confound the two is fatal to right and truth.

But public sentiment—interest, or prejudice perhaps, not reason always nor often—is the varying weather-vane. Conscience is the moral element in man, the ever-growing monument of reason and right and religion.

Can the state, with an ever-changing policy upon most public questions, be rightfully said to have a "conscience?"

Will you make the will of the majority the conscience of the state? It can have but one; what shall it be? As to the duty of education, for instance, shall it favor Catholic or Protestant? Whichever one, its enforcement tends to tread down and out the other creed. If there be in truth a public conscience it should be obeyed, and obedience compels a standard. And a decision as to what the true one is, compels a council. It would soon need a supreme arbitrator—thus a Pope!

This is the logical sequence to the assertion of a public conscience; this, sooner or later, a result as fatal to freedom of conscience as could be contrived.

There is a general belief that good government requires by some sufficient means religious as well as secular education. Protestants and leading American Catholics agree in this.

Infidels and some other sects deny the necessity. The present issue as to where secular education ends and religious teaching begins is mainly between Protestants and Catholics. Agreeing in the main proposition, they are at irreconcilable difference as to the means. Most Protestants urge taxation for the support of public schools, in which they would have limited religious instruction. Catholics would have no general taxation for the purpose; or if any be had, then an equitable distribution of the moneys raised. The Catholic preference is for an education dependent upon the will of the parent, or the zeal of rival religious organizations. They contend that in the advanced position of the cause of education in the United States the wide-spread knowledge of the premium which society gives to intelligence will ever insure fair education to the masses. Protestants assert that history does not sustain this view.

Many even claim that the security of the state hinges upon the education of its people; that ignorance is the instrument of despotism, as intelligence is its foe. Thus it is argued the free state can only maintain its integrity through the education of its citizens. If this be strictly true then education must be *compulsory*. Then if you may compel my child to learn the lessons the state deems best, and those lessons be what a majority of the state, through temporary rulers, agree upon, what becomes of the priceless guarantee of liberty of conscience?

What is education? Shall the state cease its care with instructing the mind? What of the morals of its coming citizen? Surely the state has an equal interest, at least, in moral as in intellectual education. Then what of the physical condition of its people? All history teaches that a race physically degenerate rapidly deteriorates in mind and morals. Physiologists claim that the only sound basis for a race that would steadily rise in the scale of intelligence and morals is (primarily) in healthful physical life.

Shall the state, finally agreeing to this doctrine, enact laws regulating and controlling the physical habits of the citizen?

I do not imagine, Mr. President, that any of the extreme illustrations I have used are likely to occur. The attempt would revolutionize and wreck the state. What I have endeavored to show by extreme illustrations is that, if Government once embarks upon the supreme care of the citizen as to education in one direction, logically it *may* in all. The want of wisdom in such an attempt needs no argument.

A word in passing upon another phase. There has grown to be a zeal without judgment in the matter of public education that demands our attention as legislators and citizens.

In an undue haste to give education to our children we may sometimes overlook that species that "teaches by example."

What, for instance, shall the Virginian of the future say when he is told that his State bestowed nearly $3,000,000 in support of its public schools in 1875 and in the same year for want of means defaulted in the payment of part of its public debt? Yet I am told this is a fact, the result of a constitution forced upon the people of a State by political adventurers and zealots, without intelligence to guide or honest purpose to control them.

What comfort to the widow and orphan, bondholders of Virginia, that though their claims are unpaid, their neighbors' children are educated?

Mr. President, we must cease to consider the state as any other thing than what human wisdom or human infirmity has made it. There is no "conscience" in it, no nearer approximate to that

> Inward monitor in man,
> Owing allegiance to no earthly power,

than sentiment, healthful or sickly.

Education is the privilege as it is the duty of the citizen. It is not the function of a republican state.

As citizens agreeing in the main as to the wisdom and beneficence of having our children intellectually taught, we may and do through our local legislators largely agree to taxation for school purposes, but not for denominational ones. To this extent, and to this only, can we go without infringement upon the rights or consciences of others; no matter how few they be in number or weak in power, their rights should be as sacred and inviolate as law can indicate and justice enforce.

No person who knows my record will accuse me of unfriendly feeling to the cause of education or to a system of public schools.

I would give the fullest chance to every child in the land. I have a hearty sympathy with all who would gain knowledge and thus attempt at least to rise to positions of prominence and usefulness.

But I cannot be counted as an advocate of a system, great and beneficent as it is and loving its fruits as I do, if it is grounded in error and lives by injustice. My conscience teaches me that all such structures are builded on the shifting sands and will finally perish.

The public schools have wrought great results, and principally that one which now makes the system a fixed policy of every community in the land. So certainly have our people been indoctrinated with the *necessity* of public schools that if every State system were abandoned to-morrow, there would promptly arise a local one adapted to the wants of the community, supported by common consent or by simple local taxation, and supervised by a vigilance that is now relegated by the citizens to others.

So much has been gained by the present system; a thirst for knowledge, an evidence to all of its wonderful power, and a decision to be accepted as final, that the American people will be second to none in striving for all the advantages which education brings.

Thus far I have endeavored to show as to the amendment proposed by the House of Representatives—

That it is but an added inhibition upon the States.

That it simply seeks to deal with a wide-spread practice as to education.

That upon many of the States it is of no additional effect, because they have already, in spirit, adopted amendments to their own constitutions of similar effect.

That it is less inhibitory than any original inhibition upon the States by the Federal Constitution.

That the purpose of the amendment is not to affirm a principle as to the duty of Government to educate, but to *regulate* in one respect the practice of States as to education.

Did my limited time permit I would endeavor to demonstrate that from the nature of men's education under differing theories of duty to God and his fellows compromise and reconciliation upon any system of general religious education is impracticable.

I have indicated what seems to me to be, if persisted in, the ultimate of any system that antagonizes large bodies of citizens, attracting to them through sympathy—that oppression, real or fancied, ever begets—a large and constantly increasing number of non-religious citizens. As a Protestant, believing in the beneficence and desiring the advancement by fair means of my own religious doctrines, I protest against a public policy that brings so little of gain to me, and that promises so much to my differing fellow-citizens.

Mr. President, I am aware that all these views are not in harmony with those of many of those with whom my religious sympathies are. I sincerely regret that I am compelled to differ with them, but my convictions of duty leave me no alternative. I am persuaded, after long and careful examination, that our true policy is to have and defend strictly non-sectarian schools, and that the effort to have others supported at the common cost is not only an injustice to a portion of the tax-payers of the country, but is a great and growing source of danger to the cause of popular education.

It is over a year since I saw in the leading Presbyterian journal of New York a hearty indorsement of these words from Archbishop Bayley, of the Church of Rome:

> If we wish our people to be comforted with religion, we must take care of them ourselves, and the sooner we gird ourselves up to the work the better for them and our own souls.

Is it not wiser and safer that we who would place public education upon an enduring basis should so decide as to leave political affairs as the business alone of the state and religious teachings the duty of parents and of denominations and sects?

A word in closing. The effect of the amendment suggested by the Senate committee as a substitute for the House article is to prohibit all religious instruction in any "institution" supported in whole or in part by the public moneys. Thus it would come to pass that in all prisons and reformatory institutions *no* religious teaching can be had, because under the article proposed "no particular creed or tenet" can be lawfully taught. Those who from vice and immorality most need religious teaching, and who are wholly inaccessible to parents or

friends, are absolutely cut off, should the Senate committee's amendment be adopted?

Yet the same article of the Constitution proposed by them says that the reading of the Bible shall not be prohibited in any school or institution. Is not this a flat contradiction; or is the Bible a non-religious book?

The "article" proposed by the Senate seems to me most contradictory in this regard.

I could scarcely furnish a stronger illustration of the difficulties that surround those who insist upon non-religious teaching in one breath and in the next make constitutional provision for reading the Bible in all public institutions. Which edition shall it be, if the state assumes to designate one according to its "conscience?" Is it not wiser and better and far more just that each individual, even the criminal, shall decide what his religious needs are?

The whole difficulty after all narrows down to this, that it is impracticable to teach religion in schools supported at the public expense and not violate the divine law, which sums up our human duties and obligations in the injunction—

Do unto others as ye would be done by.

Mr. President, I am sincerely desirous that a speedy, permanent, and just settlement of this disturbing and dangerous question be had The amendment passed by the House of Representatives is the one upon which the judgment of the American people has substantially passed. Its adoption by the Senate will be quickly followed by the ratification of the necessary States.

It lies within the power of the republican majority of this body to forever take the religious element out of politics. Will they do it?

The hours of the session remaining to us are few. The attempt to remodel so important a matter as an amendment to the Constitution, almost unanimously adopted by the House, and sustained by the prominent men and leaders of both parties in that body, will be understood by the American people to be an evasion of the question. They are not to be blinded by sophistries. They understand that by the almost unanimous voice of the Representatives of the people a final and satisfactory solution has been proffered. It remains to be seen whether the party in power in this body will refuse to adopt the offer, and by subterfuges seek to keep open the question for political capital, regardless of the public welfare and the great interest presented in the cause of free education.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on the Judiciary.

Mr. DAVIS called for the yeas and nays, and they were ordered.

Mr. EATON. As I understand, this is the vote on the amendment of the Senate committee that we are now to take.

The PRESIDENT *pro tempore*. It is.

Mr. EATON. This is not a vote in favor, but a vote on the substitution, as I understand.

The PRESIDENT *pro tempore*. A vote on the amendment in the form of a substitute.

Mr. EATON. A vote in favor of the substitution, if I understand it, does not pass the amendment.

The PRESIDENT *pro tempore*. It does not pass the joint resolution; it is an amendment to it on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with my colleague, [Mr. MORTON;] and as he expressed his disapprobation of the House resolution and as I am in favor of the House resolution rather than the amendment which has been proposed, I shall decline to vote.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. CLAYTON. On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were here he would vote "nay," and I should vote "yea."

Mr. DAVIS. I have been requested by the Senator from Ohio [Mr. THURMAN] to announce that he is paired with his colleague, [Mr. SHERMAN.]

Mr. DENNIS, (after having first voted in the negative.) I voted on the impression that this was not a political question. Since it seems to be so regarded, I desire to state that I am paired with the Senator from Iowa [Mr. WRIGHT] on such questions. If he were here I presume he would vote "yea," and I should vote "nay." I ask to withdraw my vote.

The PRESIDENT *pro tempore*. The Chair hears no objection to the withdrawal of the vote of the Senator from Maryland.

Mr. HITCHCOCK. I wish to say that the Senator from South Carolina [Mr. ROBERTSON] is paired with the Senator from Pennsylvania [Mr. WALLACE] on all political questions, and desired me to make the announcement.

Mr. SAULSBURY. I desire to state that I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions. I do not know whether he would consider this a political question or not.

Mr. ALLISON. I think he would.

Mr. SAULSBURY. A constitutional amendment ought not to be a political question; but I do not want to vote if the friends of the Senator consider it political.

The PRESIDENT *pro tempore*. The Chair reminds the Senator that debate is not in order.

Mr. SAULSBURY. I am told several gentlemen have refrained from voting under similar circumstances. I only desire to say that I should vote against the substitute, if I voted at all.

The result was announced—yeas 27, nays 15; as follows.

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—27.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Randolph, Ransom, and Stevenson—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—29.

So the amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. EDMUNDS. On the third reading I ask for the yeas and nays because some of our friends on the other side may have voted against the amendment thinking it was unnecessary to the original proposition, and now that it is adopted I dare say we shall get a unanimous vote.

Mr. SARGENT. Will it not do to have the yeas and nays on the passage?

Mr. EDMUNDS. No, I would rather have them on the third reading.

The PRESIDENT *pro tempore*. The question is on ordering the amendment to be engrossed and the joint resolution to be read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. GORDON. I wish to make an inquiry whether after the vote is taken on the passage of the resolution now before us there will still be an opportunity to vote upon the resolution as it came from the House. I desire to vote for the resolution as it came from the House if it be possible to get at it.

The PRESIDENT *pro tempore*. That has been stricken out.

Mr. EATON. I should like to ask the Chair what the result of this vote is. There is so much confusion on the floor that I do not know what the question is that is about being put.

The PRESIDENT *pro tempore*. The joint resolution is now in the Senate. The amendment agreed to on the yeas and nays in committee has been concurred in in the Senate by a *viva voce* vote. The question now is on ordering the amendment to be engrossed and the joint resolution to be read the third time.

Mr. EATON. It is not on its passage yet.

The PRESIDENT *pro tempore*. It is not yet. That will be the next stage.

Mr. DAVIS. Do I understand the Chair to rule that it would be out of order to offer the House resolution to the present resolution?

The PRESIDENT *pro tempore*. The Chair did not so rule. The Chair answered the question of the Senator from Georgia that the House resolution was stricken out.

Mr. GORDON. I asked the Chair—I do not know whether the Chair understood me or not—whether it was competent to offer the House resolution as a substitute.

The PRESIDENT *pro tempore*. It will not be after this vote.

Mr. GORDON. It is now?

The PRESIDENT *pro tempore*. It is open to amendment before the third reading.

Mr. EDMUNDS. We have voted to strike out that very thing and therefore it is not in order to restore it.

The PRESIDENT *pro tempore*. But it is proposed to strike out and insert.

Mr. EDMUNDS. We have voted to strike out that thing and insert the other, which has been done. Now the Senator wants to strike out what we have just put in, and put in what we have struck out.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Georgia to wish to strike out and insert other matter.

Mr. GORDON. No; I mean simply to offer the House resolution.

The PRESIDENT *pro tempore*. That cannot be done. That has been stricken out.

Mr. RANSOM. My friend from Georgia will allow me to say that the question decided by the vote just taken was that the Senate preferred the amendment of the Judiciary Committee to the resolution as it came from the House.

Mr. ALLISON. That is all.

The PRESIDENT *pro tempore*. The yeas and nays will be taken on ordering the amendment to be engrossed and the joint resolution to be read the third time.

The Secretary proceeded to call the roll.

Mr. DENNIS, (when his name was called.) I am paired with the Senator from Iowa, [Mr. WRIGHT.] If present he would vote "yea," and I should vote "nay."

Mr. McDONALD, (when his name was called.) I have the same statement to make that I made a few moments since in reference to the pair with my colleague, [Mr. MORTON.]

The call of the roll was concluded.

Mr. CLAYTON. I again state that I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If present he would vote "nay," and I should vote "yea."

Mr. WINDOM. On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "nay," and I should vote "yea."

Mr. SAULSBURY. I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions. Not knowing whether he would consider this a political question or not, I decline to vote. If at liberty I should vote "nay."

The result was announced—yeas 27, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—27.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Randolph, Ransom, and Stevenson—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—29.

So the amendment was ordered to be engrossed and the joint resolution to be read a third time.

Mr. EDMUNDS. Is it in order now to fix a time for the third reading? If it is in order, I move that the joint resolution be read the third time to-morrow at one o'clock.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the third reading be to-morrow at one o'clock..

Mr. SAULSBURY. I thought we had just voted on the third reading.

Mr. EDMUNDS. We have ordered it to be read the third time, and this is to fix the time when it shall be read the third time.

The PRESIDENT *pro tempore*. The motion is in order. The question is on the motion of the Senator from Vermont.

Several SENATORS. Let us have a division.

Mr. BOGY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. I wish to make a personal statement, if the Senate will allow me one moment. I have no objection, of course, to voting on this resolution to-morrow at one o'clock. I do not want, however, to give a vote which looks as if I was fixing a time when I should avoid the vote myself and it is absolutely impossible for me to be in the Senate to-morrow so early as that. If I do not vote to fix that time, it is only because I do not wish even to seem to fix an hour when I am certain not to be here myself to vote upon a matter which I am entirely willing and desirous to record myself upon.

Mr. EDMUNDS. I wish to make one remark in explanation of what the Senator from New York has referred to. I have made this motion, as I am frank to say, for the reason that the Senate is thin to-night, and I fear from the votes that the resolution may be lost on its passage, it requiring two-thirds. My object is to fix a time when if possible the Senate may be full and we can have a fair and full vote upon it. I am sorry that my friend from New York is obliged to be absent; but in order to defend this good amendment, as I believe it to be, to the best of my power, I make this motion.

Mr. SAULSBURY. I desire to say that I am opposed to fixing the hour, because that will necessarily cut off any debate, as I apprehend, and this is an important question.

Mr. EDMUNDS. Let me suggest to my friend that it does not cut off any debate. After the resolution is read the third time, the question of its passage is open.

Mr. SAULSBURY. If that is the case, I have no objection.

Mr. DAVIS. I believe it takes two-thirds to make a special order.

Mr. EDMUNDS. This is not a special order.

Mr. EATON. Under one view of the Constitution it would cut off debate; under another it would not; and my inquiry of the Chair is whether the vote was to be taken at one o'clock or whether action is to proceed at one o'clock to-morrow.

The PRESIDENT *pro tempore*. It will be open to debate.

Mr. EDMUNDS. When it has been read the third time.

Mr. EATON. I only desired to know what the motion was.

The PRESIDENT *pro tempore*. It is that the third reading be at the time named. After the third reading it will be open to debate on the passage.

Mr. EATON. I hope the call for the yeas and nays will be withdrawn.

Mr. DAVIS. I ask the Chair whether making a special order does not require two-thirds?

The PRESIDENT *pro tempore*. This, however, will not require two-thirds; it is not a special order.

Mr. EATON. May I ask the Chair if a majority vote carries it over until to-morrow?

The PRESIDENT *pro tempore*. It does.

Mr. EATON. I supposed so, and therefore I requested my friend who called for the yeas and nays to withdraw the call.

Mr. GORDON. I think that is a mistake, begging the pardon of the Chair and my friend from Connecticut. It seems to me the rule requires a two-thirds vote to make a special order.

Mr. EDMUNDS. We are not making a special order.

The PRESIDENT *pro tempore*. This is only to fix the hour when the resolution shall be read the third time, not to take up a proposition.

Mr. GORDON. Then I think that would require unanimous consent. However, I shall submit to the Chair.

Mr. EDMUNDS. It is the constant course of parliamentary law to fix the day for reading a bill, either one hour hence, or two hours hence when it is engrossed, or to-morrow, or any other time. It is the simplest motion ever heard of.

Mr. DAVIS. It occurs to me, without appealing from the decision of the Chair, that to name a time is fixing a time, and that would be to make this the special order to-morrow at one o'clock.

Mr. EDMUNDS. Perhaps we shall get two-thirds even on that view.

Mr. DAVIS. I should like to hear the rule read.

The Chief Clerk read as follows:

44. When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

Mr. DAVIS. Now the rule on page 140 of the Manual requires two-thirds to make a special order.

The PRESIDENT *pro tempore*. The Secretary will read that rule.

Mr. DAVIS. That is the rule I had reference to.

The Chief Clerk read as follows:

31. * * * No bill, joint resolution, or other subject shall be made a special order for a particular day and hour without the concurrence of two-thirds of the Senators present.

Mr. EDMUNDS. You might as well hold that we cannot order a recess for to-morrow or anything else.

The PRESIDENT *pro tempore*. The Chair rules that this vote does not require two-thirds. The rule is specific in regard to amendments to the Constitution that all intermediate votes shall require but a majority.

Mr. DAVIS. The ruling is only as relates to constitutional amendments?

Mr. EDMUNDS. Does the Senator appeal from the decision of the Chair?

Mr. DAVIS. I will if the Senator desires me to do it.

Mr. EDMUNDS. Certainly, I wish him to very much.

Mr. DAVIS. Do I understand the ruling of the Chair to be only as regards amendments to the Constitution?

The PRESIDENT *pro tempore*. The Chair bases his decision upon that rule.

Mr. DAVIS. If it were not an amendment to the Constitution, then, the Chair would rule differently, am I to understand?

The PRESIDENT *pro tempore*. That is a supposititious case. The Chair does not rule on that.

Mr. DAVIS. I have a right to ask the Chair whether under the present rules ordinarily fixing the hour for business the Chair would so rule. The Chair can make answer as he thinks proper. If that is the ruling of the Chair, I have no disposition to appeal and I withdraw the appeal.

The PRESIDENT *pro tempore*. Does the Senator withdraw the call for the yeas and nays?

Mr. BOGY. I have not withdrawn the call for the yeas and nays. My call for the yeas and nays was seconded and I insist on it.

Mr. RANSOM. I am not disposed to differ with the Chair; but if I understood the colloquy between the Senator from West Virginia and the Chair, this ruling of the Chair is based upon the rule with reference to the proceedings upon constitutional amendments. I infer, therefore, that the Chair holds that when a proposition to amend the Constitution is before the Senate the general parliamentary rules of the Senate are suspended and only the rule adopted by the Senate in reference to constitutional amendments is in force. Now, sir, with very great deference to the Chair I think that the rule requiring a two-thirds vote to make a special order is in force, to all intents, and purposes to the same extent when we are debating or proceeding upon a constitutional amendment as it is when any other matter is being considered; and that the rule first read by the Clerk from the desk, saying that it only requires a majority of the Senate to pass upon any amendment to a constitutional amendment or any matter short of the final question, merely meant to say that on all amendments to, on all intermediate motions relative to such a measure, two-thirds were not necessary. But that rule certainly did not intend, it could not have been contemplated by those who made it, that the general rule requiring two-thirds of the Senate to appoint the time for a special order was abolished. That could not be. The first rule read by the Clerk simply means that it shall not require a two-thirds vote to pass on preliminary motions or amendments to a resolution proposing a constitutional amendment, but it did not and could not mean to say that the standing rule of the Senate requiring a two-thirds vote to make a special order was therefore abolished as to all proceedings pending such a resolution.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from North Carolina that the rule is not confined to amendments, but extends to all questions save the final question on the passage of a resolution proposing a constitutional amendment. The rule is specific.

Mr. EATON. One word, Mr. President. Our rules provide:

When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendment, or extending to the merits, being short of the final question.

I think the Chair is entirely right. You may say it is in opposition to another standing rule, but this is a standing rule with reference to a particular matter, amendments to the Constitution. The words "extending to the merits," in my judgment, includes everything except the final question, and therefore I think, with great deference to my friend from North Carolina, that the Chair is entirely right in his ruling. I shall, therefore, sustain the ruling of the Chair in this particular.

Mr. RANSOM. I wish my friend would hand me his Manual.

Mr. HARVEY. Is there any question before the Senate? There has been no appeal.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. RANSOM. If the Senator from Kansas desires it I will appeal, in order that I may be heard, though I did not desire to do it.

The PRESIDENT *pro tempore*. The Senator from North Carolina appeals from the decision of the Chair.

Mr. EDMUNDS. I rise to a point of order. There has been one appeal from the Chair and it has been withdrawn. I submit there cannot be any more.

The PRESIDENT *pro tempore*. There has been no appeal withdrawn that the Chair knows of.

Mr. EDMUNDS. All right.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. DAVIS] said that he might be driven to an appeal, but he did not appeal.

Mr. RANSOM. I do not desire to take up the time of the Senate to-night, and I would say nothing further upon this question but for the error that I see my friend from Connecticut has fallen into.

Mr. EATON. Into or out of?

Mr. RANSOM. We shall see about that. I would be glad if the Clerk would read again the rule in reference to amendments to the Constitution.

The Chief Clerk read Rule 44, as follows:

44. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

Mr. RANSOM. If the Chair for a moment will give his attention to the language of that rule he will see that it is confined to the question of amendments, or questions extending to the merits. Now I ask does the motion to make this resolution the special order for to-morrow at one o'clock refer either to the amendment itself, or to any amendment to the proposition, or to the general merits? If the Senator from Connecticut can see in the motion of the Senator from Vermont to postpone the consideration of this question to, and make it the special order for, to-morrow at one o'clock, anything affecting the amendment itself, or any amendment to the proposition, or the general merits of the proposition, I must submit that I am in error. But I take it that the standing rule of the Senate requiring two-thirds of the Senate to appoint a special order operates as well with regard to proceedings on amendments to the Constitution as it does on any other legislation. Why, sir, suppose a bill to remove political disabilities was up to-day, requiring two-thirds to pass it on its final passage, and a motion was made to make that the special order for to-morrow, would the Chair rule that that motion did not require two-thirds? In an impeachment, which requires a two-thirds vote to convict, would the Chair say that because a majority could take some preliminary step in the proceeding it did not take two-thirds to make a special order in that case?

Mr. EATON. Will my friend permit me?

Mr. RANSOM. With great pleasure.

Mr. EATON. I think I have fallen out of and he has fallen into an error in this——

Mr. RANSOM. I see what my friend is going to say.

Mr. EATON. I think not.

Mr. RANSOM. I know so well what he is going to say that I desire my friend to stop from saying what he is going to say. I think he is going to say that proceedings in cases of impeachment are not exactly as they are in legislative business.

Mr. EATON. That was not what I was going to say at all.

Mr. RANSOM. I know that ought to have been what my friend would say.

Mr. EATON. What I was about to say was this, that the error my friend is falling into is that here are two absolute special rules; and there is one special rule applicable to all general matters it must govern; but where there is another special rule, that rule must govern without regard to the first rule.

Mr. RANSOM. Do I understand my friend from Connecticut to maintain here that when we are proceeding upon a constitutional amendment, the ordinary, the established rules of the Senate are suspended?

Mr. EATON. Certainly. If the rule is a special rule, that rule with regard to constitutional amendments suspends the others.

Mr. RANSOM. It cannot do it, Mr. President. The simple purpose of the rule which has been read by the Clerk was to guard the Senate from falling into the error that it might require two-thirds to pass upon amendments to the general proposition, and nothing more. It meant to save us from that error, and not to say that the ordinary rules of the Senate should be suspended. I withdraw the appeal from the decision of the Chair.

Mr. GORDON. The Senator has appealed; I want to say a word.

Mr. RANSOM. I will not withdraw it until I hear from the Senator from Georgia.

Mr. STEVENSON. Mr. President, what is the pending question?

Mr. CONKLING. The appeal from the decision of the Chair.

I have very few words to say about this matter. The first thing I have to say is that I will never allow the interest I feel in a measure or the wish that it should be consummated or consummated quickly to induce me to consent to a violation of the rules of the Senate as I believe they are. I understand the present motion to be that on to-morrow at one o'clock this resolution shall be taken up and read the third time.

Mr. FRELINGHUYSEN. It has been.

Mr. CONKLING. I beg the Senator's pardon. I inquire of the Chair whether he is right or I am right? The Senator from New Jersey says it has been read the third time.

The PRESIDENT *pro tempore*. It has not been. It has been ordered to be read the third time, and the proposition is now to have it read the third time to-morrow at one o'clock.

Mr. CONKLING. In other words: A matter now pending in the Senate awaits its third reading. It is in order to read it a third time. The motion is that that third reading shall occur at a certain hour to-morrow. The effect of that motion is that at a certain hour to-morrow, without debate, a debatable question shall be decided. Now, Mr. President, in my judgment that is a violation of the rules of this body. There is no previous question here. There is no limit to debate upon a debatable question except the volition of the members of the Senate. The Senate may make a special order by a two-thirds vote. What is that? It is an order of the Senate, specially made, that at a certain hour a certain measure shall be taken up. Taken up with a denial of the right of debate? No, sir. Here is a rule which specifies what it means:

31. When the hour shall arrive for the consideration of a special order, it shall be the duty of the presiding officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

Therefore when the Senate, by a two-thirds vote, under its rule, orders, and orders specially, that a given measure to-morrow at one o'clock shall become a special order, the whole effect of that is to direct the presiding officer then to take it up. Then it is debatable, as much as if it were taken up at any other time and in any other way.

Mr. HOWE. I wish to ask the Senator from New York if, after the Senate has ordered the third reading of a bill, debate is in order before that third reading is had?

Mr. CONKLING. Certainly not, if I understand how this question now stands. I may entirely misunderstand the whole thing.

Mr. EDMUNDS. Then it is debatable at this moment.

Mr. CONKLING. Certainly it is not.

Mr. EDMUNDS. What are you doing now? You are debating the point of order now.

Mr. CONKLING. Let me see whether the Chair and I are both wrong about this. I understand from Senators now that the vote has been taken on ordering this resolution to a third reading.

The PRESIDENT *pro tempore*. It has been.

Mr. CONKLING. What is the reason then that the third reading has not been ordered.

The PRESIDENT *pro tempore*. The Senate have ordered the third reading, and the Senator from Vermont has moved that the third reading shall take place to-morrow at one o'clock.

Mr. CONKLING. But has the third reading been ordered?

Mr. EDMUNDS. Yes, sir.

Mr. CONKLING. Then I have been wrong in very much that I have been saying, and I have no excuse to submit for it except that when my friend from New Jersey corrected me, (and he was quite right and I was quite wrong,) I asked the Chair whether this resolution had been ordered to a third reading and the Chair said "no," as I understood.

The PRESIDENT *pro tempore*. The Chair understood the Senator from New York to ask whether it had been read a third time, and the Chair answered "no."

Mr. CONKLING. Ah, that is the distinction. Then I was quite mistaken. Now let me correct myself. If the Senate has voted that this resolution shall be read the third time, the Senator from Vermont is quite right, his idea being that no debate is in order until it is read the third time.

Mr. DAVIS. Or any other business.

Mr. CONKLING. No, sir, not as I understand it. It is in order for any Senator to move that the Senate adjourn, it is in order to make a motion for a recess or to go into executive session, that the bill be indefinitely postponed or postponed to a day certain. Thinking the Senator from Vermont had moved that its third reading be postponed to a day certain, I arose to address the Chair, but it entirely saves me from the very great discomfit I have had in supposing that we were likely to do a thing which to me was not warranted by the rule. I supposed the motion was to postpone the third reading of the bill, there-

by meaning that the bill be read at one o'clock, and that then that motion, confessedly debatable in itself, should be taken up without debate, and the Senate proceed to vote upon it. I find I am entirely mistaken and I wish to withdraw whatever I have said.

Mr. BOGY. Will the Senator permit me to ask him a question? From the statements which have been presented by himself it will require a two-thirds vote to postpone this until to-morrow.

Mr. CONKLING. I do not think so, because I do not understand the motion to be that it be made a special order. Were that the motion it would undoubtedly require a two-thirds vote, but the motion is simply that it be postponed from this hour on this parliamentary day until one o'clock on the next parliamentary day, and that the next step, to wit, the Secretary rising and reading it the third time, shall not take place until then. That I think is a motion to postpone, and I have no doubt a majority is competent to postpone it.

Mr. BOGY. But it is to make it a special order.

Mr. CONKLING. No, sir; I do not understand that to be a special order.

Mr. GORDON. If I understand the reading of these rules at all, the effect of this vote is to make the resolution the special order for 1 o'clock to-morrow. Our rules provide:

When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time at which they were severally assigned.

It occurs to me if this vote shall be had and this resolution shall be ordered to be read a third time to-morrow at one o'clock, it takes precedence at that hour over all other orders, and therefore is a special order. What is a special order except an order which shall be considered at the hour specified? Special order means an order specified according to the hour at which the vote of the Senate shall be taken. If we determine here to-night that this resolution shall be read at a specific hour, what else have we done but made it the special order for that hour? I confess that I am unable to understand this rule as meaning anything short of that or anything beyond it. What is the rule as to special orders?

No bill, joint resolution, or other subject shall be made a special order for a particular day and hour—

For a *particular* hour—

without the concurrence of two-thirds of the Senators present.

This is a joint resolution. It is proposed to make it a special order, because the reading of it is to take precedence at one o'clock to-morrow over everything else that may be then before the Senate. As to the qualification which my friend from Connecticut [Mr. EATON] thinks is put upon that general rule by the rule in reference to amendments to the Constitution, let me say one word:

When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Senators present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

If a motion to make this the special order for to-morrow or to have this to go to the third reading at one o'clock to-morrow changes in any respect this amendment to the Constitution, if it makes it less effective, if it makes it broader in its application to schools, if it looks to the merits of the resolution in any direction, then certainly my friend from Connecticut and the Chair would be correct, in my judgment; but is it possible for the Senate to construe the motion of the Senator from Vermont to fix one o'clock to-morrow as looking to the merits of this question? Not by any means. It is nothing more nor less, if language means anything, than fixing this amendment to the Constitution as a special order for one o'clock to-morrow; and the motion does not look to any extent to the merits of this question.

I trust the Senate will not commit, as I consider, one of the most grievous blunders we can possibly make, in overriding one of the established rules of the Senate in order to accomplish this purpose.

Mr. EDMUNDS. For one I do not wish to override the established rules of the Senate to accomplish any purpose, much less this one, because a purpose so good and beneficent as this ought not to depend upon any devious methods. If I could be tempted to override a rule of the Senate it would not be on a measure like this. But I respectfully submit, and I am going to be very brief, that my friend from Georgia misapprehends the question, and if he will give me the honor of hearing me, I think I can convince him of it.

Mr. GORDON. With great pleasure.

Mr. EDMUNDS. If we had a public library where sectarian teaching did or did not exist, that was lighted so that we could have it open in the evening and get out books when we sit evenings, I think I should be able to convince my friend from Georgia and everybody else by authority that this is a perfectly parliamentary motion to make, one of ordinary and frequent practice in parliamentary bodies, and that it is not a special order in the sense of the rules at all. The parliamentary law is, according to my recollection, but I cannot prove it at this moment, for the reason that I have stated, and I speak with some confidence, that a bill having gone to the stage of being ordered to be read a third time, then it may be read the third time at that moment, as is usually the motion in the House of Representatives, that it be read the third time now. When no other motion intervenes it is taken for granted here always that the bill is read the third time when it is ordered to be read a third time. The Senate has made that order already. The question is, when shall the order be executed? It may be executed now or at any other time the Senate fixes for doing the particular thing that it has ordered it will do. It has already ordered that this resolution shall be read a third time. It has not ordered that it shall be considered, but that a simple act about it, a parliamentary act which it has ordered, a lawful act, shall take place. Then the question is when? Somebody says "now," in a parliamentary body. Somebody says "two hours hence;" somebody says "to-morrow." Sometimes they frequently say in Parliament "this day week," which is a very common motion. That being the state of the parliamentary law, of course it is perfectly in order to fix a time.

My friend's only difficulty then, if I understand him, is that that makes it a special order within the meaning of the rules. The rules have grown up with this parliamentary law and usage, which was perfectly well understood and fixed; and the Senator on inquiring even of persons now present who have long been in the executive offices of the Senate will ascertain that in not very old times it used to be a common practice not to read the bill a third time at the moment, but lay it aside and read it afterward at some convenient time, the next day or whenever it might happen, with this rule for a special order standing just as it does now. I think my friend's mistake is that he forgets that proceeding to the consideration of a bill not before the Senate, to take it up, to go on with it, making it a special order to supersede other business, is one thing, while when you have a bill under consideration, having ordered already that a particular thing shall be done with it, merely fixing the time when that order shall be executed, is just like fixing the time when any other order of the Senate may be executed, as we, I suppose, everybody will agree, without a two-thirds vote may order that to-morrow at one o'clock we shall take a recess for one hour, or make any other order respecting the course of our proceeding, make the order now and fix the time and the circumstances that order shall be executed. That is my opinion. I believe it has been the practice whenever it was convenient to have it the practice with this rule, and I think it was never understood before that it violated it.

The first point that was made about its not being a motion that could be made as cutting off debate has already been disposed of, because it does not cut off debate, because the resolution is not debatable now until it is read the third time. It is merely fixing the time when its third reading shall take place, and then the question of passage is open to debate.

Mr. HOWE. I understand the Senator from Vermont to distinguish between this vote and a vote making a special order of the consideration of a bill or resolution. If it were the latter, if it were making a special order, then whether it should be executed to-morrow at one o'clock would depend upon the question whether there was unfinished business before the Senate or not; but if I understand the Senator, if the Senate directs by a majority vote that this resolution have its third reading to-morrow at one o'clock, that order must be executed to-morrow at that time, no matter what may be the state of business before the Senate.

Mr. EDMUNDS. That is what I think.

Mr. HOWE. I am not prepared to controvert that view of the case. If that is the true view, then unquestionably the ruling of the Chair is right.

Mr. RANSOM. I must again ask pardon of the Senate for taking up so much of its time upon this matter; but I cannot help feeling concerned upon any question that touches an amendment to the Constitution. I confess I feel serious as soon as any amendment to the Constitution is read. I understood the Senator from Vermont to say that as this proposition had been ordered to a third reading, it was then in the power of the Senate by a bare majority to postpone the consideration of the vote upon the question to any future hour.

Mr. EDMUNDS. No, sir; I did not say that at all.

Mr. RANSOM. Then I misunderstood the Senator.

Mr. EDMUNDS. I said, and I repeat, exactly this, and I state the proposition with as much precision as I am capable of, that the Senate having ordered that this resolution be read a third time, it is competent for a majority of the Senate to fix the day, hour, minute, and second at which that order shall be executed; that is all.

Mr. RANSOM. That is what I intended to say was the position of the Senator from Vermont. Now, if that be so, I desire to know what there is in the proposition ordering a bill to a third reading materially different from any other proposition before the Senate. To have a vote taken to-morrow at one o'clock would be a special order. If the motion had been made in so many words by the Senator from Vermont or by any other Senator to make this question the special order for to-morrow at one o'clock, that would be a special order and it would require a two-thirds vote. "But," says the Senator from Vermont—I do not profess to quote his language, but I think I give the substance of his remark—"this proposition having been ordered to a third reading, I can accomplish the purpose by a different motion; I can practically secure a special order; I can rule that the vote on this question shall be taken to-morrow at one o'clock, and while that motion has all the effect of a special order, while it gives this proposition precedence over every other question before the Senate to-morrow at one o'clock, while it virtually makes it a special order, simply because the Senate has ordered it to a third reading, the rule is changed and it only requires a majority." Is there any difference in this respect between a measure being ordered to a third reading and occupying any other position before the Senate? Is there any difference between

a proposition that a bill shall be ordered to a third reading to-morrow at one o'clock and a proposition to take up any other question at that time? Is there any special privilege, is there any special character, is there any extraordinary dignity attached to the motion ordering a bill to its third reading that gives it a different character from any other proposition before the Senate? Will the Senator from Vermont say that it is because the resolution has been ordered to a third reading, and debate is stopped, and it is not debatable? Suppose a motion had been made to lay this resolution on the table. That would stop debate. Suppose then a motion had been made to take the vote to-morrow at one o'clock, would it not have been a special order? Unless the Chair can decide that a motion that a bill be read the third time is a different motion, a different proceeding from any other one within the rules of the Senate, I do not see how this proposition can be passed without a vote of two-thirds of the Senate.

Mr. NORWOOD. I invite the attention of the Senator from Vermont to Rule 31:

When the hour shall arrive for the consideration of a special order, it shall be the duty of the presiding officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

I desire to ask the Senator from Vermont if his motion is carried into effect, when the hour of one o'clock arrives to-morrow under what rule will his motion take effect? Will it be by virtue of the resolution having been made a special order? If not, under what rule and how will the Senate proceed to consider it?

Mr. EDMUNDS. Under precisely the same rule that to-morrow at one o'clock, if it is so ordered to-night, we shall take a recess for fifteen minutes.

Mr. NORWOOD. That is one thing; that is not legislation. These rules apply to legislation, and the honorable Senator cannot draw the analogy between that case and his resolution. They apply to the consideration of bills or of joint resolutions, because the rule applies to bills or joint resolutions, or other subjects-matter of legislation. I will ask the Senator from Vermont, if he will give me his attention again, would the Chair call up this matter to-morrow as a special order to be considered by the Senate?

Mr. EDMUNDS. What the Chair would do undoubtedly would be what he always does, and that is to execute the order of the Senate. I have no doubt the Chair would say, "The hour having arrived at which this resolution was ordered to be read a third time, that order will be executed," and then it would be read the third time.

Mr. NORWOOD. Would that take precedence of any other business at that time, and if so, by virtue of what rule? It would not come under any rule that made it a special order; the Senator admits that. I want to know by what rule that order would then take precedence before any other business before the Senate? Where is the general parliamentary rule? We are proceeding under special standing rules, and we are considering standing rules. We have standing rules, and we have standing rules that apply to this very case. The standing rule here is that—

No bill, joint resolution—

Which is this case—

or other subject shall be made a special order for a particular day and hour—

Which is the motion of the Senator from Vermont—

without the concurrence of two-thirds of the Senators present.

If that is not a special order under Rule 31, which it would be the duty of the Chair to call up when the hour of one shall arrive to-morrow, under what standing rule of the Senate will the Chair proceed to call it up? Is there any general parliamentary rule, as suggested by the Senator from Connecticut, which overrides a standing rule of the Senate? The standing rule requires the Chair to call up a special order at a given hour. The Senator from Connecticut says that the general parliamentary law would regulate it; in other words, that the standing rule shall give way to a general rule. I think that the Senator from North Carolina is entirely correct, that, this being a joint resolution, if we propose to fix a particular day and hour for its consideration, that is a motion to make it a special order which requires the concurrence of two-thirds of the Senators present to do it. As was said by my friend, this motion does not affect any amendment to this resolution, nor does it affect the merits of the question, as is provided for under Rule 44. I cannot see why this will not be a special order, and if it be a special order it will be the duty of the Chair to call it up at the hour named to-morrow; and under Rule 31 it will take precedence of all other business.

Mr. FRELINGHUYSEN. I call the attention of the Senator from Georgia to Rule 11, on page 133 of the Manual:

When a question is under debate, no motion shall be received but—
To adjourn;
To proceed to the consideration of executive business;
To lay on the table;
To postpone indefinitely;
To postpone to a day certain.

This last is one of the motions that is in order, and certainly it does not require anything more than a majority.

Mr. RANSOM. Will the Senator from New Jersey hear me for a second? If this was a motion to postpone to a day certain, without giving to that motion, as I understand the Senator from Vermont does give to it and the Chair gives to it, the character of a special order, then there could be no controversy about a bare majority being sufficient to carry it; but as I have understood the Senator from Vermont and as I have understood the Chair, it has been insisted that while this was not a special order, still to-morrow it would take precedence of every other motion and have to be voted on at one o'clock.

The PRESIDENT *pro tempore*. The Chair will correct the Senator so far as the Chair is concerned. The Chair has not stated that this would be in the light of a special order.

Mr. RANSOM. If the Chair had stated in the beginning that this was simply a motion to postpone until to-morrow, and that then the resolution would take its ordinary fate in the proceedings of this body, I should not have appealed from the decision of the Chair, for that was the manifest decision.

The PRESIDENT *pro tempore*. The Chair will say to the Senator from North Carolina that the Chair took particular pains, as the Senator from West Virginia will remember, and did not rule on a suppositiitious case. The Chair ruled upon the rule bearing upon constitutional amendments. The Chair has in no instance, as the official report will verify, characterized this as a special order. This is executing an order of the Senate, a postponement of the third reading of this resolution. The Senate has to-day ordered the third reading, and the Senator from Vermont has moved to postpone its third reading until one o'clock to-morrow.

Mr. HOWE. I am satisfied, upon looking at Mr. Cushing's treatise, that this motion is not a motion to make a special order. Mr. Cushing says:

2210. The motion that the bill or the bill with the amendments, as the case may be, be engrossed, may be made immediately upon the conclusion of the proceedings on the report or afterward, as may be convenient. On this motion the merits of the bill may be discussed; and if it is negatived the bill is lost; if decided in the affirmative, it may be followed up by a motion for the third reading of the bill, on a particular day, or on a particular day if then engrossed.

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2214. The order for the engrossment of a bill is sometimes in the simple form that the bill be engrossed; sometimes it is accompanied by an order for the third reading; sometimes for the third reading on a particular day; or on a particular day if the bill should then be engrossed. If no order is made as to the time for the third reading it may take place as soon as the bill is engrossed; if the time has been fixed the third reading is an order of the day for the day so agreed upon, and to be proceeded with accordingly.

2215. The next step to be taken after the engrossment or after the report, or proceedings on the report, of a bill already engrossed, is the third reading. If a bill from the other House is reported from the committee without amendment, being already engrossed, it may be read a third time immediately, or it may be ordered to be read a third time, without any time being fixed therefor; or the time may be fixed for a future day. If a bill from the other House is reported from the committee with amendments, the same proceedings may take place upon it with reference to a third reading, at the termination of the proceedings upon the report.

* * * * * * *

In the House of Representatives of the United States it appears to be the custom to engross bills in advance of their being ordered to be engrossed; and if a bill happens to be thus engrossed, it may be read a third time immediately; otherwise this motion—

That is, if it is not already engrossed—

except in the case of a bill from the other branch—which is already engrossed—is not in order; nor, without a suspension of the rules, can an unengrossed bill be read a third time.

2217. When a time has been previously fixed for the third reading, the third reading becomes an order of the day for the day appointed, and is proceeded with accordingly. (Cushing's Law and Practice of Legislative Assemblies, pages 858–861.)

The PRESIDENT *pro tempore*. In that connection the Chair will state to the Senator from Wisconsin that the practice is to state that a bill being ordered to be engrossed and read the third time will be read the third time, not waiting for the formal engrossment. That has been the practice, and therefore it comes within the rule.

Mr. EDMUNDS. By unanimous consent that is done.

The PRESIDENT *pro tempore*. That is done by unanimous consent. The actual engrossment is scarcely ever required.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. RANSOM. Understanding now that the Chair considers this as a simple motion to postpone until to-morrow at one o'clock, without giving the resolution the character of a special order at that hour, I withdraw the appeal, because from that ruling I never would have dissented if I had understood it so.

The PRESIDENT *pro tempore*. The Chair will state that the reporter's notes will verify what he now says.

Mr. RANSOM. I will not doubt it.

The PRESIDENT *pro tempore*. The Chair was very particular to state it. The record will show that the Chair is correct.

Mr. RANSOM. I understood the Chair to rule differently.

Mr. FRELINGHUYSEN. Is there anything before the Senate?

Mr. EDMUNDS. What is now the pending question? My motion, is it not, the appeal being withdrawn?

The PRESIDENT *pro tempore*. The appeal is withdrawn, and the Chair rules that the motion is in order.

Mr. EDMUNDS. I ask that my motion be put.

The PRESIDENT *pro tempore*. The motion is that the third reading of the bill be fixed for to-morrow at one o'clock.

Mr. BOGY. I had called for the yeas and nays on that motion, and as no notice was taken of it some mistake must have been made.

The PRESIDENT *pro tempore*. The question is on postponing the third reading of the joint resolution until one o'clock to-morrow.

Mr. BOGY. I called for the yeas and nays awhile ago and the de-

mand was sustained. The Chair, for some reason which I cannot explain, (and there is no reflection at all upon the Chair,) put the vote without regarding that order; and the same thing is now being done again. Therefore as a matter of right, as a Senator on this floor, I again call for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair will simply say that there has been so much intervening since that the Chair lost sight of it, as he did before, supposing the Senator had withdrawn the call but found he did not. The Chair will now put the question and the roll-call will proceed. Shall the third reading of this resolution be postponed until to-morrow at one o'clock?

Mr. CONKLING. I ask leave to state that the Senator from Kentucky [Mr. McCREERY] has been kind enough to pair with me, and the Senator from Massachusetts [Mr. BOUTWELL] unites with me in pairing with the Senator from Kentucky, so as to make the pair even to take effect to-morrow at one o'clock, if I am not able then to be in the Senate. The Senator from Massachusetts and myself would vote "yea" on the resolution, and the Senator from Kentucky would vote "nay."

The question being taken by yeas and nays, resulted—yeas 28, nays 12; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—28.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Gordon, Kelly, Kernan, Key, McCreery, Maxey, Ransom, and Stevenson—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Conover, Dennis, Dorsey, Eaton, Goldthwaite, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McDonald, Merrimon, Morton, Norwood, Randolph, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—31.

So the motion of Mr. EDMUNDS was agreed to.

ORDER OF BUSINESS.

Mr. SARGENT. Mr. President——

Mr. FRELINGHUYSEN. I rise to suggest to the Senator from California that it is now quite late for him to take up his bill. The other day the Senator from Ohio [Mr. THURMAN] called up the election law and it was informally laid aside in order that an amendment might be prepared. I would suggest to the Senator from California that that subject be taken up now and disposed of. It has already been fully debated and I do not suppose it will lead to any discussion. If it shall, it shall not interfere with the Senator's bill.

Mr. SARGENT. If the Hawaiian bill remains the unfinished business for to-morrow, I am willing that the other matter shall go on to-night.

Mr. LOGAN. I object to any bargain being made. I have another matter to bring up.

Mr. SARGENT. I will refer the Senator from New Jersey to the Senator from Illinois. I cannot yield.

Mr. FRELINGHUYSEN. I can get along with him very well.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent that the Hawaiian bill be considered the unfinished business for to-morrow.

Mr. PATTERSON. I object.

Mr. SARGENT. Then I move to take up the bill now.

Mr. WEST. Is a motion to adjourn in order?

Mr. SARGENT. Not while I have the floor.

Mr. WEST. You cannot keep the floor while the Chair is putting the motion.

The PRESIDENT *pro tempore*. The Senator from California has made his motion.

Mr. SARGENT. I wish to make a statement in reference to this matter, as to the position of it, and would have interrupted the Chair to do so if it were allowable.

The position of the bill is this: A motion was made when this bill was reported from the Committee on Foreign Relations to refer it to the Committee on Finance. I understand that motion will not now be pressed. That motion was made and carried in my absence. When I came into the Senate I found it had been done, and I at once entered a motion to reconsider. The matter which I wish to take up is the motion to reconsider and have it disposed of, so as to bring the bill before the Senate. Therefore the motion which I want to bring up is my motion to reconsider the vote by which the bill was referred to the Committee on Finance.

Now, Mr. President, I want to appeal to the generosity of the Senate on behalf of the people of the Pacific coast that this measure be acted on. I know the Senator from Louisiana is opposed to the bill. I know that he wants to debate it, and beat it if he can. That is fair warfare. I will not complain of that; but I do say that after I have stood here for several weeks and asked that I might have a hearing on this matter, when telegrams come from business men on our coast stating that the suspense is ruining them, it is mere fairness that the matter should be considered. Let those who are opposed to it vote against it; let those who desire to speak against it so speak; but I do ask that the measure be heard.

I should like to make one other remark personal to myself. For at least three weeks of this session I have been out of the Senate during its business hours busy with your work, almost like a slave, upon committees of conference; and it seems to me that during the few brief hours that I have now before I am compelled to go into committee again, I might have the indulgence of having this matter considered.

I put it upon personal grounds; I put it furthermore on the interests of our coast, which are jeopardied by this delay. I am simply asking for an opportunity to be heard. The executive department negotiated this treaty with the authorities of the Sandwich Islands. It was ratified by the Senate. The House of Representatives has passed the appropriate legislation and it is here before us. The Parliament of Hawaii have passed that legislation. The treaty has been proclaimed by both powers. Now all that remains is that the Senate carry out the promise that it seemed to imply when it ratified the treaty by the adoption of this legislation. If the Senate shall have changed its mind and thinks there is no obligation on it to stand by that action, I can only acquiesce, and my people of course will have to submit in silence, and I believe they will submit respectfully; but it is better for them, as I said this morning, that the matter be disposed of, even if the bill be defeated, than to have it hanging over their heads, unsettling their business interests, and making every man uncertain what he ought to do with regard to his business.

Now I appeal to the Senator from Louisiana or any other Senator to not by a motion to adjourn or otherwise cut off an opportunity to have this heard, that he do not insist upon that course, but allow the matter to be taken up and disposed of.

Mr. LOGAN. I think we might possibly make an arrangement to which all the Senators present would agree. I have no objection to the Senator's bill being taken up; I am for the bill, and shall vote for it; but I can say the same that has been said by the Senator in reference to my efforts in regard to another bill. I have asked for two months a vote on a bill in the Senate, and when the Senate reconsiders this proposition that the Senator from California desires to take up to-morrow, and I will aid him to take it up to-morrow, I will ask the Senate as I did to-day to vote on the bill to which I refer. I want to say now to Senators on both sides that we ought at least to have an opportunity of voting and recording ourselves either for or against this bill that was denominated this morning by the Senator from Vermont [Mr. MORRILL] as a bill in such condition that it could not be licked into shape, that could not be arranged, prepared, fixed in such shape as that the Senate ought to vote on it. It is House bill No. 58, known as the bounty bill.

I desire to say that on both sides of this Chamber if men are held by any obligations, although it is not a political measure, both political parties of this country have pledged themselves time and again in their platforms, which seem to be nought but things made to be spit upon, that they would give to the soldiers of this country that which was given them by the laws of the country. Both parties have said that. Five times this bill has passed the House of Representatives, four times a republican House, and once it passed both Houses and was vetoed. It now has been passed by one branch of Congress and is waiting the assent of the other. I do say to Senators on both sides, Senators who have stood here and spoken of the rights of persons and claimants that were entitled to money from the Government who have been deprived of it by non-action on the part of the Congress of the United States, that it is a duty we owe to these men to vote on this bill; I do not say to pass it, to vote but either for it and let it become a law, or against it so that it will not become a law, and let them know it.

This bill provides for the payment to the soldiers of the late war of that which the laws of the United States promised them should be paid, but, as I said to-day, by certain orders in reference to their muster-out, they were deprived of that which they were entitled to under the laws of Congress. I want to appeal to the Senate of the United States whether the argument that has been made against this bill on account of the amount it will take out of the Treasury in the next seven or eight years—for it will take that long probably for all to be paid—is a good argument provided the claim is honest? I have heard the argument made here where large amounts were claimed for the loss of property that the Government justly owed the money; that it was repudiation of its honest debts if it failed to pay. Now I say it is repudiation on the part of the Congress of the United States of that which it honestly owes to the defenders of this country unless we pass this bill and pay them what we promised to pay them.

This is all I have to say, except to make a motion that the Senate take up this bill and act on it, House bill No. 58, commonly known as the bounty bill, and I ask a vote of the Senate.

The PRESIDENT *pro tempore*. The motion of the Senator from California has been made and takes precedence.

Mr. LOGAN. No, sir; his motion was to reconsider.

Mr. SARGENT. My motion was to take up the motion which I entered the other day to reconsider the vote by which the Hawaiian bill was referred to the Committee on Finance. That brings the bill before the Senate by the reconsideration taking place, and I am informed by the Senator from Vermont who made the motion to refer, [Mr. MORRILL,] that he does not intend to press it.

Mr. LOGAN. I am willing, as far as I am concerned, that the vote may be considered reconsidered.

Mr. GORDON. I think it is very clear that we shall not do any business to-night. I move, therefore, that the Senate adjourn.

Mr. ANTHONY. Will the Senator allow me to move an executive session?

Mr. GORDON. Certainly.

Mr. WINDOM. Will the Senator from Georgia yield to me to make an informal report from a conference committee?

Mr. GORDON. I have yielded to the Senator from Rhode Island.

Mr. ANTHONY. I will yield to the Senator from Minnesota.

Mr. WINDOM. I present a report from the committee of conference on the Indian appropriation bill.

Mr. SARGENT. What is the pending motion?

The PRESIDENT *pro tempore*. If there is objection, the Senator from California has moved to take up the motion to reconsider——

Mr. PATTERSON. There is objection.

The PRESIDENT *pro tempore*. There can be no objection to that. The Senator from California asks a vote on his motion. The Senator from Georgia moved to adjourn, but yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota.

Mr. LOGAN. If the Senator from Georgia after he made his motion yielded, he has lost the floor.

The PRESIDENT *pro tempore*. So the Chair is ruling.

Mr. LOGAN. I ask the Senate——

The PRESIDENT *pro tempore*. He yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota, and the Senator from Minnesota rose not to a privileged motion. He presents a report of a conference committee.

Mr. ANTHONY. If we are going into this kind of tactics I renew my motion that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I ask the Senator from Rhode Island to withdraw that motion.

Mr. ANTHONY. I would withdraw it, but the Senator from Illinois, if I withdraw it, says I have yielded the floor, and he brings up his motion.

Mr. SARGENT. But I have not yielded the floor on my motion.

Mr. LOGAN. I did not bring in any motion, but I said the Senator had yielded the floor.

Mr. ANTHONY. Informally for a conference report.

Mr. LOGAN. But "informally" is not allowable.

Mr. ANTHONY. If we are going on strict parliamentary law I shall move an executive session; but I am willing to have the vote taken on the motion of the Senator from California if the Senator from Georgia is willing.

Mr. GORDON. That cannot be had without debate.

Mr. SARGENT. We can vote down the motion to adjourn and the motion for an executive session.

Mr. PADDOCK. Who holds the floor?

The PRESIDENT *pro tempore*. The Senator from California moved to take up the motion to reconsider the reference of the Hawaiian bill, pending which the Senator from Georgia moved to adjourn; he withdrew that motion and yielded to the Senator from Rhode Island, and the Senator from Rhode Island yielded to the Senator from Minnesota. Objection being made to the request of the Senator from Minnesota, thereupon the Senator from California insisted on his motion, but his came first. Therefore the motion of the Senator from California is pending unless the Senator from Rhode Island——

Mr. ANTHONY. I took the floor by consent of the Senator from Georgia to make a motion to go into executive session. If I cannot make that motion I will yield to him to make a motion to adjourn.

Mr. LOGAN. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator will state his question of order.

Mr. LOGAN. I will state it. It is that when the Senator from Georgia yielded the floor he lost the floor.

The PRESIDENT *pro tempore*. The Chair has so ruled.

Mr. LOGAN. And when the Senator from Rhode Island yielded the floor, he also lost it.

The PRESIDENT *pro tempore*. So the Chair has ruled.

Mr. LOGAN. Then I insist that another Senator had the floor, addressed the Chair, was recognized, and that the Senator from Rhode Island cannot now make his motion.

The PRESIDENT *pro tempore*. The Chair stated that the motion of the Senator from California was in order unless there was some privileged motion which cut it off.

Mr. SARGENT. I hope we may have a vote.

Mr. GORDON. Is not the motion of the Senator from Rhode Island a privileged motion?

The PRESIDENT *pro tempore*. The Senator from Rhode Island yielded. If he makes the motion the Chair will entertain it.

Mr. ANTHONY. I had no right to yield the floor except that I did so in accordance with that courtesy which is always extended to a report from a committee of conference; but I took it by the assent of the Senator from Georgia, who moved to adjourn and agreed that I might substitute the motion to go into executive session. If I cannot have that motion put, then I must yield the floor to my friend from Georgia to make his motion to adjourn, which I hope will be voted down, and that then we shall go into executive session. We ought to have an executive session this evening.

The PRESIDENT *pro tempore*. The Chair following the practice referred to recognized the Senator from Minnesota; but objection was made, and it became the duty of the Chiar before he recognized the——

Mr. WINDOM. I ask consent to make a very brief statement for a moment.

The PRESIDENT *pro tempore*. Now the Senator from Rhode Island, as the Chair understands, asks that he may surrender to the Senator from Georgia. Is there objection?

Mr. LOGAN. Surrender what?

The PRESIDENT *pro tempore*. The motion to go into executive session.

Mr. LOGAN. I understand the rules of this Senate to give the floor to the Senator who addresses the Chair.

The PRESIDENT *pro tempore*. The Chair asked if there was objection. The Senator from Illinois objects. The Chair will now put the question.

Mr. LOGAN. I made no objection; I merely asked that the rule be enforced.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from California, who moves to take up a motion to reconsider the vote on the Hawaiian treaty bill.

Mr. HITCHCOCK, (at ten o'clock p. m.) I move that the Senate do now adjourn.

Mr. ANTHONY. Now, if the Senator will allow my motion to go into executive session, I will not yield the floor to anybody.

Mr. HITCHCOCK. I yield.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I hope that will be voted down.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. There ought to be an executive session this evening.

Mr. SARGENT. I think we can have an executive session; but I insist on my rights first.

The motion was not agreed to; ayes 15, less than a majority of a quorum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California to proceed to the consideration of the motion to reconsider the vote on the Hawaiian treaty bill.

Mr. NORWOOD. I ask the Senator from California if he proposes to go on with that to-night?

Mr. SARGENT. I am not particular about it. I want it taken up.

Mr. NORWOOD. The Senator simply wants the reconsideration ordered now?

Mr. SARGENT. I want to reconsider the vote and leave the bill pending as the unfinished business.

Mr. MORRILL. I suggest to the Senator from California that he simply move to discharge the Committee on Finance and withdraw his motion to reconsider.

Mr. SARGENT. I am not particular; any way to bring the bill before the Senate.

Mr. MORRILL. It never has been considered by the Committee on Finance, though we have had ample time to do it, because the motion to reconsider had been entered.

Mr. SARGENT. I will put it in that shape.

Mr. MORRILL. I regret very much the committee has not had the bill under consideration, because I think there are some amendments the committee would undoubtedly have reported.

The PRESIDENT *pro tempore*. Does the Senator from California change his motion.

Mr. SARGENT. I do not see the particular parliamentary point, but I suppose discharging the committee will answer the same purpose, and I will make that motion, if the Senator prefers that course.

The PRESIDENT *pro tempore*. The Senator from California moves that the Committee on Finance be discharged from the further consideration of the Hawaiian treaty bill.

The motion was agreed to.

THE HAWAIIAN TREATY.

Mr. SARGENT. Now I move that the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, be considered.

The PRESIDENT *pro tempore*. The committee have been discharged, and the bill is before the Senate.

Mr. LOGAN. I move to make the bill—I believe that is in accord with the wishes of the Senator—the special order.

Mr. SARGENT. No, that would be set aside by unfinished business. I am satisfied with the position of the bill now.

Mr. LOGAN. Well, then, I move to take up House bill No. 58.

Mr. SARGENT. That would set aside this bill.

Mr. LOGAN. I know that; if you are not going on with it that is what I propose to do.

Mr. SARGENT. I do not wish to violate any understanding. The Senator from Georgia [Mr. NORWOOD] asked me a question, to which I replied that I was willing that this bill should go over as the unfinished business to to-morrow.

Mr. WEST. I rise to a point of order that this having now been reported by a committee to-day, or rather the committee having been

just discharged, which is equivalent to a report, its consideration is not in order if a single objection is raised.

The PRESIDENT *pro tempore*. The Chair sustains the point of order if the bill has been reported to-day.

Mr. SARGENT. I ask the attention of the Chair for a moment. This bill was reported from the Committee on Foreign Relations May 15, 1876. It has never been before the Finance Committee. If the Senator from Vermont intended that by his motion, then I ask that the motion be reconsidered whereby the committee was discharged.

Mr. MORRILL. I did not.

The PRESIDENT *pro tempore*. The Chair understands this is not a report of a committee, but is a discharge of a committee, and the bill is before the Senate. The Chair overrules the point of order understanding the status of the bill.

Mr. SARGENT. Now I am willing to carry out the understanding of the Senator from Georgia. I am willing to go on with some remarks or I will yield.

Mr. LOGAN. Go on now.

Mr. MITCHELL. I call for the reading of the bill.

Mr. WINDOM. Am I not in order in presenting the report of a conference committee?

The PRESIDENT *pro tempore*. Will the Senate allow the report to be received? Is there unanimous consent for the Senator from Minnesota to make a report?

Mr. SARGENT. Provided it does not displace this bill.

The PRESIDENT *pro tempore*. Unanimous consent would not displace it.

Mr. HITCHCOCK. That is the Indian appropriation bill. I object.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. While the galleries are being cleared I am satisfied that if I can be heard in a very brief statement the Indian bill may be acted on. I do not desire to have the report read, but information has been received by the committees of conference both of the Senate and House which makes it necessary that the report should be non-concurred in and a new committee appointed. It is not necessary to read the report; but both committees desire that the Senate shall non-concur in the report and that a new committee be appointed consisting of the same members. I move that the Senate non-concur in the report of the committee of conference and again insist on its amendments and ask for a further conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. WINDOM, Mr. LOGAN, and Mr. KERNAN were appointed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session, the doors were re-opened; and (at ten o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 11, 1876.

The House met at twelve o'clock m. Prayer by Rev. L. STERN, minister of the Washington Hebrew congregation.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 4087) continuing the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

INDIAN SCOUTS.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1007) concerning the employment of Indian scouts.

The SPEAKER *pro tempore*. The bill will be read for information.

The bill was read. It repeals so much of the Army appropriation act of July 24, 1876, as limits the number of Indian scouts to three hundred, and continues in force sections 1094 and 1112 of the Revised Statutes, authorizing the employment of one thousand Indian scouts. It also provides that a proportionate number of non-commissioned officers may be appointed. The scouts, when they furnish their own horses and horse-equipments, are to be entitled to receive forty cents per day for their use and risk so long as thus employed.

Mr. HEWITT, of Alabama. Is this a proposition to increase the force of the Army?

Mr. BANNING. It is not. I think the gentleman will make no objection to the bill when it is explained.

Mr. HEWITT, of Alabama. I reserve the right to object until some explanation is made.

Mr. BANNING. At the assembling of Congress this session section 1094 of the Revised Statutes permitted the employment in time of war of one thousand Indian scouts, and section 1112 of the Revised Statutes required that those scouts should be discharged immediately upon the end of Indian hostilities. The Army appropriation bill passed this session provided for only three hundred. More than three hundred at that time were employed and being used in the expedition against the Sioux. The passage of that bill cut off the pay of part of these men that are now in the field against the Sioux Indians. The Secretary of War and the General of the Army have requested Congress to fix the number of Indian scouts as they were under section 1094 of the Revised Statutes before the convening of this Congress at one thousand in time of Indian hostilities. It will be necessary to do this to pay part of the scouts that were employed before the Army bill passed fixing the number at three hundred.

Mr. HURLBUT. Will the gentleman also state that this will not increase the number of the Army?

Mr. BANNING. I was about to state that. It will not increase the number of the Army one. It simply re-enacts the law which permitted the General of the Army to employ as many as one thousand Indian scouts in time of actual hostilities. As soon as hostilities are over the statute requires that they shall be mustered out. I will read the statute which this bill re-enacts:

> The President is authorized to enlist a force of Indians not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease or at the discretion of the department commander.

The appropriation bill which we passed provided the pay of only three hundred of these men. This is a re-enactment of that law. These scouts are now in the service performing duty under Terry and Crook, and I hope the bill will be passed.

The SPEAKER *pro tempore*. Does the gentleman from Alabama insist on his objection?

Mr. HEWITT, of Alabama. I do not.

Mr. EDEN. I understand that these scouts are to be used only during the Indian war?

Mr. BANNING. Yes, sir; only temporarily during the Indian hostilities.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE, of North Carolina. I ask that by unanimous consent the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3687) to authorize and enable the eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation, and that it be brought before the House for present consideration. This bill is reported unanimously by the Committee on Indian Affairs, and I hope there will be no objection to its now being put upon its passage.

Mr. EDEN and Mr. FORT reserved the right to object until the bill was read.

The SPEAKER *pro tempore*. The Chair always when unanimous consent is asked reserves the right of any gentleman to object until the bill is read.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. HURLBUT. I object to the consideration of any bill on the Private Calendar.

Mr. VANCE, of North Carolina. If the gentleman will allow me to make a statement I am satisfied he will withdraw his objection.

The SPEAKER *pro tempore*. Objection has been made.

C. M. WILCOX.

Mr. HUNTON. I ask unanimous consent to report back from the Committee on the Judiciary, with a favorable recommendation, the bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland. It is accompanied by a petition and is reported by the Judiciary Committee unanimously.

The bill was read.

Mr. HURLBUT. Is there a petition accompanying the bill?

The SPEAKER *pro tempore*. The gentleman from Virginia has so stated.

Mr. HUNTON. I hold the petition in my hand, and will have it read if the gentleman desires.

Mr. HURLBUT. I do not ask for the reading of the petition.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOMES.

Mr. TERRY. I rise to a privileged question. I am instructed by the Committee on Military Affairs to report the resolution that I send to the Clerk's desk, and to ask its passage.

The resolution was read, as follows:

Resolved, That the Committee on Military Affairs be, and they are hereby, authorized to continue their investigations into the management and control of the National Home for Disabled Volunteer Soldiers during the vacation of Congress, and to ascertain what reforms in the same are necessary, and that said committee be authorized to make such investigations through subcommittees, who may visit said homes; and that such subcommittees be authorized to send for persons and papers, administer oaths, and do all such other acts as may be necessary for a full and complete inquiry into the management and control of said homes, and make due report of the same.

Mr. HALE. I must object to that resolution.

Mr. TERRY. The resolution is not open to objection. It is a unanimous report from the Committee on Military Affairs, and under the ruling made yesterday upon a point of order it is not open to objection.

Mr. HALE. It certainly will not be claimed that this is a report of the committee of investigation. It is a proposition to confer new powers upon a committee and to authorize them to sit during the recess of Congress.

Mr. TERRY. This is the unanimous report of the Committee on Military Affairs, and the object of it is to ask power to continue with the investigation heretofore ordered by Congress but which it has been impossible to complete during the present session.

Mr. HALE. It is a proposition to enable the committee to sit during the recess.

Mr. TERRY. Yes, sir.

Mr. HALE. Then I emphatically object.

Mr. TERRY. The gentleman has no right to object to it, and I ask its adoption.

Mr. HALE. It is not before the House if there is a single objection.

Mr. TERRY. I claim that it is before the House as a privileged question under the resolution adopted by the House on Monday last.

Mr. HALE. That would be an expansion of last Monday's resolution which would require a great deal of imagination.

Mr. RANDALL. Under the resolution of Monday last they can report the resolution.

Mr. HALE. They can report the result of their investigation, but nothing of this kind.

Mr. RANDALL. This is like any other report which comes from an investigating committee.

Mr. HALE. The committee have only a right to report resolutions putting in force the result of their investigation.

Mr. RANDALL. The character of the resolution is another question.

Mr. HALE. I am perfectly willing to leave the matter to the Chair.

The SPEAKER *pro tempore*. The Chair will not assume to control a matter so entirely a matter of fact and understanding, and will submit the question to the House.

Mr. HALE. This is a very important matter, and in order that it may be understood I call for a second reading of the resolution. But before that is done, sir, let me say to the other side of the House and notify them that upon the question of giving these investigating committees authority to sit after Congress has adjourned and at any time to expose to the country what they choose, I think I represent the united sentiment of this side of the House, and that we will not, if there is anything in parliamentary power, permit. I am justified in saying this now. The gentlemen can begin, if they choose, this attempt to take an unfair advantage of the minority, but I notify them that in doing so they enter upon a long lane.

Mr. TERRY. I desire to say that there have been a great number of complaints presented to the Committee on Military Affairs in reference to the treatment of the inmates of the soldiers' homes, and it has been impracticable to bring all of the complainants here.

Mr. PAGE. Is this matter before the House for debate?

The SPEAKER *pro tempore*. It is not.

Mr. TERRY. I only wish to add that the investigation can be more satisfactorily made at the several soldiers' homes.

Mr. HALE. The gentleman and all the gentlemen on the Committee on Military Affairs have had nearly nine months to make this investigation, and we have made arrangements for their report to come in at any time; but it seems, Mr. Speaker, that every concession made by this side of the House as to the admission of these reports is to be followed by new demands. It did not occur, sir, to me the other day, when we made the arrangement of which the House is aware, that we should be so soon as this asked, or sought to be driven, to consent to a committee meeting during the recess. Now, we, on this side of the House, cannot and will not consent to that.

Mr. RANDALL. This is the only committee that has asked that privilege.

Mr. HALE. But how do we know how soon such another request will follow?

Mr. BANNING. The gentleman from Maine said that he represented the united sentiment of that side of the House.

Mr. HALE. I said that I thought I did.

Mr. BANNING. This resolution is unanimously reported by the Committee on Military Affairs.

Mr. HALE. I should be glad to hear from some member of the minority of the committee on that point.

Mr. HURLBUT. It was a part of the duty of the Committee on Military Affairs to report in regard to these homes for the disabled soldiers of the country. I believe this report to be strictly fair. The complaints in regard to these homes did not come to us in any organized form, but letters were sent to the committee alleging on the part of certain persons, inmates of these homes, that wrongs had been done to them. I understand the committee to concur in this report, but I have never understood that the entire committee concurred in the propriety of carrying on an investigation during the vacation for the reason that it is practically impossible that any member of the committee should serve upon the committee at that time.

Mr. HALE. If the gentleman from Virginia will leave out that part of the resolution which authorizes the committee to sit during the recess I will withdraw my objection.

Mr. GARFIELD. Let the examination go on at the next session.

Mr. BANNING. One word in explanation of what has been said by the gentleman from Illinois, [Mr. HURLBUT.] So far as I understand, this report with the resolution is the unanimous report of the committee; I never heard it questioned as being the unanimous report. The reason why the investigation has not already been made is that we have not had time to make it. There has been a loud call from these homes for an investigation, and the committee thought that investigation could best be made during the vacation. That matter was talked over, agreed to, and it was partially understood how the investigation should be made. There seems to be no disagreement about it whatever. I think the investigation should be made; this report shows that it should be made, and I cannot see any good reason why gentlemen should oppose it.

Mr. FRYE. The trouble which I see is this, and it arises from the suggestion made by the gentleman from Pennsylvania, [Mr. RANDALL.] His suggestion was that under the agreement of Monday last this committee had the right to report this resolution. Now if this committee has the right to report such a resolution as this, then all the investigating committees of this House, the whole thirty of them, if there be that many, have the right to report just such a resolution as this, and to have that resolution submitted to the House, and then the majority of the House can afterwards force it through, and thus provide that the whole mud-throwing machinery shall commence its work immediately after the adjournment and be carried on up to the next session of Congress. Now the gentleman from Pennsylvania certainly cannot expect the republican side of this House ever to consent to any such rule as that.

Mr. RANDALL. I do not know what the gentleman means by a mud-machine. I have endeavored to keep myself above mud-machines. I have not acted in any connection with mud-machines.

Mr. HALE. The gentleman has been engaged in better work than investigating.

Mr. RANDALL. I want to say this: The House cannot restrict the character of the reports to be made from committees. The resolution which was adopted on Monday last by agreement does not in itself, either in language or in spirit, restrict the character of the reports or the resolution to accompany the reports.

Mr. TERRY. I call the previous question on the adoption of the resolution.

Mr. GARFIELD. I desire to make this suggestion: The gentleman from Pennsylvania [Mr. RANDALL] will see at once that if, under the agreement made the other day, there is no restriction upon the nature of the resolution to be reported by a committee, then this very committee might prepare a resolution and submit it to the House that all other reports by investigating committees might be made at any time without any notice.

Mr. RANDALL. No, not unless the resolution emanated from each particular committee, for it would not be germane otherwise.

Mr. GARFIELD. I will say for myself—I do not know about the others—that there were two purposes which I had in view in the agreement of last Monday. The first was to have an arrangement by which all these reports of investigating committees could be made before this session closed, with a fair exhibit by the majority and the minority of each committee The second was that the reports should come in and the matter be ended with this session. It was the universal feeling, so far as I know, that it was not quite fair, certainly not exactly manly, that we should have a series of partisan investigations going on in vacation during a heated political canvass. That, I think, was the main idea in the minds of everybody here, so far as I know, as to the object gained by the agreement.

Now if that is overcome by this resolution it may be overcome in every other case by a majority vote, although it was within our power, by a single objection, to prevent any arrangement. We consented to the arrangement for the sake of the public business, and if advantage should now be taken of it, I am sure we would be justified in using all parliamentary expedients to prevent it.

Mr. RANDALL. I do not think there is any occasion whatever for this scare in regard to this proposition. I do not know that any other committee desires to ask for a similar privilege. In this case allegations have been made as to the manner in which the disabled volunteer soldiers of the war have been imposed upon in these homes. I think it is far from being a partisan investigation at all. I think it is desirable in a non-partisan view to visit these homes by subcommittees and ascertain whether these allegations as made by the soldiers against the managers of the homes are correct or not.

Mr. HALE. Now if the gentleman will——

The SPEAKER *pro tempore*. The Chair must decline to hear further suggestions, and will direct the resolution passed on last Monday to be read by the Clerk.

The Clerk read as follows:

Resolved, That the investigation committees may have leave to report during the remainder of this session at any time after forty-eight hours' notice from the time the committee have agreed to the report and submitted the same to the minority, who shall have leave at the same time to submit their views to the House; and if the minority is absent from the meeting, said notice of the same shall be given in the House.

The SPEAKER *pro tempore*. It is very evident from the reading of this resolution that there is nothing in it which restricts in any manner the character of the report that is to be made. The Chair has carefully examined the record of the discussion upon that question, and there is an entire omission of any reference whatever as to the character of the reports. The simple provision is that upon certain notice reports may be made. As, however, there seems to be this omission, the Chair, as he stated a moment ago, regards it as only fair that the matter should be submitted to the House. Is it the opinion of the House that the report——

Mr. CONGER. Before that question is submitted I wish to say——

The SPEAKER *pro tempore*. If the gentleman from Michigan will be kind enough to allow the Chair to conclude he will then be recognized; not till then: The Chair will state the question which he submits to the House: Is it the opinion of the House that the report of the gentleman from Virginia, [Mr. TERRY,] which has been read, is now in order under the resolution just reported? The Chair now recognizes the gentleman from Michigan.

Mr. CONGER. I desire to call the attention of the Chair to the fact that the leading idea of the resolution just read——

The SPEAKER *pro tempore*. The Chair does not care to hear any further discussion on that point. The Chair has decided the point.

Mr. CONGER. Then the Chair does not wish to hear me?

The SPEAKER *pro tempore*. The Chair does not, upon that point.

Mr. CONGER. I state to the Chair that I have a point to make.

The SPEAKER *pro tempore*. The gentleman will be kind enough to state what it is.

Mr. CONGER. I was doing so—not in the elegant language of the Speaker, but in my own.

The SPEAKER *pro tempore*. The Chair hopes the gentleman will get at his point at once.

Mr. CONGER. I hope I shall not be interrupted again

The SPEAKER *pro tempore*. That the Chair cannot promise.

Mr. CONGER. I was about to make this point: that the principal object of the resolution read a few moments ago was to compel the investigating committees to close their investigations and make their reports before the adjournment of Congress. That was the leading idea. Now, if instead of doing that, these investigating committees, by means of a report, only open the door for further investigations, they violate the entire spirit and object of the resolution. I ask the ruling of the Chair upon that construction of the resolution.

The SPEAKER *pro tempore*. The Chair has decided that point. There is nothing in the resolution that indicates at all what shall be the character of reports to be made. The Chair can only rule upon the resolution as he has ruled already.

Mr. CONGER. I hope then that this side of the House will do what they can to regain what they have lost.

Mr. GARFIELD. I hope that we shall not come to a collision on this mattter. I suggest that this clause of the resolution be left out.

Mr. HALE. If the gentleman reporting this resolution will omit the clause in reference to the committee sitting during the recess there will be no objection.

Mr. TERRY. As to the difficulty of getting members to serve on a subcommittee during the recess, that is a question with the gentlemen themselves. If there are members of this House who can give their time between now and next December to this investigation, I do not see why the House should object.

Mr. BANNING. Let me say a word on this point, for I think there should be no misunderstanding. At the time of the adoption of the resolution under which we are now offering this report, the report had been agreed to together with the resolution which we now bring in. As to the remark of my friend from Maine [Mr. FRYE] about this committee "throwing mud," I do not think we have done much of that. Every report that we have made has been unanimous, signed by all the members of your side as well as ours. That is the case with this report.

This is an investigation which we thought ought to be made. The men in these asylums are asking that it shall be made; and the members of the committee thought they could best make the investigation during the vacation. There is no partisanship in it. There is no disposition to use this investigation to make any political capital at all. Nobody ever thought of that—at least, I never did—until it was spoken of here this morning. At the time your side of the House agreed to this resolution they knew perfectly well that this report had been agreed to in the committee; so they must have fully understood what would be its effect. The effect, as has been stated by the gentleman from Virginia, [Mr. TERRY,] will only be to allow this investigation to be made; and I do not think that my friend from Maine, who characterizes this as a "mud-machine," will find that we are throwing any mud which we ought not to throw.

Mr. FRYE. Will my friend allow me a moment?

Mr. BANNING. Certainly.

Mr. FRYE. In the remark which the gentleman has just quoted I had no reference to this committee, but to opening the door to other committees which may do that. I have faith in this committee, and personally I have not the slighest objection to their conducting this investigation during the recess. My objection is only to opening the door to other committees.

Mr. BANNING. I am obliged to the gentleman. I believe this committee has so conducted itself as not to deserve to be so characterized. Its reports, as I have said, have always been unanimous. But, Mr. Speaker, this investigation ought not to be stopped now. If, as my colleague says, we should put it off until next winter, the session will be a short one, and this investigation will never be made. It is one that ought to be made.

Mr. McCRARY. Will the gentleman yield to me for a suggestion?

Mr. BANNING. Certainly.

Mr. McCRARY. The gentleman from Ohio and every other gentleman will remember that the resolution with regard to the presentation of reports of committees of investigations was adopted by the unanimous consent of all the members of this House. The gentleman will also recollect that every member on this side has continually protested against making any arrangement by which investigating committees should sit during the recess. Now, it must be perfectly apparent if the resolution which has been adopted is to be construed as giving the right to all these committees on bringing in a report of this kind to continue their sittings and their investigations through the coming recess, then every gentleman on this side of the House has been imposed upon and deceived by that resolution. We had no such thought; no gentleman here had any such expectation, and I think no gentleman on the other side of the House had any idea at the time the arrangement was made such a construction could be put upon it. I agree with the Chair; there seems to be nothing in the resolution itself——

Mr. GARFIELD. Technically.

Mr. McCRARY. Yes; nothing in the resolution itself technically which restricts or limits the character of the report; but I submit to gentlemen on the other side of the House that in good faith, in fairness, they ought to concede when we unanimously consented to this resolution we did not intend to agree it should be so construed or could be so construed as to continue all these investigations during the coming recess, against which we have all protested whenever the question has been presented.

Now, sir, so far as this particular matter is concerned, if the gentleman from Ohio [Mr. BANNING] will ask unanimous consent that this particular committee shall be allowed to sit during the recess, I do not know that any gentleman here will object. But when my friend from Pennsylvania [Mr. RANDALL] puts it on the ground and claims it as a right under the resolution which we have all consented to, then I stand here to protest against it and to say we have never consented to it, and that we would have protested against it and resisted it if we could have dreamed for a moment that under the rules of the House such a construction could be claimed under it.

Mr. BANNING. In answer to that I ought to say that I cannot see in all the gentleman has said any reason why we should not adopt this resolution under the agreement of the House, because, as I said before, the condition of this investigation was fully known to the other side of the House when the resolution itself was adopted.

Mr. McCRARY. Then let the gentleman from Ohio ask unanimous consent for this particular committee to sit during the recess.

Mr. BANNING. It had been agreed to, fully agreed to, before the resolution was adopted.

Now, Mr. Speaker, as I have said before, if we do not investigate this during the vacation we cannot investigate it at all during this Congress. There are four of these asylums, one in Maine, one in Virginia, one in Ohio, and one in Wisconsin. During the short session which is to come next winter it will be impossible to make the investigation.

Mr. HALE. Let me say right here——

Mr. BANNING. In one minute. I do not think my friend will undertake to cut off this investigation now, especially when the Committee on Military Affairs have unanimously agreed to it.

Mr. HALE. Let me say that the objection which has been raised here has nothing whatever to do with the subject-matter which this committee specifically reports at this time. It only happens that what this side of the House believes is a wrong, which is being forced upon us, comes up in this form. If any other committee, no matter which it might have been, had come in and claimed under the resolution it was authorized to sit during the recess, after Congress had adjourned, we should have made the same opposition to it. It comes up in this manner, and I beg gentlemen to bear in mind, and I call attention to the fact, that it has nothing whatever to do with the subject-matter of this investigation. We do not object to this particular inquiry. If these things ought to be looked into, we say God-speed to it.

Mr. BANNING. Then let us do it.

Mr. HALE. There has been a long time in which the investigation might have been made. I think we ought to insist on our objection to allowing committees to sit during the recess.

Mr. TERRY. I desire to say one word in reply to the gentleman from Maine. I asked unanimous consent the other day, before the

resolution of Monday was passed, and he then objected to it. What avails the asking of unanimous consent now?

Mr. RANDALL. If the gentleman is sincere, and I have no doubt he is, why need he seek to resort to the threat he makes of filibustering against this resolution? Why not reserve the execution of the threat until we do introduce from this side of the House some proposition allowing to sit during the recess committees which are objectionable to them? They say in reference to this investigation they agree to it. There are other committees which might want, perhaps, to sit during the recess.

I recollect the gentleman from Ohio [Mr. GARFIELD] himself, at the corresponding session of the previous Congress, came into the House and asked unanimous consent that the Appropriation Committee might sit during the recess, and there was no objection to it.

Mr. GARFIELD. I hope, on the same terms as then, the Committee on Appropriations will be allowed to come here in November and prepare the appropriation bills.

Mr. RANDALL. The Committee on Appropriations had permission in the preceding Congress to sit during the recess without objection. Whatever is unobjectionable to gentlemen on the other side of the House, and this investigation is unobjectionable to them, let it be agreed to, and let them make their objection when anything comes up which is offensive to them. Do not strike down this resolution which proposes to correct alleged abuses in the asylums for disabled volunteer soldiers.

Mr. McCRARY. Why does the gentleman from Pennsylvania object to asking unanimous consent? Why does he claim it as the right of the committee under the resolution?

Mr. RANDALL. Because the resolution, I claim and maintain, never did restrict the character of a report and never was intended to do so.

Mr. GARFIELD. I am inclined to think that if unanimous consent were asked this side of the House would grant it. By so doing we would not commit ourselves to anything else. But if this is asked as a matter of right we will resist it to the last, because it is contrary to our understanding of the agreement.

Mr. RANDALL. Then you can take the responsibility of your action.

Mr. GARFIELD. If the gentleman will limit the sittings of the committee to four weeks prior to the beginning of the next session, I think there will be no objection.

Mr. BANNING. We did ask unanimous consent the other day, and the gentleman from Maine objected.

Mr. HALE. I certainly did, because it involved the general principle and we had no explanation of what was covered by the request.

The SPEAKER *pro tempore*. The Chair desires to say that this discussion is proceeding only by unanimous consent. It has been allowed by the Chair with a view to some conclusion being arrived at; but from the direction the discussion has taken there seems to be no hope of that.

Mr. GARFIELD. I think I can make a proposition which the other side of the House will accept: That we authorize the committee to meet and make an investigation at any time within four weeks prior to the meeting of Congress at its next session.

[Cries of "No!" "No!"]

Mr. RANDALL. That is letting the cat out of the bag.

Mr. GARFIELD. What I have suggested answers the objection which my friends on the other side have raised to the postponement of this investigation until next session, that sufficient time will not be allowed.

Mr. RANDALL. That shows the cat under the meal.

Mr. GARFIELD. I do not hesitate to say flatly and squarely that it is dishonorable and unmanly to continue these investigations during the recess.

Mr. RANDALL. When you say it is a dishonorable investigation you state what is incorrect.

Mr. GARFIELD. I did not say it was a dishonorable investigation. What I say is that it is partisan, unmanly, and dishonorable to continue these investigations during the recess.

Mr. RANDALL. And you are untruthful in making that statement.

Mr. WILSON, of Iowa. I think there is a way by which we can get out of this difficulty. I desire to make a proposition by which I think we can settle it easily. We have been here eight months, and during a great part of that time I sat on one of these investigating committees; and after seeing the efforts that are made—not by members of the committees, but by the slanderous creatures that come around an investigating committee and prompt and suggest the way by which innocent men's names shall figure to their discredit and distress, as is well described by the poet:

> 'Twas slander filled her mouth with lying words,
> Slander, the foulest whelp of sin. The man
> In whom this spirit entered was undone.
> His tongue was set on fire of hell, his heart
> Was black as death, his legs were faint with haste
> To propagate the lie his soul had framed.
> His pillow was the peace of families
> Destroyed, the sigh of innocence reproached,
> Broken friendships, and the strife of brotherhoods.
> Yet did he spare his sleep, and hear the clock
> Number the midnight watches, on his bed,
> Devising mischief more; and early rose,
> And made most hellish meals of good men's names.

I say that rather than concede that we shall desert our posts, adjourn this Congress, and go home, and let committees go on and use as they see fit the names of innocent men—rather than do that, I will agree to sit right here in session. If it is necessary for the country to have more light on some subjects that we are investigating, let us go on and investigate them; and sit here at our posts until December, not adjourning at all. If that is agreed to, I will never raise my voice in a word of complaint, but will stay here and help to do the public business.

But, gentlemen on the other side, you know you are taking advantage of us. Those of you with whom I have conversed, and notably the gentleman from New York [Mr. COX] who offered the resolution, knows very well that it was agreed to merely for the purpose of letting you bring in what you had found and nothing more. And I say to my colleagues here in the minority that, rather than permit this thing to be done, we will resort to all the means which the rules permit the minority to use to prevent it, if we stay here until December.

Mr. BANNING. Then when these soldiers want investigation you will not give it to them.

Mr. WILSON, of Iowa. Go on with the investigation now; but let us stay in session if all the investigating committees are to sit, so that the power that arraigns a cititzen may be ready to hear when injustice is done him.

Many members called for the regular order.

The SPEAKER *pro tempore*. The Chair will state that he can only construe the rules as they read. He is not a party to the understanding in one way or the other. There seems to have been some misapprehension or some omission of reference to a particular case of this kind; but nothing whatever in the resolution, in the judgment of the Chair, can possibly exclude this report. Nevertheless he will leave that to the judgment of the House. Is it the opinion of the House that, under the order which has been read, the report which has been made by the gentleman from Virginia [Mr. TERRY] from the Committee on Military Affairs is now in order?

The question being taken, there were—ayes 88, noes 74.

Mr. HALE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. YEATES. I ask that the resolution of the Committee on Military Affairs may be again read.

The resolution was again read.

Mr. SPRINGER. Will gentlemen upon the other side of the House allow this report to come in by unanimous consent waiving the question of its admissibility under the rule adopted on Monday last?

Mr. HURLBUT. If the gentleman will allow me to ask that consent, I have no doubt it will be granted on this side of the House.

Mr. SPRINGER. I think that can be done by unanimous consent, and we can thus save a good deal of trouble.

Mr. RANDALL. So far as I am informed there is no other committee that asks from the House the same privilege, and if there is a fight to be made upon this question it had better be made upon some report on which the two branches of the committee are divided.

Mr. HURLBUT. I ask unanimous consent that the report be received and adopted.

Mr. SPRINGER. I trust unanimous consent will be given.

No objection was made.

The SPEAKER *pro tempore*. Is it the will of the House that further proceedings in this matter be dispensed with? The Chair hears no objection, and the yeas and nays will not be called. The report of the committee will now be read.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred, on March 9, 1876, the following resolution, to wit:

"*Resolved*, That the Committee on Military Affairs be, and they are hereby, directed to inquire into the management and control of the Soldiers' Home and the National Home for Disabled Volunteer Soldiers, and report in writing thereon: also, what reform in such management should be made for the comfort and welfare of said soldiers"—

beg leave to report:

That the committee have had the same under consideration, but by reason of the pressure of business upon their hands they have not been able to give the subject that attention which they feel it merits. From the letters that the committee have received from inmates of the homes, grave charges of extravagance in expenditures are made, and in many instances that hardships and cruelties are practiced by the local authorities upon the inmates of the homes. But your committee have not had time to summon and examine the officers, and have found it impracticable during the present session to make a satisfactory inquiry into these matters; nor do they believe such examination practicable except through subcommittees, who shall be authorized to visit the several homes, and, by personal examination as well as by other evidence, fully investigate their management. Your committee therefore ask that authority be conferred upon them to continue their investigations during vacation; that they be authorized to send subcommittees to the several homes and inquire into and report upon their management and control, and what reformation in the same is practicable, and report upon the same. The committee therefore ask the adoption of the following resolution:

"*Resolved*, That the Committee on Military Affairs be, and they are hereby, authorized to continue their investigations into the management and control of the National Home for Disabled Volunteer Soldiers during the vacation of Congress, and to ascertain what reforms in the same are necessary, and that said committee be authorized to make such investigations through subcommittees, who may visit said homes; and that such subcommittees be authorized to send for persons and papers, administer oaths, and do all such other acts as may be necessary for a full and complete inquiry into the management and control of said homes, and make due report of the same."

Mr. BANKS. Was unanimous consent asked of the House that this report should be received?

The SPEAKER *pro tempore*. It has been given.

Mr. McCRARY. I hope the Chair will state the conditions on which it has been given, so that there may be no mistake as to it hereafter.

Mr. BANKS. Was unanimous consent given that the committee should have the privilege of reporting this resolution?

The SPEAKER *pro tempore*. It was; and that upon applications made both upon the right and left of the Chair. The Chair then put the question if there was objection, and no objection was made by the House; and the report therefore comes in by the unanimous consent of the House.

Mr. RANDALL. Without waiving the respective rights on either side of the House?

The SPEAKER *pro tempore*. No rights whatever are waived; the House simply by unanimous consent received the report and waived the previous proceedings.

Mr. GARFIELD. I understood the gentleman from Pennsylvania to say that there was no other investigating committee that wished this privilege.

Mr. McCRARY. I wish it to be distinctly understood that no construction of the rule has been given and that no right has been waived.

Mr. SPRINGER. No right has been waived by either side.

The SPEAKER *pro tempore*. No right has been waived by either side.

Mr. HALE. The gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, intimated, as I have no doubt he did in good faith, that there was no other investigating committee that would ask this privilege.

Mr. RANDALL. I said what was true so far as my knowledge goes; I am not apprised that any other committee wish the privilege of sitting during the recess.

Mr. TERRY. I suppose any application of that kind must stand upon its own merits?

The SPEAKER *pro tempore*. Certainly.

Mr. HALE. There is no waiving of any right.

Mr. RANDALL. And whenever any other committee comes in and asks this privilege it will be for the House to determine whether they will grant that privilege, and if gentlemen opposite choose they can resort to the parliamentary mode of filibustering to defeat it.

Mr. CONGER. I understood the gentleman from Pennsylvania [Mr. RANDALL] to state distinctly to the House that no other committee would ask this privilege?

Mr. COX. I object to further debate.

The SPEAKER *pro tempore*. The Chair must insist that any further discussion of this matter is out of order. What the gentleman from Pennsylvania has said has been recorded as well as what other gentlemen have said.

Mr. RANDALL. What I have said is on record.

The question was taken upon agreeing to the report, and it was agreed to.

Mr. TERRY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I demand the regular order of business.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House, by Mr. U. S. GRANT, jr., his Private Secretary, who also informed the House that the President had approved bills of the following titles:

An act (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and section 3954 of the Revised Statutes; and

An act (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 408) for the relief of Thomas F. Azpell, of the United States Army; in which he was directed to ask the concurrence of the House.

THE VENEZUELAN MIXED COMMISSION.

Mr. SPRINGER. I rise to a privileged report. I submit a report from the Committee on Foreign Affairs relative to the Venezuelan mixed claims commission.

Mr. PAGE. Is it a unanimous report?

Mr. SPRINGER. The recommendation of the committee to the effect that the joint resolution which accompanies the report shall be passed is the unanimous report of the committee, but all the conclusions and arguments of the committee are not agreed to by all the committee. I will state, however, that the dissenting opinion of the minority of the committee is attached to the report of the majority. I desire that the report shall be either read to the House or printed in the RECORD.

Mr. CONGER. Have the minority submitted their views?

Mr. SPRINGER. They are appended to the report.

The SPEAKER *pro tempore*. Unless there be objection, the report will be printed in the RECORD.

Mr. CONGER. I object to its being printed in the RECORD unless it is read in the House.

Mr. SPRINGER. Then let it be read.

Mr. BANKS. It is a question for the House to determine whether it shall be read or not.

Mr. WILSON, of Iowa. Does the report present any resolution for action?

The SPEAKER *pro tempore*. The Chair understands that it does.

Mr. KASSON. I ask that the resolution accompanying the report be read, so that we may understand what we are called to vote upon.

The SPEAKER *pro tempore*. The Clerk will read the joint resolution recommended by the committee.

The Clerk read as follows:

Joint resolution in reference to the payment of awards of the Venezuelan mixed commission.

Resolved by the Senate and House of Representatives, &c., That the President of the United States is hereby requested to withhold further demands upon the Government of Venezuela on account of the awards of the mixed commission under the convention of April 25, 1866, until the 4th of March, 1877; and the Secretary of State is authorized and directed to suspend all further payments to holders of certificates awarded by said mixed commission until said time, unless Congress shall otherwise direct.

Mr. SPRINGER. It will take about forty-five minutes to read this report. If the House will allow it to be printed in the RECORD without being read, I will make a brief explanation which will enable gentlemen to act intelligently upon the joint resolution.

Mr. KASSON. Does the gentleman propose to have the joint resolution acted upon to-day?

Mr. SPRINGER. I do.

Mr. KASSON. Then what useful purpose will be accomplished, so far as the members of this House are concerned, by having this report printed in the RECORD? No one will be able to see it before to-morrow.

Mr. SPRINGER. I want the reasons of the committee to go with the joint resolution and the action of the House upon it.

Mr. KASSON. This report has already been ordered to be printed as a document. The gentleman knows that we have often objected to encumbering the RECORD unnecessarily by the printing of documents. There can be no reason for printing this report in the RECORD, if we are to act on this joint resolution now.

Mr. SPRINGER. I will ask if there is objection to having this report printed in the RECORD without being read?

Mr. CONGER. I object.

Mr. SPRINGER. Then I will ask that the report be read.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] having the floor, is entitled to have the report read

Mr. KASSON. As a portion of his remarks, to come out of his time.

The SPEAKER *pro tempore*. Certainly; it will come out of his time.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 4087) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a joint resolution, in which the concurrence of the House was requested, of the following titles:

A joint resolution (S. No. 24) providing for the postponement of the publication of the Army Regulations.

THE VENEZUELAN MIXED COMMISSION.

The House then resumed the consideration of the report of the Committee on Foreign Affairs in relation to the Venezuelan mixed commission, and the Clerk began the reading of the report.

At the expiration of one hour, the reading of the report not having been concluded,

The SPEAKER *pro tempore*, (Mr. WILSON, of Iowa, in the chair,) said: The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. MONROE. As it is desirable that the reading of this report shall be completed at this time, I will now claim the floor and yield sufficient of my time to enable the Clerk to conclude the reading of the report.

The Clerk resumed and concluded the reading of the report, which was as follows:

The Committee on Foreign Affairs, to whom was referred the message of the President of the United States, with accompanying correspondence, relating to the Venezuelan mixed commission, and also sundry memorials on that subject, having had the same under consideration, have directed me to submit the following report:

Previous to the year 1866 claims of American citizens against the Republic of Venezuela had been filed in the American legation at Caracas with the view of having them presented to the Venezuelan government for payment. Owing to the disturbed condition of that government and its financial embarrassments, these claims had been disregarded. With the view of having all claims of American citizens against that republic adjudicated, a treaty was entered into between Venezuela and the United States, April 25, 1866, which treaty is set forth at length in the report of the evidence herewith transmitted. By the terms of this treaty all claims on the part of American citizens upon the government of Venezuela were to be

submitted for examination and decision to a mixed commission, consisting of two persons, one of whom was to be appointed by the Government of the United States and the other by Venezuela. The commissioners were authorized to appoint an umpire, and in case of their disagreement the selection was to be made by the diplomatic representative either of Switzerland or of Russia in Washington. It was further provided that as soon as the umpire was appointed the commissioners were to proceed without delay to examine the claims which may have been presented to them, and were required to hear one person in behalf of each government on each separate claim. In case of agreement by the commissioners they were to issue certificates of their award; but in case the commissioners could not agree, the points of difference were to be referred to the umpire, before whom each of the commissioners was to be heard and whose decision was to be final. It was further provided that the commission should terminate its labors in twelve months from the date of its organization, except that thirty days' extension might be given to issue certificates, if necessary, on the decision of the umpire in the cases referred to him.

The last and fifth article of the treaty provided that "the decisions of this commission and those (in case there may be any) of the umpire shall be final and conclusive as to all pending claims at the date of their installation. Claims which shall not be presented within the twelve months herein prescribed will be disregarded by both governments and considered invalid."

In pursuance of this convention, our Government appointed David M. Talmage, of the State of New York, as commissioner on the part of the United States, and Venezuela appointed, first, Antonio Guzman-Blanco, then commander-in-chief of the Venezuelan forces, and now President of that country. Commissioner Guzman-Blanco became dissatisfied on the choice of an umpire and resigned, and Francisco Condé was named in his stead. But he resigned before proceeding far in the examination of claims, for reasons which will be hereafter stated, and finally José Gregorio Villafané was appointed commissioner, and sat throughout the commission as such. Mr. Talmage was appointed commissioner on the 20th day of July, 1867, and two days afterward sailed for Caracas, where he arrived about the 3d of August thereafter. The appointment of umpire was not finally made until the 27th of February, 1868, and his appointment was confirmed by the commission on the 18th of April, 1868, which time is to be considered as the date of the organization of the commission. This date must be borne in mind from the fact that the commission was to conclude its labors in twelve months after its organization by the terms of the treaty. But, contrary to the provisions of the treaty, the commission concluded its labors abruptly on the 5th day of August, 1868, having been in session from the time of the appointment of the umpire and its complete organization only three months and eighteen days. It is due, however, to the commission to state that it construed the date of its organization to be the time at which Commissioners Guzman-Blanco and Talmage met and exchanged powers on the 30th of August, 1867, and proceeded to the election of a secretary and to consult as to the appointment of an umpire. Even conceding this to be the date of its organization, then the final adjournment was twenty-five days before the expiration of the year during which the commission was to sit. This is important, from the fact that two claims, aggregating over half a million of dollars, were ignored, or not passed upon, on their merits, on account of the hasty departure of the American commissioner to the United States and the termination of the sittings. Secretary Seward, in a letter printed in the inclosed testimony, construed the date of the organization to be the date of the confirmation of the appointment of the umpire.

The commission having adjourned on the 5th of August, 1868, when less than four months had been devoted to the consideration of the claims for the adjudication of which it had been created, thereby violating one of the provisions of the treaty, this of itself is a strong ground for the setting aside of the awards, on account of the failure of the commission to consider, on their merits, important claims pending at the time of its adjournment. These claims were those of William H. Aspinwall, Flannigan, Bradley & Clark, and Henry Woodruff, of New York. It is also to be remarked that claimants, through their counsel, had been referred to a friend of the American commissioner, Talmage, who demanded one-half of them for the nominal service of presenting them to the commission, which proposition was refused. Considering the equal division of the claims that were allowed between outside parties, and that the claimants who refused to divide were ignored, we have a right to infer that the commission failed to pass upon these claims by reason of the fact that the claimants declined to submit to the extortion demanded by the favorites of Mr. Talmage. It is also worthy of consideration that the Aspinwall and Woodruff claims, which were ignored, have every evidence of honesty and genuineness, if not of positive merit. The Aspinwall claims were not disputed by the government of Venezuela, being the bonds of that government duly executed in pursuance of law, and the only question that could have been raised upon them was whether they were international and were properly cognizable by this tribunal. The Woodruff claims were for property confiscated by the government of Venezuela and appropriated to its own use, and were the identical claims for the adjudication of which the mixed commission was created; but upon examination it appears that the claims that were actually allowed by Commissioner Talmage and the umpire, as will hereafter be specifically pointed out, were in many cases greatly exaggerated in amounts, and in others devoid of merit and tainted with fraud.

It is somewhat remarkable that the American commissioner, whose duty it was to pass upon international claims, involving large sums of money and intricate questions of international law, as well as questions relating to the construction of contracts, statutes, and treaties, should have been a man having no legal qualifications, selected without reference to the duties devolving upon him. It appears that he, at the time of his appointment, was a coal-broker in the city of New York, and that he had been engaged in the construction of gas-works in the city of Caracas, Venezuela; that he had had litigation in Caracas, growing out of his contract there, and was about to return to that country on his private business when he became the recipient of the appointment of commissioner. His own evidence before your committee shows that he was utterly devoid of qualifications necessary to a proper discharge of his duties, and that he was ignorant of the simplest and commonest principles of law. His conduct in reference to the appointment of umpire cannot be explained except upon the theory that no person should receive this appointment except one of his own choosing. He first endeavored to have appointed Mr. Rolandus, consul of the Netherlands at Caracas. This appointment was resisted by the Venezuelan commissioner, (Blanco.) In subsequent proceedings of the commission it appears that Rolandus was interested in a large claim, amounting to nearly half a million of dollars, which it was intended should be brought before the commission for its adjudication. The claim was afterward presented to the commission by Mr. W. P. Murray and was rejected. Commissioner Guzman-Blanco, under instructions from his government, proposed to Commissioner Talmage as umpire either of the resident ministers of England, France, Spain, or Brazil, then in Caracas. This proposition was indignantly rejected by Talmage, and the appointment of Rolandus insisted upon as an ultimatum, or the reference of the question of appointment to the Russian minister at Washington.

All efforts to secure the appointment of Rolandus having failed, the commission referred the appointment to Baron Stoeckl, the Russian embassador at Washington. Mr. Talmage thereupon left Caracas for the United States, bearing the protocol for the appointment of the umpire. He arrived at New York on the 22d day of October, 1867, and at once forwarded the protocol to the State Department.

Baron Stoeckl appointed an umpire February 27, 1868. Just how this appointment was brought about, and why there was a delay of over four months in making it, is involved in much mystery. Dr. J. M. Blanco, minister for foreign affairs of Venezuela, on the 11th of June, 1875, referring to the appointment of Machado, in an official communication to Mr. Russell, American minister at Caracas, (printed evidence, page 35,) says, "The Russian minister who appointed Machado in Washington without knowing him, and the governments of that and of this republic which accepted him as such third, and as judge of last appeal, were deceived, and that which is called a sentence is only the fruit of this fraud, and the treaty also was defrauded by which both governments agreed to submit to an arbitration, and to a third, in case of disagreement, the settlement of these claims."

There has been much discussion on this subject in the diplomatic correspondence between the two governments, and your committee have not thought it necessary to pass upon it at this time. It is sufficient for this inquiry that the Venezuelan government insists that a fraud was perpetrated in this respect, while our Government has insisted that the appointment was regular and fairly made.

Thomas N. Stilwell, of Indiana, having been appointed United States minister to Venezuela, arrived in Caracas in December, 1867. There went with him William P. Murray, his brother-in-law, who was attorney for certain claimants whose claims were to be presented to the mixed commission. Mr. Murray, according to the representations of persons who were in Caracas at the time, was variously designated as attorney for claimants and secretary of the American legation.

Mr. Stilwell and Mr. Talmage, however, both deny that Mr. Murray ever acted in the latter capacity; but Mr. Muñoz y Castro states that Murray was represented to his government as such.

All claims, before being presented to the commission for its adjudication, were required to be filed in the American legation.

Mr. Murray went out ostensibly as the attorney of Beales, Nobles & Garrison, but afterward became the attorney of a number of the other claimants. His fees for his professional services in these cases were modestly fixed at one-half of the sums to be awarded by the commission, except in a few cases. This amount of percentage will be regarded as especially exorbitant when it is considered that no attorney was permitted to appear before the commission in any case; that all claims to be presented to the commission were filed, together with the proofs, in the American legation; and that all the professional services that could be required of an attorney in Caracas were the transmission of papers from the American legation to the commission, which sat in the same city, if not in the same building. The whole amount of awards in claims which Mr. Murray represented, as appears from his statement before the Committee on Foreign Affairs of the Forty-first Congress, was $851,000, being about two-thirds of the aggregate amount of all claims allowed by the commission and the umpire. The other claimants not represented by Mr. Murray, as appears from the list of the awards published in the evidence here, were represented by Mr. Talmage himself, so far as the services of an attorney in Caracas were required. (See power of attorney of Whiton to Talmage.)

It is charged by the government of Venezuela that Mr. Murray openly boasted that he had a monopoly of influence in the presentation of claims and their allowance by the commission; and while the statement is indignantly denied by Mr. Murray, yet the record shows that no claims were allowed by the commission except those which were represented by Mr. Murray and Mr. Talmage, as attorney or attorney in fact, except, perhaps, the small claim of Mr. Lorenzo H. Finn, for $10,000. Whether he was required to divide or not does not appear in the record.

It also appears from the evidence of Mr. Mackie, attorney for William H. Aspinwall, and Mr. Woodruff, attorney for himself and Flanagan, Bradley & Clark, that these claimants refused the exaction of one-half demanded of them, and that their claims were not allowed, although they amounted to about half a million dollars, were in no way tainted with fraud, and had every evidence of merit and genuineness.

The conduct of Minister Stilwell in the premises deserves special mention. When he was addressed by Mr. Woodruff, in a letter transmitted to the legation the claims represented by Woodruff, Mr. Stilwell advised the appointment of an attorney to represent him (Woodruff) in Caracas, while he must have known that, under the rules established by the commission, no attorney was allowed to appear before it in behalf of any claimant.

Mr. Stilwell was not confirmed as minister, and he returned to the United States some time in the month of June, 1868.

It appears from the evidence of Hon. MILTON S. ROBINSON, a member of this House from the State of Indiana, (page 115,) that Stilwell died in 1874; that at the time of his appointment as minister to Caracas he was wholly insolvent, and had no means whatever that he could have invested in the certificates awarded by said commission. But in the settlement of his estate and in winding up the affairs of the national bank in Anderson, Indiana, it appeared that Stilwell had overdrawn his account in that bank, of which he was the president, to the amount of $150,000, and that he had deposited with the bank as collateral security for his overdrafts $80,400 in the Venezuelan certificates issued to claimants by this mixed commission.

It also appears from Mr. ROBINSON'S testimony that Stilwell received this large amount of certificates in consideration of the influence that he used as minister in procuring the allowance of claims before the commission, and that he received one-fifth of the amounts exacted by Mr. Murray from claimants before that commission.

The amount of claims represented by Murray and allowed to his clients was $851,000. Half of this, or Murray's proportion thereof, assuming that he received 50 per cent. on an average of the claims he represented, would be $425,500. One-fifth of this, Stilwell's interest, would be $85,100. It appears from the evidence of Mr. Orth that he received $3,000 or $4,000 in these certificates from Mr. Stilwell for his professional services, as Stilwell's attorney, in procuring favorable legislation by Congress on the subject of these awards. The amount, therefore, deposited by Mr. Stilwell in his bank, as collateral security for his overdrafts, to wit, $80,400, is easily accounted for in view of all the testimony in the case.

The conduct of Commissioner Talmage in reference to the claim of Jacob Idler deserves a special mention in this connection. It appears from the papers on file in the Department of State that the Idler claimants appointed William H. Whiton, of New York, as their attorney, and that Whiton was to retain one-third of all the amounts received by him for his services. Mr. Whiton was not a lawyer, but represented himself to the attorney of Mr. Aspinwall as possessing "peculiar facilities" for having claims allowed by that commission. Mr Whiton did not go to Caracas, but placed the claims represented by him in the hands of Commissioner Talmage, giving him a special power of attorney to withdraw from the commission and receipt for all claims awarded to the Idler parties. The power of attorney contains the following provision in addition to that above mentioned, namely:

"Be it known, and know all men by these presents, that I, William Henry Whiton, of No. 111 Fulton street, New York, United States of America, for value received, have made, constituted, and appointed, irrevocable, and by these presents do hereby make, constitute, and appoint, the Hon. David M. Talmage, of the town of Flushing, Queens County, New York, United States of America, (United States commissioner upon said mixed commission in Venezuela,) my true and lawful attorney, irrevocable, for me and in my name and stead to ask and receive from the said mixed commission, the government of Venezuela, or the United States Government, all and every such award, certificate, or certificates as may be awarded, issued, given, or granted by said mixed commission, for or on account of said claim or indebtedness, and every and all such sums of money, securities, or commodities as may be given or granted, paid or caused to be paid, by the government of Venezuela or the Government of the United States on account of said claim, or by said award or awards, or certificate or certificates, from time to time, as the same shall become due and payable, and on receipt thereof to him, sign and deliver acquittances or other sufficient discharges for the same for me or in my name, or in the name of Sophia Idler, administratrix of the estate of Jacob Idler, deceased, to do all lawful acts and things whatsoever in and concerning the premises as fully in every respect as I myself might or could do if personally present, and the attorney or attorneys under him for the purpose aforesaid to make, and at his pleasure to revoke, hereby ratifying and confirming all whatsoever my said attorney or

substitutes shall in my name or in the name of the said administratrix lawfully do by virtue of these presents."

In the statement made by Mr. Talmage, and sworn to by him, and laid before the Committee on Foreign Affairs of the House of Representatives, under date of April 25, 1870, to be found in report No. 79, second session Forty-first Congress, page 7, he uses this language:

"The attorney of the heirs of Jacob Idler (the first claim presented) appeared before the commission and offered to file the claim for consideration. To this the Venezuelan commissioner objected, and refused to allow any claim to be received or to be considered by the commission except when offered directly by the respective governments, or through the United States legation at Caracas, or to allow claimants to appear before the commission in person or by attorney."

The attorney mentioned in this statement was no other than Mr. Talmage himself, as is evident from the power of attorney of Whitton to him, and from the fact that he, as attorney, appears upon the record as withdrawing the certificates awarded to the Idler claimants amounting to the sum of $252,814, and from the further fact that there was no other person in Caracas ever authorized to act as attorney for those claimants. This claim was the largest allowed by the commission, and which, as will hereafter appear, had little or no merit in it. Considering the fact that Mr. Talmage was acting in the double capacity of judge and attorney, and the further fact that after his return to this country, as appears by the evidence of Mr. Orth, he was the owner to a large amount of the certificates awarded to this commission, his conduct is such as to taint the award in the claim with fraud, and this of itself is a sufficient reason for the setting aside of the findings of the commission and the granting of a rehearing of the claims.

But this is not all. Soon after Mr. Talmage's return to the United States after the adjournment of the commission, he continued to act as the attorney of the Idler claimants, for the purpose of procuring a recognition by the Government of the United States of the validity of the findings of the commission; and, as such attorney, he states in his own evidence that he received from them in and about his attention to their claim at Washington and to vindicate the integrity of the commission the sum of nearly $15,000. Notwithstanding he was the paid attorney of these parties, he appended to his statement before the Committee on Foreign Affairs of the House of Representatives in April, 1870, an affidavit duly sworn to and subscribed, as follows:

"I have written the foregoing voluntarily from considerations of public policy, and now proceed to make oath as to the statements therein made, that claimants may have the benefit thereof as against the government of Venezuela seeking to set aside the awards of the commission."

This solemn statement made, as he avers, "voluntarily from considerations of public policy," while, in fact, he was acting in the capacity of a paid lobbyist, will only establish, in the estimation of all honorable men, his utter disregard of the obligations of an oath and his unfitness for the high position which he had prostituted. The admission by Mr. Talmage that he was under pay of the Idler claimants was not made at that time, and was only drawn from him on his cross-examination by your committee on the 23d of June last.

Mr. Talmage appeared before your committee on the 22d of June, 1876, and submitted a statement of his connection with the mixed commission. A telegram had been sent to him inviting him to appear before the committee, but it was never delivered to him, and his appearance at the time was voluntary, as he had not been served or officially notified to appear before your committee. While in the city of Washington, on the 23d of June, the day of his examination, he was served by a summons issued from the district court of the District of Columbia in a suit instituted against him in that court. Upon his return to New York City, Mr. Talmage appeared before a commissioner authorized to administer oaths and take acknowledgments for the District of Columbia in that city, and made oath that he was in attendance before the Committee on Foreign Affairs of the House of Representatives of the United States as a witness under subpœna at the time he was served with a process in that case, and that he had no other or further business in the District of Columbia except as a witness in obedience to said subpœna. This affidavit, together with his plea to jurisdiction of the court, will be found in the printed evidence in this case.

This fact is stated for the purpose of showing that Mr. Talmage has no regard whatever for the solemnity of an oath. Mr. Talmage's examination was not concluded on the 22d, but continued by your committee to be resumed on the following day. Without the consent of the committee, or without having been discharged from further attendance, he left the city for New York, having that night addressed a letter to a member of the committee stating in substance that he had voluntarily appeared before the committee, and, desiring to refresh his memory in reference to the facts concerning which he was interrogated by the examination of papers in his possession in New York, he had returned to that city for that purpose, and would return to Washington as soon as possible and complete the examination. On the following day he addressed a further letter, in which he stated that on examination of papers in his possession he found that he was mistaken in one particular at least, and desired to correct his testimony given on the day previous, in so far as to say that on some of the certificates he did indirectly collect the 7 per cent. paid by the State Department, which fact he had denied at the time he was before the committee. He further stated that he hoped to be able to put the committee in possession of all the facts necessary for a clear understanding of the matter under consideration. Your committee awaited his return in vain until the 17th day of July, when a subpœna for his appearance was issued. This subpœna was returned July 25, with this indorsement by the deputy sergeant-at-arms in New York: "Have been unable to find Mr. D. M. Talmage. Is said to have gone to Washington, *en route* for San Francisco." But he has not reported to your committee.

These facts are stated for the purpose of showing that your committee has offered every facility to Mr. Talmage and others interested with him to appear before the committee and vindicate their conduct. In view of all the facts above set forth in reference to Commissioner Talmage, your committee are of the opinion that his conduct has been such as to bring discredit upon the Government and to subject him and all concerned with him to the unqualified disapprobation of this House, and to call for prompt action on the part of Congress, disavowing all their acts and making that prompt reparation which is required in the premises in order to vindicate the honor and integrity of our people and to maintain a just and liberal policy toward all other governments.

The government of Venezuela, as will appear from the evidence taken in this case and the diplomatic correspondence between the two governments, not only complains of the official conduct of the American minister and commissioner, but also alleges that the claims allowed by the commission, or rather by the umpire of the commission, were of themselves of such a fraudulent and groundless character as to necessitate the setting aside of the awards and a rehearing of the claims by an honest and competent tribunal. This allegation has been made so often, and with such manifest confidence in its truth, that your committee determined to carefully examine the facts referred to the umpire and allowed by him. All the papers that were before the commission are on file in the State Department, and a careful examination of them has been made, with the following result:

CLAIM OF W. E. MILLER.

First. William E. Miller, claiming to be a citizen of the United States, filed a claim before the mixed commission amounting to $20,000. This claim grew out of an assault and battery upon Miller, as is alleged, by one Malansini, in the city of Caracas, in the month of April, 1864. Miller's petition, not sworn to, however, claimed $10,000 on account of the assault and battery and $10,000 on account of loss of business by having to close his store in Caracas and sacrifice his property in that city, and compelled to return to the United States out of fear of further assaults from Malansini. There is nothing in the record to show the nationality of Malansini, but it was stated in the diplomatic correspondence that he was an Italian. The claimant alleges that justice was denied him by the authorities of Venezuela in failing to arrest and punish Malansini, and hence presented his claim before the mixed commission against the government of Venezuela. Two *ex parte* affidavits, sworn to before Minister Stilwell, were filed in this case, and upon these *ex parte* affidavits Commissioner Talmage awarded to the claimant $11,500. The Venezuelan commissioner dissented, and the umpire approved the award. There is no proof in the case that Miller was an American citizen or that he was not in fault in provoking the assault and battery by Malansini, or that he sustained any specific damages to his property. No invoice was made showing the value of his property, how much he sacrificed, or what kind of property it was. The allegation is simply that Miller was in dread of his life, and that he could get no satisfaction or protection from the authorities; that he sacrificed his goods, broke up his business, and left the republic; that his losses were very great in the sale of the goods. No affidavit even was filed by Miller, but the claim is presented by his attorney, and sworn to by him and a woman in the city of Caracas. The attorney swore that he met Miller in the city of New York a year after the outrage, when he complained of bruises and injuries received at the hands of Malansini, and declared that he had never recovered from those injuries. Upon such hearsay and *ex parte* evidence the claim was allowed. The amount awarded was not large, yet the utter insufficiency of the evidence in the case, and the further fact that it was a mere case of assault and battery between a citizen of one country and that of another, should have precluded its consideration. That such a claim should become a proper subject for international arbitration seems to your committee the height of absurdity.

CLAIM OF MRS. WILLET.

Second. The claim of Clementia Ramirez de Willet deserves especial mention. This claim was adjudicated by the authorities of the Venezuelan government in 1863, with the full assent of the claimants, and the whole amount of damages sustained by Willet was fixed at $6,698.66. Of this amount, $1,231 were paid at the time, and a warrant on the treasury was issued for the balance. This treasury warrant, remaining outstanding and unpaid at the time of the organization of the mixed commission, and Mrs. Willet, the widow of the deceased claimant, having applied to Minister Stilwell for his good offices in her behalf, his brother-in-law, Murray, appears on the scene as attorney for the claimant. After taking a power of attorney from her, in which two-fifths of the amount to be awarded was to inure to him, Mr. Murray prepared the petition and *ex parte* affidavits upon which the claim was adjudicated, and laid the case before the commission. Increasing with age, and under the skillful manipulations of counsel, the claim of $5,467.66, the amount which remained due to Mrs. Willet, assumed the magnificent proportions of an international demand for $153,791.07.

Commissioner Talmage gravely considered this important case, and held that sufficient proof was wanting as to $1,415.38 of this claim, and deducting that amount allowed to the claimant $149,375.60. The umpire, in the exercise of his judicial discretion, had further doubts as to sundry items in this bill, and hence reduced the award to $148,000, which amount he allowed. Among the items allowed in this case was one of $55,021.34 for profits that the deceased, Willet, would have made in his mercantile pursuits had not the war interrupted his business and the troops occupied his store-house for a barracks. The basis for estimating these profits was 1½ per cent. per month on the visionary capital invested in the business. Another item in the case amounting to $5,467.66, the only meritorious part of the whole claim, being the amount of the treasury warrant, was allowed to the claimant without making any deduction on this account from the aggregate losses, which embraced it also; the effect of which was that the claimant, conceding the justice of her claim, was paid this amount twice.

But this was too small a matter to arrest the attention of either Commissioner Talmage or the umpire. The items upon which this claim was allowed, the decision of Commissioner Villafané thereon, and an able *exposé* of the fraud by Mr. Paul, the chargé d'affaires of Venezuela, will appear in the printed evidence. Notwithstanding the fact that Murray was present in Caracas from the organization of the commission until its adjournment, he having returned to the United States with Talmage, yet it was necessary for him to give Talmage a power of attorney to withdraw the certificates from the commission. There can be but one rational explanation of this proceeding, and that is that Talmage was himself interested in the award, and that he required this authority in order that his share might be retained by him.

CLAIMS OF BEALES, NOBLES & GARRISON.

Third. The next case to which your committee would direct attention is the claim of Beales, Nobles & Garrison, on account of which there was awarded to the claimants, by Commissioner Talmage, the sum of three hundred and fifty-one thousand one hundred and fifty hard dollars. The Venezuelan commissioner dissented, and the case went to the umpire, who reduced Commissioner Talmage's decision and gave an award in the sum of $250,000. This case grew out of two contracts between Beales and Nobles on the one part and the consul of Venezuela at New York on the other part, the consul acting under the revolutionary authority of José Antonio Paez, who styled himself "the supreme chief of the republic." The contracting parties on the part of Venezuela were utterly irresponsible, and had no power whatever to bind that government. Paez was a dictator who overthrew for a few months the constitutional government of Venezuela, and during his dictatorship caused the contracts in question to be executed. His revolutionary government was overthrown on the 23d day of April, 1863, in less than a year from its pretended institution, and upon the constitutional government resuming again its legitimate functions the contracts in question were annulled, as well as all other acts of the dictatorial government. The Beales contracts were annulled within two months after their execution. They were executed in New York, by the Venezuelan consul, on the 1st and 5th days of May, 1863, which was actually eight days after the Paez government had been overthrown. Hence they were utterly void for want of authority to execute them. The Paez government was not recognized by other governments, and especially was not recognized by the Government of the United States. The first contract provided for the establishment of a line of mail steamers between New York and La Guayra, a sea-port of Venezuela, to continue for thirty years. During the first three years of this contract it was provided that $50,000 a year should be paid as a subsidy, in monthly installments, to be deducted from the 40 per cent. duty belonging to the government of Venezuela on the imports and exports shipped by these steamers. But if sufficient duties were not collected, the government of Venezuela was not obliged to pay the difference; after the expiration of three years a subsidy of $30,000 was to be paid in the same manner.

The other contract obligated the claimants to maintain "a continual stream of European emigrants and citizens of the United States, with the principal purpose of cultivating cotton." This contract was to run for ten years, and the claimants were to have large tracts of land to be bestowed upon the emigrants, and the right to claim $25 *per capita* from the government on each emigrant. And as a further inducement to emigration, the government of Venezuela was to give annually as many tons of guano as might be equal to the tonnage of ships carrying twenty-five or more emigrants. It will be seen that by the terms of these two contracts the amount of the subsidy, although fixed at a nominal sum in each case, depended entirely upon the amount of business transacted by the ships and the number of emigrants brought into the country. If there were no ships employed, there would have been no tariff duties, out of which the subsidy was alone to be paid. And the same rule applied to the emigration contract.

But the contracts each contained a provision as follows:

"An indispensable condition of this contract is, and it is hereby most solemnly agreed, that any doubts, differences, difficulties, or misunderstandings of any class or nature whatever that may arise from, or have any connection with, or in any manner relate to, this contract, directly or indirectly, shall be settled in a friendly manner in the city of Caracas or the port of La Guayra by a commission to be composed of two arbitrators to be chosen, one by the government of Venezuela, and who shall be one of the ministers of the supreme court of the republic, and the other to be selected by the company, [Beales & Nobles;] and if the arbitrators should not agree they shall select a third as an umpire; and if they should not agree upon an umpire, he shall be named by the minister or representative of Spain in Caracas. Should there be no representative of Spain, then he shall be appointed by the representative of Denmark, Bremen, Holland, or Belgium. And the opinion of the two arbitrators, or the decision of the umpire, should there be one, shall be considered as a judgment issued by authority after due trial, and shall have no appeal whatever; and therefore this contract shall never, under any pretext or reason whatever, be cause for any international claims or demands."

This provision, incorporated in both contracts, is too plain to admit of any doubt as to its meaning. Leaving out of the question altogether the merits of this case—if it can be said to have any merits at all—it is a fact which cannot be disputed by any intelligent or honest person that the mixed commission had no jurisdiction whatever to hear and pass upon this claim.

Commissioner Talmage filed a written opinion in this case, in which he passed over as a matter of the smallest significance the question of jurisdiction which was raised by the Venezuelan commissioner. The question of jurisdiction had been raised in this case at the very outset, and Commissioner Talmage said that the contracts required only "doubts, difficulties, or misunderstandings" to be arbitrated as stated therein, but the question of the annulment of the contract was a different matter. The umpire sustained this view. Talmage passed upon the claim on its merits, and, by a rule for estimating the damages for the breach of a contract, which partakes more of the ludicrous than of a judicial determination, did not hesitate to fix the amount to be recovered by the claimants at the enormous sum of $351,150. This included the items in schedules "A" and "B," to be found in the printed evidence, save a trifling reduction in the amount which Beales and Nobles claimed in their estimate of their expenses incurred in working up the contract. There was no evidence in the case whatever to show the amount of import and export duties collected at any time at the port of La Guayra, nor was there any evidence to show the number of immigrants that would probably be brought to that country. The claimants stated in their petition that they believed they could procure a certain number of immigrants annually, and upon this "belief," unsupported by evidence of any kind, Commissioner Talmage awarded $30,000 on this account—disregarding wholly the provision of the contract, which required that the subsidy should be paid only from a portion of the duties on imports and exports carried by the claimants' ships, and if such duties are insufficient to meet the amount of the subsidy the government shall not make up the deficit.

Mr. Talmage, in the absence of all proof on this subject, held that claimants were entitled to the full amount of the subsidy up to the time of the rendition of this judgment; and, in the spirit of "compromise," generously awarded the sum of $100,000 as the amount to be recovered by the claimants on account of the unexpired years during which the contract was to run. A careful comparison of Commissioner Talmage's written opinion in this case with the petition of the claimants reveals the remarkable fact that a large portion of the opinion embracing propositions of both law and fact, is copied *verbatim* from the claimant's petition. The two documents were evidently written by the same person.

This opinion will be found in the printed evidence, and the portions of it in brackets are identical with portions of the claimant's petition. The attorney of this claim was William P. Murray, the brother-in-law of Minister Stilwell. The amount of his fees is not stated, but his arrangements with his clients were undoubtedly of the most liberal character. His power of attorney authorizes him to "distribute portions of such sums according to any business arrangements he may have made, but strictly within the limits laid down in the instructions" which had been given from time to time. This provision is found in a supplemental power of attorney, which is dated June 23, 1868, about six weeks prior to the final adjournment of the commission. In what manner portions of this award were distributed according to Murray's "business arrangements" can only be explained by reference to the testimony of Mr. Robinson, of Indiana, wherein is indicated the manner in which the "division" was made.

CLAIM OF CAPTAIN JOHN CLARK.

Fourth. To Captain John Clark there was awarded by the umpire the sum of $102,000. This claim grew out of Captain Clark's operations in the year 1817 in the war between the Banda Oriental Republic (Paraguay) and Spain and Portugal; Captain Clark, an American citizen, being master of the ship La Fortuna, accepted a commission from the Banda Orientals, authorizing him to capture and make prizes of the vessels of both Spain and Portugal, governments with which the United States were at peace. In November, 1818, Captain Clark captured the Spanish brig Medea, and afterward captured the Portuguese ship Queen of the Seas. The cargo of the latter, invoiced at $84,000, was transferred on the high seas to the American ship Good Return, to be taken to the United States for condemnation. At that time the present republics of Venezuela, New Granada, and Ecuador were embraced in the republic of Colombia. Commodore Jolly, of the Colombian navy, captured the Medea and the Good Return, and took them into a Colombian port for condemnation, thus depriving Captain Clark of his prizes. Commodore Jolly demanded a ransom of $28,000 for the cargo of the Good Return, and in default of its payment, the cargo was sold for $26,000, and the money sent to Colombia as prize of war. Upon the dissolution of the Colombian confederacy, against which Captain Clark had preferred a claim for indemnity, the liabilities of that confederation were adjusted so as to be borne in certain proportions by New Granada, Venezuela, and Ecuador. Captain Clark renewed his claim against each of these governments, in proportion to their respective liabilities, being about one-third to each government. In pursuance of the treaty between the United States and the republic of New Granada, September 10, 1857, a mixed commission was created to adjudicate claims of American citizens against that republic. The decision of the umpire of that commission, on the claim of Captain Clark, not being agreeable to New Granada, another convention was concluded on the 10th of February, 1864, with Sir Frederick Bruce as umpire. The claim of Captain Clark was again brought before the commission for adjudication, or at least that part of it which he alleged should be paid by New Granada.

Sir Frederick Bruce held that as the vessels captured by Clark were captured as prizes under the authority of the Oriental flag, that country alone could make the claim for indemnity. The claim was therefore rejected. The moiety of Captain Clark's claim, growing out of these captures, which fell to the lot of Ecuador, was presented to that government. In November, 1862, a convention was concluded creating a mixed commission for the purpose of adjudicating the claims of American citizens against Ecuador. Mr. Frederick Hassaurek, of Ohio, was appointed commissioner on the part of the United States. In passing upon Captain Clark's claim, presented against the government of Ecuador, Mr Hassaurek held—

"That Captain John Clark, not only in what he did, but also in the manner of doing it, had violated the laws of his country, whose intervention he invokes in order to reap the benefit of his piracy, but that he ought not to derive advantage from his own fault, for no one should better his condition through his crimes, he having made himself worthy of being punished and prosecuted as a pirate. That his government could not offer a premium to evil-doers in the violation of its laws and treaties, for then would all penal laws be without object, if their transgressions were to afford advantages to the offenders instead of punishment."

Thus, by the decisions of Sir Frederick Bruce in the New Granadian quota and that of Mr. Hassaurek in the Ecuadorial proportion, the claim of Captain Clark growing out of his captures, so far as the liability on the part of those two governments was concerned, was held to have no merit whatever. But Captain Clark's heirs came before the Venezuelan mixed commission in 1868 and presented their claim against Venezuela for the proportion which that government had assumed of the liabilities of the republic of Colombia. Commissioner Talmage and the umpire recognized the validity of Captain Clark's claim against Venezuela and awarded him the sum of $102,000. Either the decisions of Sir Frederick Bruce and Mr. Hassaurek in the cases against New Granada and Ecuador should be disregarded by our Government or else that allowed by the Venezuelan commission against that government should be set aside. The claim is precisely the same in all the cases of each government, if liable at all, being liable only for its proportion thereof.

But there is this peculiarity in Captain Clark's claim against Venezuela: The American legation had so often demanded of Venezuela its payment that in 1853 the government of Venezuela acceded to Captain Clark's demand, and allowed him the sum of $84,347, payable in four annual installments, as full indemnity for the captures made by Commodore Jolly of Captain Clark's prizes. The sum stipulated was paid with interest, although the government of Venezuela protested against the injustice of the demand. But it seems that the executor of Clark, to whom the money was paid, committed a fraud upon the heirs in his settlement with them, whereupon the attorney of Clark's heirs instituted a suit in the Venezuelan courts against the executor of the estate to recover the moneys withheld, but not succeeding in the local courts as speedily as he desired, (the proof being that the executor had been lost at sea, and had not resided in Venezuela for five years,) he withdrew the case from the Venezuelan courts, filed it before the mixed commission, where the umpire allowed him to recover the sum of $102,000. Certificates were issued by the commission to Clark's heirs for this sum of money, thus paying him again on account of the Venezuelan portion of his claim.

Your committee are unable to find in the record of Clark's case before the mixed commission one single element of justice. If the claim had not already been paid once, as it had been, the decisions by Sir Frederick Bruce and Mr. Hassaurek in in the cases against New Granada and Ecuador, which lay down the rule of law which should have governed in the adjudication of the Venezuelan claim, would have excluded Captain Clark's claim from a favorable adjudication before the Venezuelan commission. In this case a double fraud has been perpetrated. In the first place, the claim was unjust, and on that account should not have been paid. In the second place, it had been paid once, and should not have been the basis of another claim.

CLAIM OF JACOB IDLER'S HEIRS.

Fifth. The largest claim in amount which was awarded by the umpire of the Venezuelan mixed commission was that of the heirs of Jacob Idler, the amount awarded being $252,814. In this case the Idler heirs appointed, by special power of attorney, William H. Whiton, of New York, as their attorney in fact, who received one-third of the amount to be awarded for his services. Mr. Whiton appointed Mr. Talmadge his attorney to withdraw from the commission the certificates that might be issued. The power of attorney to Talmage contained the further provisions, which have already been referred to in this report, giving him full authority as attorney in the premises. In view of this fact, it is difficult to consider seriously any decision that he may have made in the case. The Idler claim grew out of supplies furnished to the old Colombian confederacy in the year 1817, during the war of that republic for independence. Idler, in his life-time, had instituted a suit in the Venezuelan courts after the dissolution of the Colombian confederacy, and there had been allowed him by one decision the sum of $70,520.11. This decision of the court of Venezuela was subsequently reversed, and pending further litigation Idler abandoned his case and left the country, without prosecuting it to a final hearing. The government of Venezuela, Idler himself, and his heirs regarded the matter as long since abandoned. After a lapse of over thirty years, the claim was revived on the assembling of the Venezuelan mixed commission at Caracas. It is worthy of remark, in this connection, that neither this claim nor that of Beales, Nobles & Garrison appeared in the schedule of claims which were pending in the American legation at the time the mixed commission was organized. They were both trumped up after the organization of the commission and owing to the peculiar constitution of that tribunal and the peculiar facilities of certain persons for having claims allowed before it, it would be an easy matter to have such claims adjudicated. Commissioner Talmage, in the case of Jacob Idler, held that the original sum of $70,520.11, which one of the tribunals of Venezuela had at one time found due to Idler, was still due and payable to his heirs, notwithstanding the decision of that court had been reversed, the cause remanded, and litigation in the courts abandoned for over a quarter of a century. But the principal sum would not satisfy Commissioner Talmage in this case, acting as he was in the double capacity of attorney and judge. He held that the claimants were not only entitled to receive the principal, but $182,294 as interest, fixing the aggregate of his award at the enormous sum of $252,814. Upon what principle of law or equity this case was decided it is not necessary to discuss; that this claim could have been the subject of international arbitration is contrary to well-established principles. Idler was a citizen of the United States, it is true, but he entered into contracts with a government in time of war, and made his contracts subject to all the uncertainties of the situation. After the war was over he proceeded to adjust the balance due him in the only way pointed out, namely, by the institution of proceedings in the local courts. These courts furnished him his only means of redress. Having chosen that forum and the courts having taken jurisdiction of his case, he was bound to prosecute his case to the final court of appeal in that country. Not having done so, it is impossible to determine whether justice was denied him or not. It will be seen that this case is set down as "No. 1" on the docket. Mr. Talmage, as attorney for the claimants, appeared before the commission, according to his own statement, and urged this case upon the immediate consideration of the Venezuelan commissioner. Commissioner Condé protested, saying that he could not decide a case of so much importance in the five days allowed for its consideration, and asked for further time. This was refused him, whereupon he resigned, and declined to have any further connection with the commission. Mr. Villafané having been appointed as his successor, the case went to the umpire, who innocently admitted that it was too complicated for him to enter into an analysis of its details. He adjudged that the amounts had been estimated correctly and approved the decision of the American commissioner. (See diplomatic correspondence of J. J. Paul, chargé d'affaires of Venezuela accredited to the United States.)

DRIGGS VS. MARINO.

But two other cases remain which were decided by the umpire, namely, the case of Seth Driggs for denial of justice, for which he was allowed by the umpire $35,000, and also the case of the same for overcharge of interest, amounting to $1,808,000. The denial of justice alleged by Mr. Driggs grew out of his failure to recover a judgment against the heirs of General Santiago Marino. The case remained in the courts for several years, and in 1859 was decided against Driggs, and he was condemned to pay the costs, which he did. Driggs appealed from this decision, and, without further prosecuting the case, abandoned it, and addressed himself to the more easy tribunal for obtaining justice under difficulties, to wit, the Venezuelan mixed commission. Here he found himself in the house of his friends. The American commissioner and the umpire having determined that he was entitled to recover against Venezuela what he had failed to recover against Marino, namely, a judgment for $35,000, the case for overcharge of interest which he was allowed is of so small an amount as not to be worthy of investigation.

CONCLUSION.

This *résumé* of the cases decided by the mixed commission embraces all that went before the umpire, and which rested on his decision. The total amount awarded by the two commissioners was $459,188 07. The total amount awarded by the umpire was $794,122, the total awards aggregating $1,253,300 07. On a careful examination of each and every one of the cases decided by the umpire, your committee have failed to discover a single award which is justified by the law or the evidence. Not one of these awards which were adjudged to be paid out of the impoverished resources of that republic, amounting to nearly $800,000, is of such a character, when the merits of each case is fairly considered and understood, as entitles it to any consideration whatever. Now that the fraudulent character of these claims is exposed, our Government cannot, consistently with national honor and that fair dealing which should always characterize the conduct of stronger governments toward weaker ones, insist further upon their payment. But in view of the fact that these awards were made by a commission in pursuance of a treaty between the two governments, it may be asked whether the findings of the commission can be set aside and a rehearing of the cases allowed without prejudice to claimants or to either of the respective governments. Upon this point the law of nations is well settled. Vattel (page 277) says: "The faith of treaties should be religiously observed. If, however, the arbitrators, by pronouncing sentence, evidently unjust and unreasonable, should forfeit the character with which they were invested, their judgment should deserve no attention."

This rule is clearly applicable to the question under consideration. It is also consistent with international honor and every principle of justice and equity. What could be more "unjust and unreasonable" than the decisions of the umpire in the cases above referred to? The judgment in them should "deserve no attention."

CONGRESSIONAL ACTION.

Since the adjournment of the mixed commission and the report of its proceedings to the respective governments, the government of Venezuela has continued to protest against the awards made by the umpire, and through its diplomatic representatives has earnestly implored this Government to set aside such awards and permit a rehearing of those cases. Upon the mere suggestion to our Government that one or more of our officials connected with an international arbitration should have been actuated by corrupt motives, to the injury, if not to the robbery, of the treasury of another government, it would seem that the most prompt and efficient measures would have been instituted in order to a thorough investigation of the matter. Our State Department has referred the diplomatic correspondence between the two governments to Congress, from time to time, beginning with the Fortieth Congress and continuing to the present time. This diplomatic correspondence always bearing the same complaint, and alleging corruption and bribery against the American minister and the commissioner, and charging and endeavoring to demonstrate the fraudulent and groundless character of the claims awarded by the umpire, having been referred to the respective committees of the Senate and of the House on Foreign Affairs, there was a partial investigation of these complaints on the part of Venezuela before the Committees on Foreign Affairs of the Forty-first Congress. At the second session of that Congress Mr. Talmage appeared before the Committee on Foreign Affairs of the House of Representatives, on the 14th of April, 1870, on "behalf of the United States Government," as appears from the records of the committee, and made a brief statement in relation to his connection with the Venezuelan mixed commission.

The subject was investigated by the committees of the two Houses on foreign affairs, and on the 1st of June, 1870, a joint resolution was reported to the House, which, after reciting in the preamble the organization and adjudications of the commission, provides as follows:

"That the adjudication of claims by said commission, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the republic of Venezuela; and for the purpose of enforcing the collection and payments of the sums of money so awarded the President is hereby authorized and directed to make demand upon the republic of Venezuela for immediate payment; and in case of neglect or refusal to make such payment, that he employ such portion of the naval and military forces as may be necessary in his judgment to secure the faithful performance of the terms of said convention."

This joint resolution was not pressed to a passage at that session of Congress. Nothing seems to have been done in the matter other than this by the Forty-first Congress. At the Forty-second Congress, however, during the second session, the matter was again referred to the Committee on Foreign Affairs. Mr. Packard, of Indiana, a member of that committee, had the matter under consideration, and made a careful examination of the complaint of Venezuela against the character of the commission and their awards.

On the 7th of March, 1872, he submitted a report on the subject, in which he says:

"Your committee have examined this testimony, and cannot avoid the conclusion that it shows reasonable ground for complaint on the part of the government of Venezuela and the claimants whose cases were adjudicated before the tribunal. These complaints are of the following tenor: That powers of attorney were given in some of the cases to the American commissioner, and he received pecuniary compensation for executing the same; that an improper intimacy existed between the American commissioner, the umpire, and Mr. William P. Murray, who was the attorney of sundry claimants, and was also represented as being the secretary of legation, all the claims having to pass through his hands; and that the said William P. Murray received from the tribunal of arbitration certificates to the amount, in most cases, of one-half the sum allowed to the claimants. This last ground of complaint is common to the Venezuelan government and to the claimants, who earnestly request the passage of a joint resolution to authorize the President to call in all the certificates issued by the commission, so as to defeat any payment to those whom the memorialists consider fraudulent holders."

In view of all the circumstances which the committee then carefully considered they were of the opinion that the President should be directed to suspend payment on the certificates of the award now outstanding, and that he be authorized to enter into negotiations with the government of Venezuela for a rehearing of the claims passed upon by the tribunal of arbitration, and they recommended the passage of the bill which accompanied the report. This bill (No. 1859) was read a first and second time and recommitted to the committee, from which it was never reported. It provided for carrying out the recommendations of the committee as stated in the report. At the third session of the Forty-second Congress, which assembled in December, 1872, the matter was again under consideration. On the 16th of December Mr. Packard, from the Committee on Foreign Affairs, reported "a bill to enforce the stipulations of the convention with Venezuela, April 25, 1866, and the payment of the adjudicated claims." This bill as reported was as follows:

"SECTION 1. That the adjudication of claims by the convention with Venezuela of April 25, 1866, pursuant to the terms of said convention is hereby recognized as final and conclusive, and to be held as valid and subsisting against the republic of Venezuela; and that the President of the United States be, and he is hereby, authorized and directed to adopt such measures as he may deem expedient to enforce the claims of citizens of the United States adjudicated by the mixed commission organized under the treaty of the 25th of April, 1866, and made payable by the republic of Venezuela to the Government of the United States, in accordance with the provisions of said treaty.

"SEC. 2. That he be authorized and directed, in like manner, to collect such claims of citizens of the United States as were acknowledged by Venezuela to be due prior to the sitting of the said mixed commission."

The latter part of the first section, beginning with the words "and that the President of the United States be, and he is hereby, authorized," &c., and the whole of the second section was stricken out by the Senate, and the bill as amended passed both Houses and was approved February 25, 1873, as follows:

"An act to enforce the stipulations of the convention with Venezuela of April 25, 1866, and the payment of adjudicated claims.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the adjudication of claims by the convention with Venezuela of April 25, 1866, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the republic of Venezuela.

"Approved February 25, 1873."

This act, as it finally passed, was wholly unnecessary, as the treaty itself provides that the awards of the commission and those of the umpire should be "final and conclusive." The force clause, which was stricken out by the Senate, was its chief feature, and was intended as a menace to Venezuela; and was, in effect, a declaration of war against that government.

This act is still in force. Having been so radically amended in the Senate, its title is much broader than the act. The passage of this act ended all congressional action up to the present time.

DIPLOMATIC CORRESPONDENCE.

The diplomatic correspondence between the United States and the government of Venezuela, since the passage of this act, is printed in the accompanying evidence. On page 35 of the printed evidence will be found a very clear and concise statement, by Dr. J. M. Blanco, minister of foreign affairs of Venezuela, to Mr. Russell, under date of June 11, 1875, in reference to the present position of Venezuela on this subject. Dr. Blanco says:

"Can it be that a just government will refuse examination of this cardinal point on the pending question? The government of Venezuela does not believe it.

"Venezuela does not repudiate the treaty; far from it; she sustains it and defends its performance. The treaty could not ask, nor either government consent, that the supposed third, in case of disagreement, should be the representative, attorney, personator, and agent of one of the arbitrators. Such abuse of confidence, which evidently appears to be the work of Talmage, with insult to the honor of both governments, plainly shows the nullity of the process and of the sentence.

"Such being the situation of this disagreeable affair, the government of Venezuela could not, without diminution of its honor and without stain to the dignity of the republic, consent to the performance of an act apurious, unlawful, and also criminal, which takes the name of judgment, and with which both governments were deceived, and by which that of the United States of North America continues to be deceived.

"For reasons so powerful and because of the inevitable duties which they impose, the government of Venezuela is not able, nor will it be able, to pay to the North American legation the sum deposited and those that will be deposited for the payment of the legitimate claims of its citizens, without insisting that the Government shall keep them in its deposit, and give a hearing to the evidently just claim which it has 'on the table,' to wit, that of the former question, whether there exists a judgment by reason of there having existed a competent tribunal, in performance of the treaty, the observance of which is all that the republic requires.

"The undersigned cannot but repeat that his government believes it impossible that the Government of the great Republic of North America will refuse to hear, examine, and discuss the most just question which till now it goes on keeping out of discussion and out of all examination.

"This would be in manifest contradiction to the universal and well-deserved conviction of the enlightenment and justice of the native country of Washington."

Mr. Blanco's dispatch to Mr. Russell is dated June 11, 1875, and on July 23 thereafter Mr. Fish addressed Mr. Russell a lengthy dispatch on this subject, in response to Mr. Blanco's appeal to this Government, (pages 36 to 46, printed evidence.)

In view of the existing act of Congress, approved February 25, 1873, recognizing these awards as final and binding on the government of Venezuela, Mr. Fish has no other course to pursue than to insist upon their payment; and hence, after instructing Mr. Russell to make a demand upon the government of Venezuela for an immediate payment on account of these certificates of award, he says, page 46:

"Should the payment be refused or be offered only in connection with conditions restraining the right of disposal of the money by the United States, you will, at the expiration of the time which you may have named, close your legation, and notify the minister of foreign affairs thereof, and will take the earliest convenient opportunity to leave the country. You will carefully deposit the archives and property of the legation with the consul-general of Denmark, who has on other occasions kindly acted as their custodian."

In pursuance of this demand, the government of Venezuela paid, under protest, about $75,000 between July, 1875, and November of that year. These payments enabled the Secretary of State to declare a dividend, in May last, of 8 per cent. on the total amount awarded to the holders of the certificates, a former dividend of 7 per per cent. having been paid in 1871.

RECOMMENDATION OF THE COMMITTEE.

Such being the condition of the two governments in reference to this mixed commission and the awards made by it, it remains for the Congress of the United States to determine whether it will longer refuse to hear and examine the complaints of Venezuela, which are so eloquently and forcibly expressed in Dr. Blanco's note to Mr. Russell, in which he says, "This would be in manifest contradiction to the universal and well-deserved conviction of the enlightenment and justice of the native country of Washington." Now that a careful inquiry has been made by your committee in reference to the conduct of our officials, and also to the fraudulent character of the claims awarded by the commission—which investigation, in the opinion of your committee, has demonstrated the truth and reasonableness of the allegations of Venezuela—a further and continued refusal on the part of our Government to respond to the appeals of that government cannot be justified on principles of international honor and comity. If Venezuela were the equal of this Government in area, population, and resources, she would have long since ceased to address our Government by appeals to our magnanimity and sense of justice, and would have terminated all diplomatic intercourse and assumed toward us the attitude which we now bear toward her. In order, therefore, to vindicate the proud position which our Government has always assumed toward other nations of the world and to preserve intact the peaceful means of national arbitrament for the settlement of all differences arising between nations, we should at once proceed to do full justice in the premises. We can afford to respond to the appeals of Venezuela in this case, and by so doing will honor ourselves and vindicate the ancient precept, that "righteousness exalteth a nation, but sin is a reproach to any people."

In view of the fact that this session of Congress will soon adjourn and that definite and final legislation on this subject cannot be effected at this session, your committee recommend the passage of the following joint resolution suspending all further payments by the Secretary of State to holders of Venezuelan certificates, and withholding further demands upon Venezuela for future payments until the 4th day of March next or until further legislation by Congress:

Joint resolution in reference to the payment of awards of the Venezuela mixed commission.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is hereby requested to withhold further demands upon the government of Venezuela on

account of the awards of the mixed commission under the convention of April 25, 1866, until the 4th of March, 1877, and the Secretary of State is authorized and directed to suspend all further payment to holders of certificates awarded by said mixed commission until said time, unless Congress shall otherwise direct."

The committee unanimously concur in recommending the passage of the foregoing joint resolution. But upon concurring with the report of the committee, the following explanations are made:

By Mr. MONROE, of Ohio:

The undersigned concurs in the conclusion reached by the committee in regard to the fraudulent character of the claims decided by the umpire and in the disapproval of the conduct of the United States commissioner, but is not prepared, with present opportunities for examination, to adopt all the incidental statements and opinions of the report.

JAMES MONROE.

By Messrs. PACKER and BANKS:

The undersigned, members of the Committee on Foreign Affairs, concur in the foregoing resolution; but in view of the fact that the testimony taken by the subcommittee has not all been printed, has not yet been submitted to the committee, and is incomplete, and that the time afforded for an examination of the questions involved has been limited, they do not wish to commit themselves to all the findings, deductions, and propositions contained in the report.

J. B. PACKER.
N. P. BANKS.

The joint resolution (H. R. No. 164) accompanying the above report was then read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. MONROE. I have been requested to make a brief statement of the attitude which the different members of the Committee on Foreign Affairs occupy in regard to this report. I may state at the outset that all the members of the committee agree in recommending the passage of the joint resolution which has been reported to the House, and which provides for the suspension of further action on the part of the Executive of this Government in enforcing these claims upon Venezuela until next winter, until there shall be time to consider the whole question more thoroughly, and, if deemed necessary, to prepare suitable legislation in regard to the matter. Upon that point the committee are unanimous.

It so happens that I stand alone in signing a single sentence, qualifying to some extent my adoption of the report as presented to the House. I express my entire agreement with the views of the committee in regard to the fraudulent character of most of the claims known as the "umpire claims." I have no doubt myself that they were improper claims, such as should not have been pressed against the government of Venezuela. I also agree with the committee in regard to the improper course pursued by the United States commissioner and by the umpire. I express myself frankly on this point, while I do not adopt all the incidental opinions and statements of the committee because I have not had sufficient opportunity for examination to be able to say whether I would agree with the committee upon all those points or not.

Two other members of the committee, who can speak for themselves if they desire, have signed a somewhat different statement, qualifying their adhesion to the report. But the only action recommended by the committee to the House is this resolution suspending until next winter any further effort on the part of our Government to collect these claims, which every man must feel are at least of doubtful equity. It is simply a suspension of judgment in regard to the whole business until Congress shall have the opportunity for more thorough and complete investigation of the subject.

I most heartily concur in this resolution and shall feel real satisfaction in voting for it; for I had been convinced for several years before this investigation was entered upon this winter by the Committee on Foreign Affairs that most of what are known as the umpire claims were unrighteous claims, claims that should not have been pressed upon the government of Venezuela; and I have long felt that the conduct of the United States commissioner and of the umpire in that matter was reprehensible, that they did not pursue a fair and equitable course. Hence I shall take pleasure in voting for this resolution to suspend until the next session of Congress all further action on the part of our Government either in the way of enforcing the collection of the claims upon Venezuela or in the way of paying out further dividends.

As I have had questions asked of me privately upon this point, there is perhaps no impropriety in my adding that so far as I can discover there is nothing of a political character in the report. There were some things in it which might perhaps have struck this side of the House as being of that character, but they were afterward removed. The Committee on Foreign Affairs have endeavored, so far as possible, to pursue the policy of avoiding political and partisan matter in the reports they have made to the House. They have sought to confine themselves to the merits of the questions which have been submitted to them.

There are some minor points upon which members of the committee may differ. Some opinions are expressed about international law, and some incidental statements occur in the report in which I would not wish to concur till I may have further time for investigation. But the main propositions of the report, in regard to the character of the claims and the action of the commissioner and the umpire upon them, are such as I can adopt.

Mr. KASSON. Will the gentleman be kind enough to state what proportion in amount of the entire award the committee have found subject to a reasonable suspicion or to the charge of being fraudulent?

Mr. SPRINGER. I have the exact figures here.

Mr. MONROE. I yield to the gentleman from Iowa [Mr. KASSON] to make his inquiries, and afterward to the gentleman from Illinois [Mr. SPRINGER] or to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. SPRINGER. The total amount awarded by the two commissions, to which the government of Venezuela has taken no exception, was $459,188.07, and the total amount awarded by the umpire was $794,122; so that about one-third in amount of the claims are subject to no exception and two-thirds have been regarded as open to objection, if not entirely fraudulent.

Mr. KASSON. Then the total amount awarded is over $1,200,000?

Mr. SPRINGER. One million two hundred and fifty-three thousand dollars.

Mr. KASSON. Will the gentleman be good enough to state also whether Venezuela has paid or offered to pay the $459,000 in regard to the justice of which no exception is made?

Mr. SPRINGER. Certificates were issued to be paid in ten annual installments, and upon those certificates the government of Venezuela has paid two installments—one of 7 per cent. and one of 8 per cent., the latter having been paid in May or June last.

Mr. KASSON. Have all the installments which have fallen due been paid?

Mr. SPRINGER. I think not. The government of Venezuela has from the beginning protested, year after year, against the validity of these findings, and has implored this Government to consent to a rehearing of these cases in order that the fraudulent claims which had been allowed might be eliminated, declaring at the same time her readiness to pay all that she ought in justice to pay.

Mr. KASSON. Mr. Speaker, I ask these questions because it is a well-known rule of the courts which is applicable to international relations as well as those between private parties that a person or a government asking equity should do equity; and according to my recollection Venezuela had not executed that part of her duty by either paying or offering to pay the claims which she acknowledged to be due. That is one difficulty I have had in regard to the adoption of this resolution.

There is another difficulty to which I beg to call attention before the gentleman from Illinois [Mr. SPRINGER] takes the floor. Arbitrations of this sort are the last peaceful resort of nations; and so far as I know we have never in the history of this country allowed a government which had consented to an arbitration to withdraw from its results prior to the execution of the duties and obligations imposed by the arbitration, and to denounce the findings of that arbitration. I fear anything that may be construed into a precedent in favor of the right of any one nation to assert new grounds of dispute after claims have been settled by this final peaceful resort.

With these two principles in mind I have examined this resolution carefully; and I should very much have preferred a resolution prohibiting the Secretary of State from paying out to the holders of certificates any sum until a time named or until the further order of Congress, and then if necessary I would request the executive branch of the Government to give to Venezuela the assurance that upon her performance of the obligations imposed by the treaty and executing the terms of the award any charges of fraudulent conduct made by her should be investigated and justice done.

I trust the House will appreciate the distinction I seek to make; for this resolution does unquestionably assume on the part of the Government of the United States a disposition to recede from the obligations of the treaty which made the award final, to recede before Venezuela has performed the obligations imposed upon her, to recede before she has even executed that part of the award which she admits to be correct. If we could adopt a resolution holding all sums paid upon all the certificates for the payment of the claims admitted to be just, and also authorizing any proper assurance to be given to Venezuela of a fair consideration of the charges of fraudulent conduct by the board, it would better harmonize with the position in which international law places the two countries and would be a far better precedent for us in the future in our diplomatic relations with foreign countries.

These are points to which I desired to call attention; and while I recognize the fact that the committee may not be able at once to frame a resolution upon those points, if they agree to them, yet I should be glad to have them give such assurance as would save this resolution from becoming a precedent by which other countries hereafter dissatisfied with an award might call upon the United States that, refusing what they themselves admit to be a just reward, they call upon the United States to excuse them from the performance of an award because they choose to charge corruption. I say *charge* it, because any government charging it hereafter, whether correct or not, would say upon the charge of Venezuela, we have excused her from the performance of an award by joint resolution of Congress and they therefore might appeal to it as a precedent.

This is one thing of which I am afraid. As to the proper course by Congress, I have no doubt about it, that we should not only stop the payment of every one of these fraudulent claims, as this joint resolution does, but if possible stop them without at the same time stopping payment to men whose claims are admitted to be just. There is the difficulty of the situation to which I call their attention.

Mr. MONROE. I assume the floor for a moment before I yield

to the gentleman from Illinois, [Mr. SPRINGER.] I do not suppose I differ widely from the gentleman from Iowa, [Mr. KASSON.] The points which he has made are points of great interest to me, and perhaps if that gentleman and the committee had opportunity for mutual conference some third proposition, something intermediate, might be agreed upon which would be satisfactory to all. But time now presses, it is difficult to get further opportunity for consultation in committee, and I claim the floor simply for the purpose of alluding to one or two of the very interesting points which my friend from Iowa has made.

He says, and says with great truth and with great force, and it is a doctrine which it is high time that nations should remember, that the nation which asks for equity should itself be prepared to do equity. It is a grand principle. It is a principle which cannot be inculcated too often. It is a principle which nations are more apt to remember when they are asking for it than they are when equity is asked of them.

My friend from Iowa will agree with me perfectly that the noble maxim which he announces to the House is just as applicable to the United States as it is to Venezuela. It is a thing which this Congress, and which the Committee on Foreign Affairs, and which our own Executive are just as much bound to remember as Venezuela is bound to remember. The nation that asks equity must do equity. Now it so happens we are asking equity of Venezuela.

Mr. KASSON. I beg the gentleman's pardon; we are asking the performance of a contract, to which consent has been given by the sanction, and highest sanction known to international law.

Mr. MONROE. I understand the gentleman perfectly well. It is admitted by Venezuela that there are $400,000, or about that amount, of these claims, which are perfectly just, which she ought to pay, which she is anxious to pay, and will pay just as soon as she can get the money. We of this country are all agreed that in asking her to pay that we are asking not only what the treaty calls for, but asking her for equity, for intrinsic righteousness—the performance of a righteous act. Now, in saying to her that she ought to grant us equity, let us show ourselves sensitive in regard to what is right, in regard to what is just on our own part. We have used some pretty severe language, first and last, in our diplomatic correspondence with Venezuela in regard to her obligations to us. In using this severe language to this weak nation, which has hardly any military force that could possibly affect us, and which has hardly any money either—in using this severe language to her in regard to what she equitably owes us, let us be careful also to do equity on the noble maxim which my friend from Iowa has laid down. I hope we shall remember it as a nation; and when I speak of equity I do not merely mean what has been agreed upon by a treaty, but I mean what is intrinsically just and right.

My friend alluded to another point which is also one of great interest. He has great respect for the principle of arbitration. So have I. It is one upon which I have thought much, and in which I feel a deep interest. Some important petitions and papers bearing on the subject the Committee on Foreign Affairs did me the honor to refer to myself as a subcommittee during the present session, and I have failed to report upon them to the committee and through the committee to the House only because I could not find a favorable occasion, or what seemed to me such, for doing it. I respect the principle of arbitration. I am anxious it should gain respect among the nations and gain favor. And I hope, even at my time of life, to live to see the day when there shall be much more regard among the great powers of the earth for the principle of arbitration than there ever has been heretofore.

But, Mr. Speaker, I do not think that it will injure the respect for that principle if a great nation which fears that its citizens may have profited unjustly through fraud by an arbitration to which it was a party comes forward frankly and offers to suspend all claims under such arbitration in order to see that the right thing is done.

My own opinion is that there is nothing in the world that could hurt the estimation in which the principle of arbitration could be held among the nations more or worse than to enforce unjust awards of arbitration. And if there is good reason for supposing that there has been fraud at the bottom of an arbitration, I should say that it would not tend to encourage the esteem in which arbitration is held to enforce such fraud. On the other hand, I should say that the nation which felt that it had profited by the fraud might come forward to great advantage and offer to surrender any advantages which it might have secured from fraud. How can it hurt the principle of arbitration for the nation which itself believes that it may have profited unrighteously to come forward and offer to surrender the unrighteous fruits of a commission which may have been held by it and another nation?

The moral effect of such a thing on the part of the United States must be good. It is not Venezuela that is pressing a reconsideration of these claims. I think Venezuela seems to have exhibited about as much diligence as she could in trying to meet these claims upon her from the United States; but the trouble is she has not any money in her treasury, and has not known how to meet them, although I believe she has several times protested her desire to meet them. For this Congress, for this country, for this great power to come forward and offer to do right and not to take advantage of the results of an unjust arbitration against a weak and defenseless nation, why, sir, I should say that the moral effect of that upon ourselves and the whole world could be nothing but good. I venture to say that the disposition on the part of the United States not to profit by fraud, no matter how many abitrations would give us the profit, a disposition like that on the part of the United States, exhibited to the whole world would do us good, would do the civilized world good, would help the cause of arbitration, would honor God, and bless the human race.

I yield the remainder of my time to my colleague on the committee, the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER rose.

ORDER OF BUSINESS.

Mr. WADDELL. I rise to make a privileged report.

The SPEAKER *pro tempore*. The House is now considering a privileged report.

Mr. WADDELL. I desire to present a report from a committee of conference.

Mr. SPRINGER. I hope the gentleman will not 'press that. The pending business will be disposed of in a few minutes; I think not over ten or fifteen minutes.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from North Carolina [Mr. WADDELL] if he rises to present a report of a conference committee.

Mr. WADDELL. I will withhold it for the present on the assurance of the gentleman from Illinois that the pending business will not occupy more than a few minutes.

VENEZUELAN MIXED COMMISSION.

Mr. SPRINGER. I am very much obliged to my colleague on the committee, the gentleman from Ohio, [Mr. MONROE,] for what he has said in reference to the remarks made by the gentleman from Iowa, [Mr. KASSON.] The gentleman from Iowa, when he has had an opportunity to carefully examine this report and the evidence which accompanies it, will agree, I am sure, fully with the conclusions to which the committee have come. He misapprehends or does not yet understand fully, from not having had an opportunity to make an examination of the subject, the position which the government of Venezuela has taken upon this question. That position is stated in the diplomatic correspondence between the two governments, in a letter addressed to Mr. Russell, American minister in Caracas, on the 11th of June, 1875, by Dr. J. M. Blanco, the minister of foreign affairs of Venezuela. Dr. Blanco says:

> Venezuela does not repudiate the treaty; far from it; she sustains it and defends its performance. The treaty could not ask, nor either government consent, that the supposed third, in case of disagreement, should be the representative, attorney, personator, and agent of one of the arbitrators. Such abuse of confidence, which evidently appears to be the work of Talmage, with insult to the honor of both governments, plainly shows the nullity of the process and of the sentence.
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> Such being the situation of this disagreeable affair, the government of Venezuela could not, without diminution of its honor and without stain to the dignity of the republic, consent to the performance of an act spurious, unlawful, and also criminal, which takes the name of judgment and with which both governments were deceived, and by which that of the United States of North America continues to be deceived.
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> For reasons so powerful and because of the inevitable duties which they impose, the government of Venezuela is not able, nor will it be able, to pay to the North American legation the sum deposited and those that will be deposited for the payment of the legitimate claims of its citizens, without insisting that the Government shall keep them in its deposit, and give a hearing to the evidently just claim which it has "on the table," to wit, that of the former question, whether there exists a judgment by reason of there having existed a competent tribunal, in performance of the treaty, the observance of which is all that the republic requires.

Dr. Blanco further says in the dispatch to which I have referred:

> The undersigned cannot but repeat that his government believes it impossible that the Government of the great Republic of North America will refuse to hear, examine, and discuss the most just question which till now it goes on keeping out of discussion and out of all examination.
>
> This would be in manifest contradiction to the universal and well-deserved conviction of the enlightenment and justice of the native country of Washington.

In view of existing legislation Mr. Fish cannot do otherwise than insist upon the payments being made. But can we longer refuse to listen to the earnest appeal which Venezuela makes to us; an appeal which is addressed to the "enlightenment and justice of the native country of Washington?"

This appeal is made to us on behalf of a country which has only 368,000 square miles of territory and less than 2,000,000 of population; a government whose navy could not compete with one of our gunboats.

Venezuela asserts that under the treaty of 1866 which created the mixed commission the appointment of the umpire was not the appointment of Baron Stoeckl, but the appointment of the United States commissioner, made in violation of the terms of the treaty. That government further asserts that the findings of the umpire were tainted with fraud and corruption, and the authorities of Venezuela propose to prove it. They assert that the claims allowed by the umpire, amounting to two-thirds of all allowed by the commission, were fraudulent and such as no honest tribunal would have allowed.

The Committee on Foreign Affairs have carefully examined those claims and have stated this conclusion in reference to them:

> On a careful examination of each and every one of the cases decided by the umpire, your committee have failed to discover a single award which is justified by the law or the evidence. Not one of these awards which were adjudged to be paid out of the impoverished resources of that republic, amounting to nearly $8,000,000, is of such a character, when the merits of each case is fairly considered and understood, as entitles it to any consideration whatever.

That is the finding of your committee. Now Mr. Fish, in answer to these appeals to our Government, in view of the law on the statute-book, could only reply that he could not do otherwise than to insist on the payment of the awards; and hence he directed the American minister last June to close the American legation at Caracas and leave that country unless payment was made in accordance with the demand; and under that threat that government paid $75,000 within ninety days. Such is now the position of the two governments.

I am sorry to say that but a few years ago, during the Forty-second Congress, this nation was almost precipitated into war with that government. This House passed a bill entitled "A bill to enforce the stipulations of the convention with Venezuela, April 25, 1866, and the payment of the adjudicated claims," which bill, by its terms, required the Government to enforce the payment of these fraudulent claims against the government of Venezuela.

The President was authorized to use such measures as he might deem expedient for this purpose. The Senate amended the bill by striking out the force clause, and leaving only that portion of the bill which recognized the adjudication of the claims as final and conclusive and to be held as final and subsisting against the government of Venezuela. And that bill, so amended, passed both Houses and is the law to-day. I think, therefore, when the gentleman from Iowa [Mr. KASSON] understands fully the facts set forth in the report of the committee and the evidence, he will come to the conclusion that our Government can maintain its honor in no other way than by refusing to require the Venezuelan government to pay these fraudulent claims. And here in my place, with a full knowledge of the responsibility of my position, I state that after examining carefully the papers filed in the State Department (and I have examined the facts of every case decided by the umpire) I cannot find one which has any merit in it. But, on the contrary, I find that no honest tribunal with intelligence could have allowed them. And further, I will say that no honest government would enforce them.

In one case a judgment of a quarter of a million of dollars was allowed on what was unquestionably a fraudulent claim. It is impossible longer to blind our eyes and refuse to consider a question involving our national honor. By no possible manner of arbitrament can a fraud be perpetrated by one Government upon another. These claims are fraudulent, and the records in the office of the Secretary of State show them to be such. If any gentleman will take pains to examine them he will find them more groundless and fraudulent than I have stated. This being the case, the Committee on Foreign Affairs are unanimous in recommending the passage of the joint resolution suspending the payment of all claims until, at the next session of Congress, further legislation can be had. I hope, then, that mature legislation will be adopted, which will result in doing full justice to this Government and to Venezuela in the premises.

One word as to the other question as to what Venezuela has paid and is willing to pay. It appears that honest claimants have been compelled to divide one-half of their claims with the ring outside to insure their cases being brought before the commission. The proposition now is that these outstanding certificates shall be canceled for that reason and that the claimants shall receive the amount to which they are entitled without being required to divide with parties outside. That is the reason why we propose to suspend further demands upon Venezuela and to provide that the Secretary of State shall make no further payments until an honest hearing can be had.

Another reason for the proposed action is this: Vattel says that "the faith of treaties should be religiously observed." It is a matter of good faith and conscience. A treaty which provides for an arbitration for the settlement of disputed questions is, of all others, the most sacred and should be the most religiously observed. If the findings of such arbitration are tainted with fraud no just government can insist upon the observance of its decisions. Our Government has recently resorted to the peaceful means of national arbitrament for the settlement of a complicated question with England. The result of that arbitration has been most beneficial to our Government, and it has established an era of peace which may result in untold blessings to mankind. Let us not, then, sanction a proceeding at this time which is a libel upon arbitrament, and which, if finally enforced, would render such peaceful means of settling national disputes impossible so far as our Government is concerned.

Mr. KASSON. I hope the gentleman will allow me a few minutes.

Mr. SPRINGER. Certainly.

Mr. KASSON. I think the two gentlemen who have spoken before me have each failed to appreciate the point to which I desire to get the attention of the House. Especially my honorable friend from Ohio [Mr. MONROE] fails. He claims that before the United States shall receive the amount of these adjusted claims adjudicated to be due from Venezuela, we should entertain a demand from Venezuela for an abandonment of that award on her charges of misconduct by the arbitrators.

Venezuela is now a suitor against the United States and demands that the United States relinquish the claims which the arbitration has solemnly adjudicated in our favor. My proposition is that when the Venezuelan government comes and claims that we should abandon this solemn award and bring the investigation again directly back where it was before arbitration, and further refuses to pay to the citizens of the United States the sums that she herself admits to be due, then Venezuela is not doing the equity which justifies the United States in relinquishing the award. And I affirm further that the United States in relinquishing the award and stopping payment on the claims by the Secretary of State, as proposed by the committee of the House until further action shall be had by Congress, ought not to include also the claims of holders of certificates amounting to $459,000, and admitted by the Venezuelan government to be just claims.

Mr. SPRINGER. One of the largest of these claimants, whose award amounts to $150,000, petitions this Congress to re-open this matter for the reason that he was compelled to divide his claim and give one-half of it to a ring.

Mr. KASSON. I do not see how that affects the logic of the situation.

Mr. SPRINGER. Is it abstract logic which the gentleman desires, or abstract justice?

Mr. KASSON. I do not know a human being to be connected with any of these claims. I only know what the committee reports, and that they propose to stop payment by this resolution on all claims, just or unjust.

[Here the hammer fell.]

Mr. KASSON. I ask only a few moments more.

The SPEAKER *pro tempore*. The gentleman can take the floor, if he likes, in his own right.

Mr. KASSON. I shall occupy a few moments only. Let us suppose that the British government after the Geneva award should have charged one of the arbitrators in that case to be interested in a claim before it, and that claim was a large one, amounting to a million of dollars, and even that there was fraud in it, and while it admitted that there were just claims awarded amounting to $14,000,000 would not pay these millions certainly due because of the alleged fraud in the other case, ought our Government to have endured that injustice even from the powerful government of Great Britain? Would her position have been equitable? That is the principle which I am discussing here.

That is to say, I want this Government to give assurance to the government of Venezuela, and I will go with any gentleman to make that assurance as strong as they wish, that as soon as Venezuela has justly complied with the obligations imposed on her by international law and compact then the Government of the United States will consider every allegation of fraud that she makes, and will retain the money until the investigation is completed. When gentlemen say here that Venezuela is a weak government and we are in danger of war, they know that there is no danger of that character at present. If they will look at the history of our relations with the South American governments, they will find that in the case of almost every one of them with which we have had difficulties these have arisen upon this question of payment of their liabilities; because those governments are dilatory and perpetually putting off the payments upon one ground or another.

Mr. MONROE. Will the gentleman allow me one moment?

Mr. KASSON. Certainly.

Mr. MONROE. I think the gentleman from Iowa [Mr KASSON] unintentionally misstates the action of the Venezuelan government in this respect. In the parallel case which he presents he supposes that Great Britain will pay a portion but refuse to pay any more.

Mr. KASSON. Or refuse to pay all.

Mr. MONROE. The truth is that Venezuela has never refused to pay any portion of the claims, either just or unjust. On the other hand, she has expressed her anxiety to pay them all just as fast as she had any money to do so. The only excuse which she has made for not paying promptly has been that she had no money, and that such was the condition of her treasury and of society and trade there that she could not borrow any.

Mr. KASSON. My friend knows the habit of the Latin nations in that respect. I have read Dr. Blanco's letter here. I understand the significance of language as used by the government of Venezuela. They can always find excuses for non-payment by pleading inability to pay. But that would not excuse that government; it would not excuse our Government from performing a deliberate stipulation of a treaty without better showing of a disposition to pay.

Mr. MONROE. They have never refused anything, but simply begged the privilege of showing evidence of fraud.

Mr. HURLBUT. I would like to ask the gentleman from Iowa [Mr. KASSON] or the gentleman from Illinois [Mr. SPRINGER] to state whether or not it is true that these installments which by treaty the government of Venezuela is to pay one installment upon the whole amount, and cover the bad claims as well as the good?

Mr. SPRINGER. That is true.

Mr. KASSON. That is understood; they cover the bad as well as the good. And this joint resolution covers the good as well as the bad, which is one point of objection.

Mr. SPRINGER. Allow me to say further, that in reference to the claims that the Venezuelan government regard as valid the installments that she has paid amount to nearly one-half of those claims.

Mr. KASSON. I do not understand, however, that the gentleman desires by that to be understood as saying that Venezuela has performed her obligation even touching the $459,000.

Mr. SPRINGER. If only honest claims had been allowed, then what the government of Venezuela has now paid would be, as I think, a compliance with her obligations. But I have not made any

calculations upon this point, and cannot speak with certainty. The various payments are all set forth in the report and the diplomatic correspondence, and will show the state of the accounts between the two governments.

Mr. KASSON. As only 15 per cent. of the claims has been paid it is evident that that is not the half of the $459,000 that are admitted to be valid claims.

Now, to express in a condensed form what I think will be the safer precedent for the Congress of the United States to establish in regard to questions of this delicate and unusual character, I believe I may say unprecedented character, for I do not remember that ever before any government with which we had a treaty and an arbitration has refused to perform its part in the manner suggested here——

Mr. SPRINGER. There never was before an arbitration so tainted with fraud.

Mr. KASSON. I hope that is true.

Mr. SPRINGER. It is unprecedented in this country, and I think in any other.

Mr. KASSON. I hope that is true; but nevertheless the point is that this award has been made and is existing. One of the governments alleges fraud, which the other has not admitted; and yet our committee state that that allegation is true, and it may be true. The question then is, What ought to be done? Should we consent to actually nullify the whole award? That is the practical question.

Mr. HOAR. The question I wish to ask is this: I would like to understand this case myself. I never heard of it before. Is not the question exactly this: The United States and the Venezuelan Governments agreed to submit these claims to arbitration. The umpire having been bribed, then there has been no arbitration, because you had a bribed umpire. What would be the proper course in a court or between governments or anywhere else? It would be that the agreement to arbitrate would stand, and the governments are bound to proceed *de novo*, the entire award being set aside, nothing having happened since the agreement to arbitrate.

Mr. KASSON. Let me say that this has happened since the agreement to arbitrate: a percentage on all the claims has been paid by the Venezuelan government, which to that extent is a *post-facto* ratification of the arbitration.

One other point. The allegation that there is a bribed arbitrator is not admitted by the United States; and more than that, if we make such an admission it touches the delicacy of our relations with a powerful foreign government, by whom one of these arbitrators, the umpire, was appointed, with the consent of both the governments interested. Hence I would not, without the authority of the Executive of this Government, make an admission which would so affect and dishonor a foreign government.

I do not know that the evidence is complete that this umpire was bribed. Gentlemen are asking us to admit it in advance. Hence I return to my original ground, that there are two objections to this report. One is that it seems to concede that one party to an award has the right to protest against executing it because of charges of wrong-doing which it makes against the award. The other is that it puts the honest claimants in the same boat with the dishonest claimants. The resolution which I should desire to submit to the House as expressing concisely my views is this:

That the President of the United States is hereby requested to give assurance to the government of Venezuela that, upon compliance by that government with the terms of the award made pursuant to the convention between the two governments, dated April 25, 1866, this Government will be ready to make equitable arrangement with the Venezuelan government for the investigation of the charges against the validity of the award which that government has alleged to have been fraudulently made; and the Secretary of State is authorized and directed to suspend all further payments to holders of certificates alleged by the government of Venezuela to have been fraudulently awarded by the mixed commission under said convention.

This expresses concisely the views which I entertain as to the proper measure to save the honor of our Government, to save the honor of Venezuela, to insist upon the international obligation of a solemn award, to protect the honest holders of certificates, and to hold by the power of this Government the gates of the Treasury closed against dishonest claimants until the two governments have by mutual arrangement ascertained whether the charges of fraud are well founded.

Mr. BANKS obtained the floor.

Mr. HURLBUT. Will the gentleman from Massachusetts [Mr. BANKS] yield to me for a moment?

Mr. BANKS. Certainly.

Mr. HURLBUT. Upon a question of this kind I desire to have some clear and specific understanding of the subject-matter upon which I am called to vote; and I suppose the case is the same with every other member. Now it is true that an award, a conclusion of arbitration, ought to be held binding; but it is also true that there is no award, if fraud on the part of the arbitrators is shown or acknowledged. This is a principle of law familiar to every lawyer. It has been ruled by the Supreme Court of the United States that the only ground upon which an arbitration once entered into can be set aside is that the arbitrators have exceeded their powers or were governed by fraud in making the award.

Now I understand that in this case Venezuela charges that there was such fraud as should nullify the award; for a fraudulent award is no award. Fraud goes to the bottom of all contracts, as is conceded in every court, national or international. Now this committee has reported substantially, for the information of the House, that there was such fraud; that is to say, the United States admit it. If so, it is the clear moral duty of this House and of the executive department of the Government, when authorized thereto by Congress, to re-open the transaction. If one of the parties alleges fraud and the other admits it, it is the grossest of all inequitable things to take advantage of such fraud.

If, as I have understood from the reading of the report, the practical admission made by this committee is that there is ground to believe that the allegations of Venezuela as regards the fraudulent action of the umpire, no matter how, are true, we ought to suspend further proceedings; and if the proof should hereafter become conclusive, the United States would be bound in honor and justice to open the entire transaction and not to exact from the government of Venezuela anything which is in any shape tainted with this alleged fraud.

Mr. BANKS. Mr. Speaker, this is a shorter question than would seem to be implied from the reading of the report (which has disabled two or three clerks) and from the long speeches gentlemen have made. It admits of a very simple explanation, which I think will satisfy the House that the resolution reported by the committee is right.

This resolution does not profess to deal with the treaty or the award. It stops short of that. The suggestion of the gentleman from Iowa [Mr. KASSON] would certainly be worthy of very serious consideration if the judgment of the committee as expressed in the resolution related to the subject to which he refers; that is, to the treaty and to the award. But it does not relate to either. A treaty was made with Venezuela, and an award was rendered by a commission provided for in the treaty; that is a part of the subject before the House. But the relations between the United States and the government of Venezuela have been changed since this treaty was entered into, since the commission was appointed, and since the award was made.

In 1873 Congress passed a resolution declaring in terms that this award should be considered final; and that the President of the United States should make a demand upon Venezuela for payment. An additional proposition not accepted by the House accompanied these two; a proposition which would be necessary ultimately to fulfill or make complete those two propositions which we agreed upon. This third proposition was that a ship of war should be sent to Venezuela to take possession of the custom-houses and to recover for the United States the sum-total of this award by our own act of force or power. Now, the subject before the House is this act of 1873. The first proposition is that the award should be final; the second, that the President shall make a demand upon the government of Venezuela for the payment of this money. It is therefore no longer a question between the two governments under a treaty or any proceedings relating to a treaty. The question between the two governments arises under this act of 1873. That is where it stops.

Now, Mr. Speaker, there have been made before the committee, apparently upon respectable authority, allegations which would certainly deter this Government from enforcing its claim immediately and without further consideration. For example, it has been stated that a person not appointed umpire in this commission has been substituted for the person supposed and intended to have been appointed. It does not appear to me to have been the fact, but that is the statement; and there are numerous other statements implying, if true, that gross, inexcusable, and criminal frauds have been practiced.

Now, sir, the Committee on Foreign Affairs, whose resolution is before you, say that, in the presence of this allegation of fraud, they think the sum which has been paid by Venezuela into the Treasury of the United States should not be paid out for a limited time, say one month or two months—the time fixed, I believe, is the 4th of March; and, secondly, that the extraordinary duty imposed upon the President of the United States by the act of 1873, which does not follow necessarily from the execution of the treaty, that he should, under that order of the Congress, make an imperative demand for payment upon Venezuela, had better be waived for a little time until these facts can be considered.

I ask the attention of the gentleman from Iowa to this: that it does not give any validity whatever to this allegation of fraud, nor does it cripple in the slightest degree the rights of the Government under the treaty; but it simply suspends the operation and action of the officers of the Government under that act of 1873. And that, I think, is entirely right.

I do not know there is any wrong in this matter. The testimony has not been completely given. There are parties who must be heard, parties whose representations must be heard; as, for example, the umpire himself and the parties who were engaged in these transactions, who are within the call of Congress, and who have not yet been heard and whose testimony one way or the other must be material. The committee has not given full consideration to this matter. They have not been able to make up their minds. But they do say that it is proper the provisions of the act of 1873 should be so far suspended that the President should not be required to make imperative demand upon Venezuela, and the money paid by Venezuela into the Treasury of the United States should be withheld and not paid out, certainly for the time specified in this resolution.

Mr. CONGER. Let me ask the gentleman from Massachusetts whether a simple resolution of this House will cover the case and whether on the contrary it ought not to be a joint resolution?

Mr. BANKS. I will say to the gentleman from Michigan that it is a joint resolution. It was first intended to repeal the act of 1873, but the committee could not agree to that.

A word now, sir, upon the proposition of the gentleman from Iowa [Mr. KASSON] that the Government shall insist upon the payment of this award by Venezuela before it will listen or consider any representation which may be made upon her part. One chief difficulty in this case has been the absolute inability of Venezuela to pay the award, the impossibility to get the means whereby to discharge her indebtedness to the Government at the moment when it came due. That has happened often, and governments are accustomed to wait. Venezuela is a republic like ours. She has been involved in difficulties just as we have been. She has a large, heavy, and oppressive debt as we have. These facts coming suddenly upon her have made it impossible for her to pay these claims. Then no doubt she feels deeply aggrieved by what she regards as the injustice done her by the decision of the arbitration.

So far, then, I think there is no impropriety in the proposition made by the committee, that Venezuela should have a hearing; that the President of the United States should be requested not to make this oppressive, imperative demand; that we should give her the assurance that the President shall not send a ship of war there to make the imperative demand under the act of 1873 if she does not pay; and that the Secretary of the Treasury, who is ordered expressly by the statute to pay out this money to particularly designated individuals, should be instructed by the order of the House in 1876 to suspend that payment for a little while at least.

There are two things to which I object in this report as presented to the House. In the first place this joint resolution is suspensory, practically it is suspensory of judgment, a suspension of evidence, a suspension for consideration, for time, for better opportunity for taking testimony. The report, on the contrary, reasons upon the ground that this is a concluded, absolute fact upon which this statement is based. And so far as one of the members of the committee I dissent absolutely from that part of the report. The testimony is not in. The committee has not considered it. It has not been agreed upon by the committee, nor do the conclusions which the committee report have any relation whatever to the report itself. That is the objection I make to it.

Another remark I may perhaps be justified in making, for it will not affect the judgment of the House, is as to the attitude in which we are placed on this question. The House of Representatives is treating with the government of Venezuela directly, as if the House of Representatives were an independent government, equal in station and rank with the government of Venezuela. Whatever we do in regard to Venezuela ought to be done on representations by that government to the Government of the United States. And we ought not to consider ourselves as authorized under the Constitution to treat with the government of Venezuela, to hear her counsel, to receive her officers as witnesses before us and take their judgment upon these relations, and still less ought we to blight the reputation and good name of any citizen of the United States upon such an indirect transaction as that.

Upon these two grounds I dissented from the report; but I must say I think there is good reason for the passage of the resolution and conclusion to which it advises us to come.

Mr. KASSON. I did not offer my resolution as a substitute, and do not propose to do it. My chief object was to draw the attention of the House to the various questions involved, and I am glad to have developed the dissenting views expressed in the latter remarks of the gentleman from Massachusetts. They will aid in saving this case from becoming a dangerous precedent, a case of *ex parte* legislative investigation, practically at the suggestion of a foreign government, into the validity of adjudicated claims, and directly into the validity of the acts of an arbitration, the result of an international compact, in which the honor of three governments is involved. I shall not ask for a division upon the report of the committee.

Mr. SPRINGER. If no other gentleman desires to speak upon the subject, I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I desire on my own responsibility to introduce the bill which I send to the desk and have it referred to the Committee on Foreign Affairs. It follows up this subject, and I desire to introduce it that it may be acted on during next session of Congress.

There was no objection, and the bill (H. R. No. 4088) in relation to the Venezuelan mixed commission was introduced, read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

COTTON CLAIMS.

Mr. WILSON, of Iowa. I enter a motion to reconsider the vote by which the letter of the Secretary of the Treasury in answer to a resolution of the House calling for a list of the cotton claims was referred to the Committee on Expenditures in the Treasury Department with accompanying statements and ordered to be printed.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. WADDELL. I rise to present a conference report.

The Clerk read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments to the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House numbered 1; and agree to the same.

That the Senate recede from their disagreement to the amendment of the House numbered 2; and agree to the same, with an amendment as follows:

After the last word insert: "excepting compensation for service performed by the said company for the balance of the term of the contract of the said company made in pursuance of the said act of February 17, 1865, and for which appropriation has been made."

A. M. WADDELL,
J. K. LUTTRELL,
J. A. GARFIELD,
Managers on the part of the House.

JNO. P. JONES,
H. L. DAWES,
D. M. KEY,
Managers on the part of the Senate.

Mr. WADDELL. I call for the previous question on the adoption of the report.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I rise to present a conference report.

Mr. EDEN. I ask the gentleman to yield to me for a minute that I may ask unanimous consent to take a bill from the Speaker's table for the purpose of moving to concur in the Senate amendments.

Mr. RANDALL. I yield to the gentleman for that purpose.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

Mr. EDEN. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes, with amendments by the Senate. There are only two or three amendments of any consequence made to the bill, and as amended it does not materially vary from the bill which passed the House. There is nothing in the bill except what has been awarded by the commissioners. I am instructed by the Committee on War Claims to ask that the Senate amendments be concurred in.

There was no objection, and the bill having been taken from the Speaker's table, the amendments of the Senate were concurred in.

Mr. EDEN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to yield now to the gentleman from Florida [Mr. FINLEY] to make a request for unanimous consent, if it leads to no discussion.

Mr. EDEN. I ask the gentleman to yield to me a few moments longer while I make some reports from the Committee on War Claims to go upon the Private Calendar.

Mr. RANDALL. Very well; I thought the gentleman from Illinois had got through.

THOMAS BURKE.

Mr. EDEN, by unanimous consent, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1135) for the relief of Thomas Burke, of Virginia; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

A. L. H. CRENSHAW.

Mr. EDEN also, by unanimous consent, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 2317) for the relief of A. L. H. Crenshaw, of Missouri; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DR. MARY E. WALKER.

Mr. EDEN also, by unanimous consent, from the Committee on War Claims, reported as a substitute for House bill No. 3528 a bill (H. H. No. 4089) for the relief of Dr. Mary E. Walker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEON FRANK.

Mr. EDEN also, by unanimous consent, reported back, with an adverse recommendation, the petition of Leon Frank, asking compensation for tobacco and cotton taken by the United States forces; and the same was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I now yield for a moment to the gentleman from Florida, [Mr. FINLEY.]

Mr. SMITH, of Pennsylvania. I ask unanimous consent to make some further reports from the Committee on War Claims.

Mr. RANDALL. I agreed to yield to the gentleman from Florida.

Mr. CONGER. The reports which the gentleman from Pennsylvania [Mr. SMITH] desires to present are from the same committee which has just reported.

Mr. HURLBUT. I object to the reception of any further reports while the House is waiting for the conference report which the gentleman from Pennsylvania [Mr. RANDALL] has risen to present.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I present the report of the committee of conference on the Indian appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 16, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 56, 58, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of $100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokee and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, $250," and in line 16 strike out "nine" and insert "six," and at the end of line 3, page 6 of the bill, add the following: "and for gilling-twine for nets, $1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, $400;" at the end of line 15, page 7, add "and for gilling-twine for nets, $400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 23, page 20, of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people" in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 20, after the word "designate," insert the following: "And the further sum of $20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty-five," and after the word "dollars" in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"*Provided*, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and $300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "*Provided*" down to and including the word "but," in line 8, and insert the word "That;" and in line 10, strike out the word "and" where it first occurs, and strike out the words "and others," and in line 11, strike out the word "and" where it first occurs, and strike out "and for no other purposes," and insert "and for paying employés: *And provided further*, That amounts now due employés for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

"SEC. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: *Provided*, That the purchase of supplies for sixty days may be made in open market: *And provided further*, That to meet any exigency of the service purchases may be made in open market to an extent not to exceed $2,000 at any one time."

And the Senate agree to the same.

SAML. J. RANDALL,
A. M. SCALES,
S. A. HURLBUT,
Managers on the part of the House.

WM. WINDOM,
JOHN A. LOGAN,
FRANCIS KERNAN,
Managers on the part of the Senate.

Mr. RANDALL. The material point of difference between the two Houses upon this bill was with reference to the transfer of the Indian Bureau from the Interior Department to the War Department. The House has thrice indicated its purpose by a decided vote that this transfer should be made, both upon bills appropriating money and also in a separate bill which was sent to the Senate on the 25th April last, and has remained ever since unacted upon in that body. The time is now come when one body or the other must yield in that particular. The Senate declined, by their non-action, even to consider the bill which was sent to that body, as I have already stated, on the 25th of April, which was a separate and distinct bill to transfer this Bureau. In view of the Indian difficulties, we did not, on the part of the House, think it was wise to longer continue the opposition to the expressed will of the Senate.

As to the amounts of money involved in this bill, I will state that the bill as passed by the House, which proposed to accomplish the transfer and thus save a large sum which we thought could be saved, amounted in the aggregate to $3,979,602.11. The bill as passed by the Senate amounted to $4,958,361.27. The amount appropriated in this bill under the report of the committee of conference is $4,670,117.02, being a reduction from the appropriations of last year of $690,437.50.

With this statement I believe I will submit the question on the adoption of the report to the House. I am ready, however, to answer any question which may be put to me touching any of the details of this report.

The question was taken on agreeing to the report of the committee of conference; and it was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JOHN REILLY. I ask unanimous consent to submit some reports from the Committee on Military Affairs, not for consideration at this time, but that they may go upon the Calendar, and with the accompanying reports be printed.

Mr. CONGER. There was a request made by the gentleman from Pennsylvania [Mr. SMITH] before the presentation of the report of the committee of conference for permission to make some reports from the Committee on War Claims, which was objected to. Unless that objection is withdrawn, I object to this request.

Mr. HOAR. I call for the regular order of business.

The SPEAKER *pro tempore*. Then the reports cannot be made.

INDIAN TROUBLES.

The SPEAKER *pro tempore*. The Chair has received from the President of the United States a communication, which he asks consent to lay before the House. The Clerk will read the communication from the President, which, with the accompanying documents, will be printed and referred to the Committee on Military Affairs.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a telegram of the 5th of August from Lieutenant-General Sheridan to General Sherman, a letter of the 11th of the present month from General Sherman to the Secretary of War, and a letter from the latter of the same date to me, all setting forth the possible needs of the Army in consequence of existing hostilities.

I would strongly urge upon Congress the necessity for making some provision for a contingency which may arise during the vacation for more troops in the Indian country than it is now possible to send. It would seem to me to be much more economical and better to authorize an increase of the present cavalry force by twenty-five hundred privates, but, if this is not deemed advisable, then that the President be authorized to call out not exceeding five regiments, one thousand strong each, of volunteers to serve for a period not exceeding six months.

Should this latter authority be given, I would not order out any volunteers unless in my opinion, based upon reports from the scene of war, I deemed it absolutely necessary, and then only the smallest number considered sufficient to meet the emergency.

U. S. GRANT.

EXECUTIVE MANSION, *August* 11, 1876.

Mr. RANDALL. I move that that communication and the accompanying documents be printed and referred to the Committee on Military Affairs; and upon that motion I ask the previous question.

Mr. GARFIELD. I desire to inquire whether a bill upon that subject is not now pending?

Mr. THORNBURGH. There is a bill from the Senate in relation to the same subject on the Speaker's table, and I ask unanimous consent that it be taken up and referred, with the communication of the President, to the Committee on Military Affairs.

Mr. MORRISON and others objected.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports of a private nature.

Mr. HOAR. I make the point of order that the regular order of business is the unfinished business of yesterday, the completion of the hour of the gentleman from Pennsylvania, [Mr. TOWNSEND.]

The SPEAKER *pro tempore*. Not on Friday.

Mr. HOAR. Then I withdraw the call for the regular order.

Mr. LAWRENCE. I renew the call.

Mr. HOAR. Does the Chair hold that a motion to reconsider cannot be called up on Friday as well as any other day?

The SPEAKER *pro tempore*. Unquestionably a motion to reconsider a public bill is not in order on Friday unless all private business has been disposed of.

TRADE-MARKS.

Mr. J. H. BAGLEY. I submit a report from a committee of conference which I ask the Clerk to read.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 846) "To punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods" having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 5, and 10.

That the House recede from its amendments numbered 4 and 8.

That the Senate recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, with an amendment as follows: After the word "keep," in line 4, page 1 of the bill, insert the words "for sale or keep that others may sell;" and the House agree to the same.

That the House recede from its amendment numbered 3, and agree to the clause proposed to be stricken out, with an amendment as follows: At the end of the section insert: "In all cases in which it appears that the person or party claiming said goods had, when he received the same, knowledge or notice that the same were such goods as this section describes;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same, with an amendment, so that the clause will read as follows: "With intent that the same be used for the purpose of deception and fraud;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same, with an amendment, so that the clause will read as follows: "With intent that the same be used for the purpose of deception and fraud;" and the House agree to the same.

That the House recede from its amendment numbered 9, and agree to the section wherein said amendment occurs, amending said section so as to stand as follows: "That any person who shall, with intent to defraud any person or persons, knowingly and willfully aid or abet in the violation of any of the provisions of this act, shall upon conviction thereof be punished as prescribed in the first section of this act; and any person who shall commit any of the offenses specified in this act shall be deemed to have committed a crime, and may be proceeded against by arrest, indictment, and trial, as in other criminal cases, and the district courts of the United States shall have cognizance and jurisdiction to enforce this act;" and the Senate agree to the same.

J. H. BAGLEY, Jr.,
W. HARTZELL,
E. S. SAMPSON,
Managers on the part of the House.

ROSCOE CONKLING,
FREDERI K T. FRELINGHUYSEN,
J. W. STEVENSON,
Managers on the part of the Senate.

The question was upon agreeing to the report of the committee of conference.

Mr. HEWITT, of New York. I would like to inquire of the Chair whether it is in order to move to postpone the consideration of this conference report until the next session of Congress?

Mr. RANDALL. The conference report can be voted down, in which case the bill would be lost; but it might be revived again.

Mr. GARFIELD. To vote down the conference report would kill the bill; to postpone the report until the next session does not necessarily kill the bill.

Mr. HEWITT, of New York. I desire to say a very few words in relation to this bill.

The SPEAKER *pro tempore*. The gentleman from New York submitting the report [Mr. J. H. BAGLEY] is entitled to the floor.

Mr. J. H. BAGLEY. I desire to say in reference to this report that we have had a full and free conference; and although there may be some features of this report which are objectionable to some gentlemen, yet we have done, after mature consideration, the best we could, and I think we have put the bill in a very acceptable shape. I do not know that I have any explanations to make in regard to this report. My colleague on the committee, the gentleman from Iowa, [Mr. SAMPSON,] can perhaps give a better explanation of it than I can.

Mr. HEWITT, of New York. Will the gentleman yield to me for a moment?

Mr. J. H. BAGLEY. I will first yield to my colleague on the committee.

Mr. SAMPSON. I do not desire to take up any of the time of the House in discussing this report, unless it may appear that there are some sound reasons why it should not be adopted. If the gentleman from New York [Mr. HEWITT] has any objection to this report, I am perfectly willing to hear his objection, and then I may desire to reply to him.

Mr. HEWITT, of New York. My attention was called to this bill early in the session by a very large association in the city of New York known as the Junk Dealers' Association. I was surprised to learn that in the city of New York there were two thousand dealers in cast-off articles. I was asked to give some attention to this matter, and I tried to do so.

Now I confess before this House, to my humiliation, that this bill actually passed both Houses and went to this conference committee while I was sitting in my seat and I was utterly ignorant of the fact. I immediately called the attention of members of the House and of the Senate to the character of the bill. I had it examined by competent legal authority, and I have been assured that the bill cannot be executed without subjecting a large class of humble and respectable people to the very greatest hardships.

I have no doubt this bill contains many meritorious features in regard to trade-marks, and that some legislation is required for the better protection of trade-marks. But it seems to me it will be a mistake to carry into operation any such legislation without giving proper attention to the rights and interests of other portions of the community who have not been represented before the committee, as the owners of trade-marks have, by competent counsel.

The association of which I have spoken complained that they had had no opportunity to be heard before the committee of this House. They seem to have addressed a communication to the committee of the Senate, and that communication I understand was acknowledged, although I was informed by the president of the association that it had not been acknowledged.

I do not desire to defeat this bill; I desire to see it perfected. But it seems to me that to pass it under this report of the committee of conference would be doing very great injustice. Hence my inquiry of the Chair if it was in order to move to postpone the further consideration of this report until the next session of Congress, so that all parties interested might be heard and an opportunity given to secure proper legislation.

Let me explain to this House very briefly the nature of one provision of this bill. A poor man is passing along the street with a bottle under his arm; the bottle is marked Piper Heidsieck, or some other respectable name. Now, if there be a deputy marshal who is prepared to swear that this man has this bottle with intent to defraud, the man can be arrested and carried before a United States commissioner. In many portions of the country the United States commissioner cannot be found within fifty or one hundred miles. The man can be put under arrest and required to give bail, and perhaps all the property he has in the world is the bottle under his arm. Then comes the bill of fees for the marshal, for the commissioner, and for everybody else. I am assured by gentlemen here, and no doubt lawyers on this floor understand it much better than I do, that in different parts of this country there are deputy marshals and commissioners who are engaged in hunting up violations of the revenue laws for the express purpose of securing the fees.

The operations of this bill extend to almost every known class of cast-off articles; bottles, boxes, cigar-boxes, medicine vials, anything that any man may happen to cast aside and a poor fellow may pick up. If somebody will make the necessary affidavit against him, he may be arrested and put in any jail and kept there.

It is true that a provision requiring the showing of an intent to defraud (which was not in the original draught of this bill) has been inserted upon careful examination by the committee; and I thank them for it. But it seems to me that the whole measure is too full of danger to be passed at this late hour of the session without more thorough investigation. I appeal to my legal friends here—for they are the ones who ought to guard the interests of these poorer members of society, who are unable to protect themselves—I ask from them a careful examination of the provisions of this bill in order that they may say whether it is such legislation as an enlightened Congress ought to adopt. If, therefore, it be in order, I shall move to postpone the further consideration of this subject until the next session of Congress, in the hope that then a proper measure may be perfected which will satisfy all classes of the community.

Mr. SAMPSON. Mr. Speaker, the first objection which the gentleman from New York [Mr. HEWITT] seems to make to this bill is that it has not been carefully considered; that it is hasty legislation. As I understand the history of this measure, it was introduced into the Senate perhaps some three months ago, was referred to the Committee on the Judiciary of that body, and after careful consideration by some of the ablest lawyers upon that committee, was reported back to the Senate and after discussion sent to this House. The gentleman from New York [Mr. COX] called up the bill here and asked unanimous consent that it might be considered and passed immediately. I called his attention to the fact that the bill embraced some objectionable features under which innocent men might be punished. I was anxious to have inserted in the bill a provision requiring proof of intent to defraud—requiring the Government to prove affirmatively in every case that this cast-off property to which the gentleman from New York [Mr. HEWITT] has referred was held with intent to defraud. Upon that suggestion of mine, the gentleman consented to the reference of the bill to the Committee on Patents. It was carefully considered by that committee, upon which there are a number of legal gentlemen; and the provision requiring proof of intent to defraud was inserted in every case where it appeared necessary for the protection of innocent parties. After full consideration by that committee the bill came back to the House with amendments, and was here discussed. Gentlemen will remember that there was quite a struggle to obtain the floor for the purpose of having those amendments considered. The bill was discussed, the reasons for the amendments given; and the bill was passed as amended without a dissent-

ing voice. Upon its return to the Senate that body refused to concur in the amendments of the House and a conference committee was appointed.

The gentleman from New York [Mr. HEWITT] has complained that a friend or constituent of his has been denied the opportunity to make a proper showing before the committee. I believe he has reference to the president of the Junk Association of New York City, an association numbering some two or three thousand members. Now, the fact is that that gentleman has been in communication with a member of the Judiciary Committee of the Senate ever since the early part of June. He then opened a correspondence, and letters have passed back and forth between those gentlemen. His case as made out by letter was submitted to the Judiciary Committee of the Senate, and was fully considered. His opposition to the measure had relation to this very provision relating to empty bottles. Now, in order to show the House that this is not an objectionable feature, I desire to read the section relating to that subject:

That any person who shall, with intent to injure or defraud the owner of any trade-mark, or any other person lawfully entitled to use or protect the same, buy, sell, offer for sale, deal in, or have in his possession any used or empty box, envelope, wrapper, case, bottle, or other package to which is affixed, so that the same may be obliterated without substantial injury to such box or other thing aforesaid, any trade-mark, registered pursuant to the statutes of the United States, not so defaced, erased, obliterated, and destroyed as to prevent its fraudulent use, shall, on conviction thereof, be punished as prescribed in the first section of this act.

Now, if the trade-mark is a part of the bottle—if it is blown into the bottle so that it cannot be erased—there is no offense. But if the trade-mark is a paper label stuck upon the bottle, so that it must be rubbed off unless the person having it in his possession takes pains to keep it there, then it will be some evidence perhaps that he intends to violate the law. If he cannot wash the bottle without washing off the label unless he takes especial pains to keep it on, this may be evidence of intent to defraud. But this intent must appear by some affirmative evidence. The burden of proof rests upon the Government. If a man has in his possession bottles with trade-mark labels upon them, all he has to do to avoid the very appearance of evil is to wash off the labels. It seems to me it cannot be claimed in reason that there is any hardship in the provisions of this bill as now amended.

The gentleman from New York [Mr. HEWITT] says that an innocent man may be arrested for having in his possession a bottle with a counterfeit trade-mark. So a man may be walking through the streets with a half dollar in his pocket which some man may claim is counterfeit, and he may be arrested upon the charge of having counterfeit money in his possession. There is the same possibility of hardship in every case where a man may be alleged to have any counterfeit property in his possession. We have, however, been very careful to guard all these sections so as to throw upon the Government the burden of proving the intent to defraud. In fact it seemed to be the opinion of some gentlemen interested in this bill that in this manner it had been so diluted as to be of little value for the punishment of those who may deal in counterfeit trade-marks. I think that certainly if we are going to pass any bill on this subject, this is in as mild a form as any gentleman could wish. We have sought to render it impossible that any innocent man shall be punished.

Mr. HEWITT, of New York. Will the gentleman state the penalty?

Mr. SAMPSON. The maximum punishment is a fine of $2,000 and imprisonment for two years, but the penalty may be as light as imprisonment for one minute and a fine of one cent, as the whole matter rests within the discretion of the court. A large latitude in respect to the penalty is intentionally given. If a man is found having in his possession but a single package or bottle bearing a counterfeit trade-mark, and if this is his only offense, the court may make the penalty extremely light.

Although the gentleman from New York seems now so apprehensive in regard to punishments, he introduced in this House and had referred to the Committee on Patents a bill in which the punishment for the use of counterfeit trade-marks was fixed at imprisonment for ten years and a fine not exceeding $5,000. Under this bill the punishment cannot exceed imprisonment for two years and a fine of $2,000, while it may be as much less as the court within its discretion may deem proper.

Mr. HEWITT, of New York. The gentleman from Iowa [Mr. SAMPSON] states that I introduced bills for the protection of trade-marks containing severer penalties than those in the bill under discussion. That is true; but he ought to remember that gentlemen often introduce bills at the request of other parties for the provisions of which they do not hold themselves responsible. The bills referred to were handed to me by respectable members of the bar, and I introduced them without giving any sanction to the provisions of the bills myself.

Mr. J. H. BAGLEY. I now yield the floor to the gentleman from Michigan.

Mr. CONGER. Mr. Speaker, when this bill which was passed in the Senate was referred to the Committee on Patents, it seemed to me to be a bill solely in the interest of those to whom by law privileges had been given in connection with trade-marks that its provisions were so harsh and so severe, and the penalty so high, the imprisonment so long necessarily, with no requirement that fraudulent intent should be alleged and proved, that I was very much opposed to it, as were other members of the Committee on Patents. It was considered for a long time by that committee very carefully. I think if the bill has been agreed upon substantially by the conference committee as it finally passed the House the interests of the people are fairly protected, and the interests of those who have rights under the trade-mark law are equally well protected. I am not certain, as I have not looked into it, whether this contains the section which makes it purely a criminal offense and which was struck out by the House.

Mr. SAMPSON. That was not restored in the Senate.

Mr. CONGER. If that were restored by this conference committee I should myself oppose the passage of this bill now or at any time, and I should ask gentlemen of the House to oppose it upon what I believe to be abundantly sufficient ground. But the gentleman who has charge of the bill informs me that the section stricken out by the committee of conference has not been restored. If it has not and sufficient guard against abuse of prosecutions is inserted by the Committee on Patents in the Senate bill—if those are retained, I can see no real objection to its passage.

Mr. J. H. BAGLEY. I demanded the previous question.

Mr. HEWITT, of New York. I made a motion before the previous question was called to postpone the consideration of the question until next session.

The SPEAKER *pro tempore*. The gentleman had not the floor for that purpose.

Mr. HEWITT, of New York. Is it in order now to move it?

The SPEAKER *pro tempore*. The gentleman had not the floor for that purpose.

Mr. HEWITT, of New York. Is it in order now?

The SPEAKER *pro tempore*. The gentleman has not the floor now for that purpose.

The House divided; and there were—ayes 62, noes 42.

So the previous question was seconded.

The question recurred on ordering the main question to be now put.

The House divided; and there were—ayes 76, noes 56.

So the main question was ordered to be put.

The question recurred on the adoption of the report.

The House divided; and there were—ayes 72, noes 70.

Mr. FRANKLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 69, nays 83, not voting 133; as follows:

YEAS—Messrs. John H. Bagley, jr., John H. Baker, Banks, Bradley, Horatio C. Burchard, Burleigh, Caswell, John B. Clarke of Kentucky, Conger, Crounse, Cutler, Davy, Eames, Egbert, Evans, Fort, Foster, Freeman, Frye, Garfield, Hancock, Haymond, Henderson, Hoar, Hurd, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kimball, Franklin Landers, Lapham, Lawrence, Lord, Lynch, McCrary, McDill, Monroe, Morgan, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Piper, Plaisted, Potter, Pratt, Rainey, Rea, Rusk, Sampson, Sinnickson, A. Herr Smith, Stevenson, Stone, Washington Townsend, Tufts, Van Vorhes, Robert B. Vance, Wait, Erastus Wells, G. Wiley Wells, Willard, William B. Williams, and James Wilson—69.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, Banning, Bland, Boone, Bradford, Cabell, Cannon, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Davis, Dibrell, Durand, Durham, Eden, Felton, Finley, Forney, Franklin, Gunter, Andrew H. Hamilton, Hardenbergh, Hartridge, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hopkins, House, Hunton, Thomas L. Jones, Levy, Lewis, Lynde, Maish, McFarland, McMahon, Metcalfe, Mills, Mutchler, New, Payne, Poppleton, Reagan, John Reilly, James B. Reilly, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Scales, Schleicher, Sheakley, Singleton, Siemons, William E. Smith, Spencer, Springer, Strait, Stenger, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Turney, John L. Vance, Waddell, Gilbert C. Walker, White, Whitthorne, Jeremiah N. Williams, Willis, and Yeates—83.

NOT VOTING—Messrs. Abbott, Adams, George A. Bagley, William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Bright, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Chapin, Chittenden, Collins, Cox, Crapo, Culberson, Danford, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Faulkner, Fuller, Ganse, Gibson, Glover, Goode, Goodin, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Hathorn, Hays, Hendee, Hereford, Hill, Hoge, Holman, Hooker, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Lane, Leavenworth, Le Moyne, Luttrell, Mackey, Magoon, MacDougall, Meade, Miller, Milliken, Money, Morrison, Neal, O'Brien, Odell, Oliver, Phelps, John F. Philips, Platt, Powell, Purman, Randall, Rice, Robinson, Sobieski Ross, Sayler, Schumaker, Seelye, Smalls, Southard, Sparks, Stowell, Swann, Tarbox, Teese, Martin I. Townsend, Tucker, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, Whitehouse, Whiting, Wigginton, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—133.

So the report was rejected.

During the vote,

Mr. HUNTON stated that Mr. HARRIS, of Virginia, was paired with Mr. MILLER, of New York; and Mr. TUCKER, of Virginia, with Mr. HOGE, of South Carolina.

The vote was then announced as above recorded.

Mr. HEWITT, of New York, moved to reconsider the vote by which the report was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINAL ADJOURNMENT.

Mr. MORRISON. I submit the following resolution.

The Clerk read as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August 14, 1876, at four o'clock p. m.

Mr. MORRISON. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORT.

Mr. SINGLETON. I rise to submit a privileged report from the Committee on Printing. I am directed to report back the bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875, with the recommendation that it do pass.

Mr. Speaker, on an early day of this session we passed a resolution to print exactly the same number of copies of the Agricultural Reports for the years 1874 and 1875 as are provided for in this bill. It went to the Senate, and they, instead of taking up the resolution passed by this House, have sent us a new bill. There is very little difference between the resolution adopted by the House and this bill. There is a difference, I think, only in one respect. When the Committee on Appropriations reported the sundry civil bill an amount was appropriated for the Government Printing Establishment, and out of that amount these reports were to be paid for. It was then supposed that there would be a reduction in the number of the employés of that Department, and that there would be enough money left to pay for the reports. On examination it was found to be otherwise, and the Senate proposed to have these reports printed; and for that purpose the bill appropriates $130,000, or so much as may be necessary, to have them printed. While I am in favor of retrenchment and reform, I think this is a proper expenditure.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELISHA E. RICE.

Mr. BANKS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 852) for the relief of Elisha E. Rice.

The SPEAKER *pro tempore*. The bill will be read for information.

The bill was read. It authorizes the accounting officers of the Treasury to allow and pay to E. E. Rice, late United States consul at Hakodadi, Japan, out of any moneys not otherwise appropriated, the sum of $585.41, being 10 per cent. of his salary as consul at said port from July 1, 1869, to November 3, 1871, that being the usual allowance for rent of that consulate.

Mr. BANKS. If the House will give me its attention for one minute, I can state the facts of this case. The Committee on Foreign Affairs has unanimously approved of this bill. Mr. Rice was consul in Japan at Hakodadi. The First Comptroller, in a communication to the Senate Committee on Claims, which is printed in their report, states that Mr. Rice is entitled to 10 per cent. of his salary as rent, which was never paid to him, but which was due to him. Mr. Rice needs it in these days, and I hope the House will agree to give it to him.

There was no objection, and the bill was taken from the Speaker's table, read three times, and passed.

Mr. BANKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships.

The message further informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3168) relating to the partition of real estate in the District of Columbia, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. FRELINGHUYSEN, Mr. HOWE, and Mr. STEVENSON.

The message further informed the House that the Senate insisted on its amendments to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. BOOTH, and Mr. GORDON.

ORDER OF BUSINESS.

Mr. CAULFIELD. I ask unanimous consent to make a report from the Committee on the Judiciary.

Mr. VANCE, of Ohio. I rise to a privileged report.

Mr. CONGER. I now renew my request that the Committee on War Claims may report some bills to be placed on the Private Calendar.

The SPEAKER *pro tempore*. The Chair has just recognized the gentleman from Illinois [Mr. CAULFIELD] to ask unanimous consent to make a report.

WILLIAM BATTERSBY.

Mr. CAULFIELD, by unanimous consent, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 1151) for the relief of William Battersby; which was referred to the Committee of the Whole on the Private Calendar.

EXPENSES OF THE DISTRICT.

On motion of Mr. WILLARD, by unanimous consent, the bill (H. R. No. 3962) providing means to defray the expenses of the District of Columbia until December 1, 1876, with amendments by the Senate, was taken from the Speaker's table.

Mr. WILLARD. I move that the House non-concur in the amendments of the Senate, and ask a committee of conference.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as managers of the conference which the House has just agreed to request, Mr. WILLARD of Michigan, Mr. CATE of Wisconsin, and Mr. HARTRIDGE of Georgia.

MOSES F. CARLTON.

Mr. SMITH, of Pennsylvania, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 2386) for the relief of Moses F. Carlton, late second lieutenant Company I, Fourth Michigan Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. SLACK.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported back, with an unfavorable recommendation, the petition of John B. Slack, late a third assistant engineer in the United States Navy; which was laid on the table, and, with the accompanying report, ordered to be printed.

F. W. E. LOHMAN.

Mr. SMITH, of Pennsylvania, also, from the same committee, made an adverse report upon the memorial of F. W. E. Lohman; and the same was laid on the table, and the report ordered to be printed.

J. C. M'CONNELL.

Mr. SMITH, of Pennsylvania, also, from the same committee, made an adverse report on the claim of J. C. McConnell; and the same was laid on the table, and the report ordered to be printed.

O. P. NORRIS.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported back, with an adverse report, the bill (H. R. No. 2357) for the relief of Lieutenant O. P. Norris, of the One hundred and eleventh Ohio Volunteers; and the same was laid on the table, and, with the accompanying report, ordered to be printed.

PAYMENT OF EMPLOYÉS OF THE HOUSE.

Mr. ROBERTS, by unanimous consent, from the Committee of Accounts, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of this House be, and he is hereby, authorized and directed to pay out of the contingent fund to John H. Shaw, Richard A. Shaw, Wilson Grice, Robert Coates, Henry Hall, William H. Hall, Daniel Spagges, and James Savoy, each, $6 per month during this session, deducting such sums as may have already been paid them. This resolution to be considered as a substitute for the resolution passed on the 29th of July last, so far as it relates to the above-named parties.

Mr. ROBERTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GILDEROY A. HARDY.

On motion of Mr. EVANS, by unanimous consent, the bill (S. No. 944) for the relief of Gilderoy A. Hardy was taken from the Speaker's table, received its several readings, and was passed.

Mr. EVANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON ENROLLED BILLS.

Mr. HAMILTON, of Indiana. I rise to a privileged question. I ask that additional members be appointed on the Committee on Enrolled Bills, on account of the absence of the majority of that committee. There are but two members of the committee present, Mr. PLAISTED and myself. Mr. PLAISTED is a member of a committee of investigation, and he assures me that it is impossible that he should discharge the duties of this committee. It is therefore absolutely necessary that additional members should be appointed upon the committee.

The SPEAKER *pro tempore*. How many?

Mr. HAMILTON, of Indiana. I think two will be sufficient.

No objection was made.

The SPEAKER *pro tempore*. The Chair will announce the additional members of the committee in the morning.

Mr. ATKINS. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Pending a motion to adjourn, Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. No. 561) for the relief of Major Junius D. Traynor; and

A bill (S. No. 1007) concerning the employment of Indian scouts.

LEAVE OF ABSENCE.

Mr. TUCKER was granted leave of absence for two days on account of important business.

Mr. DARRALL was granted leave of absence for four days on account of sickness.

Mr. J. H. BAGLEY was granted leave of absence for ten days.

Mr. MILLER was granted leave of absence for ten days.

Mr. SPARKS was granted an extension of the leave of absence heretofore granted him for ten days.

Mr. DAVY was granted leave of absence for ten days on account of important business.

Mr. ATKINS. I withdraw the motion to adjourn.

REUBEN DAVIS.

Mr. HOOKER. I ask unanimous consent to take from the Speaker's table for action at the present time the bill (S. No. 990) for the removal of the political disabilities of Reuben Davis, of Mississippi.

No objection was made, and the bill was taken from the Speaker's table, received its several readings, and (two-thirds voting in favor thereof) was passed.

Mr. HOOKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. RUSK. I ask unanimous consent to print some remarks in regard to the tariff in its relations to agriculture in the RECORD as a part of the proceedings of the House.

There was no objection, and the leave was granted. [See Appendix.]

And then, on motion of Mr. PAGE, (at five o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DAVY: The petition of nurserymen, horticulturists, and florists of Rochester, New York, and vicinity, that no appropriation be made for the distribution of seeds through the Agricultural Bureau and that the postage on all seeds and plants be reduced, to the Committee on the Post-Office and Post-Roads.

By Mr. HENKLE: Memorial of Alexander Moffit and M. McEwen, that the petition of Alexander Moffit and others for the appointment of a joint committee of the House and Senate to continue the investigation of the charges made against the management of the Government Hospital for the Insane be reported back to the House from the Committee on Expenditures in the Interior Department and referred to the Committee on Military Affairs.

By Mr. HUNTON: The petition of James Burk, of the District of Columbia, for a pension, to the Committee on Revolutionary Pensions.

By Mr. LAWRENCE: The petition of M. McEwen, of Washington, District of Columbia, that he be paid the amount of witness fees due Mary J. Van Keuren, she having assigned to him her interest in the same, to the Committee of Accounts.

By Mr. A. S. WILLIAMS: The petition of Elizabeth Craig, the mother of Prince Albert Craig, late of the One Hundred and second Regiment, United States Colored Troops, who was killed during the late war, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, *August* 12, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3083) to remove the political disabilities of C. M. Wilcox, of Maryland, was read twice by its title.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Vermont [Mr. EDMUNDS] to the fact that this case was included in a bill passed yesterday.

Mr. EDMUNDS. By an amendment?

The PRESIDENT *pro tempore*. By an amendment.

Mr. EDMUNDS. Let this bill be referred to the Committee on the Judiciary. The action yesterday violates all the practice of the Senate. There will not be any more disability bills passed at this session if they are going to be doubled up in that way. Let each case stand on its own bottom.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 164) in reference to the payment of awards of the Venezuelan mixed commission was read twice by its title, and referred to the Committee on Foreign Relations.

EXPENSES OF DISTRICT GOVERNMENT.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, disagreed to by the House of Representatives.

On motion of Mr. WINDOM, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WINDOM, Mr. EDMUNDS, and Mr. KERNAN.

ADJOURNMENT SINE DIE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (*the Senate concurring.*) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August 14, 1876, at four o'clock p. m.

Mr. WINDOM. I move the reference of the resolution to the Committee on Appropriations.

Mr. PADDOCK. I suggest that it lie on the table.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the resolution be referred to the Committee on Appropriations.

Mr. STEVENSON. I hope not. I hope the Senate will dispose of it now.

Mr. PADDOCK. It had better lie on the table.

Mr. MORRILL. Let it lie on the table.

Mr. WINDOM. I have no objection to letting it lie upon the table. The Senate is not ready to act upon it now.

Mr. DAVIS. I think it ought to be within reach of the Senate at any time.

The PRESIDENT *pro tempore*. The resolution will lie on the table if there be no objection.

REPORTS OF COMMITTEES.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 620) for the relief of Redick McKee, reported it without amendment.

CHANGE OF NAME OF YACHT.

Mr. BOUTWELL. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph, to report it without amendment. As there is not likely to be any debate upon the bill, I ask for its present consideration. It is merely to change the name of a pleasure-yacht.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1045) for the relief of George A. Eades, late collector of customs at Sitka, Alaska; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PRINTING OF IMPEACHMENT TRIAL.

Mr. ANTHONY. The Committee on Printing reported two bills yesterday as substitutes for two resolutions, for printing, one additional copies of the impeachment trial and the other additional copies of the report of the engineers upon the alluvial deposits of the Mississippi. It has always been the custom for the Senate to consider immediately reports from the Committee on Printing ordering additional copies, and for the obvious reason that it is more economical to print them at once than it is to make a delay which may involve a resetting of the type. That objection does not apply in the case of the bill ordering copies of the impeachment, which is stereotyped; but still it would be more economical to do it now than to do it by and by. Without intending to urge the matter at all, I should like to have it disposed of. I would say that I think both of these matters are desired by the House of Representatives, and as neither House can order more than $500 worth of printing without the concurrence of the other, I think it is a matter of courtesy, when the expense is not large, that each House should defer to the other, and I hope, if we set the example, it will be followed; although it has not always been followed.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island make a motion?

Mr. ANTHONY. I cannot make a motion to take precedence of the morning business. I have to ask unanimous consent.

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas rise with morning business?

Mr. INGALLS. I rise to ask the consideration of a bill.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has risen for that purpose.

Mr. ANTHONY. I ask the Senate to proceed to the consideration of the bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap, which was reported yesterday. [After a pause.] I am advised that the bill has not been returned from the Printer. If that is the case we cannot take it up.

The PRESIDENT *pro tempore*. It has not been returned, the Chair is informed.

LANDS IN CHEROKEE STRIP.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas.

Mr. ALLISON. Let it be reported for information.

Mr. HARVEY. I ask that the Secretary read the papers accompanying the bill.

The PRESIDENT *pro tempore*. The bill will be read for information subject to the action of the Senate.

The Chief Clerk read the bill.

Mr. EDMUNDS. Let us hear the papers read.

Mr. HARVEY. I ask the Secretary to read the letter from the Commissioner of Indian Affairs and the letters of the Cherokee delegation relating to this matter.

Mr. DAVIS. I ask the Senator whether this bill comes regularly from a committee.

Mr. HARVEY. It was reported from the Committee on Indian Affairs by the Senator from Illinois, [Mr. OGLESBY,] and that Senator and myself agreed that whoever could get the floor first for the purpose should call the bill up for consideration.

Mr. INGALLS. It has been on the Calendar for two weeks.

Mr. BOUTWELL. Has it passed the House?

Mr. INGALLS. It is a House bill.

Mr. HARVEY. If the Senators will listen to the reading of the papers, I think they will be satisfied. There are no conflicting claims involved at all.

The PRESIDENT *pro tempore*. The papers have been sent for.

PAVING OF PENNSYLVANIA AVENUE.

Mr. MORRILL. While we are waiting for the papers I ask the Senate again to consider the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876. I venture to assure the Senate that this is not for the benefit of any contractors. It is not the desire that there shall be a time fixed, but in order to accomplish the work as nearly as possible within the time, in the very best manner, it is thought the bill should be passed. I ask that this bill, which was taken up yesterday morning, be taken up again.

The PRESIDENT *pro tempore*. The Secretary will report the bill for information.

The Chief Clerk read the bill.

Mr. DAVIS. I ask the Senator if we had not better fix a date?

Mr. MORRILL. I will say to the Senator from West Virginia that if we fix the date the contractors will claim that they have the right to go to that point of time. We do not want to have the date fixed because we believe it can be done earlier. The bill is only to provide for some extraordinary contingency which might occur, which would require the commissioners to have the work relet or something of that sort, in consequence of any dereliction of duty on the part of the men who may take the contract.

Mr. DAVIS. I am in favor of the extension; but my thought was that it had better be limited to some particular time, for it might run a year.

Mr. MORRILL. I do not think we shall want it extended more than a week or ten days at the outside, possibly not that.

Mr. SAULSBURY. I hope the Senator from Vermont will not insist upon the bill until the Senator from Maryland [Mr. DENNIS] is here, who wishes to be heard upon this question.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORRILL. I hope the Senator will not object.

Mr. SAULSBURY. If the Senator will listen to me, I will state that the Senator from Maryland desires to be present when this bill is taken up. It is only upon that ground that I think it is due to him, he not being here, that I should object. I only act in behalf of a brother Senator who I understand wants to be present.

Mr. MORRILL. We have but a little time, and I do not think that the Senator from Maryland, if he understands the fact, will object in the least.

Mr. SAULSBURY. I understand that he desires to be present.

Mr. HARVEY. I call for the reading of the papers in regard to the bill I called up.

The PRESIDENT *pro tempore*. The papers being here they will be read, if the Senator insists.

Mr. HARVEY. I must insist on the consideration of the bill.

LANDS IN CHEROKEE STRIP.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas. The preamble recites that certain lands in the State of Kansas known as the Cherokee strip, being a strip of land on the southern boundary of Kansas, some two or three miles wide, detached from the lands patented to the Cherokee Nation by the act known as the Kansas-Nebraska bill, in defining the boundaries thereof, are still, so far as unsold, the property of the Cherokee Nation; and that an act was passed by the Forty-second Congress, which became a law on its acceptance by the Cherokee national authorities, and which fixed the price of the lands east of Arkansas River at $2 per acre, and west of the river at $1.50 per acre; and that portions of the same have been sold under this law and portions remain unsold, the price being too high.

The bill provides that the Secretary of the Interior shall offer for sale to settlers all of the tract remaining unsold at the local land offices in the districts in which it is situated at $1.25 per acre; and all remaining unsold after one year from the date at which they are so offered for sale at the local land offices are to be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than $1 per acre.

Section 2 provides that the proceeds shall be paid into the Treasury of the United States and placed to the credit of the Cherokee Nation, and shall be paid to the treasurer of the Cherokee Nation on the order of the legislative council of the Cherokee Nation or a delegation thereof duly authorized.

Section 3 provides that the act shall take effect and be in force from the date of its acceptance by the Legislature of the Cherokee Nation or of a delegation thereof duly authorized, who shall file certificate of such acceptance.

The PRESIDENT *pro tempore*. The letter referred to by the Senator from Kansas will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 8, 1876.

SIR: In compliance with your verbal request, I have examined the provisions of House bill No. 1984, providing for the sale of the unsold portion of certain lands in the State of Kansas known as the "Cherokee strip."

The provisions of the bill meet with my approval and I know of no objection to its passage.

I have the honor to be, very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

Hon. W. R. BROWN,
House of Representatives.

P. S.—The provision in reference to the payment of interest contained in the second section of the bill should, in my judgment, be stricken out, inasmuch as the money is not to be permanently invested in Government stocks, but to be paid over to the Cherokees.

J. Q. SMITH, *Commissioner.*

Mr. HARVEY. I will state that the bill was amended in the House according to that recommendation.

Mr. EDMUNDS. Is there a letter from the Secretary of the Interior? That is only from the Commissioner. Does the head of the Department recommend it?

The PRESIDENT *pro tempore*. There is no letter from the Secretary of the Interior among the papers.

Mr. EDMUNDS. That is very bad practice, not having the responsibility of the Department.

Mr. ALLISON. I do not quite understand why any of this land is to be sold for a dollar and a quarter an acre.

Mr. HARVEY. This bill has been in committee.

Mr. ALLISON. I never saw this bill before.

Mr. HARVEY. It was reported. I will show it to the Senator on the Calendar.

Mr. WINDOM. If this bill is objected to, I ask leave to make a report from a committee.

Mr. HARVEY. The further reading of the papers will refresh the recollection of the Senator from Iowa.

Mr. ALLISON. I want to hear some paper read to indicate that this land cannot be sold at the price originally proposed. It seems to me that land of this character in the State of Kansas ought to be worth more than a dollar an acre.

Mr. INGALLS. In response to the suggestion made by the Senator from Iowa, I beg to assure him that the terms of the bill specifically provide that it shall not become operative without the consent of the Cherokee Nation of Indians, who own the land, and therefore there can be no possible objection to the passage upon the score that the Senator urges.

Mr. EDMUNDS. I should like to ask the Senator from Kansas or the chairman of the Committee on Indian Affairs whether there are any settlers on this strip on the lands that have not yet been sold.

Mr. INGALLS. I do not know. There are settlers on the lands under the previous laws that have been passed.

Mr. EDMUNDS. Yes; but I am speaking of these lands that are not yet sold.

Mr. INGALLS. About that I cannot say. The Senator will permit me to remark that this is a very peculiarly-shaped tract of land. It was discovered upon a permanent survey of the State of Kansas that it lapped over on to the boundaries of our State. It extends from the Neosho River on the east, where it is about four miles wide, nearly two hundred miles in length, and tapering off until it is about a mile and a half or two miles to the western extremity. It has been attempted under previous laws to be placed upon the market; and

as this legislation is to be effectual only when the Cherokee Nation assent to it, it seems to me there can be no objection to it.

Mr. HARVEY. I will state further that a large proportion of this land has already been sold, and the Cherokee Indians are anxious that this bill should pass placing the refuse or portions of the land that it has been impossible to sell for the former price at such a price as it can be now sold for. It is very evident to any one having knowledge of agricultural lands in any country that there are portions of any tract that will be in a great degree unsalable.

If the Senator will listen to the reading of the letters now in the hands of the Secretary, which were referred to the committee and considered there, he will see that the delegation representing the Cherokee Indians are earnestly requesting the passage of this bill.

The bill was referred, I will say, originally by the Senate to the Committee on Public Lands, and was there taken up; but, inasmuch as it related to Indian lands, by a vote of that committee it was reported back with a recommendation that it be referred to the Committee on Indian Affairs. It was so referred. It was there considered and reported by the Senator from Illinois, [Mr. OGLESBY,] who is a member of the Committee on Indian Affairs; but, he being chairman of the Committee on Public Lands, in printing the Calendar it appears to have been reported from the Committee on Public Lands. In reality it was before both committees, but was reported to the Senate from the Committee on Indian Affairs.

I ask that the Secretary read the letters from the Cherokee delegation in relation to this matter.

The Chief Clerk read as follows:

WASHINGTON, D. C., *July* 11, 1876.

DEAR SIR: Inclosed please to find bill H. R. No. 1934, which has passed the House of Representatives and is now pending before your honorable Committee on Public Lands. Our delegation favor this bill, and as the Cherokees need the money due on them, and as the bill proposes to reduce the price of the lands in favor of the settlers, we respectfully ask that you push forward the bill to favorable action this session of Congress.

By so doing you will oblige, very respectfully, your friends and obedient servants,

D. H. ROSS,
Chairman.
W. P. ADAIR,
J. L. ADAIR,
Cherokee Delegation.

Hon. J. M. HARVEY,
United States Senate Chamber.

WASHINGTON, D. C., *July* 16, 1876.

DEAR SIR: There is now before you a bill which recently passed the House of Representatives providing for a settlement with the Cherokees for their "strip" of lands in your State. The bill, we are advised, is before your Committee on Public Lands. Will you please to call it up and have it acted upon as early as possible? You will by so doing place us under many obligations to you.

Truly your friends and obedient servants,

D. H. ROSS,
W. P. ADAIR,
J. L. ADAIR,
R. O. ROSS,
Cherokee Delegation.

Hon. JAS. M. HARVEY, U. S. S.,
United States Senate Chamber.

Mr. EDMUNDS. There are one or two things that I should like to know about this bill. First, I should like to ask the Senator who reported it, or the two committees who have considered it, whether there is any occupancy or claim to the lands embraced in this bill adverse to the clear title of the Indians who are to have the money?

Mr. HARVEY. I think not. The claim of the Indians to the ownership of the land is and has been unquestioned. The circumstances are these: Years ago the General Government patented to the Cherokee nation a certain quantity of land. Afterward, Congress, in establishing the Territory of Kansas, made the thirty-seventh parallel of latitude its boundary. In surveying that boundary a small strip of land from a mile and a half to two miles wide was left upon the north of that line, leaving it within the jurisdiction of the State of Kansas, but leaving the ownership of the land unquestioned in the Cherokees. The Cherokee Nation being desirous of disposing of that portion of the land, got a bill passed (as this bill recites) by the Congress, providing for the sale of the lands on the terms therein specified, and to be approved by the Cherokee national council, as this bill provides. Under that law such of the lands as would bring the price provided for have been sold; and there is no question of any adverse claim or any one claiming under any right in opposition to the Cherokee Indians. It is simply a question as to whether the land that is left unsold is worth as much as the former law provided for, and these Indians being satisfied that such is not the case are now anxious and willing to sell it for the price provided for in this bill. This bill provides that before it takes effect it shall be approved by the Cherokee national council.

Mr. EDMUNDS. That I understand. So, if I correctly understand the Senator, he has answered my question in the affirmative, that there is no adverse claims by settlers or squatters or pre-emptors or homestead men or the State of Kansas or railroad grants or anything against the right of the Indians to these lands. There can be no doubt but that they belong to them.

Mr. HARVEY. If there is any adverse claim I have never heard it asserted. So far as I know the ownership of the Cherokee nation in the land is unquestioned.

Mr. EDMUNDS. Were these lands patented to the Cherokees?

Mr. HARVEY. As I understand, not only these lands but a large tract south of them.

Mr. EDMUNDS. I know about the large tract south of them; but do the patents embrace these lands?

Mr. HARVEY. Yes, sir; as I understand it, the original patent extended beyond what is now established as the boundary of the Indian Territory.

Mr. EDMUNDS. Then if these Indians now hold these lands by patent, where is the necessity of any intervention by the United States at all?

Mr. HARVEY. It is because of a law passed by Congress.

Mr. KERNAN. If the Senator will yield to me, I wish to ask the Senate to take up a bill that should be considered for public reasons.

Mr. EDMUNDS. It will interrupt the course of my oration a good deal, but I will yield nevertheless.

Mr. KERNAN. I move to take up Senate bill No. 994, to amend section 2931 of the Revised Statutes of the United States, so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been exacted in contravention of treaty provisions. There is a short report accompanying the bill. It ought to be passed.

Mr. MORRILL. Before that is done I understand the Senator from West Virginia and the Senator from Delaware have withdrawn their objection to the District bill, and I ask to have the question taken on that.

Mr. EDMUNDS. We cannot do but one thing at a time, and that one is this Indian question.

Mr. KERNAN. Let Senate bill No. 994 be read.

Mr. EDMUNDS. No, we will not have it read now. We shall get on faster if we do one thing at a time.

Mr. HARVEY. Here is the law to which I referred, which I will read:

Whereas in order that certain provisions of the treaty of July 19, 1866, between the United States and the Cherokee Nation may be rendered clearer and made more satisfactory to settlers upon the lands known as the "Cherokee strip," in the State of Kansas, said settlers having moved thereon since the date of said treaty, and for the purpose of facilitating the sale of said lands: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the strip of land lying west of the Neosho River, and included in the State of Kansas, conveyed to the Cherokee Nation of Indians by the United States, and now belonging to said nation, shall be surveyed, under the direction of the Commissioner of the General Land Office, in the same manner as the public lands of the United States are surveyed, and shall be by him offered for sale under the provisions and restrictions of this act; and all the lands in said tract lying east of the Arkansas River shall be sold at $2 per acre, and all lands in said tract lying west of said river shall be sold at $1.50 per acre, except as hereinafter provided: *Provided*, That where there is a fraction of land less than forty acres, the same shall be sold with the contiguous tract, expense of survey to be paid out of the proceeds of said land in accordance with the treaty of July 9, 1866.

Then follow certain provisions as to what shall be necessary preliminary to a purchase. This act provided, as the bill under consideration does, for the acceptance of it by the Cherokee national council or by delegations duly authorized thereby.

Which acceptance shall be filed with the Secretary of the Interior and when provided by him the same shall be final and conclusive.

I will state for the satisfaction of the Senator from Vermont and the Senate that some days ago when attempting to get this bill up, I telegraphed to the Commissioner of Indian Affairs to know whether this acceptance had ever been legally filed, and received in answer thereto a telegram from the Commissioner through the departmental telegraph stating that it had been accepted. That telegram I have left in the volume of laws relating to this subject and the books have been displaced somewhat and I am, as yet, unable to find the telegram.

Mr. EDMUNDS. That would not be material, because to be a valid acceptance of this act it must be an acceptance of the act, and not of something before the act.

Mr. HARVEY. I was showing the Senate why it was necessary to pass this bill. The bill under consideration is made in consequence of the existence of the law which I have read and is alike submitted for the approval of the national council of the Cherokees and for the same reasons. I think the Senator from Vermont and every Senator here must be satisfied on the evidence before the Senate that there is no conflict of interests here.

Mr. EDMUNDS. That is what I wanted to get at, because it has happened so often that, when we have undertaken to do one thing in respect of lands that appeared to be perfectly right, it has turned out that there was another interest that had to be taken care of afterward; and now if in this case, under any act of Congress which would authorize it, if there be any such, settlers have gone on these lands and are entitled to take them under different conditions than this bill prescribes and so the Indians do not get the money, then the Indians would come and say, and would have a right to say as far as the Senator has stated the case, if the lands are patented to them "the United States must pay us for these lands over again." On the other hand, if we sell them outright under the provisions of this bill to anybody that will buy them and some of the settlers are squeezed off, then they will come and say, "Now Congress must indemnify us;" and that led me to make the inquiry.

Mr. HARVEY. The Senator is satisfied that the conditions are only modified in so far as relates to price and that at the request of the representatives of these Indians. The conditions otherwise are the same as those provided for in the law I have just read.

Mr. EDMUNDS. If that were correct it would go a good way toward satisfying me that my friend is right and that there could be no danger; but let us see if that is the true construction of the bill.

Whereas portions of the same—

Not to take up time in reading the whereases, but condensed as much as possible—

portions of the same have been sold under said law and portions remain unsold, the price being too high: Therefore,

Be it enacted, &c., That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act, at the local land offices in the districts in which it is situated, at $1 25 per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land offices shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than $1 per acre.

It does not say, if that is the point of my friend, "in conformity in other respects to the provisions of the act which this is intended to supplement." If it did, I should see that we should be likely not to get into any difficulty. But this, although it recites a former act which has failed of being executed, makes an entire new one.

Mr. HARVEY. The Senator will see that it refers to the former law which I have just read, and is simply a modification of that law so as to place these lands for sale at such a price as they will bring by reason of their quality being inferior to those which have already been disposed of under the act.

Mr. EDMUNDS. That can be corrected in a moment. I move to amend, and that will relieve my difficulty on that point, by inserting after the word "act," in line 4, at the bottom of page 1, these words:

In accordance with the provisions of said former act, except as hereinafter stated as to price.

I suppose there is no objection to that. That will relieve it of all difficulty about its being an open sale probably.

Mr. HARVEY. The only difficulty about an amendment to this bill at this time in the session is the fact that so many members of the House of Representatives are now away from the city that it is doubtful whether a quorum can be secured to consider amendments.

Mr. EDMUNDS. If we cannot get a quorum there, we shall not adjourn.

Mr. HARVEY. As both parties in interest in this bill are in favor of its passage in the shape that it is, I certainly hope that my friend the Senator from Vermont will not insist upon amending it.

Mr. EDMUNDS. Nothing would make me more happy than to gratify my friend from Kansas or promote his interests; but I feel obliged, as far as it lies in my humble power to promote the public interest, to secure the United States against the possibility of reclamations; and inasmuch as he now states to relieve another difficulty that I had that this rests upon the old act that he has read and is in pursuance of that, I wish to make it say so as it plainly does not say now.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. INGALLS. The third section of this bill declares in terms—

That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee Nation, or of a delegation thereof duly authorized, who shall file certificate of such acceptance.

It does appear to me, with the greatest deference to the judgment of the Senator from Vermont, that inasmuch as these lands have been patented and are now the private property of the Cherokee Nation just as much the Senator's homestead is his private property, if we limit this sale and make it subject to the condition that the owners of the property themselves in fee shall be satisfied, there ought to be no objection raised in the Senate to the passage of the bill. I hope, therefore, that the amendment will be rejected, and that the bill will pass as it came from the House.

The amendment was rejected; there being on a division—ayes 12, noes 24.

Mr. ALLISON. I think in line 3 of section 3 the words "or of a delegation thereof duly authorized" should be struck out. It seems to me this ought to receive the sanction of the legislature of the Cherokee Nation if it is to become a law. I do not see how we can authorize a delegation of the legislature to do an act which they ought to do themselves.

Mr. EDMUNDS. The bill does not call even for that. It is capable of a construction which will allow a delegation that is duly authorized in general, to assent. I of course do not mean that it was drawn for that purpose.

Mr. HARVEY. That is an exact copy I believe of the provision of the former law on the subject.

Mr. EDMUNDS. So it is, an exact copy.

Mr. HARVEY. The only objection I should have to the amendment would be the one I suggested before, the fear of not being able to get a concurrence on the part of the House at this late day in the session.

Mr. EDMUNDS. That is a very poor reason for opposing a proper amendment.

Mr. BOUTWELL. I agree that the amendment offered by the Senator from Iowa ought to prevail. I have had experience which leads me to make the statement that the agents of these civilized Indian tribes come to Washington with a general authority to do everything that they choose to do in the name and on behalf of their principals, and this unquestionably will be done forthwith by these Indians if this bill passes, possibly without the knowledge of the Cherokee Nation.

Mr. HARVEY. On behalf of the committee I will accept the amendment.

Mr. EDMUNDS. The amendment cannot be accepted. It must be voted on.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa, to strike out the words "or of a delegation thereof duly authorized" in line 3 of section 3.

The amendment was agreed to.

Mr. EDMUNDS. Is there any objection now when the bill gets out of committee to inserting the words that I proposed, as the bill has to go back to the House, so as to make it really refer to the former act which the Senator from Kansas says is the purpose?

Mr. HARVEY. I have not had time to examine the effect of that amendment or to confer with those who have been urging the passage of this bill, the representatives of the Cherokee Nation. I would prefer that the bill should not be amended any further.

Mr. OGLESBY. Has the bill been amended?

The PRESIDENT *pro tempore*. It has been.

Mr. OGLESBY. I understood the Senator from Kansas consented to that.

Mr. HARVEY. That was an amendment at the end of the clause as to the assent of the Cherokee Nation.

Mr. OGLESBY. I know what it is. I understood there was no objection to it.

Mr. HARVEY. None to that amendment.

Mr. OGLESBY. That sends the bill back to the House of Representatives. There is no particular consequence in that amendment.

Mr. HARVEY. The Senator from Massachusetts states that a like provision has led to difficulty. I hope the bill will be passed without further amendment.

Mr. ALLISON. In section 2, lines 5 and 6, I move to strike out "or a delegation thereof duly authorized." I think this money at least ought to go to the Cherokee Nation.

Mr. HARVEY. I agree to that. It involves the same question as the former amendment of the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EDMUNDS. Now, this bill having been amended, the ground of not agreeing to the amendment that I offered, which was stated before, that it would involve its going back to the House, which is not ever any satisfactory ground to an amendment of substance, leads me to offer it again in the Senate, and now I wish Senators to hear what I have to say. This bill now says:

That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act, at the local land offices in the districts in which it is situated, at $1.25 per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land offices shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than $1 per acre.

Taking this bill on the face of it, the Secretary of the Interior is authorized to sell these lands during the first year of their offering to any kind of settler, a man who has been on them for five years or has gone on for the purpose of purchase and squeezed somebody off, and at a credit that is unlimited, in the discretion of the Secretary of the Interior. I should have said that the words alone required a sale for cash; but when you come to the end of the year the words that it shall be sold for cash after that, taken in connection with the former sentence that they are not so required to be sold, would plainly import, taking the section all together, that there is an unlimited discretion in the Secretary to sell on just such credit and time as he pleases. When I turn back to the other act which it is said has only failed because the price was too high, I find this:

That each person being the head of a family——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. MITCHELL. I call for the regular order.

Mr. EDMUNDS. I hope we shall be allowed to finish this bill.

Mr. SARGENT. I do not think I ought to yield.

Mr. EDMUNDS. I shall not occupy three minutes. I do not want the Senator from Kansas delayed in getting a vote on this bill. I hope we shall have five minutes.

Mr. SARGENT. I will let it run for five minutes subject to a call for the regular order. I cannot yield for any other purpose, however.

Mr. EDMUNDS. Now this is in the act which merely failed because the price was too high:

That each person being the head of a family or over twenty-one years of age who has made a *bona fide* settlement and improvement upon any portion of said lands, and is now occupying the same, or, in case of his or her death, the heirs of such, or, if such heirs are minors, their guardians for them, shall be entitled to enter and purchase the lands so settled upon and occupied, not exceeding one hundred and sixty acres, at the price fixed in the first section of this act, payment for which shall be made at any time within one year from the date of the approval by the Secretary of the Interior of the acceptance of the provisions of this act, as provided for in the fifth section hereof; and all persons heads of families or over twenty-one years of age who may settle upon said lands at any time within one year from the date of the passage of this act may purchase the land so settled upon, not exceeding one hundred and sixty acres, at the price fixed in the first section of this act, and shall make payment therefor within one year from the date of said settlement.

At the end of the year there is to be a sale on public advertisement of certain tracts, provided there is no contest about the land, which would seem to imply that there was some contesting claim of some sort. This bill, you see, unless it is made particularly to refer to the conditions of the first act, sets the whole thing at large in the discretion of the Secretary of the Interior, who of course cannot attend to it personally, and of the agents of these Indians, for speculation, for unlimited credit or short credit or whatever that might be deemed most advantageous, and then to sell the balance at private sale for cash without any advertisement at all. I do appeal to my friend from Kansas not to resist my amendment.

Mr. HARVEY. Inasmuch as the morning hour has expired and we are proceeding at the sufferance of the Senator from California, I will make no further opposition to the amendment proposed by the Senator from Vermont.

Mr. EDMUNDS. Then I have done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont voted down in Committee of the Whole and now renewed in the Senate.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

THE HAWAIIAN TREATY.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. WINDOM. Would it be imposing on the Senator from California to ask a moment to present a bill from the Committee on Appropriations? If it be objected to, I will not ask it.

Mr. SARGENT. I am afraid it would be imposing on me.

Mr. WINDOM. I think my friend is imposing on the creditors of the Government by refusing.

Mr. SARGENT. I am informed by Senators around me that I had better proceed. I ask that the bill be read.

The Chief Clerk read the bill.

Mr. SARGENT. Mr. President, it is not my purpose to detain the Senate very long in a discussion of this bill. Perhaps it may be well for me to submit a few observations. Later in the debate, if debate shall occur, I may desire the opportunity to answer briefly such objections as may be made to the passage of the bill. But, knowing that it is near the close of the session and how precious time is, and that there is much business yet undisposed of, much of which ought to be considered, I will at least set the example on this measure of being brief.

This bill does not stand on the basis of ordinary legislation, and I commend that consideration to the careful attention of the Senate. Bills ordinarily coming to us from the House of Representatives stand simply upon their own merit or the merit of such recommendations as may accompany them. This bill is to carry out the provisions of a treaty which, by all the forms of law, has been negotiated and which already has been ratified by the Senate of the United States. This bill is to carry out the provisions of a treaty which involves now the rights and interests of a friendly power. That power, acting upon our initiative, or with our full concurrence, has legislated and adapted its business interests for the purpose of agreeing with the United States in the direction that this legislation shall enforce. All these sanctions are in favor of this legislation, and there ought to be grave reason at this stage to reject a bill like this. Senators who originally did not vote for the ratification of this treaty may well pause to consider whether there are not obligations springing out of the previous action of the Senate and the Executive resting upon them to give their vote now to enforce that former action.

I will not advert to the different stages through which this matter has passed. Hurriedly I alluded to them last night in the few remarks which I made in asking the attention of the Senate to the bill. I prefer to proceed to discuss briefly the reasons why the bill, if it stood simply in the place of the treaty originally ratified, ought to be adopted, why it is useful legislation, if that question is really before the Senate.

This treaty is valuable for commercial interests. It is valuable because it turns a balance of trade heretofore against us in our favor. It is valuable because, *pro tanto*, goods of our manufacture east of the Rocky Mountains, as well as west of the Rocky Mountains, will be taken in exchange for sugars and rice where heretofore the balance on this account has been compelled to be paid in gold. I do not know that I can present that consideration better—I will not take time to go over the statistics—than by a brief extract from a communication of the Secretary of the Treasury which has been submitted to the Senate. He said, under date of January 15, 1875:

> The conditions attending this commerce appear, however, to be such as render it of greater value to the United States, in proportion to its value, than is usual with countries similarly situated and producing sugar as the leading staple. So far as the exchange of articles is concerned, there is an equivalent to be found in our export trade for the value of the sugar and other articles imported. Such is not the case with most of the tropical islands or sugar-producing countries of either hemisphere. The import trade from the several possessions of the East Indies shows large aggregates received and very small values returned in the produce of the United States. The heavy adverse balance must be paid in coin. Thus the exports of United States produce and manufactures to China are but 5 per cent. of the imports from China, and the like exports to the British East Indies are but 1 per cent. of the imports therefrom. The exports to the Spanish East Indies, or Manila, are but ½ of 1 per cent. of the imports from those possessions, and, finally, the exports to the Dutch East Indies are but 4 per cent. of the imports from the same. The Hawaiian Islands take an aggregate value of American produce and manufacturers twice as great as do the last three countries or possessions taken together.

Certainly this is a trade valuable to ourselves in every respect, which ought to be promoted, and this treaty gives the opportunity to enhance these advantages. Accompanying this statement of the Secretary of the Treasury there is in a compact form for reference a table giving the values which he cites, and forcibly illustrating the deficiency of our export trade to the sugar-producing countries of the Pacific other than the Hawaiian Islands. Our shipping, our manufactures, our lumber-dealers, nearly all classes of business, are interested in the ratification of this treaty. It is a growing trade, growing in advantage to the United States.

I pass that, with this slight statement, which might be elaborated with much more force and perhaps with more clearness, to another consideration which is overshadowing, the political consideration in its broad sense, the consideration of the defense of our Pacific possessions, the consideration that in the Pacific Ocean there is an outpost in the shape of an inhabited group of islands, capable of great defense, of being made strong like Gibraltar, capable of great offense against our commerce in the Pacific waters, a base of supplies better than any of those that were used by the cruiser during the war of the rebellion under the countenance of England to prey upon our commerce, an outpost that, in the hands of an unfriendly power, would be a continual menace to the safety of our Pacific possessions, and could be used for the destruction of our commerce. Why, look at the map. These islands lie directly along the parallel between San Diego and China and Japan, on a line which runs straight on through New Orleans and Texas, a great route for commerce which is developing. It has been the anxiety of American statesmanship for years past, and of your business men, to increase and enhance our commerce in the Pacific. It is the only place where the American flag floats on great ocean steamships. It is the only great ocean where our commerce is not vexed by a competition that almost sends it from existence. There is an opportunity, by not allowing these islands to pass into the hands of a foreign, unfriendly nation—and any nation which is foreign may become unfriendly—from disturbing relations which are liable at any time to arise—there is an opportunity by retaining our influence over these islands to avert this result, and avoid disasters so serious which may happen in the future if we do not embrace this opportunity.

Daniel Webster once said when there was a proposition on the part of France to seize on these islands, he being at that time Secretary of State, that if that event occurred it would be the duty of the Government of the United States to use all the force of the American Government to prevent such an attempt from succeeding. American statesmen in times past, from Marcy down to the present time, have understood the value of this suggestion and have acted upon it. These islands are in a condition where they must soon fall to some power or other. Their population is rapidly decreasing, decreasing at such a rate as to be frightful. They will soon be a mere waif, to be seized by the strongest power or the power which shall have political influence over them. They prefer association with the Government of the United States. They see their inevitable doom although they now postpone it, and this treaty to a certain extent postpones it by keeping foreign nations from the trade of these islands. They prefer on account of the strong American influence in those islands that when they do fall they shall fall to the United States. When the Shenandoah was cruising in the Northern Pacific, destroying our whale fleet, destroying vessels by the score, burning them on the high seas, and when she could only be kept upon this mission of destruction by a supply of coal, the American citizens of Honolulu and those under their influence carried the coal that was available for that purpose five miles back in the interior where it could not be got and the Shenandoah went elsewhere at great distance for its coal. Suppose the Hawaiian Islands had at that time been in possession of the British government, which allowed Nassau and others of its possession to coal vessels on such missions, for which we righteously exacted from her a large indemnity in gold, would not then an opportunity, and a convenient one, have been given for this destructive cruiser to proceed on its work, which was interrupted and impeded by this incident? It is an illustration directly in point showing the importance, in a national point of view, that these islands shall not fall under the control of any government which may become unfriendly. Wars with England are not unknown to our history. They may occur at any time. Two great commercial nations like these, although there are so many reasons why they should not become embroiled, sometimes on a point of honor and sometimes on material interests, have misunderstandings, and almost before statesmen are aware of it a war is precipitated. So with France and so with Germany, which has grown so powerful during the last few years. All these nations are looking toward these islands.

The dominion of New South Wales is now seeking to make negotiations, as my telegrams from San Francisco and editorials in the papers there inform me, to take our place in this treaty. They want the commercial advantages of it and they want the influence which

England would have, by means of such an arrangement, in getting final possession of the islands; and should we have any right to complain? For the third time these men have come to us and offered this alliance, offered us this power over their island. They came first when Marcy was Secretary of State; a treaty was negotiated under Pierce; but there were then some difficulties growing out of the annexation of Texas which prevented its consideration. Then again they came under Mr. Seward; a treaty was negotiated by him and recommended by him as Secretary of State. At that time there arose difficulties with reference to reconstruction and it passed over again; and now it is presented for the third time. If now, after having gone so far, after it has been sanctioned by the popular branch of Congress, after the ratifications have been exchanged between the two powers, after their parliament has adopted the necessary legislation to carry it into effect, we reject the needed legislation, have we any right to complain if they turn right around at once and make this arrangement with the other powers who are anxious for all this which we would throw away? I say that we should have no right; we should be foreclosed from taking the ground that Daniel Webster suggested should be taken, using the power of the Government to prevent a consummation like that, because we have thrown away our advantage, and what right have we to reconquer it by force of arms?

Mr. NORWOOD. Will the Senator from California allow me to interrupt him a moment? He is dealing in generalities and making general statements. I desire him to state whether there is anything in the treaty that gives the United States control of the Hawaiian Islands, by which it can acquire them, in the first place. If there is not, then I desire him in the second place to go a little more into detail and inform us what the reasons are, commercially, for the possession of these Islands if we ever get possession of them, and if we get possession of them how long it will take by the decrease of population, to which he has made reference, in which event the extinguishment of the race must take place before we can acquire possession. I desire——

Mr. SARGENT. The Senator has already asked more questions than I can remember.

Mr. NORWOOD. The first is whether the treaty provides that we shall have possession of these islands? If not, then I desire the country to know how much it is going to cost, commercially, before we can get possession of them and how long a time it will take before your possession——

Mr. SARGENT. I think I understand the Senator's questions. In the first place the treaty does not provide that we shall have possession of the islands.

Mr. NORWOOD. Now give us the details.

Mr. SARGENT. The Senator need not catechise me. I will answer in my own way, and if he will have patience he can talk himself. I say the treaty does not provide for our having possession of these islands. I do not desire that the treaty shall so provide. I simply desire to strengthen American influence there. The Senator says I deal in generalities. I have not dealt in a single generality; I have stated specific facts, the utterances of statesmen; of the location of these islands and their importance, commercially, and on each point I have been careful to confine myself within matters that the ordinary intelligence of Senators makes them aware of.

Mr. NORWOOD. Now——

Mr. SARGENT. I have not answered your question yet.

Mr. NORWOOD. I was going to tell you what I meant.

Mr. SARGENT. I will listen to the Senator.

Mr. NORWOOD. As the Senator says he has not dealt in generalities, I desire to call his attention particularly to the specialties that I made reference to. If the treaty does not provide for our getting possession of these islands, then they must come in some other way. How is that? He says by the extinction of the race that now occupies the islands. I desire to know in the first place how long it will take that race to be extinguished, if he has made the calculation. If he has not, I can give him the information after awhile. Secondly, what is it going to cost this country commercially in the way of the loss of duties upon rice and sugar before we get possession of these islands?

Mr. SARGENT. The Senator will unquestionably make his speech before the debate closes; but it is not necessary for him to make it in mine. I cannot tell him whether we shall ever have to buy these islands or not. My idea is that our influence will be strengthened there, that we shall never have to pay one dollar, but they will fall naturally to us. That is what I expect. The rate of decrease of the natives is something like 2 per cent. per annum. The influence of the United States is strengthened by this treaty by these close relations, by the encouragement of Americans to go to the island and settle and enter into business there. It will be strengthening that influence now exercised by those who are there, and which is so great that on three occasions, although we have sent them away twice, they have come to the United States offering us these advantages, although tempting offers were made by foreign nations and there was no danger they would be sent away refused by either of the other great nations of the world.

Mr. INGALLS. May I ask a question? The Senator from California has stated that the native population was decreasing at the rate of 2 per cent. per annum. I ask him to inform the Senate whether the gross population is increasing or diminishing; and, if so, at what rate?

Mr. SARGENT. I think the gross population is decreasing somewhat on account of the rapid decrease of the native population. They have no home market; they have nothing now to call to them foreign blood, and Americans who go there are not much encouraged by the existing business.

Mr. MITCHELL. If the Senator from California will allow me a moment, I will answer the Senator from Kansas that the total native population in 1832, when the first official census was taken, was 130,313. It has now dwindled down to 49,044, while the total population today, including not only natives, but all others, half-castes, Chinese, Americans, Hawaiians born of foreign parents, Britons, Portuguese, Germans, French, and other foreigners, numbers 56,897, a little over one-third what it was in 1832.

Mr. MORRILL. The whole population has diminished a thousand a year since 1866.

Mr. SARGENT. The effect of the treaty is to encourage Americans to go there to make it an American colony, and therefore it will cost us nothing to buy it by and by, because it will be in our possession as Texas was in our possession by the American population supplanting in influence and in numbers the Mexicans or Spaniards, by this infusion which follows the trade and inducements to go there, making it an American colony. I am now speaking of the probability of its falling, at the end of this treaty or at some future time, into the hands of another power than those who now possess it; and it is obvious that by strengthening our own influence there we do not need to provide, which we cannot now provide for, the annexation of these islands. I prefer and I believe the people of the Pacific coast and the country generally would prefer that this power should stand as long as it can; that it should not fall into our hands or go into the hands of any other power; but when it is absolutely necessary that we should take it, then it is requisite that we should be in a position to do so. Otherwise we have a menacing outpost to annoy our Pacific possessions, perhaps in the case of a terrible war to deprive us of them temporarily and to destroy our commerce from the seas.

These are reasons which must influence the minds of Senators from any part of the country, for I suppose we are not so bound up in sectional ideas that we can see nothing unless it is for the benefit of Georgia or Massachusetts or California. Show me that there is a necessity for some protection against a calamity of any kind properly cognizable by the Government of the United States in behalf of the State of Georgia, and because I am from California I will not object to that.

Mr. NORWOOD. That is what I will try to show you.

Mr. SARGENT. I do not believe that we ought to be governed by mere sectional considerations in matters of this kind; and it is as important to the glory of the country that the Pacific possessions should be saved as that the Gulf States should be saved. I trust that this measure will not be fought upon any sectional considerations.

Mr. NORWOOD. Not by me.

Mr. SARGENT. Now, Mr. President, I have talked longer than I intended to do in opening this debate. I have endeavored to present concisely the two main reasons why this treaty should be ratified, aside from such obligations of honor as may exist upon the Senate to ratify its own work, and I will leave to others to continue the debate, trusting, however, that the debate may not run an unreasonable length, but considering the near close of the session that we may come to a vote at an early hour.

Mr. WEST. Mr. President, I believe it is understood among the gentlemen who will take the adverse side to this proposition that I should ask the attention of the Senate now to what I wish to say in opposition to this legislation; and before I proceed in the line of argument I have marked out for myself, I may be pardoned if I make some brief allusion to the remarks and the arguments that have fallen from the Senator from California. This morning he takes a somewhat wider field than he assumed to occupy last night in a brief allusion to this subject, and although he says he has dealt in no generalities, such is not my opinion, and I have been a very attentive listener to his remarks. Last night in his earnestness and in his zeal in behalf of this measure he appealed as follows to the Senate:

> Now, Mr. President, I want to appeal to the generosity of the Senate on behalf of the people of the Pacific coast that this measure be acted on.

He deprecates sectionalism to-day, but he spoke in favor of a section, and that was his idea last night.

> I know the Senator from Louisiana is opposed to the bill. I know that he wants to debate it, and beat it if he can. That is fair warfare.

There is not a doubt in my mind but what the Senator in his zeal and in his propor regard for his obligations as a representative of the Pacific coast did desire on their behalf that this measure should be considered, but I tell him he is deluded. I shall try to convince him of the fact. I shall try to convince him that he has not spoken thus in the interest of the Pacific coast, but that he has been unwittingly led into a collusion existing between the sugar-planters of the Hawaiian Islands and the refiners of San Francisco, and I shall try to show him and I shall try to show the Senate that no possible advantage can redound to the commercial or the individual interests of the inhabitants of the Pacific coast.

Now, sir, speaking of the Senator's generalities let me call attention to the magnificence of his views of the grand expansion of the commerce of the country looking to a little miserable trade of 50,000 people, looking to the trade of a population scarcely more than one-third of that of the city of Washington, proposing to subsidize, proposing actually to give to a people scarcely more than one-third of the population of Washington an annual subsidy ranging from three-quarters of a million to three million dollars per annum.

Why, sir, but a day ago, within twenty-four hours, within sound of my voice here, some members of the Senate stood aghast at the proposition to contribute $500,000 to the population of Washington toward the expenses of its government when you own one-third of the property in the city. And now in looking after this miserable, this picayune trade—for there is no other word to express it—of this diminished and diminishing population of the Hawaiian Islands, you propose to contribute to their benefit an annual subsidy out of the coffers of the United States of $750,000, running perhaps up to $3,000,000, and not a farthing less than the lesser sum.

Let me ask the patient and earnest attention of Senators here. I state this conclusively, and I can demonstrate it, that if you carry out this treaty you will out-Herod every scheme of subsidy that the Congress of the United States has known for the last twenty years. Talk about your Pacific Mail; talk about your railroads to the Pacific, your Central and your Union Pacific; what were they in comparison with this? The whole people of the United States were benefited by them. They depleted the Treasury, I will admit, of certain amounts; but they cost nothing in comparison with this scheme. I ask Senators to mark well the whole enormity of this proposition to give to fifty thousand people, half savage, in the Hawaiian Islands three times as much per annum, and possibly six times as much, as you will contribute as your share to the support of the capital of the nation. I will refer now to a branch of the subject that comes uppermost in my mind at the moment in conjunction with the remarks that have been made by the Senator from California.

Before I proceed on my own line of argument I must answer one other proposition of the honorable Senator, that the Senate of the United States is bound in honor to carry out this treaty. In article 5 of the treaty it will be observed that an amendment in these words was ingrafted upon it, that this treaty shall not take effect "until a law to carry it into operation shall have been passed by the Congress of the United States of America." There was the distinct stipulation. Whether it induced Senators to vote for its ratification or not I cannot say; but there was the distinct stipulation that whatever proprieties or improprieties there might be in this measure we would have in the lapse of time, and during the recess of Congress, further opportunity to look into it, further opportunity to see its defects and to conclude for or against it as experience and observation might induce us.

Now, sir, I say earnestly to the Senate, and in no sectional spirit whatever, it is time for them to indulge in that "sober second thought" and see whether one branch of the treaty-making power of the Government has not made an egregious mistake that will come home to plague us during its duration. It is said that we sought this treaty. Did we not have the honor of entertaining His Majesty the King of the Sandwich Islands; and did we not do it at an expense of $50,000? Did we not pay his expenses to come here and make this treaty for himself? Have we not had the earnest and solicitous guardianship of "Hon. Elisha H. Allen, chief justice of the supreme court of the kingdom, member of the privy council of state, his majesty's envoy extraordinary and minister plenipotentiary to the United States of America," a title that, coming off the stomach of a constituency of 50,000 people in those islands, almost takes one's breath away. But the honorable gentleman has been here; he has been extremely solicitous in this behalf. I take no exception to that; but I think that when the interests of 50,000 people here are represented by a gentleman bearing such high-sounding titles, it is quite as well that we should go under the surface of his titles and see what kind of a bottom he stands upon.

Mr. President, one word about this magnificent commerce of which we are in great danger of being deprived by the adverse interposition of some other power jealous of our supremacy. The data in regard to that commerce are profuse and voluminous, but a concise reference to them from official and authentic documents should serve to enlighten the Senate. I read from a statement furnished by the promoters, the abettors, the advocates of this measure, and therefore necessarily offering at least the most favorable presentation of the case:

> The total value of articles imported into Hawaiian Islands, included in the treaty of 1866, which are proposed to be admitted into the Hawaiian ports free of duty, amounted to $1,003,424.86, of which $483,711.76 came from the United States, and $519,713.10 came from other countries, but under such a treaty, with its advantages favoring American productions, most, if not all, would come from the United States.

There is the great bait that is held up to the Congress of the United States; a trade of half a million dollars per annum as a temptation for us to embark upon a scheme that is, as assumed, to be beneficial to us.

I know very well, Mr. President, that the argument will be instantly that if you make this treaty you will get more trade. Unfortunately it is a losing game from the start. The more trade you get the worse you are off. You cannot get more trade without more population, and you cannot get more population there without more goods coming to us free of duty. So we start with the proposition to-day that you pay them an annual subsidy, as I shall demonstrate in a very few moments, of $750,000 per annum to get half a million dollars' worth of trade, and the more trade you get the more subsidy you will have to pay. The whole trade to be gained is $519,000 per annum.

Mr. NORWOOD. I ask the Senator from Louisiana, if that is the total trade?

Mr. WEST. The gross trade, as I stated, is $1,003,000, omitting the odd hundreds, of which $483,000 came from the United States, and $519,000 came from other countries. But under this treaty we are to have this whole million; under this treaty we are to get this $519,000 that we do not get now, and I contend that we shall pay very dearly for it. In the views of the minority in House Report No. 116 this proposition is very concisely stated in these words:

> This is giving and remitting nearly one dollar of duty to the islands for the privilege of selling another dollar's worth of products.

And it is really "nearly one dollar," because, according to their report, the Secretary of the Treasury says the duties received on these articles are $456,777. But if there is not a mistake in the figures of the Treasury Department or the figures of the authorities of the Hawaiian Islands, there is a slip somewhere between the Pacific coast and the Hawaiian Islands of upward of 7,000,000 pounds of sugar per annum. The Hawaiian authorities give the amount of sugar sent to this country per annum at 25,000,000 pounds. The returns of the custom-house show that we received eighteen millions. There is the difference in the figures of the Treasury Department. I do not know where the deficiency occurs, or why it occurs, but I know that the official figures establish that fact, and I shall have occasion to allude to that in the course of my remarks when I come to the subject of the imminent danger of smuggling from those islands into the United States under the provisions of this treaty.

Now, Mr. President, can anybody advance one step beyond the proposition I have laid down, that we are searching and striving for the commerce of fifty thousand people? I shall speak as I proceed of what we have to pay for that commerce more at length; but is not that the proposition? Is not that what we desire to get? To the political advantages allusion will be made hereafter. But that is the commercial proposition. Let me repeat, if you enhance their demands and consumption, you enhance their products. If you pay more now for their trade than it is worth, the more you get the greater the disadvantage to the country.

One word in reference to the population of these islands. Although the Senator from California did not allude to it, I have heard it mentioned, and it is referred to in various official documents, that the industry and the production of these islands will be accelerated by the importation into its dominions of countless hordes of Chinamen. The Senator's philanthropy in favor of an oppressed race domestic to the soil to-day scarcely holds good with his protestations so elaborately, so eloquently, so feelingly made to the Senate on other occasions, when he deprecated the importation of a single coolv to the shores of the United States. But now, in order to promote the interests of this fifty thousand of a waning race, he is willing to seek for such political advantages through a treaty with the United States as will lead to an importation to those shores that will make those islands the home of slavery on the Pacific coast. Is that our policy? Does the Senator believe that we can Americanize them or attempt it by such a policy?

Mr. President, there have been three sources of information available to us, anxious inquirers for intelligence and knowledge, as to the true condition of the Sandwich Islands. One of these sources has been the book of Mr. Nordhoff, entitled Northern California, Oregon, and the Sandwich Islands, published in 1874. One other source of information is the Commercial Relations of the United States transmitted to Congress by the Secretary of State, and the third is the honorable and very much esteemed gentleman whom I had occasion to allude to in the opening part of my remarks. In whatever I said then I intended no personal reflection upon the gentleman. I have the highest esteem and regard for him; but I could not help thinking of the elaborate title with which he was clothed on behalf of such a very small constituency. In our references to that gentleman, in the efforts that members of this body, myself among the number, have made to obtain from him information as to the true condition of affairs in those islands, their capacity and their extent, I must say that we have not met with any very great success. Whether this is owing to the fact that the gentleman in his official capacity at home occupies the supreme bench of that somewhat limited kingdom and has not the opportunity of informing himself throughout as to the condition of affairs there, or whether it is owing to the fact that he has been, as I understand, mostly engaged in the last five years in very diligently prosecuting this measure before the Congress of the United States, I am not prepared to say; but it is unquestioned that if his information is not limited that our extracts from it have been of an exceedingly brief character.

Mr. MITCHELL. I suggest that the fault I think lay on the other side.

Mr. WEST. Will the Senator be kind enough to explain?

Mr. MITCHELL. We may not have been anxious to receive his instructions.

Mr. WEST. I will only say that there was a much greater anxiety to receive instruction than there was to impart it. It may be our capacity for receiving that instruction is not limited to the gentleman's qualifications for imparting it, but we certainly manifested more zeal to acquire than he did to impart, at all events.

I wish to lay down the details of the proposition to which I alluded at the outset, confining myself to one article of production of those islands, and leaving others to speak of and demonstrate what must result from other articles. From all the authorities we have we find that the sugar interest is the main producing interest of those islands. Mr. Nordhoff speaks of it; in the Commercial Relations it is alluded to; the total export of the islands to the United States of that article is given in the quarterly report of the Bureau of Statistics ending December 31, 1875, at 24,000,000 pounds. In the same book the aggregate export from the Hawaiian Islands is put down at 25,000,000 pounds, so that almost if not the entire quantity of the sugar of the Sandwich Islands comes to the United States.

A word as to the capacities of those islands; and on this subject I wish to dwell emphatically, I wish to cite from authorities, and I want to show to the Senate the exact information which we have upon the subject of the extension of the sugar culture within their limits. Mr. Nordhoff, first, in speaking of the fertility of the islands, on the subject of sugar culture says:

The common custom is to take off two crops and then let the field lie fallow for two years; but where they irrigate even this is not always done. There is no danger of frost, as in Louisiana, and cane is planted in some part of the islands in almost every month of the year. In Lahaina it matures in from fourteen to sixteen months; in some districts it requires eighteen months; and at greater altitudes even two years.

According to this much-respected authority, at the extreme limit and with the great stimulus that this premium upon production will give, within two years beyond doubt, without the slighest hesitation of belief, we will be importing fifty millions of pounds of sugar from the Sandwich Islands. There can be no question about that. Then, as to the area or further capacity of those islands. Were it to stop there the case would be bad enough.

Mr. Nordhoff further says:

There is room on the different islands for about seventy-five or eighty more plantations on the scale now common; and there are, I think, still excellent opportunities for making plantations.

When he wrote this work and gave his experiences to the public as a journalist and an author there were about twenty-five sugar plantations upon the island. He says there is room for about seventy-five or eighty more, so that beyond question within a brief space of time you will have a sugar product of those islands quadrupled to fourfold, producing now twenty-five millions, with a capacity according to Mr. Nordhoff of 100,000,000 pounds of sugar. Then with respect to the productive capacity per acre of these islands, the same authority says it is from two to two and a half tons per acre, attaining as high in some instances as six tons. Hon. Henry A. Peirce, United States commissioner to the Hawaiian Islands from the United States, under date of the legation of the United States of America, Honolulu, May 26, 1873, transmits his views on this subject as follows.

The list of articles exported and their value at three several periods, 1852, 1862, and 1872, exhibits the industries of the country. That of sugar is the principal one, the climate and soil being well adapted for the cultivation of sugar-cane.

Not more than one-fourth part of the area of land suited to its growth is under cultivation, owing to the scarcity or want of labor and capital.

Not of want of productive capacity but of labor or capital; and those are the elements, the lacking elements, that this treaty proposes to inject into the veins of this expiring community, a most praiseworthy object, a most commendable desire, but scarcely to be carried out at the expense and at the cost of the entire people of the United States. This gentleman at the same time, in transmitting his views to the Government of the United States, incloses also a summary of the area and cultivable capacity of the islands, vouching of course by its transmittal for its veracity; and I should like to refer to that in this connection. He says:

The area of the eight principal islands of the group is generally estimated at 6,000 square miles, or 3,840,000 acres. At least one-half of this is composed of the rocky and barren portions of the four lofty mountains of Hawaii and Maui. The remaining 1,920,000 acres are suited to grazing purposes. Not more than one-fourth of this is tillable soil, unless we include those portions of Hawaii where the pulu fern now grows, and which are adapted to the Manila-hemp banana.

THE SCHOOL AMENDMENT.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, pursuant to the order of the Senate the joint resolution of the House of Representatives, as amended by the Senate, will now be read.

Mr. WEST. What becomes of me and the bill?

The PRESIDENT *pro tempore*. The Senator is taken from the floor by one o'clock.

Mr. WEST. So I see.

The PRESIDENT *pro tempore*. The joint resolution will now be read by the Secretary.

Mr. DAVIS. Is this the third reading?

The PRESIDENT *pro tempore*. The third reading of the joint resolution.

The Chief Clerk read the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The third reading having been executed, according to order, the joint resolution proposing an amendment to the Constitution takes its place upon the Calendar. The regular order is now before the Senate, and the Chair replaces the Senator from Louisiana upon the floor.

Mr. WEST. Is there to be no further proceeding under the order of the Senate?

Mr. EDMUNDS. We have executed the order of the Senate and cannot do anything more until we take it up, which we shall try to do presently.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate insisted upon by the Senate to the bill (H. R. No. 3478) making appropriations for the current expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. A. M. SCALES of North Carolina, and Mr. S. A. HURLBUT of Illinois managers at the conference on its part.

THE HAWAIIAN TREATY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. WEST. Mr. President, when interrupted I was saying something about the cultivable area of these islands. If the Senate will reflect a moment, this is a material consideration which should influence their action, because I shall endeavor to show as I proceed that we are absolutely buying this land—and getting no title to it—at over $5 an acre. What would be thought of the proposition if this bill came before the Senate headed, as it is in effect, "A bill to give the Sandwich Islands $3,000,000 per annum for a lease of sufferance for seven years?" How many Senators would vote for it? That is what it is in effect, and that is why I say it is the most gigantic and the most unwarrantable subsidy that was ever sought to be foisted upon the American Congress. Without going into the detail of these various islands, Kauai, Oahu, Maui, Hawaii, Moloki, Lanai, and others, which are used as sheep-runs, I will read further from the Commercial Relations:

This estimate, which is very low, gives a total of 292,000 acres of arable land in the group. Of this only a part is adapted to sugar-cane cultivation. In a communication published in the Advertiser in 1855 or 1856, Dr. R. W. Wood estimated the quantity of cane-land at 100,000 acres, which has generally been accepted as reliable. A recent writer in the same paper says: "The aggregate amount of the cane-land on these islands amounts to about one hundred and forty-five square miles, or 92,800 acres."

There are two authorities, both giving you 100,000 acres of land in the Sandwich Islands capable of successfully producing sugar. What does this other authority say? I have quoted Mr. Nordhoff on his average of two tons per acre. I have quoted him on his maximum of six, and now I will give the maximum of the honorable commissioner of the United States:

Two tons of sugar to the acre of cane.

This is not an extract from a newspaper; this is his official report:

Two tons of sugar to the acre of cane is the average crop of all the plantations. Captain James Makee, proprietor of Ulapalakua plantation, at an elevation of two thousand feet, on the southerly side of East Maui, once produced fifty tons of sugar from seven acres of cane.

Over seven tons per acre. That is the maximum of this authority. Let us take it at the average. One hundred thousand acres of sugar-land, four thousand pounds per acre, 400,000,000 pounds, is the capacity of these islands for sugar production, every pound of which will be produced and under this treaty will come to your shores. Twelve million dollars, according to the maximum of your authentic and official authorities, will be taken out of the Treasury of the United States annually to subsidize the sugar-planters in that island and such as may go there. But that I should not deal in too large figures, that I should not make my hypothesis unreasonable, let us come back to the present production there. Let us reason with ourselves how much it is likely to be on an average in the next seven years. I have shown you that the product to-day is 25,000,000 pounds. I have also quoted authorities showing that that quantity can be increased to the utmost capacity of the island within two years. I think it is within the bounds of reason to say that during the term of duration of this treaty the average import into the United States will be at least 100,000,000 of pounds per annum. Before I leave this authority let me call attention to one very significant note. It is prefixed with

the usual notification, *nota bene*, and it should be a *nota bene* to the Senate:

N. B.—The capital invested in thirty-two plantations amounts to a sum not less than $4,000,000, while their value at this time is not over $2,000,000.

Is not that an inducement, if there were no other, to have a minister plenipotentiary sent here to this Congress to endeavor to cajole this body into an arrangement that will put that deficiency of $2,000,000 back into the hands of the resident planters, irrespective of what is to be gained in the future? There is the authoritative admission that this property has decreased one-half; that it only represents 50 per cent. of what it cost; and can we form any other conclusion but that under the stimulus of this hot-bed process, fertilized by the treasure of the people of the United States, the value of these lands will soon be recovered to their proprietors?

I know such of those Senators who have given the slightest attention to my remarks are anxious to know how the money is to get out of the Treasury of the United States that I have stated. I have no doubt that they require that I shall make my proposition good that this is a gross subsidy, an unwarrantable subsidy, and that the carrying of it into effect must be done at the expense of the people of the United States. From page 472 of the Revised Statutes I read that in the introduction of sugar into the ports of the United States "sugar not above No. 7" shall pay 1¼ cents per pound;" and going on through the various grades I find that the extreme for unrefined sugars, the description embraced by the provisions of this treaty, is 3¼ cents per pound. A subsequent act of Congress enhanced this rate of duty 25 per cent., so such an addition is to be made to the figures named. How are the grades of sugar fixed under the laws and regulations of the Treasury of the United States? The saccharine properties of the import do not control the duty. It is a mere question of color. Make the sugar light in color and you raise the duty, although it may contain no more saccharine properties than if it was much darker. Consequently all sugar-importers intending to use sugar for refinement bring it in at as low a grade as possible, or as I am informed they practice sometimes the imposition of unnaturally coloring the sugar so as to get it in at a low price. I have been unable to ascertain from the Treasury Department what the exact amount of duty per pound is paid upon Sandwich Island sugar; but it cannot be doubted that the moment you put this premium upon its importation the grades of sugar will be raised by the sugar-producers there as high as possible, so as to get the advantage of the abatement of the highest rate of duty. They pay now, as well as I can understand, about 2¼ cents per pound; but not to be excessive in my limitation I will put the result of their efforts at 3 cents a pound duty. So then, when you take off the duty to-day, to get five hundred thousand dollars' worth of trade in gross, you will take out of the Treasury of the United States three quarters of a million dollars. To-day the imports into this country are 25,000,000 pounds of sugar. Abate the duty upon that at 3 cents a pound and you are giving a bonus to that people of $750,000 for the mere opportunity of getting half a million dollars' worth of their trade. What does half a million dollars' worth of trade amount to any way?

Take all the character and the experience of the trade with the Sandwich Islands, carried on mostly by the thrifty and provident residents of New England, and can you in the nature of things anticipate or expect that more than 20 per cent. inures to the parties engaged in it. Therefore, to get five hundred thousand dollars' worth of trade at a profit of 20 per cent., or $100,000 per annum, you begin by paying $750,000 out of the Treasury of the United States. There are three places for that advantage to go, beginning with the three-quarters of a million of abated duty at the very outset of the ratification and confirmation of this treaty. There are three places for that sum to go; first to the planters of the island; second, to the sugar refiners of San Francisco; or third, to the inhabitants of the Pacific coast, who consume every pound of it and more; but with regard to the latter that is a delusion. The Senator from California [Mr. SARGENT] and my friend who sits beside me [Mr. MITCHELL] will find their people not benefited one farthing by this abolition of duty. Is it not within the experience of this Congress that when the duty upon tea and coffee was abolished abated not one farthing of the cost of consumption to the poor man who drank either? Have we not had experience sufficient in taking off the duties of two important commodities to show that such a proceeding inures in no degree whatever to the benefit of the consumer?

Mr. MITCHELL. Will the Senator allow me to ask him a question?

Mr. WEST. Yes, sir.

Mr. MITCHELL. I understand that one of the principal reasons why the honorable Senator from Louisiana and other Senators from the South oppose this treaty and the bill is because in their judgment it will materially affect the sugar and rice interests of the South. If the gentleman's argument be true that the Pacific coast is not to be benefited in that there shall be no reduction in the price of sugar or of rice and the people of the Pacific coast are laboring under a delusion, then I should like to know how the sugar and rice interests of the South are to be affected by the treaty?

Mr. WEST. Whatever other Senators may have to say on the subject, the Senate will bear me witness that I have not alluded to the sugar interest of Louisiana one moment, and I do not intend to do so. I am speaking in no sectional interest at all. I am trying to demonstrate to the Senate that here is a scheme to take the money of the people from all sections and contribute it to the people of another section.

Mr. MITCHELL. Then one other question, if the Senator will allow me.

Mr. WEST. One moment; I am not through with this one. I will answer the question further if the Senator will take his seat. I will now allude, although I did not so intend, to the interests of Louisiana in this matter. I know that this idea is not generally entertained by those whom I represent at home, but I say to them in all candor that I would prefer in their interest to give my vote for this treaty rather than to give it against it, and I will explain why. When you have depleted the Treasury of the United States to the extent of from three to twelve millions of dollars on the duty upon sugar, it is so much more argument in favor of the sugar interest of Louisiana that the present rate of duty upon sugar should be maintained. The time may come when the representative from the sugar-growing State of Louisiana will stand in this place and plead in behalf of that interest that you have stricken from your revenues millions of dollars per annum, and if you want to maintain those revenues at the present sum you must hold up the sugar-plantations of Louisiana or your Government will become deficient in its revenue. I know this idea is peculiar to myself, yet it is entertained by some others, too. It is not generally entertained by the people of Louisiana, but I should want no better vantage-ground, and the future representative of Louisiana in this body, whoever he may be, will want no better vantage-ground for the maintenance of the duty upon sugar in after years than to say, "You took it off of 400,000,000 pounds on the Pacific coast." That is the sectional allusion which I will make in regard to Louisiana sugar; but the Senator cannot put the words into my mouth that I am speaking in the interest of Louisiana alone. Now I will answer any other question the Senator from Oregon may put to me.

Mr. MITCHELL. I do not wish to do that, I am very sure, but I simply want to understand the Senator; and I think I do understand him now. I understand him to state it as his judgment, in substance and effect, that the practical operation of this treaty will not affect the price of sugar and the sugar interest of the South. That is what I desire an answer to.

Mr. WEST. Very well. The Senator has made an answer for me. He started out with the proposition that I was opposing the passage of this treaty because it would damage the sugar interests of Louisiana. I do not do so from that stand-point.

Mr. MITCHELL. I do not understand that the Senator from Louisiana, and certainly not after what he has said, takes that position; but I do understand him now to say that in his judgment the practical operation of this treaty will not or cannot in the very nature of things affect the sugar or rice interests of the South.

Mr. WEST. I should like to qualify that remark in one respect. Stimulate as you will under this treaty the production of those islands to the greatest extent, setting the example as you will by a reciprocity treaty in favor of one sugar-producing country, then you may ultimately injure our efforts; but the present and prospective scale of reduction, at the limitation I have put it, is so small in comparison with the consumption now and growth of this country that I do not regard it of importance. I will not make that same remark, however, with reference to the rice-growing interest of the South, because as I understand the rice produced in the Sandwich Islands assimilates more to the Carolina rice and the Louisiana product than any other species of rice known in the world. I have no doubt that my friend from Oregon could sit down and under some circumstances of his diet enjoy a plate of rice and milk with a great deal of gusto. If that rice were India rice, Patna rice, or China rice, he would have no relish for it; but if it were Sandwich Island rice or Carolina rice then he would enjoy it. Therefore there is another thing to be taken into consideration on the rice question, and my friends who are more concerned in the product of that article than I am myself will no doubt treat it properly and ably subsequently in this debate.

When my friend interrupted me I was making an allusion to the draught, the suction, if I may so call it, that will be applied to the Treasury of the United States by the abatement of this duty. I was going on to show what the rate of duty was and the process by which the rate of duty was defined under the regulations of the Treasury Department. This is all I have further in regard to that matter. I read from section 2914 of the Revised Statutes:

The standard by which the color and grades of sugar are to be regulated shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.

I called attention to the fact that the amount of duty that was paid respectively upon various grades of sugar was fixed and defined arbitrarily by the decision of the Secretary of the Treasury. Let any one of our friends here go into an appraiser's store in any custom-house of the Union where sugar is imported, and he will find a series of little glass bottles arranged, each one of those bottles graded according to color, marked by the authority, sanction, and direction of the Secretary of the Treasury of the United States with the rate which sugar of that color shall pay. That bottle is laid down upon the importer's sample and the duty is fixed accordingly. There is an abatement of

from 1¼ of a cent a pound up to 3¼ cents, according to the grade of the sugar, and that grade is established by color. Does any man believe that it will not be instantly the interest of every sugar-producer in the Sandwich Islands, under this treaty and its stipulations, to so raise the color standard of his sugar that he will get the greatest benefit from the higher rate of duty? Then you cannot avoid in your own minds establishing 3 cents as an average rate of duty upon the product of sugar to be introduced from these islands.

Therefore, I repeat again, you begin by paying $750,000 a year. In less than two years you will pay a million and a half. Within the time of this treaty you will pay three millions a year; and it is within the bounds of possibility that your Treasury will annually be depleted by a maximum sum of $12,000,000. I do not think I overstate the case when I say that it will average $2,000,000 annually. So in the space of seven years, not to acquire the fee-simple of these lands, not to become the sovereign owner of this limited territory, but for the mere sake of creating an abstention on the part of other powers that they will not take possession of those islands you will have paid out of the Treasury of the United States, at the very lowest limit, $14,000,000, and you will have got what? A 20 per cent. profit on a trade of $500,000 a year. The proposition is absurd. Looked at in that light it cannot meet the sanction of this body.

Although I have not concluded what I have to say with regard to the commercial advantages claimed for this proposition, I shall now take occasion to speak of what are called its political advantages.

Mr. MITCHELL. Before the Senator comes to the political feature, I should like to make one other inquiry of him, and that is whether or not, in his judgment, the importation to the Hawaiian Islands from other countries outside of the United States would not in all probability come from the United States under the operation of this treaty, and therefore his argument of 20 per cent. of $500,000 would fall to the ground.

Mr. WEST. I have already shown that the trade of those islands from other parts outside of the United States is only half a million dollars. That is the very foreign trade the friends of this bill characterize as grand commercial advantages.

Mr. MITCHELL. I say that we shall get that trade under the operation of this treaty.

Mr. WEST. Certainly.

Mr. MITCHELL. Therefore the argument of the Senator that we are getting 20 per cent. on four or five hundred thousand dollars amounts to nothing, if I understood him?

Mr. WEST. I cannot conceive for my life how the Senator can come to any conclusion such as that. I have shown that the total trade of the islands is something over a million of dollars; that the United States have about half of it, and that under this treaty we shall get the other half. Is there anything more to get than the 20 per cent. on that other half?

Mr. MITCHELL. I confess if that is what the Senator means I did not understand him. We are now paying an *ad valorem* tariff to the Hawaiian Islands of 10 per cent. on all of the trade we have with them.

Mr. WEST. That there may be no mistake about this, as it is a material point in the line of my argument, I will go back and repeat it:

> The total value of articles imported into the Hawaiian Islands, included in the treaty of 1864, which are proposed to be admitted into the Hawaiian ports free of duty, amounted to $1,003,424.86, of which $483,711.76 came from the United States, and $519,713.10 came from other countries; but under such a treaty, with its advantages favoring American productions, most, if not all, would come from the United States.

In other words, we are in pursuit, I repeat again, of this enormous deficiency of a trade of $500,000 a year, now unfortunately, to our detriment, enjoyed by other parties, and we propose for the profit on that half million to pay an annual bonus of $750,000.

Mr. MITCHELL. And we get to our people the reduction of the tariff they are paying to the Hawaiian government besides, the Senator will admit.

Mr. WEST. I never heard that the manufacturers of Great Britain were mulct in the duties imposed by the United States. It has always occurred to me as an element of political economy that the consumer was the unfortunate man that paid the tax. Now the Senator from Oregon says by taking off the Sandwich Islands' tariff the Pacific coast will get the benefit of that profit. That reasoning leads him exactly to my proposition that taking off the duty in either case only benefits the producer.

Sir, the magnificence with which this proposition is claimed as redounding to the eternal glory, the transcendental progress of the United States in a political sense, has amazed my comprehension. We are led to believe by the momently timerous Senator from California that the great coast of the Pacific, the home of a stalwart and warlike male population is open to the inroads of some hostile power and needs must that a gate-way be planted in the middle of the Pacific to stand watch and ward over their dangers. A historical reflection to the great Armada of Philip II in the sixteenth century, when the whole people in the kingdom of Queen Elizabeth were in dismay at the advent of that Armada is nothing in comparison with the Senator's apprehension. Twenty-seven thousand men under Philip II of Spain borne upon 75,000 tons of shipping were the dread and terror that overheld the British people.

One other armada, and that in the history of our own country, I will refer to. I allude to Sir Henry Clinton's invasion of Long Island in 1776 with another force of 27,000 men. A similar number of men to that of the great Armada was projected on our shores by what means? By the escort and protection of thirty-seven frigates of the line by the capacity in a carrying sense of four hundred transports. Take your own navigation laws where you have restricted the tonnage to your immigrant population to two tons *per capita*. Add to that the munitions of war, the cavalry, the artillery, wagons, the necessary three months' rations, the necessary one month's forage of the invading army to the Pacific coast, and you can double, ay, treble, your tonnage capacity. So to land on the shores of the Pacific from where? From a voyage of 16,000 miles such a force as could be presumed capable of invading its shores would require more shipping than the kingdom of Great Britain has to spare. Does any man believe, does the Senator from Oregon believe, that upon the bugle-blast of war being sounded on the Pacific coast 50,000 men would not spring to arms to resist an invasion of their territory in thirty days? Sir, where is your invading army? It fades like smoke before the breeze, as other invading armies have faded in history. It is an unwarranted and a discreditable apprehension to suppose that the soldiers of the Pacific coast are not adequate to take care of themselves in all emergencies against any invading foe. And how near are we to them? Let there be an untoward occurrence in your Indian warfare and the President of the United States and the General of your armies and the Secretary of War are overwhelmed with propositions of gallant and intrepid soldiers to enter into the service. Let there be the first intimation to-day that the Pacific coast is in danger, and although I know the men of that coast and know that they would consider themselves degraded if you supposed that they were unable to protect themselves, yet we could within a week re-enforce them beyond all possibility of disaster.

What becomes of this ghost of threatened invasion? I know there is a reference in one of these reports to a high authority in military circles stating as a strategical position the Hawaiian Islands would be of great advantage; but if you had asked that gallant soldier, "Do you propose that the people of the United States shall pay $2,000,000 for seven years to obtain that object?" he would tell you "I would rather have the money to put it in the mobilization of an army when danger was imminent." He was not dealing with dollars and cents as we are required to do as the guardians of the interest and the treasure of the people of the United States.

So I may ask in my humble way also to criticise a recommendation that has been made by a high naval authority on a somewhat similar subject. The instinct, the whole habit of thought of the Army and Navy of the United States tends to the aggregation of posts of strength, of offense and defense, leaving us to determine how they shall be regulated by the resources of the people. So here is another authority, Admiral Porter, not asked for his opinion as to whether it is advisable to pay this price to attain what he seems to have set his heart upon, but merely to express his opinion what an advantageous position this would be for an outlook on the Pacific. An outlook for what, Mr. President? An outlook overseeing the great commerce of the American people, a commerce by circumstances and by your improvident legislation that has dwindled down to such an insignificant extent that it occurs to me we had better address ourselves by some bounties in the interest of ship building to increase it instead of a bounty to protect it.

What does Great Britain want of these islands? They lie not within the track of the commerce from the Pacific coast to the Indies; in summer time they are eleven degrees and in winter time seven degrees south of the track of that commerce.

Mr. MITCHELL. What does England want with the Feejee Islands?

Mr. WEST. I am not discussing England.

Mr. MITCHELL. You asked what England wanted with the Hawaiian Islands.

Mr. WEST. I will come to that. Impinging upon our very shores, on our frontiers, is a British possession known to us as Vancouver's Island, the stronghold and threatening outpost of the British government over our contiguity. Vancouver's Island lies in latitude 48° north; San Francisco lies in 37°. Every ship almost bound from San Francisco to the Indies takes the track that brings her nearer to this already established stronghold of the British government, supplied fully with coal and with a back population of loyal citizens besides, capable of producing and furnishing all the implements and necessaries of war, and it is proposed that England shall go out of her track, according to the theory of these gentlemen on political advantages, to get an island where the carriage of coal to a coaling station would amount to more than her armed tonnage afloat. There rests that British fleet, ready to pounce upon us at any moment in case of hostilities. So, if those hostilities are imminent or pending or probable, which I do not believe, Great Britain has no occasion for another station. But assuming the principle that there is danger in that proposition, how does this give us a foothold upon those islands, and how does it prevent Great Britain from wrestling with us when a *casus belli* occurs? Is there any proposition to fortify these islands, to take the money with which we subsidize them and make them a stronghold for the Navy of the United States, whence they can preserve a protecting scope over our commerce? Let war be declared by Great Britain with this country at any time during the existence of this

treaty, and we must wrestle with her with the strong hand for the maintenance of our supremacy there. Not one atom have you advanced under your treaty to prevent it. Would it not, I ask, be a more sensible thing to step forward to this decaying and tottering kingdom and say, "We will give you so much per annum for so many years and we will own your islands, and we will go to a further expenditure and we will make, if necessary, such a stronghold as will be an essential and necessary and valuable protection to our commerce?" What will it protect, I respectfully ask of these naval authorities, by the mere ratification of this treaty? Will it raise a fortification? Will it plant a gun? Will it submerge a torpedo for the defense of your naval or your mercantile marine? No, sir; but you would find yourselves in the situation instantly of a war being precipitated upon you, of being compelled to meet the Queen of the Seas in your effort to make this locality formidable.

Does any Senator dispute my proposition that in a military sense the Pacific coast is absolutely impregnable? Does any Senator dispute my proposition that under this treaty you do not advance your naval protection one atom? I think not.

Mr. President, after all this is done; after all this annual subsidy has inured to the advantage of the interest that I have alluded to; after you have paid out of your Treasury your $2,000,000 per annum for seven years, where will we find ourselves at the end of that time? Have you advanced in any degree, even the most remote, toward bringing that people any nearer to you? Will not these men whom you pamper by your subsidy wax fat and grow strong in their conception of the value of their property? Can it be believed that at the end of that time these islands will be any more ready to drop like a ripe pear, according to the figure of speech of my honorable friend who sits near me, [Mr. HAMLIN,] into the lap of the great paternal Government of the United States than it is now?

Is it not the part of true political wisdom to so adapt your negotiations that you will understand absolutely what is the *quid pro quo* for the outgo from your Treasury? Further light has come to this body during the period that this treaty has remained incomplete. We are obliged to ransack the meager authorities that are attainable to ascertain something about these islands. A commissioner from that government comes here and endeavors to promote this treaty; but where is the observant and intelligent scrutinizer on behalf of the American people that has been to these islands and examined the question in the light of finance and commercial advantages and the reverse, who tells you it is to your interest to ratify this measure? What harm can be done by the lapse of a few months with the further opportunity that the authorities of the United States and the members of Congress will have to examine and to scrutinize and to reflect upon this matter? What harm will be done by letting this bill now before us lie dormant until we shall come here in the winter better informed on the subject? Is it not the duty of the President of the United States, after such preparations and examinations as are now made to further investigate this proposition and to ascertain what are its elements, and what are its damages and its detriments, as well as its assumed advantages?

I can understand why it is pressed with such unexampled zeal in this body. It finds its earnest advocates among the representatives of that coast which can only see advantage and profit to their section in it. It finds further advocates and supporters in the friends of the Administration, who would dislike to reject any measure that meets the encouragement and the support of the Chief Executive. Sir, I say that the friends of this Administration, I say that the friends of the republican party in this Chamber should beware how they fasten upon the civil administration of this country a measure that will come home to plague them, and that cannot be supported and sustained before the American people under the light of inevitable experience. I say to Senators here and I say to my fellows on this side of the Chamber that there is danger in this thing; that it means the grossest, the baldest, the most extravagant subsidy in behalf of a peculiar and special interest that ever was passed by the Congress of the United States; that the commercial advantages are insignificant; that you are asked to give from a million and a half dollars to $3,000,000 to a foreign people scarcely numbering more than one-third of the population of this city, when you hesitate and you cavil and you demur at an annual appropriation of half a million to maintain a decent government in a city where you own one-third of the property.

Mr. President, I call upon the Senate to pause before it takes this unfortunate step. If the propositions that I have laid down can be controverted, I shall be most happy; but I tell you you are ingrafting on your legislation now a scheme more reprehensible in its nature, in its effects, and in its results, than clouds the legislative history of your country for the past twenty years. Pause, I say to you; stop now and give us further opportunity to look into this scheme. What will be the great disadvantage or detriment if you have a few months more to dissipate the ideas that some of us have in regard to it and let some intelligent emissary of the United States go there and propound the question on our behalf whether it is policy to pay $3,000,000 a year for a lease of the islands, and such a lease! A lease out of which you will get no benefit, a lease through which you will make the lessee wax fat and strong and more able to resist your advances.

I recognize the importance of making these islands an inherent part of our republic. I understand that, and I say that in my opinion now is the right time to strike, now is the fit time when, trembling in the balance they see their sovereignty about to depart from them, we can, with less money than is required to be granted to them as a subsidy, buy the islands out and out, and be the undisputed sovereign of the country.

Mr. President, I speak with earnestness. I am so impressed with the fallacy, the danger, the wrong of this measure that I ask, at least, that further consideration should be given to it. The political advantages are as naught; the commercial advantages are a delusion and a snare. The honor of the United States is more bound to its people than it is to this foreign population. We are more bound in honor to our own people to recede from what we are doing, if we are doing wrong, than we are bound to adhere to any foreign people to the detriment of our own.

Mr. President, I will not occupy the time of the Senate further. There will be further debate on this subject, and to other Senators have been instrusted other interests that will be affected by the ratification of this measure. I am sorry to see, not speaking personally at all, the lack of interest that the Senate manifests on a subject of such very great importance. I trust, before final action on the subject, that the Senate will at least arouse itself from its lethargy and understand what interests of magnitude and importance are at stake in the question. Just so sure as we consummate this treaty, in my judgment, we lose the Sandwich Islands forever. We shall be fourteen to twenty millions of dollars worse off at the end of seven years than we are to-day, and we shall have to begin *de novo*. Take their own admissions. Now is their very strait. Now is the hour of their distress. If we want to go to their relief, bring them by purchase under the fostering dominion of this Government, and ingraft your institutions upon them, and at least give the people of the United States some return for their money that you take away from them by this measure.

Mr. WINDOM. Mr. President, the remarks I may have to submit to the Senate on this Hawaiian treaty have perhaps rather an indirect application, but as this is about the only opportunity I shall have, I will now submit them.

I will say before I begin that I have several tables to present with annotations showing the character of the reductions made by the House of Representatives in the appropriation bills, and I now ask the consent of the Senate that these tables may be printed without reading. It will occupy a good deal of time if I am required to read them.

Mr. NORWOOD. I dislike to object, but I must object to their being printed. I prefer to have them read.

Mr. WINDOM. I ask whether it is in order to move that permission be granted to publish them. I will say to the Senator that I do not propose to be prevented from reading them, and if I am compelled to read them, it may take me till about six o'clock.

The PRESIDING OFFICER, (Mr. EATON in the chair.) Does the Senator from Georgia insist on his objection?

Mr. NORWOOD. I do, sir.

Mr. WINDOM. I move, then, if it be in order, that I be permitted to publish the tables, annotated as I have stated, without reading them.

The PRESIDING OFFICER. The Senator from Georgia objects to the printing and demands the reading. The Senator from Minnesota moves that he be allowed the privilege of printing——

Mr. WINDOM. In the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Chair is not familiar with the rule that obtains in the Senate, but in other legislative bodies it would be for the decision of the body. The Chair, unless there be objection, will put the question on the motion of the Senator from Minnesota.

The question being put, the motion was agreed to.

Mr. WINDOM. I am much obliged to the Senate.

Mr. SAULSBURY. Before the Senator proceeds I should like to make an inquiry of him. It is very evident that it will not be a great while before there will not be a quorum in the Senate Chamber. I understand that there are several conference reports that might be submitted and acted upon. I want to inquire of the Senator from Minnesota whether there are not some conference reports which might be presented.

Mr. WINDOM. The remarks which I shall make now after the Senate has consented that I may publish the tables will not take, I think, more than an hour, and probably not that long, and there will be no conference reports ready to act upon in that time. I have chosen this opportunity so as not to delay the action of the Senate on the conference committee reports. I would otherwise have preferred to make my remarks in submitting one of the reports of those committees.

Mr. DAVIS. I take it that the Senator from Minnesota will refer to the tables that he wishes to have printed.

Mr. WINDOM. I will state what they are; and now I will say that having prepared my remarks so that I might not take too much time of the Senate, I shall decline to be interrupted until I conclude them, and I will say to Senators who may have any doubts as to the truthfulness or propriety of what I may say, that if they will make a little note I shall very gladly submit myself to cross-examination when I have concluded, but not before.

Mr. BOUTWELL. When the examination-in-chief is over.

Mr. WINDOM. Yes, when the examination-in-chief is over, as suggested by my friend from Massachusetts.

Mr. President, my object in asking the indulgence of the Senate at this time is to correct a grossly erroneous and exaggerated statement which has been frequently paraded on this floor and elsewhere. The statement to which I refer has been embodied in tabular form, and is doubtless designed for use as one of the chief weapons of aggressive warfare in the presidential contest. My purpose is to demonstrate as clearly as I can its fallacy and falsity, so that no one shall hereafter employ it without knowing that his weapon isfalsehood.

I will present the table referred to, so far as it relates to the appropriations for the fiscal years ending June 30, 1876 and 1877, and the reductions which are alleged to have been made by the House of Representatives.

Statement as published in House of Representatives showing alleged reductions in the appropriations made by the House bills for the fiscal year ending June 30, 1877, *from the appropriations made for the fiscal year ending June* 30, 1877.

Bills.	Appropriations for the year ending June 30, 1876.	Appropriation bills as passed the House for the year ending June 30, 1877.	Reductions below appropriations for the year ending June 30, 1876.
Military academy	$364,740 00	$236,241 00	$133,499 00
Pension bill	30,000,000 00	29,533,500 00	466,500 00
Consular and diplomatic	1,374,985 00	912,747 50	462,237 50
Fortification bill	850,000 00	315,000 00	535,000 00
Legislative, executive, and judicial	18,902,236 99	12,998,815 61	5,903,421 38
River and harbor bill	6,643,517 50	5,872,850 00	770,667 50
Deficiency bill	4,703,699 18	671,486 74	4,032,212 44
Post-office bill	37,524,361 00	33,739,109 00	3,785,252 00
Navy bill	17,001,006 40	12,432,855 40	4,568,151 00
Indian bill	5,360,551 55	3,979,692 11	1,380,952 44
Army bill	27,933,830 00	23,192,334 72	4,741,495 28
Sundry civil bill	26,644,350 09	14,857,326 54	11,787,023 55
Total	177,303,289 71	138,736,868 62	38,516,312 09

Gentlemen at the other end of the Capitol flaunt these figures in our faces and triumphantly exclaim, "Here stands the bold, defiant proposition that neither logic nor arithmetic can answer, that a democratic House have reduced the ordinary expenses of the Government over $39,421,961 below the appropriations for last year by the republican House of Representatives for the very same service."

The honorable Senator from North Carolina, [Mr. MERRIMON,] who has recently won so brilliant a reputation for statistical accuracy, takes up the refrain, and, with expression of supreme satisfaction so peculiar to himself when dealing with figures, calls our attention to the statement as a conclusive demonstration of republican extravagance and democratic economy. Speaking of the House of Representatives he says:

> And they have cut down the appropriations from last year $38,000,000 in round numbers. Now I ask, if this is true, if the public expenditures the current year may be reduced $38,000,000, why might not that sum have been saved last year and for several years past? Let him who can answer.

Mr. President, this is the modest pretension daily dinned into our ears from the other end of the Capitol and from certain Senators in this Chamber. It will be repeated with glaring head-lines in every democratic newspaper and thundered from every democratic platform until the end of the presidential campaign. I have therefore thought it worth while, in the interest of truth, to examine this very extraordinary assumption in order to ascertain if it has any foundation in fact.

And I am compelled to say that not only arithmetic and logic but truth itself are all set at defiance by the statement that $39,000,000 or anything like that sum has been saved by democratic "economy." In stating the result of my examination of this question I shall show, first, that the table exhibiting the pretended "saving" of $38,516,312.09 involves several important omissions and errors, which when corrected leaves the amount only $30,076,241.63; second, that the principles and expedients adopted to effect this large reduction are, as to all their essential features, in the face of reason, justice, and expediency; and that they were made wholly in the interest of party, and without reference to the necessities of the public service or the best interests of the country.

ERRORS CORRECTED.

The *errors* and *omissions* by which the above table is made to state a false balance against the appropriations for 1876, larger $8,440,070.46 than actually exists, are—

First. In introducing into the statement the deficiency bill, which has not the slightest bearing upon the comparative economy of the two Congresses. The deficiency bill passed by the last Congress was for the year 1875 and prior years, and the bill passed by the present House of Representatives was almost entirely for years prior to 1876, and chiefly for years prior to 1873. The statements in the table that $4,703,699.18 was an appropriation for the year ending June 30, 1876, and that the sum of $671,486.74 was for the year ending June 30, 1877, are wholly untrue. Neither of these appropriations has any more to do with the expenditures of the years 1876 or 1877 than with the cost of the pyramids. The amount credited to democratic economy by this error, not to characterize it by any harsher term, is $4,032,212.44.

Second. In omitting to charge against the House appropriations the sum of $1,500,000 for the centennial exposition. The sum of $505,000 appropriated by last Congress for that purpose is charged against the appropriations for 1876, but the amount appropriated for same purpose by the present House of Representatives is wholly omitted in their table. Therefore the additional sum of $1,500,000 must be charged to House bills for the year 1877.

Third. Omitting to charge against House appropriations for 1877 the sum of $1,807,858.02 "unexpended balances" which would have been covered into the Treasury, had they not been made alive again by the House bills. To appropriate money without naming the amount is bad legislation, and for several years has been discountenanced by both Houses. This year the committee of the House dug up all the old "unexpended balances" they could find and re-appropriated them, without naming the amounts thus appropriated. Hence the sums charged in the table against the year 1877 in second column are less than were really appropriated by the sum of $1,807,858.02, which should be added to them.

Fourth. There are other errors in the table in not charging up to the appropriations for 1877 the sum of $200,000 for forts on the Yellowstone, $200,000 for the Washington Monument, an indefinite appropriation, amounting to about $500,000, for mints and assay offices, and the sum of $200,000 for paving Pennsylvania avenue. The amounts appropriated last year for purchasing site for a fort in Texas and for a monument to Farragut were all duly charged to the last Congress. Why should not amounts for similar purposes be charged to the present Congress?

The aggregate of these corrections amounts to $8,440,070.46, which, being deducted from the vaunted $38,516,312.09, leaves the actual reduction only $30,076,241.63.

I will not now stop to characterize, as I might very properly, a statement so grossly inaccurate; for whether the errors be intentional or not, they are of small moment in comparison with the dereliction of duty and the partisan recklessness which mark many of the reductions actually made. I content myself with presenting a corrected table showing the *actual* reductions.

Statement showing the appropriations for the fiscal year ending June 30, 1876, *in comparison with appropriations proposed in House bills for the year ending June* 30, 1877.

Bills.	Appropriations for the fiscal year ending June 30, 1876.	Appropriation bills as passed the House for the fiscal year ending June 30, 1877.
Military academy	$364,740 00	$259,131 00
Pension	30,000,000 00	29,533,500 00
Consular and diplomatic	1,374,985 00	907,247 50
Fortification	850,000 00	315,000 00
Legislative, executive, and judicial	18,902,236 99	13,392,293 61
River and harbor	6,643,517 50	5,872,850 00
Post-office	37,524,521 00	33,739,109 00
Navy	17,001,006 40	12,434,655 40
Indian	5,360,554 55	4,086,612 01
Army	27,933,830 00	23,137,819 52
Sundry civil	26,644,350 09	14,919,538 09
Unexpended balances reappropriated		1,807,858 02
Centennial appropriation		1,500,000 00
Forts on the Yellowstone River		200,000 00
Washington Monument		200,000 00
Paving Pennsylvania Avenue		200,000 00
Indefinite sum for mints and assay offices—about		500,000 00
Total	172,599,741 53	143,005,554 15
Net reduction of House bills	29,594,187 38	

If it were desirable to show the actual reductions proposed by the House bills below the *actual expenditures* of the last fiscal year—perhaps a more precise mode of stating this proposed retrenchment—the fact might be mentioned that in addition to the unexpended balances reappropriated by the House there were other unexpended balances amounting to about $2,500,000. Subtracting this amount from last year's appropriations, and also from the above stated reduction, we find the actual retrenchment proposed to be $27,576,241.63. But as the comparisons have all been made between last year's appropriations and the amount of the House bills for the current fiscal year, I shall in my remarks adhere to that comparison.

It will be observed that the net reductions for the current year as stated in this table amount to the sum of $29,594,187.38, whereas by the table prepared at the House of Representatives, after the proper corrections for the errors referred to have been made, the reduction amounts to $30,076,241.63, a difference in the results amounting to $482,054.25. This discrepancy in the results is due to differences arising in the course of computations involving hundreds of items, in the aggregate amounting to over $300,000,000. This difference for the practical purpose which I now have in view may be disregarded. I will only add in this connection that table B and the other tables

which I present have been prepared with a great deal of care, and I believe them to be correct.

REDUCTION ANALYZED.

I propose now to analyze this "reduction," and to demonstrate that while a small portion is a proper saving of money, it is on the whole, and with respect to the purposes for which it was made and the impression it was designed to create, a sham and delusion, a thinly disguised attempt to obtain votes under false pretenses.

The purposes in view were to prove the republican administration guilty of extravagance by showing how much less a democratic House could appropriate. The impression designed to be produced was that these "reductions" are a real "saving" of money to the Treasury. I propose to show that reduction in appropriations does not always mean economy, and that in the case under consideration but a very small part of the boasted retrenchment can by any possibility be called a saving.

The character of these reductions will appear in the following table, which has been prepared as a general summary of the tables which will be appended to my remarks:

Statement showing the character of the reductions constituting the difference between the amount of the appropriations for the fiscal year ending June 30, 1876, and the amount provided by the House bills for the fiscal year ending June 30, 1877.

CHARACTER OF REDUCTIONS.

Postponement of appropriations	$5,086,791 82
Withheld for deficiency bills	7,697,483 96
Failure to provide for the public service	6,239,577 30
Reductions attributable to Department estimates	2,037,855 56
Completed works, requiring no appropriation	2,611,768 48
Appropriations which take no money out of the Treasury	302,165 00
Repudiation of national obligations	1,611,000 00
Denial of appropriations for the national defense	5,353,990 00
Miscellaneous reductions	4,544,192 91
Total	35,484,825 03

ADDITIONAL AND INCREASED APPROPRIATIONS MADE FOR THE CURRENT FISCAL YEAR.

Unexpended balances re-appropriated	$1,807,858 02
Increased appropriations	1,482,779 63
Centennial appropriation	1,500,000 00
Forts on the Yellowstone River	200,000 00
Washington Monument	200,000 00
Paving Pennsylvania avenue	200,000 00
Indefinite sum for mints and assay offices—about	500,000 00
Total	5,890,637 65
Net reductions in House bills as effected by above-named expedients	29,594,187 38

CHARACTER OF THE PRETENDED ECONOMY.

I will explain more fully these characteristics of the several reductions mentioned in the last table, and if I am not greatly mistaken they will illustrate the fact that a mere "reduction" in appropriations does not always mean a "saving," and that while the appropriation bills of this year as passed by the House of Representatives are in the aggregate $29,594,187.38 less than for the same branches of the service last year, the actual "saving" to the Treasury is not one-fifth of that sum. They will also show that the blind and reckless manner in which the public service has been maimed and mangled may result in losses and damage to the public interest much greater than the real saving. The true character of these reductions will be best appreciated by closely observing the means by which they are effected.

EXPEDIENTS RESORTED TO BY THE HOUSE OF REPRESENTATIVES.

Some of the expedients employed to accomplish the boasted reduction are embraced under the following heads, viz:

1. POSTPONEMENT UNTIL NEXT YEAR OF VARIOUS NECESSARY AMOUNTS, SUCH AS FOR PUBLIC BUILDINGS AND OTHER WORKS OF IMPORTANCE: AMOUNT, $5,086,791.82.

For public buildings under the Treasury Department the House bills appropriated $2,645,160 less than was appropriated last year, and this sum enters into the grand total as a saving. Is it anything more than a mere postponement? The buildings are needed. They are now under process of construction. In some cases, notably that of the Chicago custom-house and post-office, there is no money to roof them, and serious loss will be incurred. It is true that at Chicago there is an unexpended balance, but I am credibly informed it is not available for roofing the building. In other cases foundations are begun, but there is not money enough to bring them up to the level with the streets so that the grading may be done and the gas and water pipes be put in order.

The amount appropriated by the House bill is not large enough to continue these works economically, and hence money will be wasted instead of saved. The Government is paying large sums for rent of buildings in various places, which might be saved by the completion of those now in progress. There will be money enough in the Treasury this year to prosecute these works with reasonable vigor and economy, and the only question is, shall it be applied to proper works of public improvement or used in reducing the national debt?

Labor and material are cheaper than they have been for many years, and it is to be hoped cheaper than they will be in the years to come. Is it not true economy for the Government to avail itself of these advantages? There is also, as we are aware, a great demand for employment and much distress in the country by reason of the suspension of private enterprises. Is it a wise or even a humane policy for the Government to suspend also, and thereby increase the public distress? Should not the Government show itself superior to panics, and by a firm, courageous, and judicious policy encourage the people and aid in the restoration of public confidence and prosperity? What is the effect in our cities when the Government suspends its works and dismisses its employés? In the first place, it is to increase cruelly and unnecessarily the number of unemployed people, and hence to aggravate the general distress. In the second place, it is to intensify the public distrust by advertising to every body who looks upon these deserted works, that the nation itself is in failing circumstances.

No, Mr. President, this is not "economy!" It is not a "saving" of public money! It is at best but a mere *postponement*, which may serve a political purpose by reducing for this year the aggregate of appropriation bills; but it is not statesmanship.

For light-houses, beacons, and signals the apparent "saving" is $585,200. These are all required for the safety of our commerce on the ocean and the great lakes. They were estimated for and urged by the Light-House Board. No person doubts their value or that they will be provided for hereafter. This alleged "saving" is therefore only a *postponement*, probably at the cost of life and property to American citizens engaged in commerce. The wants of commerce were of less importance, however, in the estimation of the House of Representatives than the political ends that were to be subserved by a spurious economy. A large reduction must be made at all hazards, and commerce must wait until after the election.

For surveys of the public lands the amount of "saving" is put down at $647,390. Of course these lands are to be surveyed in the near future. To refuse to do so now is rank injustice to the new States and to the hardy pioneers who are pushing the van of civilization into the wilderness. The amount which should have been appropriated is merely *postponed* until next year.

The character of the other items postponed, amounting with those already named to $5,085,791.02, will be seen by reference to the following table, and more particularly by referring to the detailed statement which is appended to my remarks. To call any portion of this an actual saving of money to the Treasury is simply absurd:

Statement showing the amount of appropriations postponed for the action of Congress in the future.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
POST-OFFICE BILL.		
Furniture for post-offices	10	$15,000 00
Foreign mail transportation	36	80,000 00
Mail-bags and catchers	19	25,000 00
Distributing agents and assistants	25	6,300 00
Total		126,300 00
NAVAL BILL.		
Drawing and printing charts, sailing directions, &c.	18	10,000 00
Repairs of naval Hospitals and naval laboratory	45	10,000 00
Clothing of Marine Corps	63	8,870 00
Fuel for Marine Corps	64	3,652 00
Repair of barracks and rentals	67	5,000 00
Total		37,522 00
ARMY BILL.		
Construction and repair of hospitals	14	38,505 58
Saddles, tools, &c., cavalry service	24	20,000 00
Total		58,505 58
SUNDRY CIVIL BILL.		
Government Hospital for the Insane	12	28,928 46
Public buildings under Treasury Department	20	2,701,393 99
Light-houses, beacons, and signals	22	585,200 00
Surveys of lakes and Mississippi River	24	50,000 00
Buildings and grounds at Washington	25	89,750 00
Improving Capitol grounds	27	100,000 00
Coast Survey	32	226,600 00
Heating, ventilating, and hoisting apparatus for all buildings under control of Treasury Department	40	100,000 00
Vaults, safes, locks, and repairs thereof	42	25,000 00
Surveys of public lands	63	647,390 00
Expenses of collecting revenue from sales of public lands	64	177,981 79
Temporary clerks in Treasury Department	77	60,000 00
Maps of survey of Territories	66	40,000 00
To pay clerk of Committee on Private Land Claims, Senate	92	2,220 00
Total		4,834,464 24
MILITARY ACADEMY BILL.		
Hospital	26	30,000 00

SUMMARY.

Post-office bill	$136,300 00
Naval bill	37,522 00
Army bill	58,505 58
Sundry civil bill	4,834,464 24
Military Academy bill	30,000 00
Total	5,086,791 82

2. BY WITHHOLDING APPROPRIATIONS AT THIS SESSION TO BE SUPPLIED BY DEFICIENCIES AT NEXT SESSION OF CONGRESS: AMOUNT, $7,697,483.96.

The House bills appear to have been framed for the express purpose of creating deficiencies. The object to be gained by this expedient is obvious. It will make a flattering exhibit of the economy of this Congress in comparison with the last, and if large sums withheld can be appropriated next winter the presidential election will then have passed, and the majority in the House of Representatives will have had the benefit of pretended economy during the canvass. It does not comport with common honesty to assert that such "reductions" are in any sense a "saving," or to employ such an expedient to show that this Congress is more economical than the last. The true measure of this alleged retrenchment cannot be taken until the next session shall have expired and the large deficiencies which must be provided shall be known.

To illustrate, take the matter of public printing, for which there was appropriated last year $1,665,507.66, and by the House bill only $1,134,105.50. It is well known that there was no considerable "unexpended balance" at the end of last year; it is equally well known that the cost of the printing for the current year which has been and will be ordered by Congress will be in excess of last year. The numerous investigating committees of the House which have been in session for the last six months, ransacking jails, penitentiaries, and lunatic asylums, and delving into the slums and sewers of society in search of evidence against republican officials, will all want their evidence and reports printed. That alone will immensely increase the expenditure for public printing. And yet in the face of these facts the House bills appropriate $531,402.16 less than was found necessary last year. This too is called a "saving," and constitutes a part of the grand aggregate.

The folly and demagogism of this reduction are proven by the fact that before the present session could adjourn we were compelled to vote a "deficiency" of over $100,000 for printing Agricultural Reports, the amount allowed by the House bills for congressional work having been substantially exhausted in the second month of the fiscal year.

For "mints and assay offices" the reduction from last year's appropriations is $410,035, and this in view of the very largely increased service that will be demanded of the mints by reason of the laws requiring additional silver coinage. It must have been intended either that the law shall not be complied with or that a large deficiency shall be provided when Congress shall meet next winter. At least $200,000 more will be required this year than last. The reduction upon this item proves conclusively that not economy but small appropriations was the design of the House bills. Every piece of silver or nickel coined at the mints yields a large percentage of profit to the Government, and hence the more business we can do the greater will be the profit to the Treasury. Withholding the sums necessary, as the House bills have done, is to curtail the operations of the Government in a profitable business, and thereby work an actual loss to the Treasury.

For "judiciary expenses" the reduction is $516,200. This was done in face of the fact that a deficiency of $100,000 for last year is required. There is no reason to suppose that a less sum will suffice this year, and hence a deficiency bill of from five to six hundred thousand will be voted next winter. Here is another half million which goes to the credit of democratic economy, which should rather be credited to an artful dodge or a false pretense.

In the Army bill alone the reductions would have created "deficiencies" of over $5,000,000, even under the circumstances which existed last year. To make such reductions in the face of a threatened general Indian war is wholly inexcusable. To thus expose the frontier to the merciless savage for the sake of making political capital can hardly be pardoned, even on the ground of partisan extremity. The House of Representatives has already conceded in conference that a large portion of this reduction was inexpedient. And before the close of the session we will be compelled to vote several millions for a deficiency, which it was expected could be deferred until after the election. In this case, as in that of public printing, the cloven foot could not be concealed, even for sixty days of the fiscal year.

For pay and provisions of the Navy, which are fixed by law, and the sums required, the subject of almost exact calculations, the amounts withheld for deficiencies aggregate $814,000.

But I must not stop to enumerate all the items of this character, amounting in the aggregate to $7,697,483.96. They run through all the bills, and are so numerous as to justify the conclusion that if those bills were framed upon any principle at all it was upon the principle of dodging responsibility at this session by providing for large deficiencies at the next. By this expedient it was not difficult to make a flattering exhibit of "economy" in comparison with the bills of last year, which honestly appropriated the amounts required for the public service. I submit a table showing the reductions which will have to be made up by deficiencies next winter:

Statement showing the amounts withheld from the appropriation bills passed by the House of Representatives, but which must be provided for in deficiency bills at next session of Congress.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
POST-OFFICE BILL.		
Rent, fuel, and light for post-offices	8	$60,000 00
Miscellaneous items	11	50,000 00
Total		110,000 00
NAVAL BILL.		
Pay of the Navy	1	500,000 00
Oil, candles, wicks, &c	13	4,000 00
Provisions for the Navy	48	314,000 00
Water for ships	49	10,000 00
Contingent expenses of Bureau of Provisions and Clothing	50	15,000 00
Total		843,000 00
ARMY BILL.		
Recruiting for the Army	2	30,000 00
Subsistence of the Army	6	575,644 09
Supplies for Quartermaster's Department	7	869,332 07
Incidental expenses of Quartermaster's Department	8	400,000 00
Horses for cavalry, &c	9	195,215 11
Transportation of the Army	10	1,182,195 35
Hire of quarters	11	622,134 43
Clothing, camp-equipage, &c	12	1,000,778 79
National cemeteries	13	25,000 00
Hospital and medical supplies	16	40,000 00
Metallic ammunition for small arms	21	25,000 00
Total		5,051,299 80
CONSULAR AND DIPLOMATIC BILL.		
Chargés d'affaires *ad interim*	12	20,000 00
Contingent expenses of foreign intercourse	20	50,000 00
Total		70,000 00
INDIAN BILL.		
Apaches	27	50,000 00
SUNDRY CIVIL BILL.		
Printing and binding	4, 5, 6	531,402 16
Judiciary	12	516,200 00
Total		1,047,602 16
LEGISLATIVE, EXECUTIVE, AND JUDICIAL.		
Contingent expenses of Senate	3	69,750 00
Reporting debates of Senate	4	2,500 00
Contingent expenses of House of Representatives	8	43,297 00
Mints and assay offices	16	410,035 00
Total		525,582 00

SUMMARY.

Post-office bill	$110,000 00
Naval bill	843,000 00
Army bill	5,051,299 80
Consular and diplomatic bill	70,000 00
Indian bill	50,000 00
Sundry civil bill	1,047,602 16
Legislative, executive, and judicial bill	525,582 00
Total	7,697,483 96

3. TOTAL OR PARTIAL FAILURE TO PROVIDE FOR IMPORTANT BRANCHES OF THE PUBLIC SERVICE: AMOUNT, $6,239,577.30.

The notable omissions of this character are the total failure to provide for the Indian Bureau, the Bureau of Military Justice, the Office of the Signal Service, and many other branches of a less important character. The amount of pretended savings by these *total* omissions to provide for the service is about $300,000. Such economy is quite too modest. Why not save the entire expenditure by omitting all appropriations? The principle would not be different, and by that means an astounding economy of a hundred millions might be shown. Such an exhibition of democratic frugality might be expected to take the country by storm next November.

Let me very briefly mention a few of the more important branches of the public service that have been crippled by this expedient.

Inland mail transportation shows an apparent saving as against the appropriations of 1876 of $1,948,000. As compared with the *actual expenditures* of last year this is not even a reduction, for the amount *expended* under this head was $91,302 less than the sum appropriated by House bill this year. The amount appropriated by the House would have been enough for the service which was required last year, but will not meet the *increased* demands of the service. The conse-

quence of the failure to make sufficient provision is already seen in the stoppage of the fast-mail trains, and will be further apparent before the close of the year, either in a further curtailment of service or in a deficiency bill at next session. As against the *expenditures* of 1876 not a dollar of this large sum can be credited to democratic economy.

In the consular and diplomatic bill we have reductions, arising from failure to provide for the service, amounting to $274,100. Nearly the whole of this reduction is due to the curtailment of our foreign service or to the reduction of salaries already below those of many of the weakest nations. Cutting down the salaries of our foreign representatives, who are now unable in many cases to live respectably at the courts to which they are accredited, is simply a national disgrace. Withdrawing representatives from other countries with whom we have important and growing commercial relations is an act of folly, and yet by both of these means a considerable "saving" has been effected by the House of Representatives.

In the revenue-cutter service an apparent saving of $280,231.21 was made, partly by appropriating an unexpended balance and partly by failing to make the necessary appropriations. This service is the right arm of the Treasury Department in the collection of customs. To cripple it as proposed by the House bill is to incur the risk of losing thousands of dollars for every dollar saved.

The same remark may be made with reference to the item for collecting internal revenue, in which a reduction was made below the imperative demands of the service amounting to $836,340. Had not the Senate insisted upon an increase of the House appropriations, I have the authority of the Secretary of the Treasury and the Commissioner of Internal Revenue for saying that the loss of revenue resulting from inadequate provisions for its collection would have amounted to very many times the pretended saving.

The items of reduction under this head are so numerous I must content myself with naming only one more, which though small in amount illustrates better than any other the animus of the House bills and the spurious character of the whole pretension of economy. Though the amount saved is only $6,000 it may result in losses to the Treasury which can only be measured by millions. I refer to the refusal of the House to appropriate anything for the examination of rebel archives.

The Treasury and War Departments are in possession of immense quantities of papers taken from the southern confederacy which furnish the only evidence available to the Government to defend against the myriads of claims which are pressing from all quarters. By the annual appropriation of small sums of money competent clerks have been kept constantly employed in the examination of these "archives" and "records" in order to furnish evidence to the committees of Congress, the Court of Claims, and the Secretary of the Treasury. The evidence furnished from these sources has already saved the Treasury millions of dollars.

A letter from Adjutant-General Townsend addressed to myself under date July 26, 1876, says:

> These to which these records have been put is chiefly in the furnishing of evidence to the courts and claims commissions. In this work several millions of dollars have been saved to the Government, two claims having been defeated amounting to $700,000 and $550,000 respectively. There are now pending before the southern claims commission nearly if not quite 10,000 claims. Against many of these evidence has been furnished, and the commissioners are constantly sending for original papers. Much more evidence can be furnished this commission.

The House bills wholly omit the means of searching these archives in the Treasury Department, and for those in the War Department they make such inadequate provision that General Townsend would regard the work as substantially suspended.

In addition to the 10,000 claims now pending before the southern claims commission, as stated by General Townsend, there are suits pending in the Court of Claims for captured and abandoned property, chiefly cotton, amounting to $10,829,000. The pigeon-holes of almost every member of Congress from the South are overflowing with claims of all kinds growing out of the war. The committee-rooms of both Houses of Congress are burdened with them. It may be said without much exaggeration that the claims ready to pour in like a flood upon Congress so soon as the gates are opened exceed the total of our national debt. The Treasury Department is in a stage of chronic siege by the army of claim agents which swarm about the national capital. At the doors of the southern claims commission, in the Court of Claims, in the Treasury Department, in the corridors and lobbies of both Houses of Congress, this army stands ready to prey upon and plunder the Treasury the moment the barriers which now restrain them are broken down. Can it be possible that in the sacred name of economy and reform these appropriations are withheld for the purpose of closing the chief sources of evidence against them, and thereby throwing open the vaults of the Treasury to unrestrained pillage? Can it be that the men whose tables groan under these claims have deliberately chosen this method of sapping and mining the strongest defenses of the Treasury?

The amount "saved" by this reduction is so small in comparison with the magnitude of the dangers incurred, that a very great stretch of credulity is required to name the act *economy*.

The other items for which inadequate appropriations have been made or from which they have been wholly withheld will be seen in the following table:

Statement showing the amount of reductions in appropriations for the current fiscal year, due to the total or partial failure to provide for important branches of the public service.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
POST-OFFICE BILL.		
Mail depredations and special agents	21	$50,000 00
Inland mail transportation	12	1,948,000 00
Fees for attorneys, clerks, &c	32	7,500 00
Total	.....	2,005,500 00
NAVAL BILL.		
Civil establishments at navy-yards	3	$73,000 00
Expenses nautical almanac	24	5,000 00
General maintenance of navy-yards	41	320,000 00
Civil establishment of hospitals	46	10,000 00
Contingent expenses of hospitals	47	10,000 00
Protection of timber lands	52	5,000 00
Total	.....	423,000 00
ARMY BILL.		
Ordnance service	20	25,000 00
Manufacture at national armories of new breech-loading muskets and carbines	27	50,000 00
Total	.....	75,000 00
CONSULAR AND DIPLOMATIC BILL.		
Diplomatic officers to twenty-one of the principal commercial nations	1–6	48,500 00
Ministers to countries in South America	7	40,500 00
Minister to Greece	8	7,500 00
Minister to Central America	9	3,500 00
Minister to Hayti	10	7,500 00
Secretary of legation to Japan	15	2,000 00
Secretary of legation to China	17	1,000 00
Consuls-general and other consular officers, clerks, &c	21	90,000 00
Consular officers at various ports	22–27	13,000 00
Clerks to consulates	30	8,400 00
Interpreters	31	4,000 00
Rent of prisons and wages of keepers abroad	39–43	5,200 00
Bringing home from foreign countries persons charged with crime	44	2,000 00 40,000 00
Relief and protection of American seamen	45	.....
Acknowledging services of foreign seamen in rescuing American seamen from shipwreck	46	2,000 00
Total	.....	274,100 00
INDIAN BILL.		
Expenses of various Indian agencies	54	214,800 00
Expenses of commission of citizens	59	15,000 00
Incidental expenses of Indian service in three States and nine Territories	36–48	242,500 00
Total	.....	472,300 00
SUNDRY CIVIL BILL.		
Detecting and bringing to punishment persons engaged in counterfeiting Government notes and bonds, and other frauds	16	25,000 00
Revenue-cutter service	10	280,236 21
Custodians of buildings, janitors, &c	41	50,000 00
Signal Office, War Department	45	158,000 00
Agents at seal fisheries	78	13,350 00
Examination of rebel archives	79	6,000 00
Thirty thousand copies of Official Postal Guides	90	20,000 00
Experiments in testing iron and steel	113	50,000 00
Total	.....	602,586 21
LEGISLATIVE, EXECUTIVE, AND JUDICIAL.		
Public Printer	10	18,817 60
Executive Departments	13	1,366,533 46
Collecting internal revenue	15	836,340 00
Surveyors-general and clerks	18	151,300 00
Total	.....	2,372,991 09
MILITARY ACADEMY BILL.		
Sewerage	27	13,500 00

SUMMARY.	
Post-Office bill	$2,005,500 00
Naval bill	423,000 00
Army bill	75,000 00
Consular and diplomatic bill	274,100 00
Indian bill	472,300 00
Sundry civil bill	602,586 21
Legislative, executive, and judicial bill	2,372,991 09
Military Academy bill	13,500 00
Total	6,239,577 30

4. THE RE-APPROPRIATION BY HOUSE BILLS OF UNEXPENDED BALANCES REMAINING FROM APPROPRIATIONS OF FORMER YEARS WITHOUT NAMING AMOUNTS: AMOUNT, $1,807,858.02.

By honest and economical management republican officials had saved from the appropriations for former years some four and a half million dollars. This afforded a fine field for manipulation of figures by the new economists. The law has for several years required that all such balances shall be covered into the Treasury, so that the sums actually appropriated would honestly appear on the face of the bills. The practice of appropriating indefinite or unknown sums has long been justly regarded as vicious legislation. But to name the sums would be to swell the amounts for this year and to proportionately diminish the vaunted total reduction which had been promised. There was another advantage in not naming the amounts of these large unexpended balances, namely, whenever they remain over from last year, every dollar thus re-appropriated counts for two in the aggregate reduction as against the actual expenditures of that year. For instance, assume that for a given service $800,000 were appropriated for 1876, and by economy and good management, or a change in the service, only $600,000 were expended, leaving an unexpended balance of $200,000. The House could appropriate $400,000 and the unexpended balance. This would make $600,000 available for 1877, precisely the amount expended in 1876, and yet the amount of such balance not being named, there would *appear* to be a difference in favor of this year amounting to $400,000. These sums thus manipulated all go to swell the magnificent aggregate of democratic economy and retrenchment.

Thus by the cunning practices of these reformers the very economy of republican officials by which these large sums were saved is made to count against the party as extravagance. The large apparent reductions thus effected are in no sense a saving. They are not even actual reductions, and yet they count as such in the fallacious table on which I am commenting. To count them either as reductions or savings in comparing the relative economy of the last and the present Congress is simply a fraud.

5. BY CREDITING TO DEMOCRATIC ECONOMY REDUCTIONS ATTRIBUTABLE TO DEPARTMENT ESTIMATES: AMOUNT, $2,037,855.56.

It is well known that Congress seldom, if ever, makes appropriations equal to or in excess of the estimates, and yet the boasted total includes all the reductions made by the various heads of Departments upon the appropriations of last year. In the pension bill, for instance, the entire saving of $466,500 was made in this way. Owing to a decrease in the amount due pensioners and other causes, the estimate for this year was that much less than the amount appropriated for last year, and yet this sum of $466,500 is credited to democratic economy. The post-office bill also contains many items of this kind, all of which go to swell the total of democratic saving. Nearly all the other bills have many similar items, every one of which is included as a part of the total reduction and credited to the superior economy of the present House of Representatives, whereas if credit is due anywhere it is to the carefulness of republican officials in submitting their estimates.

The items thus reduced appear in the following statement:

Reductions in the appropriations for the current fiscal year which are attributable to reductions made in the estimates of the Executive Departments.

Object.	Reference to No. of item in general bill.	Amount refused in House bill.
POST-OFFICE BILL.		
Wrapping paper	4	$5,000 00
Twine	5	5,000 00
Rent, light, and fuel for post-offices	8	50,000 00
Mail-locks and keys	18	1,400 00
Mail-bags and catchers	19	10,000 00
Manufacture of postage-stamps	22	2,002 00
Registered packages, envelopes, seals, &c	28	25,020 00
Official envelopes for postmasters	29	26,560 00
Envelopes for dead letters	30	1,600 00
Engraving warrants, drafts, &c	33	1,500 00
Balance due foreign countries	37	30,000 00
Steamship service, China and Japan	38	250,000 00
Steamship service, Brazil	39	37,500 00
Official stamps for Post-Office Department	40	130,000 00
Pay of postmasters	1	200,000 00
Total		782,182 00
ARMY BILL.		
Engineers' depot, Willett's Point	18	40,000 00
NAVY BILL.		
Clothing of Marine Corps	63	11,130 00
Fuel for Marine Corps	64	2,204 00
Total		13,334 00

Reductions in the appropriations for the current fiscal year which are attributable to reductions made in the estimates of the Executive Departments—Continued.

Object.	Reference to No. of item in general bill.	Amount refused in House bill.
INDIAN BILL.		
Kickapoos, settlement and support	13	$10,000 00
Klamaths and Modocs	15	2,000 00
Omahas	17	4,200 00
Tabequache and other bands	25	5,000 00
Winnebagoes	26	2,556 56
Kansas	31	10,000 00
Modocs	32	5,000 00
Cherokee national fund	49	330 00
Cherokee school fund	50	60 00
Iowa trust fund	52	270 00
Kaskaskias and others	53	450 00
Interest on Delaware fund	55	1,854 76
Kickapoos, interest	12	118 24
Total		41,839 56
LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.		
Collecting internal revenue	15	730,000 00

SUMMARY.	
Post-office bill	$782,182 00
Army bill	4,000 00
Navy bill	13,334 00
Indian bill	41,839 56
Legislative, executive, and judicial bill	730,000 00
Pension bill	466,500 00
Total	2,037,855 56

6. BY CREDITING TO THE PRETENDED REDUCTION CERTAIN ITEMS APPROPRIATED LAST YEAR FOR OBJECTS WHICH WERE FULLY PROVIDED FOR BY THAT APPROPRIATION, AND, OF COURSE, DO NOT RE-APPEAR IN THE HOUSE BILLS THIS YEAR: AMOUNT, $2,611,768.48.

As an instance of this kind, take the item in the sundry civil bill "for completing the jail in the District of Columbia." The jail having been completed and paid for by that appropriation, it can scarcely be claimed as a very remarkable feat of democratic economy that the same amount was not appropriated again this year. And yet this item figures as a part of the total saving. The sundry civil bill alone contains items of this character amounting to nearly $1,500,000, all of which are credited as a democratic saving in the grand total. The other bills embrace many similar items, as the annexed table will show:

Reductions in appropriations for the current fiscal year due to the fact that the appropriations made last session of Congress were sufficient to complete certain works, and which do not therefore call for further appropriation.

Object.	Reference to No. of item in general bill.	Amount refused in House bill.
INDIAN BILL.		
For three thousand or more captive Indians	64	$300,000 00
To indemnify Pawnee Indians	65	6,000 00
Total		306,000 00
SUNDRY CIVIL BILL.		
Collecting mining statistics—Professor Raymond	67	15,000 00
Construction of jail, District of Columbia	68	140,057 73
Furniture, fence, and apparatus for jail	69	45,491 00
Safe for Interior Department	70	2,000 00
Furniture and repair of capitol of Washington Territory	71	5,274 75
Centennial stock certificates	72	30,750 00
Report of commissioners of claims	74	1,000 00
Monuments to deceased Representatives	75	1,500 00
Steam-pump for House of Representatives	76	1,000 00
To re-imburse collector at Plattsburgh, New York	84	684 10
To pay Charles Morgan	85	3,000 00
Works of art for Capitol	86	15,000 00
To pay Thomas J. Durant	87	3,300 00
Rent of rooms in Washington	88	1,666 66
Repair of Post-Office building	89	105,000 00
Rental at Peking, China	91	5,000 00
Commission to international penitentiary congress	92	5,000 00
Statue of Admiral Farragut	80	5,000 00
Stable for use of Senate	93	10,000 00
To pay States for expenses incurred in the war	99	250,000 00
Claims of Dakota Volunteers	100	34,980 30
Military prison, Fort Leavenworth	101	10,000 00
Volunteers of Oregon and Washington Territory	102	25,000 00
Arsenal at Indianapolis, Indiana	103	1,672 99
Military road in New Mexico	104	6,644 80
Sites for forts in Texas	105	45,000 00

Reductions in appropriations for the current fiscal year, &c.—Continued.

Object.	Reference to No. of item in general bill.	Amount refused in House bill.
Pedestal statue of General McPherson	106	$25,000 00
Brady's collection of photographs of the war	107	25,000 00
Plans and specifications for buildings at Auburn, New York	109	4,000 00
Cholera investigation in Mexico	110	5,000 00
Centennial contributions	114	505,000 00
Bureau of Engraving and Printing	31	840,000 00
Repair of steam-boiler, &c., Senate	94	3,500 00
Settle accounts of B. Herman	95	545 77
Pay of contestants, House of Representatives	96	27,100 18
Pay of Bryant & Rogers, architects	97	600 00
Total		2,297,768 48
MILITARY ACADEMY BILL.		
School building	29	8,000 00

SUMMARY.

Indian bill	$306,000 00
Sundry civil bill	2,297,768 48
Military Academy bill	8,000 00
Total	2,611,768 48

7. BY CREDITING TO ECONOMY AND REFORM REDUCTIONS MADE IN APPROPRIATIONS WHICH TAKE NO MONEY OUT OF THE TREASURY: AMOUNT, $302,165.

The following table will illustrate the value of this kind of retrenchment. The national banks are required to deposit money in the Treasury to pay all the employés engaged in the Redemption Bureau, and, while there is a formal appropriation for that purpose, every dollar is re-imbursed out of the funds thus deposited by the banks. The House cut down the appropriations for this purpose $201,496, and take to themselves credit for "saving" so much to the Treasury. Another item of reduction is for official postage-stamps, which cost the Government nothing, except the nominal sum for printing. Neither of these items are in any sense a saving of money, but the reductions would count in the grand aggregate. And hence there was the same tenacity of purpose in cutting them down as if a real economy could be thereby effected. These items demonstrate the fact that "reduction," and not "economy," was the motive which dictated the so-called reform.

Reductions for the current fiscal year in appropriations which take no money out of the Treasury.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
SUNDRY CIVIL BILL.		
Officers and clerks in Treasury Department re-imbursed by national banks	111	$166,656 00
Amount for officers and clerks in office of Comptroller of the Currency	112	34,840 00
Total		201,496 00
LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.		
Official postage-stamps for Executive Departments	14	100,669 00
Total		302,165 00

8. BY AN ARBITRARY AND UNREASONABLE REDUCTION OF THE CLERICAL FORCE IN THE VARIOUS DEPARTMENTS, WHEREBY THE PUBLIC SERVICE WOULD BE SERIOUSLY EMBARRASSED AND ITS EFFICIENCY IMPAIRED.

The total number of clerks and employés in the several Departments is 5,308; the number allowed by House bill, 4,105; total reduction made by the House, 1,203, or 22.6 per cent. of the entire force. The Senate Committee on Appropriations, after the most careful examination and full consultation with the various heads of the Departments, came to the conclusion that a reduction of 318 was as much as the service could stand without serious embarrassment and detriment to the business of the Departments. This opinion of the committee was based upon a careful and thorough examination of the subject by the heads of Departments. The then Secretary of the Treasury Mr. Bristow, furnished the committee, at their request, a tabulated statement showing what, in his judgment, was the largest reduction that could safely be made in his Department. Mr. Taft, then Secretary of War, appointed a committee of three of the most competent and experienced men of his Department to examine the subject. That committee spent some twenty days in the investigation, going from desk to desk, ascertaining what every clerk was doing, and whenever possible consolidating their work. Their report submitted to the Committee on Appropriations the lowest practicable reductions in that Department. Similar careful and conscientious investigations were made by all the other heads of Departments, and their reports were, as I have said, the basis on which the Senate acted in reducing the number 318.

I am fully convinced that the House reduction of 1,203 was made without the facts necessary to arrive at a correct conclusion, and mainly in conformity with the proclamation which had been issued at the beginning of the session, that "$40,000,000 reduction must be made" at any sacrifice to the public service. It is not true, as is so often alleged, that the force in these Departments has been extravagantly increased since the war. On the contrary, the economical policy pursued by the republican party has constantly reduced it as the work diminished. Every year this force has undergone the careful scrutiny of both Committees on Appropriations, and nearly every year large reductions have been made. Any person who will compare the number of clerks employed in the various Departments for the years 1860 and 1875 with the amount of work performed in those years, respectively, will find that the force is relatively much smaller now than in 1860. Let me give a few illustrations from the Treasury Department. In the First Auditor's Office the cost for accounts settled was in 1860 $4.10, in 1875 $3.06.

Object.	1860.	1875.
SECOND AUDITOR'S OFFICE.		
Number of accounts settled	2,174	25,347
Number of employés	24	176
Number of accounts settled to each employé	90	144
Cost per account	$16 34	$9 68
THIRD AUDITOR'S OFFICE.		
Number of accounts settled	2,300	19,173
Number of employés	61	17
Number of accounts settled by *each clerk*	39⅓	111⅝
Average cost per account	$35 00	$12 30

Substantially the same relation of force and service is maintained throughout the Treaury Department. I have compared the number of accounts and cost of settlement, because it is the most convenient form of comparison. The accounts are generally larger now than in 1860, and hence require more time and labor. It will be seen from these illustrations that the force was relatively from 25 to nearly 300 per cent. larger in 1860 that now. If the comparison be extended through all the Departments, it will be found that the force has not increased at all in proportion to the service rendered.

The reduction of the force therefore below the number recommended by the heads of Departments and fixed by the Senate amendments is merely arbitrary, without good reason, and at the expense of efficiency, safety, and economy in the transaction of public business.

9. BY REDUCTION OF SALARIES UPON A HORIZONTAL RULE, WITHOUT REFERENCE TO VALUE OF SERVICE RENDERED OR COMPENSATION PAID.

A saving is doubtless effected by this expedient. In some cases salaries which have been fixed since the war will bear reduction, though as a general rule none of them are extravagant. A just and reasonable economy would therefore select such as are disproportioned to the services rendered, and reduce them accordingly. Not so the partisan decree, which, right or wrong, must make a grand pretended saving for political purposes. The compensation of employés in various Departments, with the exception of those fixed at $1,200 and less, was reduced by the House bill upon the horizontal rule of 10 per cent. Nearly all of these salaries were fixed by the democratic party in 1854, when the cost of living in Washington was at least one-third less than it now is. A salary of $1,200 would enable a clerk to live more comfortably in this city in 1854 than with a salary of $1,800 in 1876. There is, therefore, no justice in applying the 10 per cent. reduction to these persons. The "saving" effected by it cannot commend itself to the sense of fair play which distinguishes the American people. They have already seen that the business of the Departments is now conducted more cheaply and economically than it was in 1860. The amount of work done by the clerks is much greater in proportion to numbers than it was then.

This gross injustice is sought to be covered by making a 10 per cent. reduction on the salaries of members of Congress. It is said, "See how equitably we have done this thing! We reduce our own compensation to the same extent we do others." But is it equitable? The salary of a member of Congress in 1854 was only $3,000 a year. Since then it has been raised to $5,000. If the compensation of clerks, fixed in 1854, is to be reduced 10 per cent., why not reduce the salary of a member of Congress to $2,700? I admit, of course, that this would be an inadequate compensation, but not more so than to reduce a second-class clerk from $1,400 to $1,260. If political exigencies require the poorly paid clerks to contribute to the grand total one-tenth of their salaries fixed in 1854, then I say let members of Congress come up to the mark like men and apply the same principle to themselves that they apply to others. This would be even-handed justice; nothing more. To be plain about it, Mr. President, this 10 per cent. horizontal reduction in the House bill is sheer and shameless

demagogism, inaugurated by men who only three years ago on the last night of the session voted themselves $7,500 a year and "back pay" for an entire Congress. Some of them, with $5,000 of "back pay" in their pockets, now seek to conciliate the American people by reducing their salaries $500 a year. Why, Mr. President, *they* can well afford to do it, for the interest on their "back pay" at 10 per cent. per annum will make good the loss by reduction. The poorly paid clerks, however, have no such resource to fall back upon.

10. REPUDIATION OF NATIONAL OBLIGATIONS: AMOUNT, $1,611,000.

This is illustrated by the denial of appropriations to pay judgments of the Court of Claims, on which some $2,000,000 were estimated for this year and over $800,000 are now due. Such an omission could only be an inexcusable mistake or naked repudiation. It was not a mistake and was not overlooked. This court was organized by ourselves to decide upon claims against the United States. It is an arbiter of our own selection. We have invited claimants to submit to its arbitrament. They have accepted our invitation, and judgments to the amount above mentioned have been rendered in their favor and are now unpaid. The final judgments of this court are as binding upon the honor of the nation as the public debt, and neither can be denied nor delayed without a stain of repudiation. The amount appropriated for this purpose last year was $400,000. This year nothing. Why this inexcusable omission? The answer is obvious. The sum required was too large. It would never do to swell the appropriations this year by the large amount which was necessary to save the national honor. By appropriating nothing, a comparison could be shown of $400,000 saved as against the extravagance of last year. Therefore the $800,000 must be repudiated in order to get credit for saving $400,000. In the partisan scales by which national honor and political necessities were weighed the former kicked the beam.

The comparative saving effected by this expedient is $400,000, which figures in the boasted total, and will contribute to the marvelous exhibit of economy to be made this fall. In the name of reason, why stop at this small amount? Why not repudiate all the other obligations of the Government and thereby *save* hundreds of millions?

The District of Columbia furnishes another instance of repudiated obligations in the House bills. It may be true that no law pledges the Government to contribute a fair proportion of the current expenses of the District government, but fairness and common honesty do. The United States own nearly, if not quite, one-half the property in the District, which pays no taxes, but which is as much benefited by good government in the District as is the property of private citizens. We make laws for the District and by those laws have denied the citizens all power to raise money by taxation until December next. We have imposed upon them certain duties that require money, and having taken from them the means of raising it by taxation we provide that their officers shall not borrow, under penalty of imprisonment in the penitentiary and heavy fines, and then refuse to appropriate our share of the current expenses. Last year $1,060,000 was appropriated; this year nothing. Consequently $1,060,000 appears as a "saving" in the grand total. It is true it was not necessary to contribute more than $500,000 this year; but even that sum was refused by the House, because it would to that extent have diminished the difference between the appropriations of the two years, and hence the total reduction, which must at any sacrifice of national honor and fair dealing be kept as nearly as possible to the promised $40,000,000. The Indian bill also contains several omissions to comply with treaty stipulations, by which considerable sums were "saved," and probably ten times the amount will as a consequence be expended in Indian wars.

Reductions made by the repudiation of national obligations.

Object.	Reference to No. of item in general bill.	Amount refused in House bill.
Rent of court-house and jail in Yedo, Japan	50	$5,000 00
INDIAN BILL.		
Clothing for Apaches, Kiowas, and Comanches	1	11,000 00
Blackfeet, Bloods, and Piegans	5	5,000 00
Assinaboines	6	30,000 00
Gros-Ventres	11	35,000 00
Crows	10	35,000 00
River Crows	20½	30,000 00
Total	.....	146,000 00
SUNDRY CIVIL BILL.		
Contribution toward general expenses of District of Columbia	81	1,060,000 00
LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.		
To pay judgments of Court of Claims	21	400,000 00

SUMMARY.

Consular and diplomatic bill	$5,000 00
Indian bill	146,000 00
Sundry civil bill	1,060,000 00
Legislative, executive, and judicial bill	400,000 00
Total	1,611,000 00

11. BY DENYING APPROPRIATIONS ADEQUATE TO PROVIDE THE ORDINARY MEANS OF NATIONAL DEFENSE: AMOUNT, $5,353,990.

The fortification bill of last year was reduced to the lowest amount consistent with the preservation of our forts in a condition to be of use in case of a foreign war. Only $850,000 was appropriated. The House bills this year appropriate only $315,000, which amounts to a virtual surrender of the forts as a means of national defense. The "saving" achieved by this surrender is $535,000. Whether it will prove a wise reduction depends upon our future relations to foreign powers and upon the question whether ordinary prudence requires us to preserve in a state of reasonable efficiency the defenses we now have. We are probably safe in taking the chances of a foreign war this year, and it was doubtless expected that when the present political exigencies shall have passed adequate appropriations will be made. The reduction for the current year will have to be added to the appropriation bills of next Congress, unless we propose to abandon all our external defenses and open our gates to any foreign foe that may be tempted to prey upon a defenseless people. It has been argued in favor of these reduced appropriations for this purpose that fortifications are out of date, because more efficient and cheaper means of defense have been discovered. But, pray, what are they? Certainly not torpedoes, for these, too, have been denied as well as fortifications. By reference to the naval bill it will be seen that to save the sum of $56,000 the torpedo service has been seriously crippled and the appropriation for "torpedo boats" wholly denied.

I turn next to the Navy to see if any means have there been provided which are to take the place of our substantially abandoned system of fortifications. Here I find that the same ruthless hand which struck down forts and arsenals and destroyed the efficiency of the torpedo service has fallen even more destructively upon our navy-yards and ships of war. With $50,000,000 invested in navy-yards, for which at least 1 per cent., or $500,000, was imperatively needed for repairs and preservation, not one cent was allowed by the House bills. The appropriation last year for repairs and improvements of navy-yards was about 2 per cent. on their cost, or $1,000,000; this year nothing. Consequently by permitting this vast property to go to decay and ruin a reduction of $1,090,000 was effected.

For the preservation of vessels $3,300,000 was appropriated last year; only $1,500,000 by the House bill. Here is another reduction, called democratic economy and reform, by which the grand aggregate saving is increased $1,800,000. What is to be the effect? I am reliably informed by the officer in charge of this branch of the service that "the effect of this reduction will be to increase the cost of repairs another year by an amount which cannot now be estimated, and which will have to be provided for in future appropriations either at the next or the following session of Congress." Another result will be to stop the repairs now in progress upon the Wyoming, Lancaster, Monadnock, and the iron-clads Terror, Miantonomoh, Puritan, Quinnebaugh, Galena, Mohican, Shenandoah, and Monongahela. The repairs on these vessels would put the Navy in a condition to meet any sudden emergency that may occur. The lack of necessary appropriations will put off this means of defense another year, or until the money shall be provided.

For steam-machinery, &c., a reference to the tables will show an appropriation of $1,800,000 last year and only $885,000 this year, and therefore an apparent saving of $915,000. From the very best authority on this subject I have the following statement as to what will be the results of this economy:

> This reduction must necessarily stop all work upon the double-turreted monitors; because the almost total suspension of work in the navy-yards for repairs and refitting of machinery of vessels required for sea service, and put it out of the power of the Department to repair to any great extent the machinery, &c., of any vessel or vessels in the service that may hereafter break down through unforeseen casualties or the ordinary wear and tear of service. The estimates of the Department as submitted to Congress were made at the very lowest point consistent with the preservation, care, and repair of vessels in service and the completion of work on those that are invaluable to the Navy for emergencies.

This, Mr. President, is the manner in which the defensive service of the Republic has been mutilated and crippled for partisan ends. These are the means employed to effect a magnificent showing of democratic economy!

Is it true economy thus to allow the $50,000,000 invested in navy-yards to go to ruin in order to save the amount which is necessary to preserve them in a state of efficiency? Is it economy to postpone repairs which must be made this year or the next on vessels of war, and thereby not only render them useless for service, but largely increase the cost of such repairs next year? Is it a wise policy to abandon our means of defense, and thereby invite aggressions from foreign powers? Why this sweeping and relentless crusade upon all provisions which have hitherto been deemed indispensable to the maintenance of our position as a first-class power? Shall all this be done in the name of economy? Is this great nation too poor to maintain the ordinary means of defense? Must her forts be dismantled, her navy-yards be closed, and her ships of war rot at their docks because she

is unable to maintain them? Is it possible that any other motive less patriotic than frugality has guided the blow which has fallen so heavily and unerringly on every part of our system of national defenses? I will not believe that under the sacred name of economy there was a lurking design to render the Republic powerless for defense against her foes; and yet if such had been the motive it would have been difficult to have devised means more efficient than those which have been chosen. This policy of a democratic House finds its only parallel in that which governed a democratic administration in 1860. Let us hope the parallel does not extend to the purposes by which each was actuated.

I submit a table showing the various branches of the service on which these reductions were made.

Reductions by denying appropriations for supplying the means of national defense.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
NAVAL BILL.		
Labor at navy-yards	29	$125,000 00
Torpedo service	32–36	56,000 00
Equipment of vessels	39	280,000 00
Contingent expenses at navy-yards	42	20,000 00
Preservation and repair of vessels	51	1,800,000 00
Repairs of machinery, oil, coal, &c	53	915,000 00
Total		3,196,000 00
ARMY BILL.		
Torpedo experiments	19	10,000 00
SUNDRY CIVIL BILL.		
Armories and arsenals	24	362,990 00
Navy-yards and stations	108	1,250,000 00
Total		1,612,990 00
FORTIFICATION BILL.		
Fortifications		535,000 00

SUMMARY.	
Naval bill	$3,196,000 00
Army bill	10,000 00
Fortification bill	535,000 00
Sundry civil bill	1,612,990 00
Total	5,353,990 00

There remains to be considered but one other of the various classes of reductions mentioned in table C, the class termed "Miscellaneous reductions," amounting to $4,544,192.91. In this class I have included all items of which a considerable portion could be deemed a judicious reduction, giving the benefit of a doubt in all cases to the action of the House. It is true, however, that of this amount there are many items of which large portions are reductions that may prove injurious to the public service, but as a whole it is believed that the $4,544,192.91 may be fairly attributed to a reasonable and just economy.

I would not be understood as saying that in the exercise of a wise discretion a much greater reduction than this could not have been safely made. On the contrary, I am convinced, from a careful examination of every item contained in the House bills, that a reduction of from eight to ten millions (which is about equal to the average reductions made for the last seven years) could have been effected without serious embarrassment or injury to the public service. In many of the items included in the other classes some reductions could have been safely and judiciously made. I have not, however, credited such portions to a proper economy, because the sweeping and indiscriminate manner in which these reductions were made by the House bills will be far more likely to result in a loss than in a saving to the Government.

Up to a certain point retrenchment is economy; beyond that point it becomes parsimonious extravagance. Take for illustration the collection of internal revenue, in which a saving could have been safely effected upon last year's appropriations. But instead of stopping at the point where economy ends and waste begins, the House bills reduced the number of districts and the appropriations so low as to render morally certain a loss of revenue greater than the entire saving. The same thing is true as to the appropriations for mints; the reduction of clerical force below the point of efficiency and safety in the transaction of public business; the refusal to provide for preservation and repairs of navy-yards and naval vessels; the denial of means for searching rebel archives, whereby millions may be lost to the Treasury, and the general and almost universal mutilations of the public service. In fact this principle of indiscriminate cutting and slashing at all the branches of the public service for the purpose of being able to present to the country for political effect a large pretended saving pervades all the bills, and will in all probability result in an injury and a loss to the country greater than the whole amount that by a wise and judicious retrenchment could have been saved. I think I am right, therefore, in saying that in all this vaunted economy and reform there is not a real saving of $5,000,000.

The items which I have credited to economy upon the principle just stated will be found in the following table:

Miscellaneous reductions.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
POST-OFFICE BILL.		
Clerks in post-offices	2	$210,000 00
Letter-carriers and free delivery	3	200,000 00
Pay of railway post-office clerks	13	132,141 00
Pay of route-agents	14	105,000 00
Pay of mail-route messengers	15	13,000 00
Pay of local agents	16	16,441 00
Pay of mail-messengers	17	79,000 00
Twine	5	5,000 00
Post marking and canceling stamps	6	5,000 00
Stationery	9	5,000 00
Miscellaneous items	11	50,000 00
Post-route maps	20	10,000 00
Advertising	34	75,000 00
Miscellaneous items	35	2,500 00
Total		908,082 00
NAVAL BILL.		
Contingent expenses of Navy	2	20,000 00
Pilotage and towage of ships of war	4	5,000 00
Nautical instruments	6	1,000 00
Compass-fittings	9	2,000 00
Steering signals, gongs, &c	16	500 00
Contingent expenses Bureau of Navigation	17	1,000 00
Assistant and clerk Naval Observatory	21	200 00
Reducing observations transit of Venus	25	3,000 00
Fuel, tools, materials, &c	28	25,000 00
Miscellaneous items	31	2,000 00
Pay of professors and others	54	3,300 00
Pay of officers and privates of Marine Corps	61	760 00
Provisions for Marine Corps	62	10,000 00
Military stores of Marine Corps	65	4,000 00
Total		77,760 00
ARMY BILL.		
Expenses of commanding General's office	1	3,000 00
Signal-service of the Army	4	2,000 00
Army contingencies	15	50,000 00
Ordnance stores for arsenals	22	20,000 00
Army equipments	26	10,000 00
Total		85,000 00
CONSULAR AND DIPLOMATIC BILL.		
Consuls-general, and other consular officers, clerks, &c	21	12,800 00
Consular officers, not citizens of the United States	32	2,000 00
Exchange	35	38,000 00
Contingent expenses of consulates	36	31,850 00
United States and Spanish Claims Commission	37	4,787 50
United States and Mexican Claims Commission	38	28,700 00
Total		118,137 50
INDIAN BILL.		
Apaches, Kiowas, and Comanches	1-4	4,000 00
Mixed Shoshones, Bannacks, and Sheep Eaters	16	5,000 00
Pawnees	19	6,476 87
Shoshones—Eastern Bands	21	10,000 00
Bannacks	23	2,000 00
Sioux of different tribes	24	247,000 00
Indians of the Malheur reservations	29	10,000 00
Kansas	31	5,000 00
Civilizing various tribes	57	50,000 00
Expense of general council	58	3,000 00
Incidental expenses of central superintendency	60	4,000 00
Incidental expenses of northern superintendency	61	2,000 00
Collection of statistical and historical data	62	3,500 00
Education of Creeks	63	2,810 00
Seed and grain for farming-purposes for certain tribes	66	10,000 00
Transportation	67	11,700 00
Cheyennes and Arapahoes	7	5,000 00
Arapahoes, Cheyennes, &c	28	50,000 00
Indians in Idaho and Southern Oregon	56	20,000 00
Osages	18	291 65
Total		451,688 52
SUNDRY CIVIL BILL.		
Botanical Garden	3	2,950 00
Inspector of gas, District of Columbia	8	1,500 00
Buildings and grounds, Agricultural Department	30	5,540 00
Photographing, engraving, and printing plans, &c	43	2,000 00

Miscellaneous reductions—Continued.

Object.	Reference to No. of item in general statement.	Amount refused in House bill.
Map of United States and Territories	44	$3,500 00
Surveys by Professor Hayden	60	10,000 00
Certain crippled and disabled soldiers	73	12,549 60
Life-boats and life-boat stations	10	4,120 00
Hospitals for women, and other charities in District of Columbia	14	18,300 00
Smithsonian Institution	15	24,500 00
Compensation in lieu of moieties	17	75,000 00
Metropolitan police	19	55,270 00
Inquiries respecting food fisheries	33	17,500 00
Furniture and carpets in all buildings under Treasury Department	39	75,000 00
Collection of bounty prize-money, &c	46	75,000 00
Records of the rebellion	48	10,000 00
Interest on 3.65 bonds of District of Columbia	82	185,000 00
Sanitary service, District of Columbia	83	10,257 50
Geographical surveys	115	60,000 00
Bounties to sailors and marines	116	50,000 00
Total		697,987 10
LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.		
Compensation and mileage of Senators	1	37,000 00
Officers and employés of the Senate	2	39,786 80
Capitol police	5	24,000 00
Compensation and mileage of House of Representatives	6	191,000 00
Officers and employés of the House of Representatives	7	57,440 70
Library of Congress	9	19,136 00
Public buildings and grounds	11	20,320 00
Executive	12	13,953 89
Executive Departments	13	500,000 00
Collecting internal revenue	15	330,000 00
Territorial governments	17	132,623 90
United States courts, &c	19	11,750 00
Court of Claims	20	3,750 00
Total		1,380,761 29
MILITARY ACADEMY BILL.		
Abolishing band	1	33,700 00
Sundries	1	20,409 00
Total		54,109 00
FORTIFICATION BILL.		
Reduction from last year		535,000 00
RIVER AND HARBOR BILL.		
Miscellaneous		775,667 50

SUMMARY.

Post-Office bill	$152,500 00
Naval bill	77,760 00
Army bill	85,000 00
Consular and diplomatic bill	118,137 50
Indian bill	451,688 52
Sundry civil bill	697,987 10
Legislative, executive, and judicial bill	1,380,761 29
Military Academy bill	54,109 00
River and harbor bill	770,667 50
Total	4,544,192 91

Mr. President, this review has disclosed the principles upon which the House bills were framed, and some of the devices and expedients employed to accomplish the result desired. They constitute an interesting, if not a humiliating, study of the political economist, and illustrate the new order of statesmanship which is expected to accomplish so much for economy and reform.

At the commencement of the present session it was announced with a great flourish of trumpets from the other end of the Capitol that a grand saving of $40,000,000 should be made upon the amounts appropriated last year. Without much thought as to consequences or any very definite knowledge of the wants of the public service, but with an eye single to the exigencies of the approaching presidential campaign, it was boastingly proclaimed that a saving of that amount would be effected, whereby the charge of extravagance would be fastened upon the republican administration.

I confess I had some curiosity to know how it was to be done. Having been a member of the Committee on Appropriations for six years I knew how earnestly, faithfully, and successfully both Houses of Congress had striven to apply the principles of true economy in cutting down the expenditures of the Government to the lowest point consistent with the efficiency of the public service and the sacred obligations of the nation. I knew that as the result of that effort the net ordinary expenditures had been reduced from $229,915,088.11 in 1868 to $171,521,848.27 in 1875, making a total reduction in seven years of $58,393,239.84, or an annual average reduction of $8,341,891.40. I knew also that the reduction made at last session of Congress was $13,312,322.17 below the expenditures of 1875.

I was aware that a wise and economical administration of public affairs could, as the necessities of the service changed, continue the reductions which have marked the policy of the last few years, but I was curious to know what new and unheard-of principles of economy could be evoked that would enable the present House of Representatives to make the sweeping reduction of $40,000,000 in a single year.

A partial explanation has been found in the character of the advisers from whom in some cases the wants of the public service were ascertained. The persons whose advice had most weight, in some instances, were not the responsible heads of the Executive Departments.

The recommendations of these gentlemen were generally treated with contempt, and sometimes with insult. They seem to have been regarded as mere leeches upon the Treasury, who were seeking to wring from an unwilling Congress the last dollar possible without reference to the necessities of the service intrusted to their charge, while discharged employés who had grievances to redress were taken into confidence and the public service provided for in accordance with their suggestions. To illustrate: The clerk of one of the committees which had much to do in deciding upon the expenditures necessary for one of the most important Departments had been discharged from that Department for drunkenness and general bad character. He had formerly been discharged from a city post-office for gambling and dishonesty; and yet he was the kind of "reformer" selected to guide the judgment of men who were bound by their duty as legislators to make adequate and proper provision for the important service of that Department.

Another clerk who had been discharged for receiving bribes had the confidence of prominent gentlemen to such an extent that he was appointed deputy sergeant-at-arms to serve subpœnas for one of the committees, and doubtless gave much valuable information as to the appropriations necessary for the Department from which he had been dismissed in disgrace. With such advisers it would have been quite as easy to reduce one hundred millions as forty.

One might have supposed that an enlightened statesmanship would have chosen the best sources of information and would have first examined the wants and necessities of the public service and ascertained how great a curtailment it would bear without injury, before announcing the reduction to be made. Not so in this case. The only question seems to have been, "What do the partisan exigencies of the times demand?" the answer being, "Forty millions reduction." The iron rule was laid upon all the appropriation bills and as nearly as possible forty millions were cut off. If this line of policy crippled a Department or Bureau, violated a law or a treaty, omitted an important public service, or repudiated a national obligation, the knife was not withheld, but went crashing through as if the civil service of the country was a myth instead of a solemn fact.

The motive which impelled the knife of "reform" is apparent. It was well understood that if a grand total of $40,000,000 reduction could be shown it would be quite impossible for the average voter to analyze the items and known by what means or upon what principle it was accomplished. The fact itself would stand out prominently. It could be stated in a single sentence, while the explanation would involve tedious details which would be within the reach of but few. Hence at any cost to the service and at any sacrifice of national obligation or even of honor, that reduction must be made. The people could then be told by every democratic orator and newspaper in the country that "$40,000,000 have been saved," and with eyes and mouths wide open in admiration of this marvelous economy, they would be expected to march to the polls and deposit a democratic ballot next November.

Mr. President, this hasty review has disclosed some of the desperate devices and expedients employed for the fulfillment of a promise made in the recklessness of partisan malice and ruthlessly executed (so far as it could be without too great danger of exposing its real motives) solely for partisan purposes. In this frantic effort to fasten upon the republican party the groundless charge of extravagance by pretended democratic retrenchment we have seen laws disregarded, treaties violated, national obligations repudiated, important branches of the public service wholly omitted, and nearly all its parts mangled and mutilated, the system of national defenses paralyzed, Government property valued at scores of millions left without anything for preservation and repairs, the vaults of the Treasury thrown open to pillage by the utter denial of the only means by which evidence can be furnished to enable the Government to defend itself against the myriads of claims pressing upon it. All this, Mr. President, in the sacred name of "reform!"

But notwithstanding these persistent and desperate efforts, notwithstanding the utter disregard of the wants of the public service, the promise has not been made good by more than $10,000,000. The vaunted reduction of forty millions has dwindled to less than thirty. Failing even by all the desperate expedients to which I have referred to redeem the pledge so boastingly proclaimed at the beginning of the session, in their despair resort seems to have been had to arithmetic, and even figures, under partisan manipulations, lost their proverbial truthfulness and $29,594,187.38 were forced to read $39,421,961.

I repeat what I have already said, that of the total pretended reduction not $5,000,000 can be called a saving of money to the Treasury, and for the proof of this assertion I refer to detailed statements appended to my remarks, in which each item of reduction will be found and a brief statement of its character annexed. Deduct the "postponements," the "deficiencies," the "failure to provide for important branches of the public service," the "reductions attributable to Department estimates," the "appropriations which take no money from the Treasury," the "repudiation of national obligations," and the "denial of appropriations for national defenses," and the vaunted saving will fall very far below the reductions made by the last Congress, which amounted to $13,313,322.17.

The difficulties encountered in the attempt to make the sweeping reduction intended arose from the fact that for several years republican Congresses had faithfully and successfully applied the strictest rules of retrenchment consistent with the efficiency of the public service and the best interests of the country. Gradual retrenchment, as the demands of the service charged, are still possible, and would have been as faithfully carried out in the future as they have been in the past. But the sweeping reduction which had been promised was utterly impracticable without making its motive too apparent.

NO REDUCTION OF TAXES.

The reason assigned for these indiscriminate and generally indiscreet reductions is that thereby the burdens will be lifted from the shoulders of an over-taxed people. But pray what have these gentlemen done to reduce taxation? An eight-months session of Congress is within one or two days of its close, and yet with an almost two-thirds majority in the House of Representatives not one act has been passed reducing taxation. Scarcely an effort has been made in that direction. There has been a faint pretense of modifying the tariff law by the Committee of Ways and Means, but the bill never came to a vote. Mere reduction of appropriations will bring no relief to the people unless accompanied by reduction of taxation. These gentlemen doubtless understood that the reduction in appropriations was a mere sham, and that they would not warrant any diminution of revenues. Or possibly the retrenchment in appropriations was intended to withhold money from the public service in order that there may be something in the Treasury to pay the $160,000,000 of claims and other schemes which are said to have been presented in the House during the present session. The refusal to reduce taxation in connection with the reduction of appropriations and the persistent denial of all means to furnish evidence for the defeat of these claims certainly give color to this apprehension.

The policy pursued by the republican party has been to reduce taxation as they reduced expenditures. The taxes from customs and internal revenue have been reduced from $379,438,130.93 in 1870 to $251,772,716.64 in 1876; making a total reduction in five years amounting to $114,665,414.29, or an average annual reduction of $22,933,082. That party knows no object in retrenching expenditures except to reduce taxation.

HONESTY OF THE REPUBLICAN PARTY VINDICATED BY THE DEMOCRACY.

The utter failure to fasten upon the republican party the charge of extravagance is only equaled by the failure to prove the sweeping charges of corruption which have been so often repeated within the last few years. Thirty-three investigating committees have been at work for nearly eight months, with all the vigor, persistency, and frantic desperation that partisan malice and ambition could inspire, to prove the republican party unworthy the confidence of the American people. They have roamed at will through all the records of the fifteen years during which that party has been in power, including, as they do, four years of war with all its demoralizations. The whole power of the Government has been at their command. No relations were too sacred for invasion. No witness was too depraved to be denied a hearing. No expense was too great, if thereby the character of a republican official could be smirched. A statement has recently been publicly made by a member of the Appropriation Committee of the House to the effect that the expenditures for this purpose will not fall much short of $1,000,000. The very dregs of society have been called upon to contribute their choice morsels to the feast of scandal. Men whose reputations are the result of a life-work for humanity have been held up before the country for months as very demons incarnate, while scandal-mongers, like foul birds of prey, feasted and fattened upon the heart pangs of their victims. Millions of people have read the foul charges bruited against them where hundreds only will ever know of their triumphant vindication.

Yet with all this saturnalia of defamation what has been accomplished? How many republican officials have been proven guilty of corruption? How many dollars has the Government lost by republican dishonesty? What is the sum-total of this work of a Congress which has wholly neglected the interests of the people and devoted its entire energies to detraction? Unable to answer these questions I have sought for information in vain from democratic Senators. A few days since the honorable Senator from Delaware [Mr. SAULSBURY] indulged in general denunciations of the republican party, in which he took occasion to say that "from the crown of its head to the sole of its foot, judging by its acts for the last eight years, it is nothing but bruises and putrefying sores." I thought surely an honorable Senator who could utter such language in this place would be able and willing to inform me upon what he based charges so offensive to one-half of the American people. Contrary to my usual habit I interrupted the honorable Senator, to ask him the following question:

Mr. WINDOM. My purpose in rising a moment ago was to appeal to my friend from Delaware not to permit his courtesy to those whom he called thieves to prevent his giving us the names of those exposed by the House of Representatives We hear a great deal of "this corruption" in general terms. We have heard a great deal to-day. Now I beg my friend that he will not allow his regard for thieves, as he calls them, to prevent our having their names.

To which appeal for definite information as to the results achieved by the thirty-three committees of investigation at a cost of many hundreds of thousands to the Treasury, I received the following instructive reply:

Mr. SAULSBURY. My honorable friend will have access to the reports, and I commend them to him as good reading for every day in the week except the Sabbath, and on the Sabbath day I would ask him to read some of the chapters of Nehemiah, where he will find a perfect illustration of the oppressions which this republican party has brought upon the country. He will find there that when Nehemiah went up to rebuild the walls of Jerusalem, after he had become re instated, the people cried out and complained to him of the oppression which their rulers had placed around them, and he called the rulers before him and compelled them to disgorge and deliver back the mortgaged property to those who had been oppressed. Let me tell my friend when our Nehemiah comes in on the 4th of March, and the democrats have the power in the House and in the Senate, we intend to call upon plunderers everywhere to disgorge their ill-gotten gains, and to place them back in the Treasury, or in the conscience fund, if you please.

Mr. President, you see how my earnest search for information was rewarded. An honorable Senator who can denounce a great party, composed of the best and purest men of the nation, as utterly corrupt, can find no better answer when called upon to specify his charges than a general reference to the reports of the committees, and to the book of Nehemiah. From all I can learn of said reports I am about as likely to find an answer to my question in the one place as in the other. Not quite satisfied with the definiteness of the confirmation thus acquired, I pursued my quest for knowledge in another direction. The honorable Senator from North Carolina [Mr. MERRIMON] who is always ready to support his assertions with statistics of some kind (the quality being sometimes a little questionable) had been most unsparing in his denunciations of the party to which I belong. Knowing that, if my honorable friend from North Carolina could not give us the "statistics" of our crimes, it would be of no avail to pursue my inquiries further, I ventured to make the following suggestion to him, as appears in the RECORD of July 19:

Mr. WINDOM. The question put by the honorable Senator from Indiana was as to what had been revealed by the investigating committees this winter. The honorable Senator, in answer to that, has dug up an old report, made by a republican Congress, that has no earthly connection with the investigations this winter. * * * I want to appeal to him, for I know his good nature, to state if any frauds have been unearthed by these committees wherein the Government has lost any money; and, if so, who it is and how much the Government has lost?

Mr. MERRIMON. In the first place, as I said a moment ago, it is exceedingly unpleasant to go into detail in regard to individuals. I do not like to be forced to make personal remarks about anybody, even persons not in the Senate. It is not a pleasant duty to any well-disposed person; but a complete answer to that question—and I think my friend from Delaware answered it awhile ago—is this: The reports, for the most part, of the committees of the House which have been engaged in investigating the frauds and corruptions that have been practiced on the Government are not yet made and printed. What they will develop when they are made remains to be seen. I have seen snatches of some of them that did develop villainies and rascalities not only disgraceful to the republican party but disgraceful to the American people. If I were disposed to state them now I *cannot remember the names*, nor is it material for me to do so.

I was aware, Mr. President, that it was "not a pleasant duty for a well-disposed person" to go into "details in regard to individuals," especially when such "well-disposed person" was a little "short" with reference to such details. But still it occurred to me that even a "well-disposed person" who could say of a great party that the "demon of corruption has such a hold upon this organization that they cannot throw it off" might be willing to so far waive his courtesy toward thieves as to give us at least one name; so I venture to press my "well-disposed" friend a little further:

Mr. WINDOM. I want to ask the Senator whether it is merely a lack of memory which renders him unable to mention a single name of a person who has been proved guilty by these investigating committees of defrauding the Government, or whether it is due to the courtesy of the honorable Senator toward those he designates as thieves?

Mr. MERRIMON. I want to say to my honorable friend that *if I knew the name of one* as charged by a committee of the House I would not tell the Senate now; but there have been frauds developed. I know that to be the fact. I have read them in reports made in the House. Besides I have not the reports before me now. I would not state them from memory. I would not do anybody injustice. It does seem to me that the Senator has a poor way of getting a question answered by asking a question of a Senator who has the floor which he knows cannot be answered at the moment because of the want of the very reports he ought to have in order to answer properly.

The "statistics" of my "well-disposed" friend from North Carolina having never failed him before, I began to feel discouraged. But not utterly hopeless I renewed my interrogatory in another form, designed to prick his sense of moral responsibility:

Mr. WINDOM. I want to ask the Senator if he considers it a proper thing to do, when unable to remember or to give the name of a single individual who has been guilty, or as to a single dollar that has been lost, to make a charge of universal corruption upon the whole party? Is that quite the thing to do?

Mr. MERRIMON. It is, where I know the general fact to be true. I know the general fact to be true. *When you come to specify particular items, I may not be able to state them, but I can state the general fact.*

Mr. WINDOM. I am asking the Senator how he knows the general fact to be true when he cannot state a single item constituting that general fact?

Mr. MERRIMON. In my speech this morning I showed, and I challenge any Senator to deny them, taking the figures from the record, that over a billion dollars that ought to have gone to the public Treasury did not go there.

I now discovered that I had overrated the honorable Senator's "statistical" powers in presuming him to be as able in details as in generalities, and that while he is perfectly at home on a subject that has "billions in it," he is somewhat hazy when asked to state any of the items which constitute those "billions." In other words, he is much greater on generalities than on specifications—a characteristic, by the way, shared very largely by other members of his party. They are generally "well-disposed persons" as to details, but very savages as to generalities. Seeing that my friend's mind was inclined to wander from the question, and that he found it much easier to show (what we already knew) that frauds and misconduct had been discovered, exposed, and punished in our own party and by our own party, (a thing, by the way, never done by the democracy, I ventured to draw his mind back from its wanderings to the real question at issue.

Mr. WINDOM. I ask the Senator to stick to his text. He has told us what a wonderfully good thing the democratic House has accomplished this winter, and I am on a little line of inquiry in order to ascertain what it is. He appeals again to some old report of a republican investigating committee with regard to the internal revenue, but wholly evades the question as to what these investigations have done. I ask the honorable Senator if it is not a fact that after there have been twenty or thirty investigating committees at work, after they have ransacked penitentiaries and lunatic asylums, when the whole power of this Government has been behind them, the whole Treasury of the Government at their command, and with all the enmity, the vengeful feeling, they had against the republican party, with these investigations going on for seven months, my friend is unable to point to a single dollar lost by this Government or a single man who has been convicted of stealing from it?

Mr. MERRIMON. I am not only able to point to a single dollar, but I can point to millions.

Mr. WINDOM. Let us have it.

Mr. MERRIMON. *I can point to millions in general terms, but I cannot specify items now because of the absence of the reports.* It is amazing that the Senator should make such a statement as he does in view of the facts that stare him and the American people in the face on every hand. Look at the whisky rings at Saint Louis, at Chicago, Indianapolis, and elsewhere.

How discouraging to an anxious, earnest inquirer after truth! Still "millions" in it, but not one dollar specified. Still ready to enlighten me with reference to frauds discovered and punished by my own party friends at Saint Louis, Chicago, Indianapolis, and elsewhere, but not able to name a single instance in which the thirty-three democratic committees has discovered a dollar lost by the Government through dishonesty of republican officials! Quite disheartened with my efforts to gain knowledge under such difficulties, I made only one more appeal.

Mr. WINDOM. Will the Senator yield to me again for a moment?

Mr. MERRIMON. No, sir; I will not yield to my friend again. I think the debate now is not profitable to either side. It is mere desultory colloquy.

Mr. WINDOM. That has been my impression for some time.

Mr. MERRIMON. I do not think it is, because neither of us is dealing in facts. [Laughter on the republican side.]

Mr. WINDOM. I am very happy to hear the Senator say that. I do not make that confession for myself.

Utterly discouraged, I withdrew from my fruitless search for information, and left the honorable Senator to the contemplation of the "billions" stolen by the Republican party and to his general charges of universal corruption.

Mr. President, I have referred to these colloquies to show the utter failure of the thirty-three investigating committees to sustain the general charges of corruption which are so flippantly and constantly preferred against the republican party. That some dishonest men have found a place in that organization no body doubts; but is it not remarkable that under all the circumstances so few have been blackened? After eight months of such investigations as we have witnessed, directed against a party which has been in power fifteen years, during which time it has saved the life of the Republic and collected and paid out billions of dollars for that purpose, is it not most remarkable that two astute Senators on this floor are utterly unable to name a single man whom those committees have detected in stealing from the Government or a single dollar stolen from the Treasury, and that when pressed upon this point they are compelled to fall back upon what the republican party has itself exposed and punished?

I come now to another phase of the effort to fasten the charge of corruption on the republican party. My good democratic friend, the Senator from West Virginia, [Mr. DAVIS,] for whom I entertain the highest personal regard and the warmest feelings of friendship, not quite assured of the success of the investigating committees and from his position on the Committee of Appropriations knowing too much of the economy heretofore practiced by Congress in the matter of appropriations to believe the "retrenchment" dodge would work, and yet being thoroughly impressed with the necessity of discovering some appalling evidence of republican dishonesty, invoked the authority of the Senate to interrogate the books of the Treasury Department with reference to defalcations that have occurred under *republican administrations.*

My honorable friend was quite able to control his enthusiasm with reference to the names of defaulters prior to the time when the republican party came into power, and hence his resolution was carefully framed to avoid the "dead past." By the way, Mr. President, let me wander a moment far enough to say that this same "dead past," which our democratic friends are so anxious to bury and about which they so deprecate discussion, is bounded in their chronology by the line which divides democratic from republican administrations. Everything done since 1860, when the republican party came into power, is a proper subject for discussion and partisan animadversion. All of the last fifteen years belong, in their estimation, to the "living present;" but the moment you cross the line and extend your inquiries to the sixteenth year you are among the graves of the "dead past," and must tread lightly lest you wake up unpleasant memories which our democratic friends have fondly hoped were buried forever. Doubtless this reverence of my friend from West Virginia for the solemn shades of the "dead past," as well as his aversion to waking up disagreeable memories had much to do with his desire to limit his inquiries only to the "living present." A prudence also, which was doubtless born of the experience of his party friends at the other end of the Capitol, warned him to beware of searching for republican corruption in democratic neighborhoods, lest odors unpleasant to democratic olfactories might be evolved.

But the honorable Senator from Ohio, [Mr. SHERMAN,] who has recently crushed with a heavy hand so many budding democratic hopes just beginning to take root in the statistics furnished by the honorable Senator from North Carolina [Mr. MERRIMON] and the honorable Senator from Connecticut, [Mr. EATON,] with an utter disregard for the feelings of our democratic friends toward the "dead past," in which they have so earnestly endeavored to bury their deeds forever from human sight and memory, reported an amendment to the resolution of my friend from West Virginia, whereby he was not only permitted to interrogate the living present but he was commanded also to question the musty records of the past.

Not at all anxious to go forward into the ghostly presence of the sainted dead, but fearing to turn back, my honorable friend from West Virginia, armed with senatorial authority far in excess of what he had sought or desired, and trembling in fear of the possible consequences of his irreverent tread among the graves of his party friends, proceeded to the Treasury. The rusty hinges of the long-closed vaults gave forth a mournful shriek as their doors swung open in response to his senatorial demands. Appalled at the sight which greeted his astonished vision, gladly would he have turned away without the information which had so long been the desire of his heart.

This, however, was quite impossible; for behind him stood the republican Senate, and in that Senate still stood the inexorable Senator from Ohio [Mr. SHERMAN] relentlessly determined to have the whole story, no matter who might be hurt thereby. Finally, seeing no way of escape from the dilemma in which his honest effort to expose republican rascality had placed him, my honorable friend from West Virginia, with an assumed courage which did great credit to his self-control, challenged these slumbering records to open their mouths and testify what they knew about defalcations of Government officials under the various administrations from Washington to Grant. The following is a condensed statement of the answer which came forth from these musty tomes of the "dead past:"

TREASURY DEPARTMENT, WASHINTON, D. C., *August* 10, 1876.

Statement showing the receipts and disbursements of the Government from its organization to June 30, 1875; *exhibiting also the amount of defalcations and the ratio of such losses per* $1,000 *to the aggregate received and disbursed, arranged as nearly as practicable in periods of Administrations, and also in the periods prior and subsequent to June* 30, 1861; *prepared under the direction of the Secretary of the Treasury.*

RECEIPTS, LOSSES, AND RATIO OF LOSSES PER $1,000 TO AGGREGATE OF RECEIPTS.

Administration.	Period of service.	Customs.			All other sources.*		
		Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.
	Yrs.						
Washington, George	8	$36,605,014 63	$204,528 19	$5 58	$19,843,706 69	$6,923 61	$0 30
Adams, John	4	33,548,222 90	42,249 60	1 25	12,537,195 50	.....	.....
Jefferson, Thomas	8	101,086,982 70	271,669 36	2 68	7,154,994 84	15,500 75	2 18
Madison, James	8	119,951,870 49	217,042 29	1 80	146,294,644 29	77,933 00	53

* Includes internal revenue, direct tax, public lands, miscellaneous, dividends, interest, premiums, and receipts from loans and treasury notes.

Statement showing the receipts and disbursements of the Government from its organization to June 30, 1875, &c.—Continued.

Administration.	Period of service.	Customs.			All other sources.*		
		Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.
	Yrs.						
Monroe, James	8	$140,125,287 60	$227,432 45	$1 62	$38,524,676 84	$402,514 37	$10 44
Adams, John Q	4	88,941,104 61	222,103 18	2 49	8,876,950 17	110,849 92	12 48
Jackson, Andrew	8	173,830,077 97	1,215,304 45	6 99	81,352,697 19	197,083 17	2 42
Van Buren, Martin	4	67,283,444 08	264,502 94	3 93	62,665,104 83	127,825 40	2 03
Harrison, William Henry	4	78,946,436 31	254,939 03	3 22	37,789,568 56	175,042 36	4 63
Tyler, John							
Polk, James K	4	110,564,342 31	7,719 11	06	91,293,166 14	10,390 87	11
Taylor, Zachary	4	194,257,446 48	215,749 08	1 10	16,951,166 43	60,521 50	3 57
Fillmore, Millard							
Pierce, Franklin	4	245,148,753 03	131,277 05	53	37,031,076 53	81,724 73	2 20
Buchanan, James	4	184,125,082 85	38,776 03	21	128,234,596 71	155,227 80	1 21
Lincoln, Abraham	4	305,360,453 61	31,261 99	10	4,365,039,684 00	477,331 64	10
Johnson, Andrew	4	699,977,488 65	254,498 55	36	3,342,3 8,949 81	2,308,223 35	69
Grant, Ulysses S	6	1,125,540,148 00	24,342 43	02	2,871,328,335 84	1,252,540 17	44
		3,704,902,156 22	3,623,395 73	97	11,267,313,514 37	5,458,722 61	48
Prior to June 30, 1861		1,575,114,065 96	3,313,292 76	2 10	688,546,544 72	1,420,727 48	2 06
From July 1, 1861, to June 30, 1875		2,130,878,090 26	310,102 97	14	10,578,766,969 65	4,037,995 13	38

*Includes internal revenue, direct tax, public lands, miscellaneous, dividends, interest, premiums, and receipts from loans and treasury notes.

It only remains for me to add, for the benefit of the friends of the Senator from West Virginia, that since the consequences of his heroic effort to expose the corruptions of this administration and to prove the honesty of the democratic party have been fully realized, he has devoted himself mainly to humming, in a half-bewildered way, those familiar and solemn words, "Hark from the tombs a doleful sound," occasionally varying the monotony of the strain by an attack upon the style of book-keeping inaugurated in the Treasury by my honorable friend from Massachusetts, [Mr. BOUTWELL.]

Mr. President, the retrenchment scheme has only disclosed the recklessness and partisan malice of our opponents, and proves the wise and judicious economy of the republican party. The effort to fasten upon us the charge of extravagance has recoiled upon their own heads.

The thirty-three investigation committees and the examinations of the books of the Treasury have only confirmed the people in their confidence. What more complete and triumphant vindication of the integrity of the party could be desired? Gentlemen, general charges will no longer be tolerated by the people. You told them to give you the power and you would unearth a seething mass of corruption that would astonish the world. They gave you the power and you have utterly failed. You have had ample opportunity to make good your charges if it were possible to do so. Henceforth the people will demand *proof* instead of *assertions*. It will not do for you to point to the men whom we ourselves have exposed and punished. That only proves the republican party to possess a power which yours never dreamed of, namely, the power to purify itself.

Do you reply that a Cabinet officer has fallen under your fire? True he has been disgraced, but not for stealing from the Government. Do you argue that the fall of this prominent officer convicts the party of corruption? If so, George Washington's administration was also corrupt, for his Secretary of State was not only proven guilty of an intrigue with an embassador of a foreign government for the overthrow of his own, but also of *receiving money for that purpose*.

Vindicated by its enemies, united in its own ranks, and strong for the contest, the republican party will march to certain victory in November.

The following tables show all the items appropriated for the year ending June 30, 1876; the corresponding items appropriated for the year ending June 30, 1877; the reductions made by the House bills at this session; and the character of such reductions the items marked thus * being additions.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

The legislative, executive, and judicial appropriation bill, as it passed the House of Representatives, for the year ending June 30, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
1. Compensation and mileage of Senators.	$400,000 00	$363,000 00	$37,000 00	This reduction needs no explanation. To those who believe salaries are too high it will commend itself. No expression of public sentiment has required it.
2. Officers and employés of Senate	139,836 80	100,050 00	39,786 80	A small part of this item is legitimate. The number of employés may be somewhat reduced without prejudice.
3. Contingent expenses of Senate	142,440 00	72,690 00	69,750 00	The amount is too small. A deficiency is already required.
4. Reporting debates of Senate	25,000 00	22,500 00	2,500 00	The amount appropriated by House bill is $2,500 less than is necessary to comply with contract. A deficiency.
5. Capitol police	52,600 00	28,600 00	24,000 00	This item is obtained by reducing number and salaries of the Capitol police. A portion of it may be judicious economy; not all.
6. Compensation and mileage of members of House of Representatives.	1,650,000 00	1,459,000 00	191,000 00	The remark appended to the first item will apply to this, with the additional statement that not more than one of the gentlemen who voted for the reduction believed it ought to be made, or really desired it to become the law. Political rather than economical considerations constituted the controlling influence.
7. Officers and employés of the House.	227,500 70	170,150 00	57,440 70	Probably a proper reduction.
8. Contingent expenses of the House	165,385 00	122,088 00	43,297 00	The experience of the past, including that of the present House of Representatives, demonstrates that a large deficiency will be the result of this reduction.
9. Library of Congress	63,986 00	44,850 00	19,136 00	An injudicious reduction, made up by denying the necessary amounts for purchase of books, for exchanges with foreign countries, and by reduction of number and compensation of employés. The expenditure for employés in the Library is now far below that of any other library of its size in the world.
10. Public Printer	18,817 60		18,817 60	An indispensable appropriation entirely omitted by the House. To have denied all appropriations for the public service would have been upon same principle, and a much greater "economy."
11. Public buildings and grounds	52,328 00	32,008 00	20,320 00	A small part of this is a judicious reduction.
12. Executive	78,400 00	64,446 11	13,953 89	This difference arises from reduction of the President's salary, refusing certain employés, and reducing the compensation of all.

The legislative, executive, and judicial appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
13. Executive Departments, &c., viz: State, Treasury, War, Navy, Interior, Post-Office, Department of Justice, and Department of Agriculture.	$7,554,434 99	$5,687,901 50	$1,866,533 49	This reduction is made by cutting down a very large number of items, but mainly by reduction of clerical force and salaries. The total number of employés in all the Executive Departments is 5,308; the reduction by the House bill is 1,212—about 22.6 per cent. The heads of all the Departments, and of every bureau, unite in the opinion that this will seriously cripple the public service, and in some cases prove disastrous. In conformity with changes in the service, it is probable a reduction of from three to four hundred could be made without serious injury, but to go beyond that is to impair, to the extent of the reduction, the efficiency of the Departments, by deranging and delaying public business. About $1,200,000 of the "saving" is effected by reducing the force below the number imperatively required. The reduction of salaries covers a very large portion of the balance. In some cases such reduction is proper, but in a very large proportion the salaries were fixed in 1854, when the cost of living was at least 33 per cent. less than now. The reduction upon those is simply withholding a reasonable compensation for services rendered. The amount "saved" by this unjustifiable reduction will cover about $200,000. By omitting entirely to provide for the Signal Office, the Bureau of Military Justice, the Indian Office, Division of Internal Commerce, searching of rebel archives, and rent of certain buildings, $132,340 of the reduction was effected. Many other items which go to make up the reduction of $2,377,277 might be referred to in illustration of the utter fallacy, not to say falsity, of this pretended saving. A careful and thorough analysis of all the items might possibly show an economy of $500,000—not more. The balance is simply a failure to provide adequately for the public service, which must result in deficiencies or great embarrassment.
14. Official postage-stamps for the Executive Departments.	417,669 00	317,000 00	100,669 00	Official postage-stamps cost the Government nothing except the printing. All the other Executive Departments are required to purchase their stamps of the Post-Office Department. Hence it is merely taking money out of one pocket and putting it into another. To call this reduction a saving of money, is an absurdity if not a fraud.
15. Collecting internal revenue	5,387,340 00	3,491,000 00	1,896,340 00	This reduction is composed of several items. A portion of it may be a judicious economy; another portion will prove very detrimental to the service. $730,000 is a reduction recommended by the Department. Possibly $330,000 in addition may be called a legitimate economy, and possibly a part of it may give rise to a deficiency. The remaining $836,340 is simply withholding an amount necessary to the efficiency of the service, which will cost the Government a loss of revenue many times the amount of the pretended saving. The Secretary of the Treasury and the Commissioner of Internal Revenue have both protested against it, on the ground that it will be productive of great losses. The policy which cripples the Government in the collection of its revenues (on which its credit and honor depend) for the sake of making partisan political capital, cannot be too strongly condemned. Reduction within certain limits is *economy*; beyond that it becomes reckless extravagance. This is a case in point.
16. Mints and assay offices	1,220,145 00	810,110 00	410,035 00	Unquestionably a deficiency. The laws passed at this session require a largely increased silver coinage, and hence an increased expenditure. To reduce the appropriation below the amount used last year, and at the same time require of the mints a greatly increased service is an absurdity, if not something worse. The result will be, either that the silver cannot be coined and consequently cannot go into circulation, or a deficiency will be appropriated next winter. The latter was doubtless intended when the House bill was passed.
17. Territorial governments	322,323 90	189,700 00	132,623 90	A reduction effected by shaving off something from the already low salaries of governors, judges, and other territorial officers, by curtailing incidental expenses, &c. If the United States Government is unable to pay a fair compensation for services rendered, a portion of this reduction is judicious. It is conceded to be an economy, but its character is questioned.
18. Surveyors-general and clerks	151,300 00		151,300 00	This saving is made by wholly omitting a very important service. If an accident, it is inexcusable carelessness; if intentional, it is rank injustice to all the new States and Territories. The survey of the public domain is demanded alike by common sense and long-established usage. The principle upon which this appropriation was denied would stop the wheels of Government entirely.
19. United States courts, marshals, attorneys, &c.	397,250 00	385,500 00	11,750 00	A proper reduction caused by the death of retired judges.
20. Court of Claims	35,390 00	31,640 00	3,750 00	A small reduction made in a very small way, viz, by refusing a stenographer, cutting down the salaries of clerks, (established a long time ago,) whose work has increased many fold, refusing the necessary means for preparing and printing documents, &c.
21. To pay judgments of Court of Claims.	400,000 00		400,000 00	An inexcusable blunder, or naked repudiation. The final judgments of the Court of Claims are as binding upon the honor of the Government as the payment of the public debt. Neither can be denied or delayed without the stain of repudiation. The amount required this year is about $2,600,000. To have appropriated it would have diminished the grand total of pretended savings by that amount. To make a show of saving $400,000 the House bill substantially repudiates $2,000,000. In the partisan scales, by which the items of this bill were weighed, political necessities were more weighty than national honor.
Total	18,902,236 99	$13,392,233 61	*5,510,003 38	

* Net reduction from 1876, (1877 over 1876.)

CONSULAR AND DIPLOMATIC BILL.

The consular and diplomatic appropriation bill, as it passed the House of Representatives, for the year ending June 30, 1877, compared with the appropriation for the same purpose for the year ending June 30, 1876.

1. For salaries of ministers to Great Britain, France, Germany, and Russia.	$70,000 00	$56,000 00	$14,000 00	In regard to reductions in items one to six inclusive, it need only be stated that they tend to degrade a highly honorable branch of the public service, and to present the country in a most unfavorable light in the eyes of other nations. Our diplomatic officers would thus be placed, as to salary, below the ministers of even some of the weakest nations. It is believed that the salaries provided in the House bill are totally inadequate for proper representatives of the Government in these important positions.
2. Ministers to Spain, Austria, Brazil, Mexico, Japan, and China.	72,000 00	60,000 00	12,000 00	
3. Minister to Italy	12,000 00	8,000 00	4,000 00	
4. Ministers to Portugal, Switzerland, Belgium, Netherlands, Turkey, and Venezuela.	45,000 00	39,000 00	6,000 00	
5. Ministers to Denmark, Sweden, and Norway.	15,000 00	6,500 00	8,500 00	
6. Hawaiian Islands	7,500 00	3,500 00	4,000 00	

The consular and diplomatic appropriation bill as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
7. Chili, Peru, Bolivia, Ecuador, Colombia, Paraguay, Uruguay, and Argentine Republic.	$60,000 00	$19,500 00	$40,500 00	This provides for one minister to Chili and Bolivia, and one minister to Peru, Ecuador, and Colombia. As the principal mode of travel in these countries is on mules, if the ministers attend properly to their offices, they would be obliged to spend a large part of their time in the saddle. It is also believed to be unwise to provide for only one minister for the Argentine Republic, Paraguay, and Uruguay. It would appear that the generally acknowledged importance of advancing our commercial interests with these South American states should have prevented so great a mistake as this. Especially is this true in view of the publication of facts bearing upon this point in official documents of the Government, and in trade journals, as well as of the clearly expressed views of our chief commercial organizations. It would probably be a wise provision to enlarge both our diplomatic and consular service in these countries of South America.
8. Greece	7,500 00	.....	7,500 00	This mission has grown in importance in consequence of late troubles in the East, and should not be abandoned.
9. Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.	10,000 00	6,500 00	3,500 00	One minister now to these states, and on account of the great expense of travel, it is believed that his salary should not be reduced. A large proportion of his present salary is consumed in the expense of travel.
10. Minister resident and consul-general to Hayti.	7,500 00	.....	7,500 00	It appears to be very unwise to remove this officer, in view of our growing commercial interests in Hayti. The competition of our commercial rivals and the importance of the trade clearly indicate that we should sustain, and not destroy this mission.
11. Minister resident and consul-general to Liberia.	4,000 00	4,000 00	.....	
12. Chargés d'affaires ad interim and diplomatic officers abroad.	40,000 00	20,000 00	20,000 00	The law directs that in the absence of the secretaries of legation, the chargés d'affaires shall receive 50 per cent. of their salary. The amount appropriated by House bill will not meet the requirements of the law, and hence this reduction will certainly give rise to a deficiency.
13. Secretaries to legations at Austria, Brazil, Italy, Mexico, and Spain.	9,000 00	9,000 00	.....	
14. Secretaries to legations at London, Paris, Berlin, and St. Petersburg	10,500 00	10,500 00	.....	
15. Secretary of legation at Japan while acting as interpreter.	5,000 00	3,000 00	2,000 00	Five thousand dollars is not too much for the officer who performs the double duty of secretary of legation and interpreter, as it is exceedingly difficult to find one person competent to fill both places.
16. Second secretaries of legations at Great Britain, France, and Germany.	6,000 00	6,000 00	.....	
17. Secretary to legation at China	5,000 00	4,000 00	1,000 00	It is unwise to make this reduction. The compensation now given is not too much for a competent officer.
18. Interpreter to legation at Turkey	3,000 00	3,000 00	.....	
19. Private amanuensis to minister to Great Britain.	2,500 00	2,500 00	.....	Properly omitted this year, as it applied only to General Schenck, from the fact that his right arm was disabled in the late war.
20. For contingent expenses of foreign intercourse proper and of all missions abroad.	100,000 00	50,000 00	50,000 00	Such reduction would certainly give rise to a deficiency. The average expenditure under this head, during the two terms of President Grant, has been about $100,000, and it has been less than during the presidency of Pierce, Buchanan, Lincoln, or Johnson.
21. Consuls-general, consuls, vice-consuls, commercial agents, and consular clerks.	333,200 00	230,400 00	102,800 00	A small reduction might possibly be made, but so large a reduction as this would cripple and degrade the consular service. The consular service yields a large revenue from fees paid by American vessels and seamen at foreign ports. These fees in 1875 amounted to $697,988.49. A part of this amount was allowed for compensation, and a large sum was returned to the Treasury. It appears evident that a service which is a source of net revenue to the Government, and which performs a most important office toward the protection and advancement of our commercial interests abroad, should be firmly sustained by Congress.
22. Agent and consul-general at Cairo	4,000 00	3,000 00	1,000 00	
23. Consuls-general at London, Paris, Havana, and Rio Janeiro.	24,000 00	20,000 00	4,000 00	
24. Consuls-general at Calcutta and Shanghai.	10,000 00	9,000 00	1,000 00	
25. Consul-general at Melbourne	4,500 00	4,000 00	500 00	
26. Consuls-general at Kanagawa, Montreal, and Berlin.	12,000 00	10,500 00	1,500 00	
27. Consuls-general at Vienna, Frankfort, Rome, and Constantinople.	12,000 00	8,000 00	4,000 00	
28. Consuls-general at St. Petersburg and Mexico.	4,000 00	4,000 00	.....	
29. Consul at Liverpool	6,000 00	6,000 00	.....	
30. Clerks at consulates	51,000 00	42,600 00	8,400 00	This reduction would seriously derange the service.
31. Interpreters to various consulates	17,000 00	13,000 00	4,000 00	This should be increased instead of diminished, as it is not possible now to supply the needed interpreters.
32. Consular officers not citizens of the United States.	10,000 00	8,000 00	2,000 00	Perhaps this reduction can be made.
33. Marshals for consular courts in Japan, China, Siam, and Turkey.	7,700 00	7,700 00	.....	
34. Interpreters, guards, and expenses at consulates at Constantinople, Smyrna, Candia, Cairo, &c.	3,000 00	3,000 00	.....	
35. Loss by exchange on consular service.	48,000 00	10,000 00	38,000 00	A proper reduction. The large amount for last year ($48,000) arose from a mistake made at the Treasury Department.
36. Contingent expenses of United States consulates.	131,850 00	100,000 00	31,850 00	Perhaps this reduction may be made without injury.
37. United States and Spanish claims commission.	15,000 00	10,212 50	4,787 50	A part of this reduction can be made by occupying rooms in the State Department building, but a contingent fund of $1,500 is needed in addition to the amount appropriated by the House.
38. United States and Mexican claims commission.	28,700 00	.....	28,700 00	Rental, fuel, and lights have been saved by taking rooms in the State Department building. Something is needed, however, for translations, messenger, stationery, &c.
39. Rent of prisons for American convicts in Siam and Turkey.	4,000 00	1,600 00	2,400 00	The full amount ($4,000) is absolutely necessary; and, if denied, the State Department will not have the means to discharge a just debt contracted in these countries under the provisions of treaties.
40. Rent of prisons for American convicts in China.	1,500 00	1,300 00	200 00	A magnificent economy!
41. Wages of keepers, care of offenders, and expenses.	10,000 00	8,000 00	2,000 00	This reduction cannot be made. It will probably give rise to a deficiency.
42. Rent of prison for American convicts in Japan.	750 00	650 00	100 00	An absurd reduction.
43. Wages of keepers, care of offenders, and expenses.	5,000 00	4,500 00	500 00	Do.

The consular and diplomatic appropriation bill as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1876.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
44. Bringing home from foreign countries persons charged with crimes, &c.	$5,000 00	$3,000 00	$2,000 00	It has been found in the course of years that about this amount is annually required for this purpose. This absurd retrenchment is very likely to expose the United States to contempt abroad, owing to the fact that it may be unable to bring home criminals reclaimed under our extradition treaties.
45. Relief and protection of American seamen in foreign countries.	100,000 00	60,000 00	40,000 00	It is found that an average of about $100,000 is required each year for this purpose, and to provide less would be an act of inhumanity to the sailors of our merchant marine. During the year when a large number of whaleships were wrecked in the Arctic Ocean a deficiency of $140,000 arose.
46. Acknowledging services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.	5,000 00	2,500 00	2,500 00	This is a most worthy object, and one recognized by all the principal commercial nations. The awards for such acts are usually watches, chronometers, spy-glasses, and other presents which would naturally be appropriate and be appreciated by a sailor. It has been found that the average amount required for such purposes is about $5,000, and to deny it would be to refuse a proper recognition of acts of heroism and of humanity performed by foreigners in behalf of American seamen.
47. Expenses under neutrality act	20,000 00	20,000 00	.....	
48. Expenses Cape Spartel light	285 00	285 00	.....	
49. Allowance to widows or heirs of deceased diplomatic officers.	5,000 00	5,000 00	.....	
50. Rent of court-house and jail at Yeddo.	5,000 00	.....	5,000 00	A contract for the use of these buildings was entered into in pursuance of provisions of law, and this amount must be paid for the current fiscal year.
Total	1,374,985 00	907,247 50	467,737 50	
Net reductions from 1876	.....	.....	467,737 50	

ARMY BILL.

The Army appropriation bill as it passed the House of Representatives for the year ending June 30, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

Service for which appropriated.	Appropriated for the year ending June 30, 1876.	Appropriated by House bill for the year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill, as shown in third column.
1. Expenses Commanding General's Office.	$5,000 00	$2,000 00	$3,000 00	.....	Since the removal of headquarters to Washington the expenses are reduced by this amount.
2. Expenses recruiting, &c	105,000 00	75,000 00	30,000 00	.....	This reduction might possibly have been made but for the Indian war. It will undoubtedly call for a *deficiency*, in view of the larger number to be recruited.
3. Contingent, Adjutant General's	3,000 00	3,000 00	.....	.....	
4. Signal service of the Army	12,500 00	10,500 00	2,000 00	.....	A small saving, from which it is probable no injury will result.
5. Pay of the Army	11,400,000 00	11,771,052 50	.....	$371,052 50	The appropriation by House bill was in view of the contemplated reduction of the Army from 25,000 to 22,000, and was larger in proportion than that of last year. The amount appropriated last year was $11,400,000, but a deficiency was required, and subsequently appropriated of $665,000, making a total of $12,065,000. There would, therefore, have been a deficiency this year of $293,947 if the conference committee had not increased the amount of House bill. Hence this item is not even a reduction.
6. Subsistence of the Army	2,484,330 00	1,908,686 00	575,644 00	.....	The entire amount appropriated last year was required for the service, and this reduction would simply give rise to a deficiency to be supplied at the next session of Congress.
7. Supplies Quartermaster's Department.	4,250,000 00	3,360,667 93	889,332 07	.....	This, and the next six items, down to and including "National Cemeteries," constitute the appropriations for the Quartermaster-General's Department, and may be considered together. The total for the service last year was $12,950,000. The total by House bill $8,530,000, showing a reduction of $4,419,162. The letter already read, from the Quartermaster-General to the Secretary of War clearly shows this to be a deficiency and not a saving. It will be seen that the revised estimate, based upon the lowest possible reduction, and contemplating a deficiency next winter, was $11,525,000. The House bill arbitrarily cut this down, exclusive of re-appropriated balances, $2,024,162. There is not a shadow of doubt that a deficiency of at least $2,500 000 will be required next winter, and very likely it will be much larger.
8. Incidental expenses, Quartermaster's Department.	1,200,000 00	800,000 00	400,000 00	.....	
9. Horses for cavalry, &c	300,000 00	104,784 89	195,215 11	.....	
10. Transportation of the Army	4,000,000 00	2,817,804 65	1,182,195 35	.....	
11. Hire of quarters	1,500,000 00	877,865 52	622,134 48	.....	
12. Clothing, camp equipage, &c	1,450,000 00	383,221 21	1,066,778 79	.....	
13. National cemeteries	150,000 00	125,000 00	25,000 00	.....	
14. Construction and repair of hospitals	100,000 00	61,494 42	38,505 58	.....	This is simply deferring the construction of necessary hospitals.
15. Army contingencies	100,000 00	50,000 00	50,000 00	.....	If all the specific appropriations were sufficient, there appears to be no doubt but that this reduction could be made.
16. Medical and hospital supplies	200,000 00	160,000 00	40,000 00	.....	The reduction here made will simply give rise to a deficiency to be supplied at the next session of Congress, or a very much larger amount in the regular appropriation bill in order to renew the depleted stock of medical supplies.
17. Army Medical Museum	10,000 00	10,000 00	.....	.....	
18. Engineers' depot, Willet's Point	9,000 00	5,000 00	4,000 00	.....	Reduced by estimates of the Department, not by House of Representatives.
19. Torpedo experiments	10,000 00	.....	10,000 00	.....	This is simply a refusal to make appropriation for a very important military object, and one fully recognized and liberally provided for by other governments.
20. Ordnance service	125,000 00	100,000 00	25,000 00	.....	The effect of this reduction is to cripple the service. The supply was very nearly exhausted last year, and the Secretary of War estimated for $200,000 this year, and stated that such amount was absolutely necessary.
21. Metallic ammunition for small arms	75,000 00	50,000 00	25,000 00	.....	This will give rise to a deficiency at next session of Congress, as the amount appropriated is not sufficient for target practice, no provision being made for requirements of the Indian war.
22. Ordnance stores at arsenal	50,000 00	30,000 00	20,000 00	.....	Perhaps a proper reduction.
23. Ordnance stores in hands of troops, &c.	25,000 00	35,000 00	.....	10,000 00	An increase.
24. Saddlers' tools, &c., cavalry service	20,000 00	.....	20,000 00	.....	Probably the postponement of a necessary expenditure.
25. Ordnance stores to fill requisitions for troops and carriages in use at sea-coast forts.	100,000 00	100,000 00	.....	.....	
26. Infantry, cavalry, and artillery equipments.	100,000 00	90,000 00	10,000 00	.....	Possibly a saving, probably a deficiency.

The Army appropriation bill as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for the year ending June 30, 1876.	Appropriated by House bill for the year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill, as shown in third column.
27. Manufacture at national armories of new breech-loading muskets and carbines.	$150,000 00	$100,000 00	$50,000 00	.....	This is merely a refusal to provide for a necessary branch of the public service, and it will involve the discharge of 150 skilled mechanics at the national armory whose places will be difficult to fill hereafter.
28. Surgical appliances for disabled soldiers not heretofore provided for.	.....	5,000 00	.....	$5,000 00	A necessary increase.
29. Deficiency for 1871 for hire of quarters.	.....	73,344 82	.....	73,344 82	
30. Deficiency for purchase of horses for cavalry.	.....	28,397 58	.....	28,397 58	
Total	27,933,830 00	23,137,819 52	5,283,805 38	487,794 90	
Net reduction of House bill	.....	.....	4,796,010 48	.....	

NAVAL BILL.

The naval appropriation bill, as it passed the House of Representatives, for the year ending June 30, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
1. Pay of he Navy	$6,250,000 00	$5,750,000 00	$500,000 00	.....	*A deficiency.* The deficit to be supplied next session will be much larger than the pretended reduction. "The estimate for $7,600,000 was made by close computation and examination of the rolls, both in the Fourth Auditor's Office and the Navy Department. The appropriations for the last three years have been too small to make the payments required by existing laws. The deficit has only been made up by balances of appropriations for pay, available for this purpose; all these that can be legally used are now exhausted."—(Note accompanying estimates.) The deficiency will therefore be $1,850,000, unless some expedient can be devised to diminish it. The two propositions suggested to that end, are: First, the reduction of force in the Navy from 8,500 to 7,500 as provided in the House bill. Second, that the officers be "furloughed." The reduction of the number of men will not materially reduce the expenditure this year, because, as the men are enlisted for three years, and only paid off at the end of their term, the same amount will be required for their pay during the fiscal year 1877 as for the last year, the effect of the reduction of force not being felt until the terms of enlistment during the current year are expiring. Therefore, no diminution of the large deficiency can be hoped for by the reduction of force. Should all the officers now on leave, and those that could probably be relieved from duty, be "furloughed," as suggested by the second proposition, there would be a saving of only $408,700, which, deducted from the $1,850,000 required, would still leave a deficiency of $1,441,300. "*Furloughing*" an officer means reducing his pay to one-half of the "leave-pay," and is only done as a *punishment*. It is not likely that so sweeping a punishment as this will be inflicted on the gallant officers of our Navy, and therefore a deficiency of from $1,200,000 to $1,400,000 is absolutely certain. All these facts were known when the House bill was passed, and hence this large deficiency was intentional.
2. Contingent expenses of the Navy Department.	100,000 00	80,000 00	20,000 00	.....	This is consistent with the general curtailment of the naval service. If it be expedient to impair the efficiency of the Navy as proposed by House bill, this appropriation is ample. Probably a part of the reduction was judicious, whether other changes were made or not.
3. Civil establishment at the various navy-yards and stations.	158,000 00	85,000 00	73,000 00	.....	This reduction, like the last, results from and is consistent with the general policy of withholding appropriations adequate to provide the ordinary means of national defense, and is to be classed with those items. Some reduction in the "civil establishment" might be judiciously made, but not one so radical and sweeping as this.
3½. Commission to report on the abandonment of navy-yards.	.....	2,000 00	.....	$2,000 00	
BUREAU OF NAVIGATION.					
4. Pilotage and towage of ships of war.	50,000 00	45,000 00	5,000 00	.....	Curtailment of the service. As so many ships will be withdrawn from the service for lack of sufficient appropriations to keep them afloat, this reduction is consistent with rest of the bill.
5. Correcting compasses, &c.	3,000 00	3,000 00	.....	.....	
6. Nautical instruments	10,000 00	9,000 00	1,000 00	.....	Possibly a saving.
7. Books for ships of war	3,000 00	3,000 00	.....	.....	
8. Navy signals and apparatus	6,000 00	6,000 00	.....	.....	
9. Compass fittings	5,000 00	3,000 00	2,000 00	.....	This reduction will probably compel the bureau to resort to old obsolete binnacles, some of which are yet on hand. A very small and injudicious saving.
10. Logs and leads for measuring and sounding.	3,000 00	3,000 00	.....	.....	
11. Lanterns, lamps, &c.	5,000 00	5,000 00	.....	.....	
12. Bunting and flags	5,000 00	5,000 00	.....	.....	
13. Oil, candles, wicks, &c	20,000 00	16,000 00	4,000 00	.....	A deficiency. The estimate of $20,000 was based upon $1 per gallon for oil, while, during the past six months, the price was from $1.13 to $1.34.
14. Stationery for officers and courts-martial.	2,000 00	2,000 00	.....	.....	

The Navy appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
15. Musical instruments and music for vessels of war.	$1,000 00	$1,000 00	.....	.....	
16. Steering signals and indicators, gongs, &c.	2,500 00	2,000 00	$500 00	.....	Possibly a saving.
17. Contingent expenses Bureau of Navigation.	4,000 00	3,000 00	1,000 00	.....	Probably a judicious reduction.
18. Drawing, printing, &c., charts, sailing directions, &c.	60,000 00	50,000 00	10,000 00	.....	Postponed. This reduction will delay the publication of charts, &c., very much needed. At best, it is but a postponement.
19. Fuel, lights, office-furniture, &c	5,000 00	5,000 00	.....	.....	
20. Rent and repair of building	2,800 00	2,800 00	.....	.....	
NAVAL OBSERVATORY.					
21. Assistants and clerk	6,300 00	6,100 00	200 00	.....	An immense economy!
22. Wages, fuel, light, &c	10,000 00	10,000 00	.....	.....	
23. Reducing and transcribing astronomical observations.	1,200 00	2,200 00	.....	$1,000 00	An increase.
24. Expenses of Nautical Almanac	20,000 00	15,000 00	5,000 00	.....	A mere curtailment, not a saving. Any surplus of Nautical Almanacs over the actual necessities of the Navy are sold at cost, hence their publication is a public convenience and no loss to the Government.
25. Reducing observations of transit of Venus.	3,000 00	.....	3,000 00	.....	Observations were taken at various and remote parts of the globe, and at great expense. Withholding the means of preparing them for publication is simply denying the benefits of said expenditures.
26. Continuance of work on new planets	3,000 00	3,000 00	.....	.....	
27. Rent, fuel, labor, &c	1,500 00	1,500 00	.....	.....	
BUREAU OF ORDNANCE.					
28. Fuel, tools, materials, &c., for yards and stations.	75,000 00	50,000 00	25,000 00	.....	This can be supplemented by using materials on hand, which, though unsuitable, may be converted at cost of extra labor. It is, therefore, to some extent a saving.
29. Labor at navy-yards	250,000 00	125,000 00	125,000 00	.....	Curtailment. This reduction is at cost of efficiency to its whole extent, and is consistent with the policy of the House bills in crippling the Navy in order to make political capital by pretended economy. As it results from withholding means necessary for preservation and repairs of vessels, it must be classed with those items.
30. Repairs of buildings, boats, wharves, &c.	10,000 00	10,000 00	.....	.....	
31. Miscellaneous items	5,000 00	3,000 00	2,000 00	.....	
32. For the torpedo corps	12,000 00	6,000 00	6,000 00		Withheld, not saved. The torpedo-service compensates, somewhat, a deficiency in number and power of ships, and the reduction is, to its whole extent, a loss of efficiency. It is, however, entirely consistent with the general policy of the House bills, which aim to strike down or impair every existing means of national protection. An examination of all these bills will show that the heaviest blows have almost invariably fallen upon the defensive service of the country.
33. Electrical apparatus, &c	15,000 00	5,000 00	10,000 00		
34. Copper, iron, &c., for torpedoes	25,000 00	15,000 00	10,000 00	.....	
35. Torpedo-boats, &c	25,000 00	.....	25,000 00		
36. Labor of various kinds	15,000 00	10,000 00	5,000 00		
37. Repair of wharves, &c	1,000 00	2,000 00	.....	1,000 00	
38. Contingent expenses of ordnance service.	1,000 00	1,000 00	.....	.....	
BUREAU OF EQUIPMENT AND RECRUITING.					
39. Equipment of vessels	1,250,000 00	970,000 00	280,000 00	.....	Curtailment of service. In view of the reduction of force, and the withholding of necessary appropriations for repairs and preservation of vessels, and the necessarily reduced number of vessels in commission, it is probable the amount appropriated will be adequate. The "saving," if any, results from the general policy of crippling the Navy, so consistently pursued throughout the entire bill.
40. Contingent expenses of bureau	75,000 00	75,000 00	.....	.....	
BUREAU OF YARDS AND DOCKS.					
41. General maintenance of yards and docks.	700,000 00	440,000 00	330,000 00	.....	This bureau has charge of all the buildings, wharves, piers, dry-docks, floating-docks, sheers, cranes, fire apparatus, watchmen, teamsters, horses, oxen, &c., at all the navy-yards. This reduction is consistent with the theory of the House bills—that, for the sake of making a show of economy, our navy-yards are to be partially closed and our ships to await repairs until after the election.
42. Contingent expenses at navy-yards and stations.	40,000 00	20,000 00	20,000 00	.....	This saving results from the general curtailment of the service, and belongs with the same class as the one last mentioned.
43. At the Naval Asylum at Philadelphia.	52,973 00	52,973 00	.....	.....	
BUREAU OF MEDICINE AND SURGERY.					
44. Surgeons' necessaries for vessels, navy-yards, Marine Corps, and Coast Survey.	30,000 00	30,000 00	.....	.....	
45. Repair of naval hospitals and naval laboratory.	20,000 00	10,000 00	10,000 00	.....	Postponed. Probably a deficiency next session. The sum appropriated by the House bill is known to be entirely insufficient. Seven large hospitals and the naval laboratory have to be kept in good order and repair out of this appropriation. The sum found imperatively necessary for many years has ranged from twenty to twenty-five thousand dollars. Five thousand of the $10,000 appropriated will be needed at once at the Chelsea (Massachusetts) hospital, in order to place the steam-heating apparatus in a safe and efficient condition. At best it is only a postponement, for repairs not made this year must be next.
46. Civil establishment of hospitals	35,000 00	25,000 00	10,000 00	.....	Withheld from a necessary service and at the cost of safety and comfort to the patients. The sum appropriated last year was entirely inadequate to the service. There was no reason whatever for the reduction, except the political necessity of making a large pretended saving on last year's appropriations. The health, safety, and comfort of patients, for whom the Government is bound to provide, were not considered.

The Navy appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
47. Contingent expenses of bureau	$25,000 00	$15,000 00	$10,000 00		This item, like the last, is also merely withheld at the cost of necessary comforts and care, to which the sick of the Navy are fairly entitled. The appropriation for many years has been $25,000.
BUREAU OF PROVISIONS AND CLOTHING.					
48. Provisions for the Navy	1,244,000 00	930,000 00	314,000 00		Deficiency. On January 1, 1876, there were 8,500 men, 1,209 pay officers, and 1,152 marines on duty entitled to a ration. Reducing the number of pay officers and marines in same proportion as men, from 8,500 to 7,500 men, leaves 9,566 rations at 30 cents to be provided, amounting to $1,047,477, which leaves a deficiency of $117,477 without taking into the account the waste in issue of provisions, the increased cost abroad, and the expenses of the bureau in the several inspections and warehouses. For these "expenses" $97,832.26 was paid last year. Adding the expenses for inspections and warehouses to the deficiency for rations, makes a total deficiency of $215,309, which will certainly be called for next session. The inevitable waste, losses, contingencies, and increased cost abroad will, in all probability, swell the deficiency to the entire amount of pretended reduction.
49. Water for ships	35,000 00	25,000 00	10,000 00		The sum of $15,615.24 was paid for water during the six months ending January 1, 1876. A deficiency of nearly the whole reduction is probable.
50. Contingent expenses	60,000 00	35,000 00	15,000 00		A deficiency. A carefully prepared estimate, made by the bureau since the passage of the bill, shows that there will necessarily be a deficiency of $17,500.
BUREAU OF CONSTRUCTION AND REPAIR.					
51. Preservation of vessels	3,300,000 00	1,500,000 00	1,800,000 00		An effort to paralyze the system of national defenses. The effect of this reduction will be to increase the cost of repairs another year, by an amount which cannot now be estimated. The repairs must and will be made, and hence this reduction is only a postponement with increased cost as the penalty. Another result will be to stop necessary repairs on some eight or ten iron-clads and other vessels, and to greatly impair the efficiency of our Navy. It is not economy, but a reckless blow struck at one of the most important means of national protection.
52. Protection of timber-lands	5,000 00		5,000 00		The effect of this omission will be to expose the live-oak timber lands to depredation, the amount of which cannot be estimated.
BUREAU OF STEAM ENGINEERING.					
53. Repairs of machinery, oil, coal, &c.	1,800,000 00	885,000 00	915,000 00		"The results of this reduction of the amounts required for steam engineering must necessarily stop all work upon the double-turreted monitors, cause the almost total suspension of work in the several navy-yards for repairs and refitting of machinery of vessels required for sea service, and render it impossible to repair, to any great extent, the machinery, &c., of any vessel or vessels in service, that may hereafter break down through unforeseen casualties, or the ordinary wear and tear of service." (Extract from statement by the Chief of the Bureau of Steam Engineering.)
NAVAL ACADEMY.					
54. Pay of professors and others	58,826 00	55,526 00	3,300 00		
55. Pay of watchmen and others	28,469 50	28,834 50		*$365 00	
56. Pay of mechanics and others	17,461 90	17,461 90			
57. Pay of employés in the department of steam machinery, &c.	8,760 00	8,760 00			
58. Repair of buildings, wharves, &c	14,000 00	21,000 00		*7,000 00	
59. Fuel, light, &c	15,000 00	18,000 00		*3,000 00	
60. General maintenance	41,600 00	45,000 00		*3,400 00	
MARINE CORPS.					
61. Pay of officers, privates, &c., and to discharged soldiers, for clothing undrawn.	624,760 00	624,000 00	760 00		The estimate was $4,785 greater than last year, and the reason therefor given; but as almost every item must be reduced, whether any reason existed or not, this small amount was shaved off merely for the sake of shaving.
62. Provisions	100,000 00	90,000 00	10,000 00		Possibly a legitimate reduction.
63. Clothing	100,000 00	80,000 00	20,000 00		$11,130 of this reduction is attributable to Department estimates. The balance was merely arbitrary.
64. Fuel	30,856 00	215,000 00	5,856 00		$2,204 of this reduction was made by Department estimates. The balance is merely arbitrary.
65. Military stores	9,000 00	5,000 00	4,000 00		Possibly a saving.
66. Transportation and recruiting	5,000 00	5,000 00			
67. Repair of barracks and rent of offices	10,000 00	5,000 00	5,000 00		$15,000 was needed this year. The reduction is only a postponement.
68. Forage for horses	5,000 00	5,000 00			
69. Hire of quarters for officers	16,000 00	16,000 00			
70. Contingencies	20,000 00	20,000 00			
71. Theory and tables of the moon's motion.		3,000 00		*3,000 00	
72. Freight and express charges		500 00		*500 00	
73. Paving street at the Naval Academy		3,000 00		*3,000 00	
Total	17,001,006 40	12,434,655 40	$4,590,616 00	24,265 00	
Net reduction of House bill			4,566,351 00		

MILITARY ACADEMY BILL.

The Military Academy appropriation bill, as it passed the House of Representatives, for the year ending June 20, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
1. For pay of instructors, professors, cadets, and musicians.	$235,000 00	$201,296 00	$33,704 00	.....	This reduction is effected as follows: First, by omitting to appropriate the salaries provided by law and abolishing the band, $33,700; secondly, by omitting to provide for necessary sewerage, $13,500; thirdly, by omitting amounts necessary for continuing construction of hospital, which is very much needed for health of cadets, and which is up to first story. The amount thus postponed until next year is $30,000. Fourthly, an item of $8,000 was appropriated last year for building school-house. Having been completed by that appropriation, nothing was needed this year. The balance of the reduction, amounting to $20,409, is made up of many small sums shaved off from every item in the bill. Some of these "shavings" may be proper—many of them are arbitrary and absurd.
2. For repairs, improvements, and labor.	22,500 00	12,000 00	10,500 00	.....	
3. For fuel and miscellaneous	21,700 00	21,500 00	200 00	.....	
4. For compensation of pressman, clerks, &c.	4,750 00	1,300 00	3,450 00	.....	
5. For department of mathematics	80 00	110 00	.....	$30 00	
6. For department of artillery, cavalry, and infantry tactics.	970 00	725 00	245 00	.....	
7. For department of civil and military engineering.	3,100 00	2,500 00	600 00	.....	
8. For department of chemistry, mineralogy, and geology.	3,860 00	1,850 00	2,010 00	.....	
9. For department of natural and experimental philosophy.	5,950 00	1,000 00	4,950 00	.....	
10. For department of practical military engineering.	200 00	150 00	50 00	.....	
11. For department of French	200 00	100 00	100 00	.....	
12. For department of Spanish	50 00	40 00	10 00	.....	
13. For department of drawing	420 00	100 00	320 00	.....	
14. For department of law	100 00	100 00	.....	.....	
15. For department of ordnance and gunnery.	600 00	400 00	200 00	.....	
16. For expenses of the board of visitors.	4,200 00	3,000 00	1,200 00	.....	
17. For gas, coal-oil, candles, wicking, matches, &c.	4,000 00	4,000 00	.....	.....	
18. For water-pipes, plumbing, and repairs.	2,000 00	1,500 00	500 00	.....	
19. For cleaning public buildings, brooms, chalk, &c.	860 00	800 00	60 00	.....	
20. For pay of organist, librarian, engineer, clerks, &c.	4,840 00	4,740 00	100 00	.....	
21. For expense of library, books, magazines, &c., and binding.	2,000 00	1,000 00	1,000 00	.....	
22. For pay of librarian's assistant	1,000 00	120 00	880 00	.....	
23. For contingencies of Superintendent of Academy.	1,000 00	200 00	800 00	.....	
24. For furniture for cadet hospital, and repairs.	2,860 00	100 00	2,760 00	.....	
25. For repairing and opening roads and walks.	500 00	500 00	.....	.....	
26. For continuing superstructure of new hospital for cadets.	30,000 00	.....	30,000 00	.....	
27. For continuing construction of sewerage.	3,000 00	.....	3,000 00	.....	
28. For repairs to reservoirs	500 00	.....	500 00	.....	
29. For construction of school-house for soldiers' children and furniture for same.	8,000 00	.....	8,000 00	.....	
30. For building parapet wall	500 00	.....	500 00	.....	
Total	364,740 00	259,131 00	105,639 00	30 00	
Net reductions from 1876	.....	.....	105,609 00	.....	

SUNDRY CIVIL BILL.

The sundry civil appropriation bill as it passed the House of Representatives for the year ending June 30, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

[N. B.—Those numbers in the fourth column marked thus *, show an increase for the current fiscal year, and are to be deducted.]

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
1. Payments to widows of members of Congress.	.....	$8,191 75	*$8,191 75	An increase.
2. Miscellaneous: To pay estate of Henry Wilson, late Vice-President of the United States, and to pay attorneys at law, temporary clerks, messengers, watchmen, folders, laborers, detectives, and stenographers.	.....	47,450 05	*47,450 05	
3. Botanical garden	6,450 00	3,500 00	2,950 00	Possibly a saving; probably only a postponement.
4. Public printing and binding	.....	1,129,977 50	.....	*Deficiency:* This reduction means a deficiency to be supplied at next session, beyond a doubt. The actual expenses of the printing-office last year were over $1,600,000. They will be largely increased this year by the vast amount of printing required by the thirty-three committees of investigation ordered by the House of Representatives. The entire amount of pretended reduction will re-appear in a deficiency bill next session as certainly as a $1,600,000 of printing cannot be done for $1,134,000. It was doubtless so understood when the House bill was passed.
5. Lithographing and mapping for the Supreme Court.	.....	2,000 00	.....	
6. Printing and binding laws of Idaho	.....	2,128 00	.....	
Total printing and binding	1,665,507 66	1,134,105 50	531,402 16	
7. District of Columbia: Fire Department.	.....	25,000 00	*25,000 00	An increase.
8. Inspector and assistant inspector of gas, gas-meters.	3,000 00	1,500 00	1,500 00	Possibly a "saving." Probably the cause of increased gas-bills.
9. Treasury Department: Life-saving and life-boat stations.	241,580 00	237,460 00	4,120 00	Probably a proper reduction.

The sundry civil appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made by House bill as shown in third column.
10. Revenue-cutter service	$1,027,883 40	$747,647 19	$280,236 21	A mutilated service. This is an arbitrary, unreasonable, and dangerous curtailment of a most important and economical service, employed in protecting the revenues of the Government against frauds. The loss of revenue from thus crippling the right arm of the Treasury will probably be many times greater than the pretended saving effected by the reduction.
11. Judiciary	3,105,200 00	2,589,000 00	516,200 00	A deficiency. The amount appropriated last year was required, and the same amount was estimated for and will be required this year. The House bill contained a clause repealing the act passed to prevent frauds and intimidation at elections. It was probably contemplated that the omission to guard the purity of the ballot-box would result in a saving of money as well as a democratic victory, and hence the reduction. But as that act will not be repealed, a *deficiency* is certain.
12. Government Hospital for the Insane.	183,928 46	155,000 00	28,928 46	This "reduction" is effected by refusing appropriations indispensably necessary for repairs of the buildings and support of the institution, and which will have to be appropriated next session. It is, therefore, only *postponed*, not "saved."
13. Columbia Institution for the Deaf and Dumb.	88,000 00	88,000 00	Nothing	
14. Columbia Hospital for Women and Lying-In Asylum, and other charities.	144,300 00	126,000 00	18,300 00	Reduced by a partial withdrawal of the Government from the charities which it has undertaken to support in the District of Columbia.
15. Smithsonian Institution	32,500 00	8,000 00	24,500 00	Reduced by refusing to the Smithsonian Institution the means of preserving and taking care of a large and valuable collection, which has been gathered from all parts of the world. A very doubtful "economy."
16. Detecting and bringing to punishment persons engaged in counterfeiting Government notes, bonds, and coins, and for detecting other frauds upon the Government.	125,000 00	100,000 00	25,000 00	"Saved," and will, doubtless, meet the approval of all the counterfeiters and thieves of the country, who will cordially indorse this kind of "economy," as an illustration of broad and liberal statesmanship.
17. Compensation in lieu of moieties under customs laws.	200,000 00	125,000 00	75,000 00	Possibly a saving.
18. Reform School of District of Columbia.	10,000 00	10,000 00	.....	
19. Metropolitan Police	205,270 00	150,000 00	55,270 00	Possibly a saving.
20. Public buildings under the Treasury Department.	5,132,893 99	2,431,500 00	2,701,393 99	Postponed. This large reduction is in no sense a "saving" to the Government. The buildings are all in process of construction, and as there will be ample funds in the Treasury for the purpose, a wise discretion would dictate an appropriation large enough to continue the works economically, especially at this time, when labor and materials are so cheap and when there is so great a demand for employment. At best it is only a *postponement* until after the election, and may answer a double purpose: First, to reduce the aggregate of the appropriation bills and prove democratic "economy;" secondly, to throw large numbers of workingmen out of employment, and by increasing the distress of the people, convinced them of the necessity for a change of administration.
21. Light-House Establishment—maintenance.	1,899,000 00	2,008,600 00	*109,600 00	An increase.
22. Construction of light-houses, beacons, and fog-signals.	915,400 00	330,200 00	585,200 00	Postponed. The amount of appropriation by the House bill is known to be wholly inadequate to the maintenance, repairs, and preservation of existing light-houses, beacons, &c., and to the construction of such new ones as are indispensable to the safety of our commerce, and to the protection of life and property. But commerce and human life are not considered so important as small appropriations for *this* year, and hence these safeguards must be postponed until after the election.
23. Armories and arsenals	552,165 00	189,175 00	362,990 00	The same principle which has substantially surrendered our forts, crippled our navy, refused to provide torpedoes or any other means of defense, has dictated the reduction in this case. Armories and arsenals must wait until after the election, when appropriations will be made to meet the deficiency of this year.
24. Surveys of northern and northwestern lakes and Mississippi River.	150,000 00	100,000 00	50,000 00	Postponed. No one doubts that these surveys should be, and will be, completed. The wants of commerce require it, but commerce must wait until after November; political exigences are considered more imperative than commercial necessities.
25. Buildings and grounds in and around Washington.	234,250 00	144,500 00	9,750 00	A portion of this reduction may prove a "saving," but it is more probable that the appropriations for this purpose next session will have to be increased nearly if not quite to the extent of the reduction.
26. Work on Capitol and for general care and repairs thereof.	50,000 00	60,000 00	*10,000 00	An increase.
27. For improving Capitol grounds	200,000 00	100,000 00	100,000 00	Postponed. The improvement of the Capitol grounds has been commenced upon a general plan which everybody understands will be carried out. It may be proper to *postpone* for this year, but it is in no sense a "saving" of money. The nation's self-respect will not permit the grounds to remain in their present unfinished condition.
28. Annual repairs of Interior Department building.	.....	5,000 00	*5,000 00	Increase.
29. Repairs of court-house building, Washington.	.....	2,000 00	*2,000 00	Increase.
30. Buildings and grounds under Agricultural Department.	11,990 00	6,450 00	5,540 00	Possibly a "saving," though it is probable that a considerable portion of the work, having been completed last year, did not need another appropriation.
31. Bureau of Engraving and Printing, and expenses of national currency and national loan.	1,878,000 00	1,038,000 00	840,000 00	This "reduction" is due to the substitution of silver coin for fractional currency. No part of it can be credited to the greater "economy" of this Congress.
32. Coast Survey	869,600 00	643,000 00	226,600 00	Postponed. The above remarks with reference to the surveys of the southwestern lakes will apply to this item. At best it is but a postponement of work which must be done, and paid for hereafter.
33. Inquiries respecting food-fishes, propagation of food-fishes, and illustrations for reports on food-fishes.	53,500 00	36,000 00	17,500 00	A very doubtful economy, which withholds from a work of great value to all parts of the country the means necessary to its greatest success. It may, however, be called a "saving," and upon the same principle the whole amount might have been "saved."
34. Metric standard of weights and measures.	.....	8,000 00	*8,000 00	
35. Rent No. 215 South Capitol street	.....	400 00	*400 00	
36. Rent No. 205 New Jersey avenue	.....	1,000 00	*1,000 00	
37. Fuel and lights	.....	300 00	*300 00	
38. Supplies of all kinds required by janitors and firemen for all buildings under control of the Treasury Department.	300,000 00	300,000 00	.....	
39. For furniture and carpets, and repairs of the same, in all buildings under control of the Treasury Department.	150,000 00	75,000 00	75,000 00	Possibly the somewhat liberal appropriation of last year may have furnished a supply which will partially justify this reduction.

The sundry civil appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
40. For heating, ventilating, and hoisting apparatus, and repairs of same, for all buildings under control of the Treasury Department.	$200,000 00	$100,000 00	$100,000 00	Postponed. The amount required for these purposes is well known, and must be paid. This pretended "reduction" will appear in the "deficiency" for next session.
41. For pay of custodians and janitors of all public buildings under control of the Treasury Department.	100,000 00	50,000 00	50,000 00	A "saving" which will probably be more than counterbalanced by the damage to public buildings from want of proper care.
42. For vaults, safes, and locks, and repair of same, for all buildings under control of the Treasury Department.	75,000 00	50,000 00	25,000 00	A "saving," but one of doubtful economy, and one which will swell the appropriations after the *exigency* in November shall have passed.
43. For photographing, engraving, and printing plans for all public buildings under control of the Treasury Department.	5,000 00	3,000 00	2,000 00	Probably proper reduction.
44. For photolithographing, engraving, and printing map of the United States and Territories.	6,000 00	2,500 00	3,500 00	Do.
45. Signal-Office, War Department.....	503,000 00	345,000 00	158,000 00	A denial of adequate provision for a service of daily increasing importance to the commercial and agricultural interests of the country, which may result in damage to those interests many times greater than the reduction.
46. Collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors.	75,000 00	.....	75,000 00	A note to the estimates shows that $75,000 will be absolutely required for this year. The House appropriated an "unexpended balance" of $56,235, not naming the amount. Consequently this appears to be a reduction of $75,000, when in fact there is only an actual reduction of $21,765, and even that will probably have to be supplied next winter.
47. Costs and charges of State penitentiaries.	40,000 00	40,000 00	.....	
48. Publication of the official records of the rebellion.	50,000 00	40,000 00	10,000 00	Possibly a saving.
49. Support of National Home for Disabled Volunteer Soldiers.	.....	318,733 44	*318,733 44	Increase.
50. Completion of soldiers' monument at central branch of National Military Home.	.....	2,000 00	*2,000 00	Do.
51. Support of Leavenworth military prison.	.....	61,688 15	*61,688 15	Do.
58. Protection of river-banks at Fort Brown, Texas.	.....	10,000 00	*10,000 00	An increase.
59. To pay John Titus, late chief-justice of Arizona Territory.	.....	658 80	*658 80	Do.
60. For geological and geographical surveys of the Territories of the United States, by Prof. F. V. Hayden.	75,000 00	65,000 00	10,000 00	Probably a saving.
61. For completion of the geographical and geological surveys of the Territories of the United States, by J. W. Powell.	25,000 00	30,000 00	*5,000 00	An increase.
62. Black Hills survey under Prof. J. W. Jenney.	.....	14,000 00	*14,000 00	Do.
63. For surveys of public lands, surveyors-general and their clerks, fuel, rent, &c.	958,790 00	311,400 00	647,390 00	Postponed. The public lands of this country must be surveyed. Appropriations denied this year will have to be made hereafter. Hence this amount is only postponed.
64. For expenses of collection of revenue from sales of public lands.	601,640 00	423,658 21	177,981 79	Postponed. These "expenses" are about the same each year, and are easily ascertained. This "reduction" upon the amount required last year will doubtless appear in the deficiency bill for next session.
65. For expenses connected with the sale of the United States arsenal property at Dearbornville, Mich.	.....	1,000 00	*1,000 00	An increase.
66. For maps of the geographical and geological surveys of the Territories.	40,000 00	.....	40,000 00	The surveys have been made at great expense, and of course the maps will be published hereafter; hence the necessary appropriation for that purpose is only postponed.
67. For collecting of mining and mineral statistics, under Prof. R. W. Raymond.	15,000 00	.....	15,000 00	The work having been completed and paid for last year, needed no appropriation this year, and therefore this item is neither a "reduction" nor a "saving."
68. For completion of jail in District of Columbia.	140,057 93	.....	140,057 93	Same remarks as that to last item.
69. For fence around jail, heating-apparatus, kitchen-utensils, washroom apparatus, and driving-engine.	45,491 00	.....	45,491 00	Same remarks.
70. Safe for disbursing-clerk of Interior Department.	2,000 00	.....	2,000 00	Do.
71. Furniture and repair of capitol building of Washington Territory.	5,274 75	.....	5,274 75	Do.
72. Engraving and printing Centennial stock certificates for International Exhibition.	30,750 00	.....	30,750 00	Do.
73. To pay crippled and disabled soldiers now in the employment of the Doorkeeper of the House.	12,549 60	.....	12,549 60	Provided for in the legislative bill, and hence not a "saving."
74. Copies of summary reports of Commissioners of Claims.	1,000 00	.....	1,000 00	Paid for last year, and hence no appropriation necessary this.
75. Monuments in the Congressional Cemetery to deceased Senators and Representatives.	1,500 00	.....	1,500 00	Same remark as that with reference to last item.
76. Noiseless steam-pump for House of Representatives.	1,000 00	.....	1,000 00	Do.
77. Temporary clerks in the Treasury Department.	60,000 00	.....	60,000 00	Omitted this year, but inserted in legislative, executive, and judicial bill; hence no "saving."
78. Salaries and traveling-expenses of agents at seal-fisheries in Alaska.	13,350 00	.....	13,350 00	Not a saving, but a service omitted which should have been provided for.
79. Examination of rebel archives.....	6,000 00	.....	6,000 00	A saving of $6,000, which may result in great losses to the Government. These archives have furnished the means of preventing the payment of claims against the United States amounting to millions of dollars. Their further examination is imperatively required.
80. First installment to Miss Vinnie Ream for statue of Admiral Farragut.	5,000 00	.....	5,000 00	No appropriation required this year.

The sundry civil appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
81. To pay on behalf of the United States as a portion of the general expenses of the District of Columbia.	$1,060,000 00	.....	$1,060,000 00	The refusal to pay anything this year is simply the repudiation of a national obligation to deal justly and fairly with the District of Columbia. The United States own half the property in the District, which is not subject to taxation, and therefore the Government should contribute a fair proportion. Five hundred thousand dollars would have been a fair proportion this year.
82. To pay interest on 3.65 bonds of the District of Columbia.	185,000 00	.....	185,000 00	If the contribution mentioned in last remarks had been made, it would have been proper to withhold this for the current year.
83. To defray expenses of the sanitary service of the District of Columbia.	26,117 50	$15,920 00	10,257 00	A curtailment of service probably at the cost of proper provision for the health of the city. Some reduction might properly have been made, but not so large as this.
84. To enable Secretary of the Treasury to repay to collector of customs of the district of Champlain amount of judgment.	684 10	.....	684 10	Neither a "reduction" nor a "saving." Having been paid last year, this Congress was not required to pay again.
85. To pay Charles Morgan for general average on ship Alabama.	3,000 00	.....	3,000 00	Same remark as that with reference to last item.
86. Works of art for ornamenting Capitol.	15,000 00	.....	15,000 00	Same remark.
87. To pay Thomas J. Durant for revision of laws of District of Columbia.	3,300 00	.....	3,300 00	Do.
88. Rent of rooms corner Pennsylvania avenue and Twentieth street, Washington.	1,666 66	.....	1,666 66	Do.
89. Repair of Post-Office building, heating-apparatus, &c.	106,000 00	.....	106,000 00	Do.
90. Thirty thousand copies of United States Official Postal Guide.	20,000 00	.....	20,000 00	Omitted in House bill, but provided for in conference.
91. Rent of buildings and grounds at Peking, China.	5,000 00	.....	5,000 00	A refusal to pay rent contracted for under authority of law.
92. To pay clerk to Committee on Private Land-Claims of the Senate.	2,220 00	.....	2,220 00	Omitted in this bill, but inserted in the legislative bill in conference.
93. Stable for use of Senate	10,000 00	.....	10,000 00	Neither a "reduction" nor a "saving." The stable was built and paid for last year.
94. Repairs of steam-boilers and steam-traps for Senate wing.	3,500 00	.....	3,500 00	Repairs made and paid for last year. Furnishes no ground for comparison of relative economy between the bills of last year and this.
95. To settle accounts of Binger Herman.	545 77	.....	545 77	Account settled and paid last year; hence item not fairly credited to economy of present Congress.
96. To pay contestants for seats in the House of Representatives.	27,100 18	.....	27,100 18	The item for similar expense will be quite as great this year.
97. To pay Bryant & Rogers, architects.	600 00	.....	600 00	Having been paid last year, the House of Representatives are entitled to no credit for not paying a second time.
98. Expenses of commissioner of international penitentiary congress.	8,000 00	.....	8,000 00	Not used; consequently no saving.
99. To pay States for expenses incurred by the war.	250,000 00	.....	250,000 00	Neither a "reduction" nor a "saving." Having been been paid for last year, Congress was not called upon to pay again.
100. Claims of Dakota volunteer forces.	33,980 30	.....	33,980 30	Same remark.
101. Military prison at Fort Leavenworth.	100,000 00	.....	100,000 00	Do
102. To pay volunteers of Oregon and of Washington Territory.	25,000 00	.....	25,000 00	Do.
103. Grading streets and sidewalk in front of United States Arsenal at Indianapolis, Ind.	1,672 99	.....	1,672 99	Do.
104. Completion of military road from Santa Fé to Ferdinandos de Taos, N. Mex.	6,644 80	.....	6,644 80	Do.
105. Purchase of sites for forts in Texas	45,000 00	.....	45,000 00	Do.
106. Pedestal for statute of General McPherson.	25,000 00	.....	25,000 00	Do.
107. Brady collection of photographs of the war.	25,000 00	.....	25,000 00	Do.
108. Navy-yards and stations	1,250,000 00	.....	1,250,000 00	An utter failure to provide for a very important branch of the public service. The United States have some $50,000,000 invested in navy-yards and appurtenances. For their general repairs and preservation about 2½ per cent. on their cost was appropriated last year; this year nothing. By permitting this vast property to go to ruin, a large item is added to the aggregate reduction of appropriations. Of course the sum required next year will be augmented by the amount withheld this year, together with a large sum in addition, on account of neglect to provide for them properly at this session.
109. Plans and specifications for public building at Auburn, N. Y.	4,000 00	.....	4,000 00	Neither a "reduction" nor a "saving." Having been paid for last year, the Congress was not called upon to pay again.
110. Expenses of officer to investigate and report upon existence and spread of cholera in Mexico.	5,000 00	.....	5,000 00	Do.
111. Officers and clerks in Treasury Department.	166,656 00	.....	166,656 00	This item is in no possible sense a saving, because the law authorizing the expenditure provides that it shall be re-imbursed to the Treasury by the national banks. (*See* section 3, sundry civil bill, approved March 3, 1875.)
112. Clerks and other officers in office of Comptroller of the Currency.	34,840 00	.....	34,840 00	The same remark applies to this as to the last item.
113. Experiments in testing iron and steel.	50,000 00	.....	50,000 00	Withheld from a valuable and important service, which was regarded by the President of the United States as of sufficient importance to warrant a special message recommending it.
114. To enable the Executive Departments of the Government to participate in the International Centennial Exhibition.	505,000 00	.....	505,000 00	In the published statement showing the reductions made by the House of Representatives, this item is charged to the appropriations of last Congress, while the sum of $1,500,000 appropriated for the same purpose by the present Congress is wholly omitted.
115. Geographic surveys west of 100th meridian.	60,000 00	.....	60,000 00	This was for surveys and explorations of the interior of the continent; and while it is a service of great value, it can doubtless be postponed a year or two without serious detriment to the country.
116. Bounties of sailors and marines	50,000 00	.....	50,000 00	Was rendered unnecessary this year by the reduction of force in the Navy. It had been paid hitherto to encourage enlistments.
Total	26,644,350 09	14,919,538 09	11,734,812 00	
Reductions from 1876	.....	.....	11,734,812 00	

POST-OFFICE BILL.

The post-office appropriation bill, as it passed the House of Representatives, for the year ending June 30, 1877, compared with the appropriations for the same purpose for the year ending June 30, 1876.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
1. Pay of postmasters	$7,000,000	$6,800,000	$200,000	.....	This reduction is made upon recommendation of the Postmaster-General.
2. Clerks in post-offices	3,500,000	3,290,000	210,000	.....	An unwise reduction. The clerical force in the post-offices is not on the whole too large, nor are their salaries too high. It is, however, a "saving," by curtailment of service and of pay.
3. Letter-carriers and free-delivery	2,000,000	1,800,000	200,000	.....	A "saving" wrung from the hard-earned compensation of hard-worked and poorly-paid men.
4. Wrapping-paper	25,000	20,000	5,000	.....	Saved by the Department estimate, not by the House of Representatives.
5. Twine	55,000	45,000	10,000	.....	One-half of this reduction is attributable to Department estimates. The other half was conceded by the House in conference; hence there was *no saving* by House bill.
6. Post marking and canceling stamps	10,000	5,000	5,000	.....	No saving. The reduction was without good reason, and was conceded in conference by the House.
7. Letter-balances	3,000	3,000	.....	.....	
8. Rent, light, and fuel for post-offices	500,000	390,000	110,000	.....	Fifty thousand of this reduction was a saving by Department estimates. The balance ($60,000) was merely an arbitrary reduction, more likely to result in a *deficiency* than a *saving*.
9. Stationery	50,000	45,000	5,000	.....	Not a saving, but an arbitrary reduction, conceded by the House in conference.
10. Furniture for post-offices	35,000	20,000	15,000	.....	Possibly a saving; probably only postponed to swell the appropriations at next session.
11. Miscellaneous items	150,000	50,000	100,000	.....	Merely an arbitrary reduction, one-half of which was conceded by the House in conference; the other half *may* prove a *saving*, but more likely a *deficiency*.
12. Inland-mail transportation	17,548,000	15,600,000	1,948,000	.....	Not a dollar of this large item is a "saving" in any sense; it is not even a reduction of expenditure. Through the rigid economy enforced by republican officials there remained at the end of last fiscal year an unexpended "balance" of $2,039,302, making the amount actually expended only $15,508,698, which is less than House bill by $91,302. Hence there is no actual saving, only an apparent reduction. The law fixes the compensation. This service is rapidly increasing, and every year demands increased appropriations. The result of the refusal of the House to make the necessary appropriations to meet this increased demand is seen already in the withdrawal of the "fast-mail trains," and will be further apparent before the close of the year, either in a curtailment of the service or in a deficiency bill, probably the latter. The appropriation in House bill would have nearly met the demands of last year, but do not meet the *increase* of service this year.
13. Pay of railway post-office clerks	1,257,141	1,125,000	132,141	.....	A saving in both these items, but one which is wrung from persons who do as much work for the compensation received as any in the Government service.
14. Pay of route-agents	1,050,000	945,000	105,000	.....	
15. Pay of mail-route messengers	160,000	147,000	13,000	.....	Merely a curtailment of the service.
16. Pay of local agents	115,000	98,559	16,441	.....	A saving, the propriety of which depends upon whether these agents have been paid too much for the service rendered.
17. Pay of mail-messengers	700,000	621,000	79,000	.....	The same remark will apply to this as to the last item.
18. Mail locks and keys	21,400	20,000	1,400	.....	Reduced by Department estimates; not "saved" by House of Representatives.
19. Mail-bags and mail-bag catchers	210,000	175,000	35,000	.....	Ten thousand of this reduction is attributable to Department estimates; the balance ($25,000) is an arbitrary reduction below the wants of the service, and is probably merely a *postponement*.
20. Post-route maps	30,000	20,000	10,000	.....	Possibly a saving, but one which will produce considerable inconvenience.
21. Mail depredations and special agents	160,000	110,000	50,000	.....	An arbitrary and dangerous reduction. The amount appropriated last year was found indispensably necessary for the protection of the postal service from frauds and depredations. In view of the immeasurable interests confided to the mails, the statesmanship which in the name of "economy" strikes down the safeguards of the service is not to be commended.
22. Manufacture of postage-stamps	149,764	147,762	2,002	.....	Reduced by Department estimates; not "saved" by the House of Representatives.
23. Agents and assistants to distribute stamps.	6,900	6,900	.....	.....	
24. Stamped envelopes and wrappers	446,530	535,878	.....	$89,358	An increase.
25. Distributing agents and assistants	16,300	10,000	6,300	.....	An arbitrary reduction, subsequently conceded by the House.
26. Manufacture of postal cards	159,806	216,760	.....	56,954	An increase.
27. Agents and assistants to distribute postal cards.	5,600	6,100	.....	500	Do.
28. Registered-package envelopes, seals, &c.	65,620	40,000	25,620	.....	Reduced by Department estimates; not "saved" by House of Representatives.
29. Official envelopes for postmasters	66,560	40,000	26,560	.....	Do.
30. Envelopes for dead letters	3,750 00	2,150 00	1,600 00	.....	Reduced by Department estimates; not "saved" by the House of Representatives.
31. Ship, steamboat, and way letters	7,500 00	7,500 00	.....	.....	
32. Fees for attorneys, clerks, &c	7,500 00	.....	7,500 00	.....	Since passage of the House bill, this item has been conceded to be necessary, and is authorized to be taken from the appropriation to protect the mails from depredations, thus still further impairing the safeguards of the service.
33. Engraving, &c., drafts and warrants	3,000 00	1,500 00	1,500 00	.....	Reduced by Department estimates; not "saved" by House of Representatives.
34. Advertising	100,000 00	25,000 00	75,000 00	.....	Fifteen thousand of this reduction has since been conceded by the House, and the balance was rendered possible by an act of last Congress. No part is to be credited to the "economy" of this Congress.
35. Miscellaneous items	2,500 00	.....	2,500 00	.....	Fifteen hundred of this item has since been conceded as essential by the House. The "saving" is, therefore, only $1,000.
36. Foreign mail transportation	300,000 00	220,000 00	80,000 00	.....	This may prove a loss, but cannot possibly be a "saving" of one dollar. "Foreign mail transportation" has yielded a profit of over $100,000 a year for the last five years. The rates are fixed. The larger the business the greater the profit. Withholding whatever sum is necessary, is a loss to the Government.
37. Balance due foreign countries	80,000 00	50,000 00	30,000 00	.....	Reduced by Department estimates; not "saved" by House of Representatives.

The post-office appropriation bill, as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Increase in House bill.	Remarks upon reductions made in House bill as shown in third column.
38. Steamship service, China and Japan	$500,000 00	$250,000 00	$250,000 00	.....	Reduced by Department estimates; not "saved" by House of Representatives. The contract having expired since last year, no great credit for "economy" is due for not appropriating for it this year.
39. Steamship service, Brazil	37,500 00	.....	37,500 00	.....	Reduced by Department estimates; not "saved" by House of Representatives. This contract also has expired.
40. Official stamps for Post-Office Department.	986,000 00	850,000 00	136,000 00	.....	Reduced by Department estimates; not "saved" by House of Representatives.
Total for Post-Office Department	37,524,521 00	33,739,109 00	3,932,064 00	$146,812	
Net reduction from 1876	.....	.....	3,785,412 00	.....	

INDIAN BILL.

The Indian appropriation bill as it passed the House of Representatives for the year ending June 30, 1877, compared with the act making appropriations for the same service for the year ending June 30, 1876.

[N. B.—The numbers marked thus * in the column of reductions show an increase and are to be deducted.]

Object of appropriation.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made by House bill as shown in third column.
Apaches, Kiowas, and Comanches:				
1. Installments under treaty	$30,000 00	$30,000 00	.....	
2. Clothing	26,000 00	15,000 00	$11,000 00	Reduction was made by violating article 10 of the treaty of 1867 with said Indians.
3. Mechanics, physician, and teacher	7,700 00	7,700 00	.....	
4. Transportation	4,000 00	.....	4,000 00	An amount for transportation in gross for the Indian service is appropriated for this year. Consequently this is not a "saving."
5. Blackfeet, Bloods, and Piegans	50,000 00	45,000 00	5,000 00	Reduced by disregarding article 8 of a treaty with said Indians made September 1, 1868. It is true the Senate has not ratified said treaty, but both parties have since acted upon it, and the Indians regard it as binding.
6. Assinaboines	30,000 00	.....	30,000 00	This sum has been provided for these Indians for several years. They are friendly and expect their friendship to be recognized. The House bill transfers them to the Fort Peck agency, but adds nothing to that appropriation on account of such transfer. Such "economy" promises large expenditures for Indian wars.
7. Cheyennes and Arapahoes	47,200 00	42,200 00	5,000 00	Transportation. All claims for transportation are appropriated in gross elsewhere in the bill this year.
8. Confederated tribes and bands of Indians in Middle Oregon.	7,600 00	8,100 00	*500 00	An increase.
9. Creeks	69,968 40	72,678 40	*2,710 00	Do.
10. Crows	167,623 00	132,623 00	35,000 00	Reduced by disregarding the treaty made with these Indians May 7, 1868. They are our friends and allies in the war against the Sioux, and deserve better treatment. This act of bad faith will probably make them our enemies.
11. Gros Ventres	35,000 00	.....	35,000 00	An omission to comply with the terms of an unratified treaty made with those Indians July 13, 1868. They are friendly, and regard this contract as a binding treaty. Withholding the amount which has been paid for several years may result in depredations costing many times the amount saved.
Kickapoos:				
12. Interest	4,797 29	4,679 05	118 24	Reduced by Department estimates.
13. Settlement, support, &c.	20,000 00	10,000 00	10,000 00	Probably a just and proper reduction. The Kickapoos having been settled in their new homes by last year's appropriations, so large a sum was not necessary this year. Reduction was made by Department estimates and not by House of Representatives.
14. Miamas of Kansas	11,500 00	11,540 00	*40 00	
15. Klamaths and Modocs	17,100 00	15,100 00	2,000 00	Reduction made by Department estimates and not by House of Representatives.
16. Mixed Shoshones, Bannacks, and Sheep-Eaters.	20,000 00	15,000 00	5,000 00	A reduction rendered proper by change of treaty.
17. Omahas	25,100 00	20,900 00	4,200 00	Reduced by Department estimates; not by House of Representatives.
18. Osages	57,233 18	57,031 53	201 65	
19. Pawnees	57,176 87	50,700 00	6,476 87	Reduced by omitting certain discretionary items, such as matron, teachers, &c.
20. Sacs and Foxes of the Mississippi	51,000 00	52,000 00	*1,000 00	An increase.
20½. River Crows	30,000 00	.....	30,000 00	Reduced by disregarding an agreement entered into with said Indians July 15, 1868. They regard the agreement as binding. They are our allies and friends; are now aiding us against the Sioux. Surely they deserve better treatment than to have their annuities denied while they are fighting our battles.
21. Shoshones, eastern bands	10,000 00	.....	10,000 00	An omission rendered proper by a change in treaty obligations.
Shoshones and Bannacks:				
22. Shoshones	49,374 00	50,374 00	*1,000 00	An increase.
23. Bannacks	28,737 00	26,737 00	2,000 00	Reduced by omitting discretionary items.
24. Sioux of different tribes, including Santee Sioux of State of Nebraska.	1,572,600 00	1,325,600 00	247,000 00	Nearly all of this appropriation is discretionary. It has been made on the principle that it is "cheaper to feed than fight Indians." Unfortunately we are doing both. It is quite impossible to decide at present whether this is a judicious reduction or not. Its probable effect will be to largely increase the number of "hostiles."
25. Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Utes.	73,020 00	68,020 00	5,000 00	Reduced by Department estimates; not by House of Representatives.
26. Winnebagoes	50,488 39	47,931 83	2,556 56	Do.
27. Apaches of Arizona and New Mexico.	450,000 00	400,000 00	50,000 00	Four hundred and fifty thousand dollars were appropriated last year, and subsequently there was a large deficiency appropriated. The reduction to $400,000 will make the deficiency next winter still larger.
28. Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas.	300,000 00	250,000 00	50,000 00	Possibly a saving; probably a deficiency.
29. Civilization and subsistence of Indians of the Malheur reservation.	35,000 00	25,000 00	10,000 00	A discretionary item. It is saved by denying to the Indians the sum they expect and have hithero received.
30. Civilization and subsistence of Indians of Central Superintendency.	10,000 00	15,000 00	*5,000 00	An increase.

The Indian appropriation bill as it passed the House of Representatives, &c.—Continued.

Service for which appropriated.	Appropriated for year ending June 30, 1876.	Appropriated by House bill for year ending June 30, 1877.	Reductions made in House bill.	Remarks upon reductions made in House bill as shown in third column.
31. Kansas	$30,000 00	$5,000 00	$15,000 00	$10,000 of this item was a reduction by Department estimates; $5,000 is an arbitrary reduction.
32. Modocs	10,000 00	5,000 00	5,000 00	Reduced by Department estimates; not by House of Representatives.
33. Tankawas		2,000 00	*2,000 00	An increase.
34. Transportation		147,000 00	*147,000 00	This appears to be an increase, but is merely another mode of appropriating for transportation. Last year the transportation was provided for under each item; this year in one item.
35. Miscellaneous		25,275 54	*25,275 54	An increase.
INCIDENTAL EXPENSES OF THE INDIAN SERVICE.				
36. In Arizona	65,000 00	20,000 00	45,000 00	These thirteen items, amounting to $242,500, may be considered together. The appropriations under these heads constitute all the provision made by the Government for thirteen agencies distributed through three States and nine Territories, embracing over 100,000 Indians, 22,000 of whom have been to some extent brought under the influence of civilization. The sum appropriated by House bill is totally inadequate. A reduction anywhere else would have been attended by less disastrous consequences. Withholding these comparatively small sums will exasperate the Indians all over these States and Territories, and may induce them to join the hostile savages in a general Indian war.
37. In California	60,000 00	30,000 00	30,000 00	
38. In Colorado Territory	5,000 00	3,000 00	2,000 00	
39. In Dakota Territory	20,000 00	5,000 00	15,000 00	
40. In Idaho Territory	10,000 00	3,000 00	7,000 00	
41. In Montana Territory	20,000 00	5,000 00	15,000 00	
42. In Washington Territory	25,000 00	5,000 00	20,000 00	
43. In Wyoming Territory	5,000 00	1,500 00	3,500 00	
44. In Nevada	35,000 00	5,000 00	30,000 00	
45. In New Mexico	40,000 00	15,000 00	25,000 00	
46. In Oregon	45,000 00	10,000 00	35,000 00	
47. In Utah	20,000 00	10,000 00	10,000 00	
48. Transportation and annuity	5,000 00		5,000 00	
INTEREST ON TRUST-FUND STOCKS.				
49. Cherokee national fund	26,390 00	26,060 00	330 00	Reduced by Department estimates; not by the House of Representatives.
50. Cherokee school-fund	2,470 00	2,410 00	60 00	Do.
51. Chickasaw national fund	15,140 00	24,500 00	*9,360 00	An increase.
52. Iowa trust fund	3,790 00	3,520 00	270 00	Reduced by Department estimates; not by House of Representatives.
53. Kaskaskias, Peorias, Weas, Piankeshaws trust-fund.	5,251 00	4,801 00	450 00	Do.
54. For expenses of various Indian agencies, including clerks, interpreters, inspectors, traveling expenses, buildings and repair of same, vaccine matter and vaccination of Indians, and contingencies.	214,800 00		214,800 00	This apparent reduction results from the omission in House bills to provide for the Indian service. It is not in fact a reduction of expenditures, for the transfer to the War Department, which was contemplated, would have required additional appropriations for that Department quite equal to the pretended saving.
55. Interest on Delaware fund	1,854 76		1,854 76	Reduced by Department estimates.
56. Shoshones, Bannack, and other bands of Indians in Idaho and Southern Oregon.	20,000 00		20,000 00	This amount was appropriated last year to assist the Indians to locate on new reservations, and was not required this year for that purpose.
57. For colonization and supporting the Wichitas and other affiliated bands.	50,000 00		50,000 00	This is a discretionary item, but a part should have been appropriated this year.
58. Expense of general council in Indian Territory.	3,000 00		3,000 00	This item has usually been paid.
59. Expense of commission of citizens	15,000 00		15,000 00	A failure to appropriate for an important service.
60. Incidental expenses of Central Superintendency.	4,000 00		4,000 00	May be dispensed with, but if appropriated would have been profitably expended.
61. Incidental expenses of Northern Superintendency.	2,000 00		2,000 00	Same remark.
62. Collection of statistical and historical data.	3,500 00		3,500 00	A work of value, which has been prosecuted for two years, but must be suspended and material lost if not provided for.
63. Education of Creeks	2,810 00		2,810 00	A discretionary item.
64. Support, education, and civilization of 3,000 or more captive Indians.	300,000 00		300,000 00	This was appropriated last year, on recommendation of the President and Secretary of Interior. It was for an emergency which does not exist this year, and hence the appropriation was not necessary.
65. To indemnify Pawnee Indians for 4,800 acres of land.	6,000 00		6,000 00	Having been provided for last year, no appropriation was asked for this year.
66. To enable the Kaskaskias, Weas, Peorias, and Piankshaws to buy seed and grain for farming purposes.	10,000 00		10,000 00	A discretionary item.
67. Amounts appropriated for various tribes and bands.	273,977 01	262,277 01	11,700 00	This difference is accounted for by the fact that certain items for transportation last year were included in the several amounts appropriated for different tribes. This year they were appropriated in one item.
68. Appropriations for the current fiscal year, which are the same as the corresponding appropriations for last year.	667,353 65	667,353 65		
Total	5,360,554 55	4,086,612 01	1,273,942 54	
Reduction from 1876			1,273,942 54	

Mr. SAULSBURY. Mr. President, I am aware of the difficulty of making an *impromptu* reply to a well-prepared written speech, delivered by one so intelligent on all subjects as the Senator from Minnesota, [Mr. WINDOM.] But I shall make no apology. The bill now under consideration has been made an occasion for the discussion of political topics, and if I trespass upon the attention of the Senate a few moments in the same line of remarks it will be justified by the example of the Senator who has just taken his seat.

The effort of the Senator from Minnesota has been, if possible, to deprive the democratic party of all the advantage which he supposes it possesses in the coming campaign arising out of the reduction of public expenditures. He is a member of the Appropriation Committee, and knows full well that the reduction of expenditure proposed on the part of the democratic House of Representatives reached some $38,000,000 as the bills came from the House. He knows that by the persistence of the House of Representatives against the adverse wishes of the Senator, against the strenuous efforts of the Senator and his political friends to prevent any reduction, there has been an actual curtailment of more than $29,000,000, extorted by the persistent determination in favor of economy by the House of Representatives from an unwilling majority in this Senate.

The Senator desires in the closing hours of the session to put upon the record a protest against that economy and to strip it of the merit which it possesses; but the people of this country, when they see that the expenses of this Government are reduced, when they learn that the House of Representatives only succeeded in reducing expenditures by the most persistent determination in favor of economy, will not fail to appreciate and give credit to that party which has originated and effected an economy and a reduction of expenditures which if it had been practiced for the last ten years would have relieved the depressed industries of the country and rendered it prosperous at the present time. It is admitted by the Senator from Minnesota that the House bills did propose a reduction of over $38,000,000, but he attempts to parry the force of that by endeavor

ing to show that these reductions of expenses are in fact no reductions, that many of them will be supplied by deficiencies. I inquire how the Senator from Minnesota knows that at the next session of Congress there will be any bills passed for deficiencies. I say to the Senator that he and his friends had better put themselves in harmony with the sentiment expressed by the democratic candidate for the Presidency in 1865, "Live within your income." I say to the Senator that he and his party who are now controlling the Executive Departments of this Government had better live within their appropriations. There will not be a willing Congress here at the next session to indulge and to look over and to excuse and to palliate extravagance in any Department. Do not calculate on large deficiency bills being passed. Live within your income, live within your appropriations; and I caution the Senator to advise his friends in advance that there must be no needless expenditure of the public money, expecting that it will be condoned by the democratic House of Representatives at the next session of Congress.

Mr. President, the Senator says that the boasted promise of a reduction of $40,000,000 has dwindled down to $29,000,000. Let me ask the Senate whose fault that is. Have not the House shown an anxiety to reduce to the full extent that they claimed they were able to reduce? Have they not continuously insisted that the Senate on the disagreement of the two Houses should yield and that the reduction, which they proposed should be allowed? It ill becomes the Senator from Minnesota, who steadily resisted the demands of the House for economy, now to complain of the House because they have not fully redeemed their pledge of a year ago. They have done all in their power to redeem it; but they have been met and contested in every point; not a single appropriation bill has come from the House to the Senate but has encountered the fiercest opposition of the Senator and his friends. If the wishes of the House had been complied with, every dollar which they proposed to curtail the public expenditures would have been saved, and it is a disingenuous argument now to say that the House has failed to redeem its promise to cut down the expense some $40,000,000 when that Senator and every Senator on this floor knows that such was the wish and such was the effort of the democratic House of Representatives.

I do not propose to follow the Senator from Minnesota in the various items of appropriations to which he has referred. That would be utterly impossible in an *impromptu* speech following immediately the well prepared written speech of the Senator. I shall speak of results therefore, and not of items of appropriation. But one of the items for which he complains there was no appropriation made was for the purpose of employing clerks to superintend the rebel archives, as they are called. I wish in reference to that to say that those archives have been in the possession of the Government several years. I do not know the exact period. There have been appropriations every session for the purpose of arranging those archives, and I am told that they are all arranged and labeled and that every one of those papers can be obtained without difficulty and that the employment of those clerks was simply in aid of attorneys and others who desired to use those papers, and that the services of clerks, for whom the Senate proposed to appropriate $6,000, were not needed for the public business of the country, but solely to aid men who had business professionally with those papers. Certainly there has been sufficient length of time to have had every paper arranged alphabetically and labeled, and I am sure that that is the case. Why then does the Senator from Minnesota complain that an appropriation of $6,000 to pay clerks for that service was struck out by the House of Representatives? Was it not proper that it should be done? The House of Representatives and its committees were vigilant and ascertained the fact that there was no necessity for such an appropriation, which would have been simply continuing in place persons who had been put there by political influence, persons whose services were not necessary for the interests of the country, I again repeat. That is one of the items of economy of which the Senator from Minnesota complains. The House deserves credit for the curtailment of all such expenditures of public money.

Mr. SARGENT. I am sorry to prolong a political discussion; but I would like to call the Senator's attention to one fact, of which, perhaps, he is not aware, that shows the necessity of the appropriation. I presume if the House had known the fact they would not have resisted it.

A few days ago I reported from the Committee on Naval Affairs a bill for the relief of David De Haven. The evidence seemed to be that his vessel had been recaptured by the United States and that the vessel never, with his consent at any rate, was in the rebel service and probably not in it at all. These seemed to be the facts, and desiring to do him justice I so reported and also reported my views of the law. The views of the committee on the law being somewhat questioned, the result was a delay and the bill was not immediately acted upon. The discussion, however, called the attention of the Adjutant-General to the matter. He had clerks to do the duty then, which denial of appropriation now deprives him of. I received a communication from him of a startling character, drawn from these records, which I may state in a few words——

Mr. SAULSBURY. I do not care to have the Senator interrupt me in this way.

Mr. SARGENT. Allow me to state the circumstance.

Mr. SAULSBURY. The Senator from Minnesota declined to yield to interruptions in advance. I desire always to be courteous; but I I do not care to have injected in any speech of mine——

Mr. SARGENT. I did not suppose the Senator was making a campaign speech or I would not have interposed. If the Senator will not yield, I will take my seat.

Mr. SAULSBURY. I was willing to hear a brief statement.

Mr. SARGENT. I have only a few more words to say.

Mr. KERNAN. The speech on the other side was a great campaign speech and stopped all our work.

Mr. SARGENT. Perhaps. But I was sorry it was made, because it was interrupting business that I wanted to press; but I think that the fact I wish to state is interesting.

Mr. SAULSBURY. The Senator can follow me.

Mr. SARGENT. I do not want to follow you; but if the Senator does not want to hear me, I will surrender.

Mr. SAULSBURY. I prefer to go on.

Mr. KERNAN. I want to go on with the bill we are trying to pass.

Mr. SAULSBURY. It may be that it will be a little more convenient for the Departments to have regular clerks in charge of these papers; but clerks from their own Departments can have no difficulty in readily procuring any of the papers which are already labeled. If the Adjutant-General desires to have any of these papers, can he not detail any clerk of his own to go there and get any paper he desires, when every one, I am informed by the Senator from Connecticut, is labeled and can easily be found?

So much for that. I will not follow the Senator through all the appropriations; but I say generally that, in my opinion, the reduction of expenditures is not only wise and proper, but that it has been demanded by the public judgment of the country. The people have been subjected to enormous taxation; they have paid a very large amount of taxes into the public Treasury. They have been doing it ever since the republican party came into power; and notwithstanding we have had peace for eleven years, taxation is still high and oppressive. Of course there have been some reductions since the termination of the war, but the people now are less able to pay than formerly. The continual drain which has been made on the resources of the people has rendered them less able to meet the demands of the Government on them, and they have decreed that there shall be retrenchment and reform. They elected the majority of the present House of Representatives under the belief and with the expectation and desire that they would effectuate some reform in reference to the expenditures of the General Government. The democrats of the House met that demand. They have cut down, according to the Senator from Minnesota, the expenses over $29,000,000, and but for the resistance and opposition which they met in this Chamber they would have had that reduction some $10,000,000 more.

Now, I say to my friend the Senator from Minnesota, that if the democratic party in the coming canvass succeed to power, if they succeed in elevating to the Presidency Mr. Tilden, of New York, it will be a guarantee to the country that the expenses of the Government will be further reduced. I have believed for years that we were paying from sixty to one hundred million dollars in taxes more than we ought to pay, and I have no question that the elevation of Mr. Tilden to the Presidency will insure a further reduction equal at least to that which has been made at the present session.

I shall pass on and notice some other matters that were referred to by the Senator from Minnesota. He says that the democratic party has charged that there has been extravagance. I think the action of the House of Representatives in curtailing the expenses of the Government in a single session $29,000,000 demonstrates the truth of that charge conclusively. I need not go into the particulars to establish that charge. I can furnish individual instances in which there has been extravagant use of the public money; but the general fact that a reduction has taken place of more than $29,000,000 at the present session fully establishes the correctness of the charge of extravagance which we have for years preferred against the republican party.

The Senator from Minnesota says that the charge of extravagance has not been established and the charges of corruption have failed of proof. It is always unpleasant to prefer charges of corruption against men or against parties; but I may be allowed to say that there is a general impression in the country, and the facts elicited at the present session of Congress in my opinion justify the correctness of that conclusion, that there have been malversations in office amounting to corruption in every proper sense of the word. Sir, "corruption" is not limited to the mere fact of taking bribes. The use of the public money without authority of law and in violation of law, the use of the public money for the purpose of promoting individual interests or for partisan political purposes, is in every proper sense corruption in office.

Well, sir, the investigations this session have shown that there has been defiance of law, use of money without authority of law and in contravention of law. A notable instance of that might be pointed out in the issuing of bonds in this District by the board of commissioners without authority of law. The records of this country abound with such instances. I do not say that they occur in every Department of the Government; but I say they have occurred in some of the Departments of the Government and have been brought to light by the investigations that have taken place. Why were not these investigations instituted by our republican friends? They have been in power for fifteen years. They have had the control of the Senate and the control of the House of Representatives; and when com-

plaints have been made and investigations have been ordered, how have they resulted? Most usually in what has been termed the whitewashing of the party accused. They have revealed none of the corruptions, none of the extravagances which have been brought to light at the first session of a democratic House of Representatives. And now, I ask, has there not been misuse of the public money? I cannot refer to all the Departments of this Government in which there have been waste and extravagance; but let me call your attention to one Department only where the investigations of the House of Representatives show conclusively that there have been very great disregard of law and very great waste and extravagance in the use of the public money. Let me invite your attention to the Navy Department.

I do not wish in any remarks which I make to say anything unkind of the Secretary of the Navy. So far as I know that officer, he is a gentleman of character and integrity. I would be the last man to cast any imputation upon the Secretary. Unless I knew the fact that he himself was guilty of some willful malversation in office, I would prefer no such charge against him. I believe, however, that he has been careless in his administration of the Department committed to his charge; and, by reason of that carelessness, by reason of that inattention to the duties devolving upon him, especially in the supervision of subordinates, that there has been much waste of the public money. What have we appropriated to the Navy Department? I need not go back to the beginning of the republican administration of the Government in 1861. I will take it only during the existence of the present Administration, for eight years. Our appropriations have averaged more than $20,000,000 a year for that time. I think they have reached somewhere near $175,000,000 or $180,000,000 during that period.

Now, what is the condition of your Navy? With this lavish expenditure of money we ought to have had a navy able to compete with the proudest naval establishment in the world. But what is the condition of the Navy to-day? It is declared to be in a very inferior condition, unable to compete with the navies of several of the European powers. Notwithstanding we have expended nearly $180,000,000 since President Grant came into power, still we have an inefficient Navy, one unable to protect our commerce in case of war, or to render very valuable service in case of collision with any foreign power. I have looked somewhat into the report of the House Naval Committee, and I desire to call attention now to the statement of Admiral Porter. He states the amount appropriated:

> The amount calculated for these gradual additions to the Navy may appear large in the aggregate, but it is in fact small when compared with the appropriations estimated for from 1866 to 1876, ($251,779,000,) which, after deducting pay of officers and men and expenses of the Marine Corps, amount, for navy-yards, repairs, equipment, and building a few small vessels, to an average of $18,200,000 annually. This, too, after an expenditure of $280,000,000 during the war, which ought to have left us a powerful Navy. With all this expenditure, we are not at present provided with a single first-class vessel, either for defense or for fast steaming, nor have we one powerful rifle-gun in the Navy.

This is the declaration of Admiral Porter in reference to the condition of the Navy. He goes on:

> Our Navy, taken as a whole, is worth nothing, and the sooner the country understands that fact the better. It would require a great stretch of credulity to make one believe that the Navy is in the flourishing condition represented by Chief Constructor Hanscom in his late report to the honorable Secretary of the Navy. Probably he believes what he says, that "the power of our iron-clads for harbor and coast defense, where the fighting will be done in smooth water, must be considered equal, if not superior, to that of a large number of sea-going iron-clads of foreign nations;" and that "no officer in command of one of our monitors would hesitate to engage in action, in smooth water, any sea-going iron-clad vessel yet afloat, except perhaps a few of the latest type."
>
> There is not a navy in the world that is not in advance of us as regards ships and guns, and I, in common with the older officers of the service, feel an anxiety on the subject which can only be appreciated by those who have to command fleets and take them into battle. If called upon at this time to command the naval forces of the United States in case of hostilities, a position which it is my ambition and my right to fill, I should be put to my wits' end to succeed with such an incongruous set of vessels as we now possess.

That is the condition of your Navy after the expenditure of from $180,000,000 to $200,000,000 since the present Administration came into power. Now has there been no waste of that money? Where has it gone? What has become of it? This report reveals to the American people some of the leaks, some of the waste, some of the extravagance that has been practiced in that Department. Why, sir, men have sat at the door—I speak of course figuratively—of the Navy Department, men of influence with this Administration, and extorted from persons who desired contracts large sums of money for their influence. I cannot name all the cases of that kind that have occurred; but there is one firm that acknowledges according to this report to have received $300,000 for the influence which it possessed with the Navy Department. I do not say that the Secretary of the Navy knew that those men were speculating upon their friendship with him. Far from it. I am willing to believe that if the Secretary of the Navy had known that parties were selling their influence with the Department and extorting large sums of money from persons having business with the Department he would have dismissed such men from his confidence. But the fact exists that those men had influence and that they sold it, and thereby obtained contracts for their clients at extravagant prices.

This investigation reveals the fact that Orville Grant, a brother of the President of the United States, possessing influence with this Administration, sold that influence and made considerable amounts of money thereby for himself and obtained fat jobs for his employers. I cannot detail all the operations of this character. Now, whatever was paid to these men for their influence entered into the cost of the material which was furnished to the Navy. This Mr. Grant, paid for his influence, secured a contract for vessel-knees for a firm in Baltimore, and purchased them in my State, when citizens of my own State desired to obtain contracts to deliver vessel-knees for the Navy but could not obtain such contracts. He paid, I am informed, from $7 to $9 per knee, and they were delivered in New York and Brooklyn, and paid for by the Government at the rate of $27 and $28 per knee. These materials were not needed by the Department, and no one but Grant could obtain such a contract.

But, Mr. President, part of the money appropriated to the Navy has gone for political purposes. It is well known that on the eve of every election a large number of persons not necessary for the service have been employed in the navy-yards of the country, put there for political purposes alone, given employment, that their votes might be controlled, and the committee that investigated naval affairs declare that in their judgment there has been $1,000,000 each election year wasted in the Navy Department for political purposes alone, not for advancing the public service, but for the purpose of assisting the republican party. I will read some of the testimony on this point. The following is an extract from the examination of Constructor Webb, of the Kittery navy-yard, to be found on pages 53 and 54 of the testimony taken in reference the Kittery navy-yard by the House Naval Committee:

> Question. In the selection of that labor at any one of the yards at which you have been located, is it within your knowledge that a contest of either political party has in any way interfered so as to determine anything about their selection?
>
> Answer. Not with me.
>
> Q. Do you know whether the fact exists?
>
> A. I know the fact exists by information derived from the commandant of the station.
>
> Q. Did you ever know of a meeting to occur in the office of the commandant of the navy-yard at Kittery in which politicians of either New Hampshire or Maine were present?
>
> A. I was so informed by Commodore Pennock that such was the case.
>
> Q. Did you see a list that was furnished at that meeting?
>
> A. I was furnished with a list by the commodore of the station, which was addressed to him by a committee.
>
> Q. That was a list of men to be taken on for work?
>
> A. A list of men to be employed.
>
> Q. Didn't it come to you in the first instance, and you refused to recognize any outside authority?
>
> A. It did.
>
> Q. Didn't you demand that it should have the sanction of some other authority?
>
> A. I sent it back to where it came from, with word that it must be addressed to the commanding officer of the yard, as I received no such communications.
>
> Q. And subsequently it came to you through the commandant, did it?
>
> A. The same list addressed to the commandant came to me.
>
> Q. In that case did you exercise any discretion at all or just take them on in obedience to the order?
>
> A. I considered that I was not allowed any discretion in the matter, but simply to take the men and operate them to the best advantage for the interests of the Government.

On the same point Commodore Fairfax, whose testimony will be found on page 96, gave the following testimony speaking of the abuses at the yard:

> Question. What are those abuses?
>
> Answer. The unnecessary number of men employed prior to elections.
>
> Q. Is that a matter within your own personal observation?
>
> A. Yes, sir; at the Kittery navy-yard. I was there two years, and have witnessed the constant interference on the part of Mr. Hanscom in discharging and employing men. He often took on worthless men instead of good men. I have an impression that Mr. Robeson, being a very indolent man and not attending to his duties, has allowed abuses through these Bureaus. There are good, honest men in the navy-yards that cannot give information in consequence of their not being acquainted with the books; instances of material having been received when it ought to have been rejected.

To show the extent to which this abuse was carried and that the public money was used for political purposes, I will cite the letter of the Chief of the Bureau of Construction, addressed to Commodore Nichols, United States Navy, commandant at the Boston navy-yard. The election was coming off, and the election of the republican candidates for Congress was desired by the Administration, and Hanscom wrote as follows:

Private.] BOSTON, MASSACHUSETTS., *October* 23, 1874.

MY DEAR COMMODORE: I wish you would approve requisitions for men to be employed as they may be made until the 1st of November.

Some fifty additional men has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The administration desire the success of Gooch and Frost.

Yours respectfully,

I. HANSCOM.

Commodore E. T. NICHOLS, U. S. N.,
Commandant.

It seems Constructor Hanscom had nothing to do but demand that men should be taken on just prior to an election, paid for a month or two, usually for the months of October and November, and discharged about the 1st of December; and it is shown by the tables that one thousand and fifty-nine men at the Boston navy-yard alone, just before the election, were employed in the navy-yard in order that their votes might be controlled.

The committee of the House of Representatives comes to the conclusion that in this item alone, the employment of unnecessary labor for political purposes, a million dollars has been annually spent for several years past. That is what has become of your money. Certainly there has been no proper application of the $180,000,000 or

$200,000,000 that has been appropriated during the present Administration to sustain the Navy; but it has been wasted in fat jobs and contracts and in expenditures for political purposes. When the people of the country are paying taxes to carry on the Government, have they no right to complain of such diversion of the public money improperly used for the purpose of perpetuating the republican party in power? That a portion of the money which they have paid in should be used for such purposes is a just matter of complaint on the part of men of all political parties.

I have not time to go through with this entire report, or I could show that there have been not only repeated violations of law, arising more perhaps from negligence than from design, but that there has been a careless administration of the Department, which has resulted in immense loss to the Government.

The Senator from Minnesota says that there has been a diligent search for corruption and extravagance and that none have been found. I have pointed him to these instances, and if he would search these reports carefully and impartially he would find in every report upon affairs in the Department submitted to the House of Representatives that a careless administration of the Departments, an unnecessary expenditure of money of the Government, of which the people justly have a right to complain, has been revealed.

I do not like to speak of corruption. The Senator says there has been none found. Sir, have we not had a case pending here for months in this Senate? Do not the records of this body show the evidence that a high public officer, controlling immense patronage, occupying one of the highest positions in the American Government, has been brought to your bar and been put upon trial upon charges of that character? I would not pursue a falling man, and I only refer to this in reply to the declaration of the Senator from Minnesota that there has been no corruption. I will not say that the President of the United States has been compelled to dismiss a Private Secretary because of charges of this kind; I will not say that there has been to a certain extent a re-organization of the clerical force of the White House because of charges of this nature; but I will say that there have been prosecutions of public offenders who have defrauded the revenues of the country; that a large number of men have been convicted for frauds on the public Treasury, and that much of the revenue of the country has by reason of frauds and corruption been diverted from the vaults of the Treasury. If you go to Milwaukee, if you go to Indianapolis, if you go to Saint Louis, you will find that there has been the greatest possible fraud practiced upon the revenue of the country, and that for a long time there was not the vigilance in guarding the revenues which proper administration ought to have insured.

Then, Mr. President, it is a very significant fact that when a prosecution was commenced against these men some of the very men most efficient in ferreting out these frauds upon the revenue and bringing to condign punishment the men who had practiced the frauds have been dismissed from the public service; I will not say because of their vigilance in these matters. The public will make up their own opinions in reference to that.

Mr. President, as I have no set speech I shall not be particular in reference to the topics which I introduce consecutively in my remarks; and I shall at this point now call attention to a statement made by the Senator from Ohio, [Mr. SHERMAN,] not now in his seat, in regard to the figures submitted by Mr. Tilden in his letter of acceptance. I do it for the purpose of correcting an error made by the Senator from Ohio. While he was criticising and analyzing as best he could the inimitable letter of the democratic candidate for President, he took occasion to represent that Governor Tilden had fallen into a gross error in reference to the amount of Federal taxes paid by the people in the last eleven years. The Senator stated that Governor Tilden had made a mistake of nearly $500,000,000, and he went into calculations and submitted tables to establish that fact. If such a statement had been made by any ordinary Senator perhaps it might be unnecessary to give it notice, but the statement was made by the chairman of the Finance Committee, occupying himself a high position in relation to the question of the finances of the country. Therefore any error which he may impute to Governor Tilden unless contradicted may carry with it weight to the country. It is only because of that fact that I now deem it necessary to notice the remarks of the Senator from Ohio. My friend, the Senator from Connecticut, [Mr. EATON,] the other day submitted estimates and statements to show that there was no error on the part of Governor Tilden, and proved very conclusively from the expenditures of the General Government that the conclusions of Governor Tilden were right, and that the conclusions of the Senator from Ohio were erroneous. I shall take it upon another basis. The Senator from Ohio said:

> In another clause, which I will not trouble you to read in full, Governor Tilden says that—
>
> "The Federal taxes of the last eleven years reach the gigantic sum of $4,500,000,000."
>
> I showed you last night, in reply to another statement, that that was totally erroneous. He has fallen down $100,000,000 or $200,000,000 below the democratic platform; but the whole amount, as I showed you, that was collected from all sources, was $4,192,633,000, and one hundred and sixty-odd millions of this was for the premium on gold sold, which was a source of revenue used to pay off the premium on bonds purchased. Deducting one sum from the other leaves about $4,000,000,000; and now Governor Tilden, on a simple fact that might be solved by reference to a public document, states the amount that was raised at $4,500,000,000, or a mistake of $500,000,000.

That is the statement of the Senator from Ohio. He ought to have been, in my judgment, a little more careful in his declaration that there was an error in the statement of Governor Tilden, because he has himself fallen into a very egregious blunder in representing that there was an error of $500,000,000 on the part of Governor Tilden. He admits that there was collected from all sources $4,192,633,000, and that one hundred and sixty-odd millions of this was for the premium on gold sold and $4,000,000,000 from taxes; and he supplements a table at the end of his speech showing the amount derived from customs, which are payable in gold, during the eleven years. He gives the total amount derived from customs at $1,973,589,621.26, and he shows that there was $167,037,384.39 premium upon the gold sold.

The statement of Governor Tilden was made upon a currency basis, and when he stated that there had been $4,500,000,000 paid in taxes he meant of course in currency, and did not mean in gold. The Senator from Ohio, from the manner in which he placed his statement, evidently designed to keep out of view that this premium on gold sold was derived from taxation; that it was gold paid by taxation which was sold and realized the premium of $167,037,384.39. That is as much a part of the taxes as anything else, and when added to the $4,000,000,000, which the Senator admits, would make the sum $4,167,037,384.39. That was the premium on the gold actually sold, not upon the amount collected. You collected $1,973,589,621.26 in gold, and sold less, I suppose, than eight hundred millions of that amount and realized upon it over $167,000,000. If you calculate the premium on the residue of the gold that was paid for customs at the same rates annually that was paid for the gold sold, you will find that the premium which would have been realized, added to the $4,167,037,384.39 admitted to have been received from taxes, will reach the sum mentioned by Governor Tilden. So that the Senator from Ohio, himself occupying a very high position, rose in his place here and charged the democratic candidate for President with a gross error amounting to $500,000,000, and from the simplest calculation you find the mistake is attributed to himself and not to Governor Tilden. In 1866, one of the years which the Senator places in his statement, you only realized from customs $179,046,651.58, and yet the premium on the sales of gold that year were $38,083,055.68.

If the Senator from Ohio had gone into a careful calculation and ascertained the amount of taxes actually paid and added the premium on gold received from customs, he would have found that there was no error in the statement of Governor Tilden, and would not have been at fault in his calculations.

I deemed it proper to make this statement, because I knew the importance that would be attached to a statement made by the chairman of the Finance Committee. Knowing that that statement was erroneous, not by design I admit, but because the Senator himself had not gone into a proper investigation of this subject, I felt that it was due to the democratic candidate for President that in this Senate Chamber, on the very theater where he had been charged with an error amounting to five hundred millions, the correction should be made. The statement of the Senator from Ohio has been corrected upon a different basis by the Senator from Connecticut in his speech the other day, but I have chosen to make the correction upon the basis which I have brought before the Senate in order to show that either by an examination of the expenditures or by an examination of the money actually paid into the Treasury from taxation there was no error in the statement of Governor Tilden, but that the Senator from Ohio was himself mistaken.

Mr. SARGENT. I ask the Senator from Delaware to yield to allow me to move that the Senate take a recess at five o'clock until half past seven o'clock this evening.

Mr. SAULSBURY. Very well.

RECESS.

Mr. SARGENT. I move that at five o'clock the Senate take a recess until half past seven this evening.

Mr. ANTHONY. There ought to be an executive session some time this evening. I am afraid we shall not get a quorum here to-night.

Mr. EATON. We can have an executive session at half past seven, when we first meet.

Mr. ANTHONY. The difficulty is there will be nobody here.

Mr. SARGENT. Then there will not be anybody to prevent action.

Mr. ANTHONY. I shall not interfere with the Senator who has charge of the pending bill.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate take a recess at five o'clock until half past seven o'clock.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the House passed a concurent resolution for the printing of one thousand extra copies of the report

of the Superintendent of Coast Survey for the year ending June 30, 1874, and for the printing of the same number of copies of his report for the year ending June 30, 1875, for distribution by the Superintendent of the Coast Survey.

CONSULAR AND DIPLOMATIC BILL.

Mr. SARGENT. Will the Senator from Delaware allow me, as it is nearly five o'clock, to ask unanimous consent to present a report from a committee of conference? It will probably take but a moment.

Mr. SAULSBURY. I will yield to the Senator.

Mr. SARGENT. With the consent of the Senator from Delaware, I ask unanimous consent, without displacing the business before the Senate, to present a conference report.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 51, 77, 82, 87, 91, 94, 98, 105, 107, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 78, 79, 81, 83, 84, 85, 86, 88, 90, 92, 93, 95, 96, 97, 100, 101, 103, 104, 111, 113, 115, 116, 117, 119, and 121.

That the House recede from its disagreement to the amendment numbered 14, and agree to the same, with an amendment as follows: Strike out of said amendment "Portugal, Switzerland, Greece, Denmark, Ecuador, Colombia, and Bolivia," and strike out "one hundred" and insert "fifty-two," and strike out "five thousand" and insert "five hundred;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 18, and agree to the same, with an amendment as follows:

Add as a new paragraph:

"For salaries of chargés d'affaires to Denmark, Greece, Switzerland, Portugal, and Paraguay and Uruguay, at $5,000 each, $25,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: Strike out of said amendment "Swatow;" and the Senate agree to the same.

That the Senate recede from its amendments numbered 58 and 59, and agree to the paragraph where the amendments occur, with an amendment as follows:

In lieu of said paragraph insert the following:

"Cork, Dublin, Prescott, Port Sarnia, St. John's, (Canada East,) Barbadoes, Fort Erie, Leeds, Dundee, Leith, Toronto, Hamilton, Halifax, St. John's, (New Brunswick,) Kingston, (Jamaica,) Costicook, Nassau, (New Providence,) Cardiff, Port Louis, (Mauritius,) Bermuda, Quebec."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same, with an amendment as follows: Strike out "Vladivostock;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, and agree to the same, with an amendment as follows: Strike out "Goderich, Windsor, (Canada,) Malta," and restore "Windsor," (Nova Scotia;) and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same, with an amendment as follows: Strike out "Nantes and La Rochelle;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 76, and agree to the same, with an amendment as follows: Strike out "Port Mahon, Valencia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 80, and agree to the same, with an amendment as follows: Strike out "Santa Cruz;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 89, and agree to the same, with an amendment as follows: Strike out "Maranham;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 99, and agree to the same, with an amendment as follows: Strike out of said amendment "fifty-one thousand" and insert "forty-two thousand six hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 102, and agree to the same, with an amendment as follows: Strike out "six" and insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 106, and agree to the same, with an amendment as follows: Strike out "and thirty-one thousand eight" and insert "and fifteen thousand," and strike out "one hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same, with an amendment as follows: Strike out "seven hundred" and insert "one thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 110, and agree to the same, with an amendment as follows: Strike out "nine" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 112, and agree to the same, with an amendment as follows: Strike out "four" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 114, and agree to the same, with an amendment as follows: Strike out "ten" and insert "nine," and in line 2, page 9, of the bill, strike out "thousand" and insert "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 118, and agree to the same, with an amendment as follows: Strike out "two thousand six" and insert "three thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 120, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert "seventy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 122, and agree to the same, with an amendment as follows:

Insert as a new paragraph:

"For compensation of such diplomatic and consular officers heretofore compensated by salaries for whose salaries no appropriation is made by this act such amount as shall be necessary to pay their salaries as fixed by law until they shall have notice to close their offices, which notice shall be at once sent to them by the Secretary of State, and for the time allowed by law for transit from their respective posts to their places of residence, $25,000, or so much thereof as may be necessary."

And the Senate agree to the same.

A. A. SARGENT,
GEO. S. BOUTWELL,
T. M. NORWOOD,
Managers on the part of the Senate.

O. R. SINGLETON,
WM. S. HOLMAN,
CHAS. FOSTER,
Managers on the part of the House.

Mr. ANTHONY. I suggest to the Senator from California that he explain the report.

Mr. SARGENT. The proposition was made to the Senate conferees by the House conferees to exactly divide the money difference between the two Houses upon the diplomatic portion of the bill, and also upon the consular portion of the bill. The Senate conferees took some time to consult over that proposition and consider it, to ascertain how the bill could be arranged, in order to see if it could be arranged without absolute injury to the public service. As a result of the conference, on getting the best light they could, they assented to the proposition, and that is the financial aspect of the bill. One-half the difference between the two Houses on the diplomatic portion of the bill was $82,750. Under the best advice we could get we have proportioned that reduction and provided for it by making no appropriation for the missions to Portugal, Switzerland, Bolivia, Ecuador, Colombia, Paraguay and Uruguay, which are one, Greece, and Denmark, and by cutting down the contingent expenses $25,000, and a certain item in the bill relating to chargés d'affaires $20,250. This makes a total reduction of $107,750; but we have added chargés d'affaires in Portugal, Switzerland, Greece, Denmark, and Paraguay and Uruguay, being five of the most important missions which are not provided for, at an expense of $25,000, which, deducted from $107,750, makes the exact one-half of the difference between the two Houses on that portion of the bill, $82,750.

On the consular part of the bill, one-half of the difference between the two Houses was $125,318. We have left unappropriated for by this bill the following consulates: Swatow, Southamptom, Vladivostock, Malta, Oporto, Santa Cruz, Port Said, Nantes, La Rochelle, Port Mahon, Valencia, Stettin, Maranham, Cyprus, Bucharest, Venice, Milan, Galoon, Turk's Island, Hakodadi, Goderich and Windsor, Canada West. This makes twenty-two consulates which are unprovided for and left out of the bill, no appropriation being made for them whatever. The House made a reduction of between thirty and forty. We have taken eighteen of those that they left out, and instead of the others we have taken four which we considered could be better dispensed with or turned into feed consulates than the ones they designated. In addition to this, we cut down for consular clerks, $8,000; for interpreters, $1,500; for loss by exchange, $38,000; contingent expenses, $16,850; two items relating to the Spanish commission, in the aggregate, $1,000; rents of prisons, $2,000; for keepers of prisons, $500; and for the relief of American seamen, $25,000, leaving that item in the bill $75,000. The expenses for this purpose this year were $63,000, and three years ago $131,000. The average is about $100,000 a year. During this fiscal year, if there is no storm or disaster of a far-reaching character, as there was three years ago, the Department may get through with $75,000, and perhaps a little less. We added, under the necessity of the bill, about $800 for minor items, which I will not explain; and this makes the amount a little more than one-half the difference between the two Houses.

By this arrangement we have conceded no principle insisted upon by the Senate. The offices retained are retained at the salaries heretofore allowed by law. Where there is no consolidation of offices we have not legislated in any degree in this bill. We have simply left certain parts of the service unprovided for which we thought could be so left with the least injury to the service.

If any Senator has any question to ask with reference to the report I shall be happy to give information, but I do not wish to take up further time.

Mr. McMILLAN. May I ask the Senator what was done with the mission to Sweden and Denmark?

Mr. SARGENT. Denmark has a chargé d'affaires. Sweden and Norway remain as they were.

Mr. INGALLS. Has any change been made in the mission at Santiago de Chili, South America?

Mr. SARGENT. No; Chili and Peru remain as they were.

Mr. INGALLS. Do the salaries remain unchanged?

Mr. SARGENT. They are just the same. I ask for the vote on the adoption of the report.

Mr. MORRILL. I desire to ask the Senator from California a question. I should like to know how much is the amount of saving by abolishing the services of ministers to Colombia, Ecuador, Paraguay, and Uruguay, and substituting chargés.

Mr. SARGENT. At Paraguay and Uruguay there is a saving of $10,000, and the salaries at the other three countries mentioned by the Senator are $7,500 each. That in the aggregate is $32,500. For Paraguay and Uruguay there is a chargé d'affaires, $5,000; and I believe that is the only one which the Senator mentions where there is a chargé d'affaires.

Mr. MORRILL. Is there any sum appropriated for the return of these ministers?

Mr. SARGENT. Yes, sir.

Mr. MORRILL. How much?

Mr. SARGENT. I should have mentioned that. There is $25,000 appropriated for that purpose, an addition which the House concedes.

Mr. MORRILL. Then in footing it up how is it? Have we a loss or profit in the transaction?

Mr. SARGENT. You mean is there a saving?

Mr. MORRILL. Yes.

Mr. SARGENT. We have a saving, if that can be called a saving which omits to appropriate for a service established by law. We have a saving in that there is not so much money taken out of the Treasury. If you ask me whether I think it is judicious, I say no.

Mr. EDMUNDS. If you do not eat your breakfast you save it.

Mr. SARGENT. Exactly; as the Senator suggests, if you do not eat your breakfast you save it.

Mr. MORRILL. When you deduct the cost of chargés d'affaires for these places and the amount of $25,000 appropriated to get the ministers home from what would have been their salaries, I do not understand that there is any saving at all.

Mr. HOWE. Is the consular force increased in those countries from which the ministers are withdrawn?

Mr. SARGENT. A chargé d'affaires is put in each of the five following places: Portugal, Switzerland, Greece, Denmark, and Paraguay and Uruguay, they being one.

Mr. EDMUNDS. Those are $5,000.

Mr. WEST. What are the other missions abolished for which there are no chargés d'affaires?

Mr. SARGENT. Bolivia, Ecuador, and Colombia. I think it must be admitted that the Senate conferees have done pretty well under very hard circumstances.

Mr. ANTHONY. I ask the Senator from California if any estimate has been made of the loss which our revenue will suffer by the discontinuance of these consulates?

Mr. SARGENT. I see the force of the question, but necessarily the amount is only speculative. It is a consideration which I have urged on the floor, and for weeks I have urged it before the committee of conference.

Mr. ANTHONY. I venture the prediction, and I do not think my friend from California will differ with me, that for every dollar that we have saved in abolishing the consulates at commercial ports the revenue will suffer $10 every year.

Mr. SARGENT. I quite agree with the Senator. I should like this thing, however, to be understood, and it is probably understood by the Senate, that with reference to quite a number of consulates which are abolished the result will be to take more money out of the Treasury than the amount of salary saved, because there is power to put a feed consul in every one of those places. If the fees be $1,700 and the consul receives a salary of $1,500, under the new arrangement he would get the $1,700 fees. That was the uniform policy for a number of years, but it was changed to a salary in most cases. Instead of allowing the consuls to have the fees as before that time, they were paid a salary. It was said that years ago the consul at Liverpool got $50,000 a year in fees. He was cut down to a salary of $6,000, and the rest went into the Treasury. The result is that there has been a good deal of income from these sources. That amount of revenue will be decreased necessarily, because I think the average fees of the consulates abolished will be more than the salaries which they have received.

Mr. ANTHONY. Then the probability is, if the protection of the revenue necessitates the appointment of consuls at those places, whom the President has a right to appoint with the advice and consent of the Senate without any action on the part of the House, and they should be appointed under the general law to be paid by fees, those fees will be more than the salaries they receive now.

Mr. SARGENT. In many of the cases that is likely to be so. Of course the current of trade shifts. One year a consulate may be important and the consul may take a great many fees, and another year there may be some shifting. I should like to say that great discrimination was used in omitting consulates. I have had the advice of the Department; of course they are not satisfied with the bill and I do not wish to misrepresent them as saying that they are satisfied with it. I am not satisfied with it; but under that good advice those which could be best spared have been dropped.

Mr. EDMUNDS. I should like to ask the Senator in respect of the consulates for the salaries of which appropriations are omitted, is there any provision in the bill which authorizes consuls at those places upon fees?

Mr. SARGENT. No, sir; they rely upon the general law for that.

Mr. EDMUNDS. Is there a general law?

Mr. SARGENT. So I understood. I am so informed.

Mr. EDMUNDS. Or does it stand on the Constitution?

Mr. SARGENT. The Constitution relates to the diplomatic service. There is no doubt of the power, however, to appoint consuls to receive fees under the general law. That question I asked and it was answered to me in the affirmative by high authority.

Mr. EDMUNDS. I should like to see the general law to which my friend refers.

Mr. SARGENT. I have not looked it up.

Mr. EDMUNDS. We can look it up while this report is being printed.

Mr. HITCHCOCK. I should like to ask the honorable Senator whether this bill, being simply a failure to provide the amount of salary, the consuls at the consulates for which appropriations are not made may not hereafter have a claim, assuming that they remain there and perform their duties as consuls, to the amount of their salaries as now fixed by law.

Mr. SARGENT. No; because we have provided in the bill that notice shall at once be given and they shall receive pay for a certain length of time and their transit home. That we have guarded.

Mr. EDMUNDS. I think as this matter involves a great deal to the public service of the country we ought to take time enough to consider it. There is evidently no hurry. The two Houses do not want to go home. We have staid so long that it is better to stay and do the business understandingly; and to understand the exact bearing of this question which has been so well explained by my friend, I think the report had better be printed.

Mr. ALLISON. It can be printed by nine o'clock this evening.

Mr. EDMUNDS. It may be. We ought not to be in a hurry. We are paid by the year and we are here protecting the interests of the people.

Mr. SARGENT. I should like to make a suggestion. I understand it is very difficult to keep a quorum in the House.

Mr. EDMUNDS. But we ought to have that respect for the House to suppose that it is full all the time. I want to see what the state of the law is, and for the time being I object to the consideration of the report.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the report.

THE RECESS.

Mr. WEST. As this subject is now laid over, I beg to make a suggestion. I understood a short time ago that a motion was made and carried that the Senate take a recess until half past seven o'clock. I beg to say that that perhaps is ill-advised. There is very little prospect of getting a quorum here to-night for any action, and we shall not make any progress. The Senate is at the end of a long and laborious week, and to press anything to-night will be impracticable. I suggest that the motion had better be reconsidered.

Mr. PADDOCK. I hope that the motion to reconsider will not prevail. It seems to me we have got far along with the business, and I understand if we apply ourselves diligently we may adjourn this Congress on Monday or Tuesday; and we ought to do so if we can.

Mr. WEST. Very likely we may. I make the motion, however. I find I am supported by my friend from New Jersey [Mr. FRELINGHUYSEN] and others. I move to reconsider the vote by which the recess was ordered.

Mr. WINDOM. I hope the motion will not be reconsidered; and if the Senator will allow me, I will give my reason very briefly. The House is now acting on the conference report on the legislative bill. The bill will require a great deal of time to enroll; and unless we act upon it to-night it will delay us one or two days next week. If we do not take a recess I think it means at least one or two days longer next week. If we act on the legislative bill to-night it may possibly be ready for signature on Monday.

Mr. WEST. I have elicited enough expression of opinion to satisfy me that probably it is not well to press the motion.

Mr. MORRILL. Withdraw it.

Mr. WINDOM. We may be able to pass the legislative bill to-night.

Mr. EDMUNDS. You cannot pass any appropriations here to-night.

Mr. WEST. The chairman of the Committee on Appropriations is in favor of a session this evening, and therefore I withdraw the proposition.

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. SAULSBURY] has the floor, and may continue his remarks.

Mr. SARGENT. I suggest that it be considered five o'clock.

Mr. WEST. "Make it so," as the sailors say.

Mr. SARGENT. We will "make it so."

Mr. GORDON. There is no objection to that.

Mr. EDMUNDS. What is the state of the matter?

The PRESIDENT *pro tempore*. It is proposed that the Senate take its recess at this time, it being within a few minutes of five o'clock.

Mr. EDMUNDS. It is not five o'clock yet.

The PRESIDENT *pro tempore*. The Senator from Delaware has the floor and will proceed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

The message also announced that the House insisted on its amendment to the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. CASEY YOUNG of Tennessee, and Mr. KIMBALL of Wisconsin managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in counterfeit trade-mark goods;

A bill (S. No. 852) for the relief of Elisha E. Rice;

A bill (S. No. 944) for the relief of Gilderoy M. Hardy;

A bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi;

A bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships;

A bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875;

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois; and

A bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner.

A bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians;

A bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes;

A bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers;

A bill (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin;

A bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph; and

A bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

PRINTING OF IMPEACHMENT REPORT.

Mr. ANTHONY. Perhaps the Senator from Delaware will give way to allow me to call up the bill which I called up this morning, but it was not then printed. The bill came from the Committee on Printing.

Mr. SAULSBURY. I will do that, if it will not interfere with my proceeding with my remarks this evening.

Mr. ANTHONY. The bill was taken up this morning, but it was not in print.

Mr. MORRILL. I ask my friend——

Mr. ANTHONY. I hope my friend will not interrupt, because I have only two minutes. I move that the Senate proceed to the consideration of the bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that 5,000 additional copies of the report of the impeachment trial of William W. Belknap be printed, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 350 copies for the use of the managers, and 200 copies for the use of the respondent's counsel; and appropriates the sum of $5,030, or so much thereof as may be necessary, for the execution of the work.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ANTHONY. I move to take up the other bill in regard to printing, which also had to go over for the same reason.

The PRESIDENT *pro tempore.* The bill will be read for information, subject to objection.

The Chief Clerk read the bill (S. No. 1041) to provide for printing the report of the engineers on the reclamation of the alluvial basin of the Mississippi River.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I object. It is a perfectly useless appropriation of money, as the other was.

The PRESIDENT *pro tempore.* Does the Senator from Rhode Island move to proceed to the consideration of the bill?

Mr. ANTHONY. I asked to take up both bills, and I thought there was no objection.

Mr. ALLISON. It is five o'clock, I think.

Mr. ANTHONY. This bill is very necessary. We cannot do the printing without the appropriation. I move to take up the bill.

The question being put, there were on a division—ayes 20, noes 13; no quorum voting.

The PRESIDENT *pro tempore.* The hour of five o'clock having arrived, the Senate takes a recess until half past seven o'clock.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

The PRESIDENT *pro tempore.* The Senator from Delaware [Mr. SAULSBURY] is entitled to the floor on the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands.

ARTIFICIAL LIMBS TO SOLDIERS.

Mr. LOGAN. I dislike to disturb the Senator, but I desire to make a conference report. It will take but a moment.

Mr. SAULSBURY. I yield to a conference report.

Mr. SARGENT. With the understanding that it is by common consent and not to disturb the pending business, I shall make no objection.

Mr. LOGAN. Of course, I do not desire to disturb the pending business; but this matter will take but a moment.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the first and second amendments of the Senate, as follows:

In line 1 strike out "persons" and insert "officer, soldier, seaman, and marine."

In line 5, after "application," insert "or commutation therefor as provided and limited by existing laws."

The House concurs also in the proviso added to the end of the bill with an amendment of the word "not" inserted between the words "shall" and "be" in the first line; so that it will read: "That this act shall *not* be subject to the proviso of an act entitled 'An act to increase pensions,' approved June 18, 1874."

JOHN A. LOGAN,
J. B. GORDON,
NEWTON BOOTH,
Managers on the part of the Senate.

J. M. RUSK,
A. V. RICE,
JOHN C. BAGBY,
Managers on the part of the House.

Mr. INGALLS. Let that lie over.

The PRESIDENT *pro tempore.* The Senator from Kansas objects to the present consideration of the report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

THE HAWAIIAN TREATY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands.

Mr. SAULSBURY. Mr. President, there are some other matters to which I wish to refer before I close my remarks. The Senator from Minnesota this morning complained and predicted that the economy exhibited on the part of the House of Representatives and the democratic party in cutting down the expenses of the Government and in the curtailment of the appropriations made for the next fiscal year would greatly embarrass the Government. He predicted that all the Departments would be embarrassed by reason of the economy which had been exhibited by the House of Representatives. Now, sir, I predict exactly the contrary. It is not surprising that the Senator and his party who during the last ten or fifteen years have rioted in extravagance and have created offices and made places not necessary for the public service in order that their friends might have employment and be paid out of the public Treasury; it is no wonder that the Senator and his party, accustomed to this extravagance, may fail to see how the Departments can get along with a curtailment of the expenditures. They may apprehend that a small reduction of the clerical force in the Departments will cause embarrassment; but any one who has had occasion to go through all the Departments of the Government cannot have failed to notice that in every Department there seems to be a great excess in the number of the employés about the Departments. You can scarcely pass through one of them but your eye will fall upon a number of idle men, paid at Government expense, walking leisurely through the Department apparently having nothing to do. When I have gone through these Departments, through the Treasury building, through the Patent Office, through the Post-Office, and through all the Departments, I have noticed very frequently a large number of such persons that were the employés of the Government. It may occasion the employés retained a little more labor, but none of them will be so taxed by the duties of the positions which they hold as to find them burdensome and none so taxed, I venture the prediction, that they will be ready to give them up on account of the labor imposed upon them.

I am sorry that any man who has employment has to give it up; I like to see every person making an honest living for himself; but if there are employés in the service of the Government whose services are not necessary to the public, they ought to be dismissed; and I apprehend that, in the honest judgment of such employés, while they may reluctantly have to part with their places, they cannot say that injustice has been done them. The Government will get along, all the Departments will get along with the appropriations that are made this year. I know it has been customary to have a large number of employés and clerks, and at one time some of them not only drew the regular pay allotted to them, but additional pay besides. Only a few years ago, under the administration in the Treasury Department

of the honorable Senator from Massachusetts, [Mr. BOUTWELL,] a sum amounting to $22,000 annually over and above the regular pay of the clerks was placed at the disposal of the honorable Senator, whom I see in his seat, and he distributed that in excess of the regular pay to a few of the clerks in his Department. That has been cut off. Attention was called to it. I myself introduced a resolution calling on the Secretary of the Treasury for a statement of the amounts which had been paid in excess of the regular salaries, and I had the return here at the very last or preceding session of Congress.

Mr. BOUTWELL. To what does the Senator from Delaware refer?

Mr. SAULSBURY. I refer to a sum of $22,000 that was distributed to clerks in the Treasury Department during the honorable Senator's administration.

Mr. BOUTWELL. Twenty-two thousand five hundred dollars?

Mr. SAULSBURY. I do not know about the $500. I know it was $22,000 at least.

Mr. BOUTWELL. Does not the honorable Senator know that it was by a specific appropriation made by Congress for the specific purpose?

Mr. SAULSBURY. I do not dispute that. I was not charging that the Secretary of the Treasury unlawfully or without authority of law made any such distribution. I was only complaining that, in excess of the regular salaries of clerks, at one time such had become the extravagance under republican rule that under the administration of the honorable Senator of the Treasury Department——

Mr. BOUTWELL. Will the Senator——

Mr. SAULSBURY. Not just now. I will make my statement and then I will hear any explanation the Senator has to make. I was not complaining that the then honorable Secretary of the Treasury, the now honorable Senator from Massachusetts, had unlawfully paid to any clerk in his Department anything without the authority of law; but I was stating as an instance of republican extravagance that the clerks in the Treasury Department, or at least a select few who were getting good salaries, none of them perhaps under $1,800, some of them as high as $2,500, if my recollection serves me, were paid in addition to their regular salaries by an appropriation placed at the disposal and distributed by the Secretary of the Treasury. I was complaining of the extravagance of the republican party, not complaining that the honorable Senator while Secretary of the Treasury had appropriated money without warrant of law.

After an indulgence in such extravagance, after every Department had been filled to overflowing with clerks and employés, after they had been paid most liberal salaries and then in addition to that a bonus, sometimes as high as a thousand dollars, it is no wonder that the honorable Senator from Minnesota and his political associates on the other side of this Chamber, should now apprehend that the curtailment of a few hundred clerks in the Departments of the Government and a curtailment of the expenditures of these Departments will cause some embarrassment. But, sir, you will find no embarrassment. The Government will go on and the Departments will still be run at much less expense and, I predict, fully as efficiently as they have been run heretofore.

The honorable Senator from Minnesota this morning proclaimed that the investigations which have been going on will not work injury or damage to his party. It may be that the American people have become so accustomed to wrong, so accustomed to fraud, so accustomed to extravagance, so accustomed to waste under the administration of the republican party that they may fail to be aroused by those investigations; but I apprehend the Senator will be disappointed in his expectation and desire. When the people of this broad land find revealed by the investigations of a democratic House of Representatives the frauds that have been practiced, the loose administration of the Departments that has been practiced, the extravagance and waste that have been practiced by the republican party, I shall be very much surprised if they do not express at the polls condemnation of all such practices.

We have told them in the past that such was the condition of affairs, but we had no mode of proving it to their satisfaction. We were not in power in the House of Representatives or in the Senate. We could institute no investigations, and when investigations were demanded and awarded, those investigations failed to reach down to the bottom facts and to expose in their full deformity the wrongs that were being perpetrated upon the people of the country. But now, when a democratic House has thoroughly investigated these matters and exposed them to view, I greatly misapprehend the people of this country if they do not put the seal of their condemnation upon the party that has tolerated and covered up such wrongs.

The honorable Senator has forgotten the investigation into the Freedman's Bank located right in view of the presidential mansion, an institution that was got up by republicans, the especial friends of the wards of the nation, and which has resulted in a loss to the poor unfortunate blacks who trusted their friends to an amount of more than $1,000,000 saved out of their scanty earnings. I beg leave to read from the report of the investigating committee what I consider about the best description of the manner in which these poor negroes have been treated by their professed friends. I find the committee's condemnation stated in such forcible language that I shall take occasion to read it. After giving the history of the institution, the manner in which it was got up and in which it was managed and the losses which the poor colored people had sustained, the report goes on to say:

> And now taking a retrospective glance over the events of the last ten years, in which this Freedman's Bank looms up conspicuously, we are led to believe that no race or kindred among all the generations of men have so thoroughly sounded the depths of the philosophy expressed in the prayer, save me from my friends, as those "persons lately held in slavery" at the South, a people over whom more crocodile tears have been shed, on whom more imposition practiced, and for whom less real sympathy felt by their professed friends, than any other known to history—a people almost literally stabbed under the fifth rib with a bug and the salutation, "How is it with thee to-day, my brother?" In regard to this bank, the grossest deception was practiced upon them. They were told it was a Government institution, and its solvency and safety guaranteed by the United States. Missionaries, of whom the chief was Alvord, perambulated the South, mixing religion, politics, education, and teaching the blacks how "to toil and to save," and then trust their hard-earned savings to Alvord and his associates to invest for them, not until, however, they had levied toll for their services in bestowing such inestimable benefits, and for their disinterested labors and sacrifices.

This Mr. Alvord was the president of the institution, one of the political friends of the Senator from Minnesota. These poor colored people were deceived in reference to the character of the institution, and their scanty earnings were gathered up and placed in the bank under his disposal. Some seventy thousand of the depositors in that bank have been cheated out of more than a million of dollars. Our republican friends were in power; they ought to have investigated and known what was going on in that institution. They had chartered the bank, it was run by their friends, and they ought to have investigated it and exposed and stopped the wrongs perpetrated on the colored people; but where has been the investigation into its affairs thoroughly disclosing the whole character of that institution until a democratic House of Representatives brought it to light? True it was known that the institution had failed; true it was known that the money of the colored people in that institution had been lost; but the true facts of the case were never revealed until they were exposed by the democratic House of Representatives.

I have said before and I say now that in my honest judgment the democracy are the true friends of the colored people, and I do not say it because I want them to vote the democratic ticket. Let them vote as they please, but the democrats of the country have always treated them properly and are ready to defend them against the impositions and wrongs that are practiced upon them by their republican friends.

Now, Mr. President, I desire to call attention to another subject. I want to know of my republican friends if the revelations made in the investigation of our foreign affairs has not shown that some of your representatives abroad have not been wanting in that elevated character which has heretofore distinguished our diplomatic and consular service. Take your late minister to England. How did he conduct himself as the representative of this great country?

We know something of his history before he went to England. He had some military reputation, not very enviable, it is true. He had also some legislative reputation. It has been said, whether true or not I do not know, that he made a very considerable amount of money when he was a member of the other House of Congress by speculation in the article of whisky upon which he was legislating. I do not know whether that is true or not. But I do know something of his public history as an embassador from this country to the court of St. James. The report which I hold in my hand shows that he became connected with, if not a speculator in, stocks which were placed upon the foreign market and enhanced in marketable value because of his connection with them, and that the people of the country to which he was accredited were cheated out of millions paid for such stocks. Every American must feel humiliated when he remembers that a foreign minister representing the great American people at one of the first courts in the world so far forgot the dignity of his country, so far forgot the duty which he owed to the people he represented abroad as to become connected with speculative schemes which resulted in the robbery of millions from the people of Great Britain. Why was he not recalled? I ask why was not that man brought home? Why was the honor of this country permitted to suffer and our fair reputation to be tarnished by the conduct of our minister at one of the first courts of the world? He was by this investigation dragged from his position and compelled to return and answer imputations against his conduct. By the investigation of the democratic party the turpitude of his action was revealed, and it was only then that he was dismissed. In other instances the character of some of our foreign representatives has been far below the true standard. They will readily suggest themselves, and need not now be cited. I do not mean to say that we have not had some honorable ministers abroad; I do not mean to say that there have not been and are not now in the Cabinet of the United States men of high tone, men of elevated character.

But what I desire to say is this, that at times during the existence of the present Administration there have been men surrounding the President, men in official position, even in Cabinet positions, who have not possessed that elevated tone of character which men in those positions ought to have. The same is true of some of the ministers and other agents that have represented our country in foreign lands.

If the character of the American people were judged by some of our high officials, I fear we should command but little respect at home or abroad. Happily those high in official life and station are not always the exponents of public or private morality. We are not to be

judged by the men whom fortuitous circumstances for a time have placed in power and by whose action we have been too often humiliated if not disgraced. The average American sentiment is of a higher tone than that exhibited by many of our public men, especially many of those who owe their prominence and official positions to the present Administration, which in appointments to place has been governed more by a desire to promote the wishes of party or personal friends than to secure the services of efficient, faithful, and honest officials.

For years there have been complaints of our whole civil service. Incompetent and dishonest men have found their way to place and too often been retained long after their corruptions and inefficiency were more than suspected by a discriminating public. Private friendships and party attachments have been more potential with the Administration than the public good, and fewer men have been dismissed for infidelity to trust than supposed infidelity to their chief and the republican party. That stern integrity and unswerving fidelity in the performance of duty formerly exacted of subordinates and officials by all administrations have not been demanded by President Grant and the men who have shaped and controlled his Administration. The consequence has been loose administration of government, wasteful expenditure of the public money, frauds upon the revenue, and a general disregard of the public interest, necessitating the continuance of oppressive taxation upon the people.

The necessity for reform has been seen and admitted by many good men in the republican party, but they have been unable to secure it. The temerity of those who have attempted to bring it about has been punished by Executive displeasure and the disapproval of the party. Is not this so? Trumbull and Schurz and Fenton in this Chamber raised their voices in opposition to corruption and dishonesty in officials, and they fell into disfavor. Bristow sought to protect the revenue and punish the frauds committed upon the Treasury, but Bristow and the men who aided him in the effort have retired to the shade.

Reform in the party has been promised just before every election, but reform has not come. The thieves are stronger than the honest men, and silence and submission have become a necessity to republicans who are unwilling to fall into disfavor in the party. The fact is the party is unable to reform itself, and if reform and improvement in the management of public affairs shall ever take place it must be brought about by the democratic party. There must be a change in the administrators of Government before any decided or healthy improvement can be secured. A continuance of the republican party in power would postpone indefinitely purity in the administration of Government. A mere change of republican rulers would accomplish but little. Mr. Hayes, if elected, would inherit all the vices of the present administration; and, however honest his purpose, however strong his desire to effectuate reform, he would be unable to secure it. The ship of state needs not only a new helmsman but a new crew. She must be cleansed, remanned, and put upon a new tact. The haven of prosperity will never be reached in any other way.

Every interest of the country demands a change of administration, a thorough, a radical change. The party in power has lived for itself. It has sought to continue its own existence and disregarded alike the wishes and interests of the country. The consequence has been retrogression in material wealth and prosperity, depression in business, failure in enterprise, loss of capital, less demand for labor, reduction of wages, dismissal of workingmen from employment, and want and starvation in many families. A change in the management of public affairs or still greater distress and ruin must come. The alternative is presented to the American people of a change of administration that will secure honest government and economy in the expenditures of public money, insuring reduction in taxation and prosperity in business, or of a continuation of that policy and practice which have brought distress upon the country and the wolf to our doors.

In the nominee of the democratic party—a practical reformer, whose life accords with his profession—in his letter of acceptance and the platform upon which he stands we offer to the country an assurance of an honest purpose to reform the administration of Government and restore prosperity to the country. His election would at once inspire confidence and hope, revive industry in every branch of business, and bring gladness and joy to every portion of our common country.

Mr. WEST and Mr. NORWOOD rose.

Mr. WEST. As I do not care to occupy the attention of the Senate, I will give way to the Senator from Georgia.

Mr. NORWOOD. I do not care to occupy the attention of the Senate upon this bill. If any members of the Committee on Appropriations desire to make their conference reports, I will yield. I understand that the Senator from Minnesota [Mr. WINDOM] desires to make a conference report on the legislative bill.

Mr. SARGENT. I insist upon the regular order.

The PRESIDENT *pro tempore*. The Senator from California insists on the regular order, which is the Hawaiian bill.

Mr. NORWOOD. I suppose I may yield the floor to the Senator from Minnesota.

Mr. WINDOM. I desire to present the report of the committee of conference on the legislative, &c., appropriation bill.

Mr. SARGENT. Will this displace the regular order?

The PRESIDENT *pro tempore*. Not unless by unanimous consent.

Mr. SARGENT. I am willing that the report shall be made by unanimous consent, with the understanding that it does not displace the business before the Senate.

The PRESIDENT *pro tempore*. Is there objection to the report being made upon those conditions?

Mr. SARGENT. Subject to call.

The PRESIDENT *pro tempore*. Subject to call? The Chair hears no objection.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM. I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the legislative, executive, and judicial expenses of the Government.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, and was interrupted by

Mr. McDONALD. I suggest that the substance of this report be stated by the chairman, rather than that we shall have the entire report read. It will not be very intelligible to most Senators after it is read.

Mr. EDMUNDS. We had better have a little time to look it over first.

Mr. McDONALD. We might almost as well have the multiplication table before us as have this statement read.

Mr. EDMUNDS. The printed report is on our table, and by taking a little time every Senator can understand it, except the mere minutiæ, which the Senator from Minnesota can explain when it comes up for action. I do not propose to have it acted upon at this moment until I understand it.

Mr. WINDOM. Does the Senator from Vermont prefer to have it laid over?

Mr. EDMUNDS. I have no objection to its being read. I have nothing to say to that.

Mr. WINDOM. Unless the reading can be waived altogether, it had better proceed. If there be no objection, perhaps the reading of it can be dispensed with and the report be taken up fifteen or twenty minutes hence.

Mr. EDMUNDS. It ought to be read some time.

Mr. WINDOM. Then it had better be read now.

The Chief Clerk resumed the reading of the report, but was interrupted by

Mr. PADDOCK. Is it an essential parliamentary requirement that this report shall be read?

The PRESIDENT *pro tempore*. The Senator from Vermont has insisted on it. That point has been raised before.

Mr. PADDOCK, (to Mr. EDMUNDS.) Do you insist on the reading of the report?

Mr. EDMUNDS. I do. I will never consent to vote on a conference report that has not been read.

Mr. PADDOCK. Here is a bill that has been passed to and fro between these two Houses for two months and been before twenty or twenty-five conference committees, and it seems to me it ought to be understood by this time.

Mr. EDMUNDS. That is so much the more reason for standing by the rules and knowing what sort of product has been produced by this kind of labor.

Mr. PADDOCK. The more conference committees, then the more necessity for reading.

Mr. EDMUNDS. Decidedly.

Mr. PADDOCK. That is a new rule, then.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk proceeded with the reading of the report, but was interrupted by

Mr. EATON. Is it in order to move to dispense with the further reading?

The PRESIDENT *pro tempore*. That motion has been made and several Senators objected to it. Some of the Senators who objected are out.

Mr. EATON. Is the motion in order.

The PRESIDENT *pro tempore*. It is.

Mr. EATON. I make the motion.

Mr. ALLISON. Half an hour will complete the reading.

Mr. EATON. My motion is in order.

Mr. FRELINGHUYSEN. It will have to be read at some time.

Mr. WINDOM. I think we shall save time by going on with the reading.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the further reading be dispensed with.

Mr. WINDOM. I am satisfied there will be time saved by going on.

Several SENATORS. "Go on."

Mr. KERNAN. Those who require the reading ought to stay and listen.

Mr. WINDOM. I do not desire to have it read myself.

Mr. EATON. Very well; let the reading go on.

The PRESIDENT *pro tempore*. The reading will go on.

The Chief Clerk resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free con-

ference have agreed to recommend ,and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 70, 72, 73, 76, 175, 177, 178, 181, 182, 205, 215, 419, 443, 444, 445, 446, 460, 519, 545, 553, 554, 550, 577, 581, 590, 591, 592, 593, 614, 617, 620, 623, 625, 632, 643, 708, 709, 710, 721, 722, 763, 764, 766, 776, 810, 812, 912, 915, 921, 922 and 944.

That the House recede from its disagreement to the amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 71, 78, 79, 80, 138, 139, 140, 141, 142, 143, 157, 159, 161, 162, 163, 164, 165, 166, 167, 169, 170, 171, 172, 179, 180, 213, 214, 418, 422, 424, 425, 426, 427, 428, 430, 450, 457, 458, 461, 468, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 550, 552, 555, 556, 558, 560, 561, 571, 573, 574, 575, 576, 589, 594, 609, 610, 616, 619, 631, 644, 652, 654, 655, 697, 698, 699, 700, 701, 702, 703, 704, 706, 707, 711, 713, 714, 715, 716, 717, 718, 719, 720, 724, 725, 726, 727, 728, 729, 730, 731, 759, 761, 762, 765, 767, 768, 769, 770, 771, 772, 773, 807, 809, 811, 842, 913, 914, 917, 918, 919, 920, 936, 937, 938, 940, 941, and 942.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows: After the word "appropriated," where it occurs the second time in the enacting clause of the bill, insert "in full compensation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out, in line 10, page 2 of the bill, the words "two hundred and twenty" and insert in lieu thereof "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 51, and agree to the same, with an amendment as follows: After the word "session," in line 6, page 3 of the bill, insert (" which words 'during the session' as used in this act shall be held to mean four months;") and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 52, and agree to the same, with an amendment as follows: Strike out "four thousand" and insert in lieu thereof "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same, with an amendment as follows: Strike out "sixty-six thousand nine hundred and twenty-two" and insert in lieu thereof the following: "seventy thousand eight hundred and two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 66, and agree to the same, with an amendment as follows: Strike out "thirteen," and insert in lieu thereof "thirty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same, with an amendment as follows: Strike out "twenty-eight" and insert "fifty-two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, and agree to the same, with an amendment as follows: Strike out therefrom the word "four" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same, with an amendment as follows: Strike out "eight" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same, with an amendment as follows: Strike out the words "forty-eight thousand and four" and insert in lieu thereof "thirty-three thousand and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 81 to 135, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, namely: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons for the use of the Clerk's office, $600; and the Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker; Chief Clerk and journal clerk, two reading clerks, tally clerk, five in all, at $2,500 each; disbursing clerk, file clerk, printing and bill clerk, and enrolling clerk, four in all, at $2,250 each; for assistant to Chief Clerk, assistant to enrolling clerk, resolution and petition clerk, newspaper clerk, superintendent of document-room, index clerk, and librarian, seven in all, at $2,000 each; distributing clerk, $1,800; for stationery clerk, $1,500; one document clerk and one upholsterer and locksmith, $1,440 each; one chief messenger in the office of the Clerk of the House and one messenger assisting librarian, at $1,440 each; book-keeper and four clerks, at $1,600 each; one engineer, $1,440; and two assistant engineers, at $1,200 each; and all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders of and in all respects under the direction of the Door-keeper; for five firemen, at $900 each; one laborer, at $820; and four laborers, at $720 each; one page, at $2.50 per day during the session; and one telegraph-operator, $400; for clerk to the Committee of Ways and Means, $2,500; messenger to the Committee of Ways and Means, $1,200; clerk to the Committee on Appropriations, $2,500; messenger to the Committee on Appropriations, $1,200; clerk to the Committee of Claims, $2,000; clerk to the Committee on Public Lands, $2,000; clerk to the Committee on War Claims, $2,000; clerk to Speaker's table, $1,800; private secretary to the Speaker, $1,800; Sergeant-at-Arms of the House of Representatives, $4,000; for one horse and wagon for his use, $500; clerk to the Sergeant-at-Arms, $2,100; paying teller for the Sergeant-at-Arms, $2,000; messenger to the Sergeant-at-Arms, $1,200; Doorkeeper, $2,500; assistant doorkeeper, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200; Postmaster, $2,500; first assistant postmaster, $2,000; four messengers, at $1,000 each; eight during the session, at $600 each; Chaplain of the House, $900; five official reporters of the proceedings and debates of the House, at $5,000 each; two stenographers for committees, $5,000 each, and this shall be in lieu of all other compensation for such services in reporting and transcribing the proceedings of each and all of said committees; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800, and two at $1,200; one folder in the sealing-room, $1,200; superintendent and chief assistant in the document-room, at $1,800 each; document file clerk, $1,400; eight messengers, at $1,200; ten messengers, at $1,000; four laborers under the superintendent of the folding-room to handle books, at $720 per annum each; seven laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum, $2,400; one laborer, at $600; one laborer, (Henry Douglas,) at $840; and for one female attendant in ladies' retiring-room, $600; making, in all, the sum of $196,420."

That the Senate recede from its amendment numbered 137, and agree to the text proposed to be stricken out, with an amendment as follows: Insert after the word "year," in line 6, page 8 of the bill, the following: "at a compensation not exceeding $1,200 each."

That the House recede from its disagreement to the amendment numbered 144, and agree to the same, with an amendment as follows:

Add at the end of the paragraph the following:

"To pay outstanding indebtedness incurred by the committees of the House prior to June 30, 1876, $3,000, to be disbursed by the Clerk of the House."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 145, and agree to the same, with an amendment as follows:

In lieu of the first paragraph of said amendment insert the following:

"For compensation of the Public Printer, at the rate of $3,600 per annum, and of the clerks and employés in his office, $12,900: *Provided*, That the term 'Public Printer' as employed in that part of the act making appropriations for sundry civil expenses of the Government for the current fiscal year which repeals all laws providing for the election or appointment of Public Printer shall be construed as embracing that officer whether known as Congressional Printer or Public Printer."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 146 to 155, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the librarian $4 000; and for fifteen assistant librarians, two at $2,250 each, one at $2,000, four at $1,600 each, two at $1,440 each, two at $1,250 each, two at $1,200 each, one at $1,000, and one at $900 per annum; in all, $26,640."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 156 and 158, and agree to the same, with amendments as follow: In lieu of "nine" and "fourteen" insert respectively "seven" and "twelve;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 160, and agree to the text proposed to be stricken out, with an amendment as follows: Add at the end of the paragraph the following: "*Provided*, That not exceeding $600 of the foregoing appropriation may be applied in payment for fuel used during the fiscal year ending June 30, 1876;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 168, and agree to the same, with an amendment as follows: Strike out "twenty-one" and insert "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 173, and agree to the same, with an amendment as follows: Strike out "three hundred and twenty" and insert in lieu thereof "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 174, and agree to the same, with an amendment as follows: Strike out "eight thousand and four" and insert in lieu thereof "seven thousand seven hundred and sixty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 176, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "twenty-eight hundred and eighty" and insert "fourteen hundred and forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 183, and agree to the same, with an amendment as follows: Strike out "two thousand" and insert "eighteen hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 184, and agree to the same, with an amendment as follows: Strike out "thirteen" and insert "twelve," and strike out "eight" and insert "seven," and after the word "hundred" insert "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 185, and agree to the same, with an amendment as follows: In lieu of "four" insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 186 to 202, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the two paragraphs amended substitute the following:

"For compensation of the Secretary of State, $8,000; three Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,500; twelve clerks of class four; five clerks of class three; ten clerks of class one; and thirteen clerks at $900 each; one messenger; one assistant messenger; one superintendent of the watch, at $1,000; six watchmen; twelve laborers; chief engineer, who shall be a machinist, $1,200; one assistant engineer, $1,000; four firemen, at $720 each; twenty char-women, at $180 each; and a conductor for the elevator, at $720; in all $99,220.

"For five chiefs of Bureaus and one translator, at $2,100 each, $12,600."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 203 to 207, both inclusive, and agree to the same, with an amendment as follows:

Substitute in lieu of the amended paragraph the following:

"For proof-reading and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, $2,500; for stationery, furniture, fixtures, and repairs, $4,000; for books and maps, $2,000; for extra clerk hire and copying, $2,500; in all $11,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 208 to 212, both inclusive, and agree to the same, with an amendment as follows:

Substitute for the amended paragraph the following:

"For contingent expenses, namely: For fuel, $10,000; for lights, $3,000; for repairs, $2,000; for care and subsistence of horses and repairs of wagons and harness, $1,500; and for miscellaneous items, not included in the foregoing, $3,125; in all $19,625."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 216, with an amendment striking out the following on line 8, page 14, of the bill: "For purchase of official postage-stamps, $20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 217 to 241, both inclusive, with an amendment as follows:

Substitute for the amended paragraph the following:

"*Secretary's Office.*—For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $4,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $2,700; one chief of division of warrants, estimates, and appropriations, $2,750; one assistant chief of division of warrants, estimates, and appropriations, $2,400; six chiefs of division, at $2,500 each; six assistant chiefs of division, at $2,000 each; twenty-three clerks of class four; two disbursing clerks, at $2,500 each; stenographer to the Secretary, $2,000; nineteen clerks of class three; eighteen clerks of class two; eleven clerks of class one; twenty female clerks, at $900 each; eight messengers, and twenty-eight laborers; one captain of the watch, $1,200; one engineer, $1,400; one assistant engineer, $1,000; one machinist and gas-fitter, $1,200; one store-keeper, $1,200; sixty watchmen, at $720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, $180 each; six firemen, at $720 each; seventy-five char-women, at $180 each; in all, $281,310."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 242 to 251, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph insert the following:

"And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division; and all work now done in either division shall be done in the consolidated division, with the following employés, namely: One chief of division, at $2,500; two assistant chiefs of division, at $2,100 each; ten clerks of class four, and additional pay to three fourth-class clerks, namely, receiving clerks of bonds and two book-keepers, $100 each: six clerks of class three; three clerks of class two; four clerks of class one; thirty-five clerks, at $900 each; six messengers at $840 each; six laborers, at $720 each; and six laborers, at $2 25 per day each; in all, $88,685.50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 252 to 259, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph insert the following:

"*Supervising Architect.*—In the construction branch of the Treasury: For Supervising Architect, $4,500; chief clerk, $2,250; photographer, $2,250; one principal clerk at $2,000; one clerk of class four; two clerks of class three; two clerks of class one; one clerk, at $900; and one messenger; in all, $20,140."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 260 to 268, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*First Comptroller of the Treasury.*—For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; four clerks of class four; ten clerks of class three; eight clerks of class two; four clerks of class one; six clerks, at $900 each; one messenger; and three laborers; in all, $63,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 269 to 278, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Second Comptroller of the Treasury.*—For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; five chiefs of division, at $2,100 each; five clerks of class four; twelve clerks of class three; thirteen clerks of class two; eight clerks of class one; nine clerks, at $900 each; one messenger; and three laborers; in all, $65,300."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 279 to 286, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Commissioner of Customs.*—For Commissioner of Customs, $4,000; deputy commissioner, $2,250; two chiefs of division, at $2,100 each; two clerks of class four; five clerks of class three; ten clerks of class two; nine clerks of class one; one messenger; and one laborer; in all, $48,410."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 287 to 298, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*First Auditor.*—For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; four chiefs of division, at $2,000 each; two clerks of class four; six clerks of class three; seven clerks of class two; eleven clerks of class one; one messenger; and two laborers; in all, $52,330; and for the division of loans, namely: Three clerks of class four; three clerks of class three; two clerks of class two; and two clerks of class one; in all, $15,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 299 to 308, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Second Auditor.*—For Second Auditor, $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class four; twenty-eight clerks of class three; sixty clerks of class two; thirty-five clerks of class one; one messenger; and eight laborers; in all, $204,050."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 309 to 317, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Third Auditor.*—For Third Auditor, $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class four; fifteen clerks of class three; sixty clerks of class two; thirty-five clerks of class one; five clerks, at $900 each; one messenger; four laborers; and one char-woman, at $480; in all, $185,350."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 318 to 325, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Fourth Auditor.*—For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class four; sixteen clerks of class three; nine clerks of class two; nine clerks of class one; five clerks, at $900 each; one messenger; and two laborers; in all, $71,230."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 326 to 333, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Fifth Auditor.*—For the Fifth Auditor, $3,600; deputy auditor, $2,250; two chiefs of division, at $2,000 each; two clerks of class four; six clerks of class three; five clerks of class two; six clerks of class one; three clerks, at $900 each; one messenger; and one laborer; in all, $41,510."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 334 to 344, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Auditor of the Treasury for the Post-Office Department.*—For compensation of the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, $2,250; eight chiefs of division, at $2,000 each; seven clerks of class four, and, additional to one clerk as disbursing clerk, $200; fifty-two clerks of class three; sixty-five clerks of class two; thirty-six clerks of class one; one messenger; and nineteen laborers; eighteen assorters of money-orders, $18,000; also fifteen female assorters of money-orders, at $900 each; in all, $298,070."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 345 to 375, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Treasurer.*—For compensation of the Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one principal book-keeper, at $2,500; one assistant book-keeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,500 each; twelve clerks of class four; twelve clerks of class three; eight clerks of class two; six clerks of class one; forty clerks, at $900 each; five messengers; five laborers, at $720 each; and seven laborers, at $840 each; in all, $157,980; and for the division of loans, namely, fifteen clerks of class four; five clerks of class three; five clerks of class two; eight clerks of class one; one hundred and eighteen counters and copyists, at $900 each; seven messengers; and twenty-six laborers; in all, $182,400; and for the force employed in redeeming the national currency, namely, for superintendent, $3,500; two principal tellers and one principal book-keeper, at $2,500 each; one assistant book-keeper, $2,400; and two assistant tellers, at $2,000 each; two clerks of class four; two clerks of class three; four clerks of class two; thirty-five clerks of class one; twelve clerks, at $1,000 each; twenty-six clerks, at $900 each; two messengers; three assistant messengers; three employés, at $432 each; in all, $112,336."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 376 to 390, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Register of the Treasury.*—For compensation of the Register of the Treasury, $4,000; assistant register, $2,250; six clerks of class four; seven clerks of class three; ten clerks of class two; eight clerks of class one; six copyists, at $900 each; one messenger and three laborers; in all, $60,250; and for the division of loans, namely, five chiefs of division, at $2,000 each; nine clerks of class four; eight clerks of class three; three clerks of class two; four clerks of class one; sixty-seven copyists and counters, at $900 each; four messengers and four laborers; in all, $114,540. And the office of deputy register of the Treasury is hereby abolished."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 391 to 406, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Comptroller of the Currency.*—For Comptroller of the Currency, $5,000; deputy comptroller, $2,800; four chiefs of division, at $2,200 each; one stenographer, at $1,800; eight clerks of class four; twelve clerks of class three; nine clerks of class two; eight clerks of class one; twenty-five clerks, at $900 each; three messengers, three laborers, and two night-watchmen, at $720 each; in all, $102,820; and for expenses of the national currency, namely, one superintendent, at $2,000; one teller and one book-keeper, at $2,000 each; and one assistant book-keeper, at $2,000; fifteen clerks, at $900 each; and one messenger; in all, $22,340."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 407, and agree to the same, with an amendment striking out the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 408 to 417, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Commissioner of Internal Revenue.*—For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one stenographer, $1,800; twenty-five clerks of class four; thirty clerks of class three; forty clerks of class two; eighteen clerks of class one; fifty clerks, at $900 each; four messengers; and ten laborers; in all, $253,410."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 420, and agree to the same, with an amendment as follows: Strike out all after the word "packages" in line 25, page 21 of the bill, to the close of the paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 421, and agree to the same, with an amendment as follows: Strike out "nine hundred and twenty" and insert "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 423, and agree to the same, with an amendment as follows: Strike out "eight hundred" and insert "four hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 429, and agree to the same, with an amendment as follows: Strike out "July" and insert "September;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 431, and agree to the same, with an amendment as follows: Strike out "thirty" and insert "twenty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 432, and agree to the text proposed to be stricken out, amended as follows: After the word "of," in said text, insert "not exceeding," and after the word "day," the last word in said text, add "in the discretion of the Secretary of the Treasury," and in lines 12 and 13, page 23 of the bill, strike out "the 30th day of June next" and insert "ten days from the passage of this act;" and the House agree to the same.

That the House recede from its disagreement to the amendments numbered 433 and 434, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Light-House Board.*—For chief clerk of the Light-House Board, $2,400; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at $900; one messenger; and one laborer; in all, $14,260."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 435 to 442, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Bureau of Statistics.*—For the officer in charge of the Bureau of Statistics, $2,400; chief clerk, $2,000; five clerks of class four; six clerks of class three; six clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one char-woman, at $480; in all, $42,740. And for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress, the sum of $12,000, or so much thereof as may be necessary, is hereby appropriated, to be expended, under the direction of the Secretary of the Treasury, in payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 447, and agree to the same, with an amendment as follows:

Strike out the amended text and the sum proposed to be inserted and insert as a separate section at the end of the bill the following:

"SEC. —. That the Secretaries respectively of the Departments of State, Treasury, War, Navy, and Interior and the Attorney-General are authorized to make requisitions upon the Postmaster-General for the necessary amount of postage-stamps for the use of their Departments not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 448, and agree to the same, with an amendment as follows: In lieu of "three thousand" insert "two thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 449, and agree to the same, with an amendment as follows: In lieu of "six" insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 451, and agree to the same, with an amendment as follows: In lieu of "4,000" insert "3,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 452, and agree to the same, with an amendment as follows: In lieu of "six" insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 453, and agree to the same, with an amendment as follows: In lieu of "ten" insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 454, and agree to the same, with an amendment as follows: In lieu of "15,000" insert "12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 455, and agree to the same, with an amendment as follows: In lieu of "15,000" insert "12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 456, and agree to the same, with an amendment as follows: In lieu of "20" insert "15;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 459,

and agree to the same, with an amendment as follows: Strike out of said amendment the words "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 462 and 463, and agree to the same, with an amendment substituting in each case for the amount proposed "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 464, and agree to the same, with an amendment as follows: Strike out "eight" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 465 and 466, and agree to the same, with an amendment substituting in each case for the amount proposed "two thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 467 and 469, and agree to the same, with an amendment substituting in each case for the amount proposed "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 470, and agree to the same, with an amendment as follows: Strike out "two" where it occurs the second time and insert in lieu thereof "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 481, and agree to the same, with an amendment as follows: "Strike out "fifty thousand nine hundred and eighty" and insert "forty-eight thousand five hundred and thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 502, and agree to the same, with an amendment as follows: Strike out "five" and insert in lieu thereof "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 504, and agree to the same, with an amendment as follows: Strike out "five thousand one" and insert "four thousand two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 517, with an amendment as follows: Strike out the words proposed, and strike out, in lines 10 and 11, page 29 of the bill, the following words: "assistant fractional-currency clerk" and "dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 520, and agree to the same, with an amendment as follows: Strike out "forty thousand and twenty" and insert "thirty-nine thousand five hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 546, and agree to the same, with an amendment as follows: Strike out "fifteen" and insert "fourteen;" strike out "seven" and insert "two;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 547, and agree to the text proposed to be stricken out, amended as follows: In lieu of "June" insert "September;" after the word "discontinue" insert "from said date," and strike out "Tucson, Arizona," and insert "Pittsburgh, Pennsylvania;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 548, and agree to the same, with an amendment as follows: Strike out all after the word "Treasurer," where it occurs the second time, to the close of the paragraph, and insert in lieu thereof the following: "$1,000; one clerk, $450; one clerk, $400; one assistant messenger, $180; and two watchmen, at $180 each; in all, $2,390;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 549, and agree to the same, with an amendment as follows: Strike out all after the word "cashier" to the end of the paragraph and insert the following: "$450; bookkeeper, $350; one watchman, $180; in all, $980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 551, and agree to the same, with an amendment as follows: Strike out in line 19 of said amendment the following: "sufficient to make;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 557, and agree to the same, with an amendment as follows: Strike out the words "seventeen thousand three" and insert in lieu thereof "sixteen thousand nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 562 to 570, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Mint at Philadelphia.*—For salaries of the superintendent, $4,500; for the assayer, melter and refiner, coiner, and engraver, four in all, at $3,000 each; the assistant assayer, assistant coiner, and assistant melter and refiner, at $2,000 each; cashier, $2,500; chief clerk, $2,250; book-keeper and deposit clerk, at $1,800 each; weigh clerk, $2,000; and two clerks, at $1,600 each; in all, $36,050."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 571, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 578, and agree to the same, with an amendment as follows: Strike out "twenty-five thousand seven" and insert in lieu thereof "twenty-four thousand nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 579, and agree to the same, with an amendment as follows: Strike out "three hundred" and insert in lieu thereof "two hundred and seventy-five;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 580, and agree to strike out all after the word "dollars," in line 26, page 32 of the bill, down to the close of the paragraph; and the House agree to the same.

That the House recede from its disagreement to the amendments numbered 582 to 587, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Mint at Carson, Nevada.*—For salary of superintendent, $3,000; for assayer, melter and refiner, and coiner, at $2,500 each; chief clerk, at $2,250; cashier and book-keeper, at $2,000 each; weigh clerk, $1,000; voucher clerk and computing clerk, at $1,800 each; assayer's clerk, at $1,200; in all, $23,550."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 588, and agree to the same, with an amendment as follows: Strike out therefrom the words "one hundred" and insert in lieu thereof "eighty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 595 to 608, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Assay office at New York.*—For salary of superintendent, $4,250; for assayer, $3,000; for melter and refiner, $3,000; chief clerk, $2,500; weighing clerk, $2,500; paying clerk, $2,000; bar clerk, $1,800; warrant clerk, $2,250; two calculating clerks, at $1,800 each; assistant weigh clerk, $1,600; for assayer's first assistant, $2,250; for assayer's second assistant, $2,150; for assayer's third assistant, $2,000; in all, $32,900.

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 611 and 612, and agree to the same, with an amendment as follows: Strike out "six" and insert "four," and strike out "four" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 613, and agree to the same by substituting for the amount proposed "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 615, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Assay office at Charlotte, North Carolina.*—For salary of assayer and melter, $1,500; for labor and other expenses, $500; in all, $2,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 618, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert "14,500," and add at the end of the paragraph the following: "*Provided*, That so much of the amount of $25,600 appropriated by act of June 20, 1874, for per diem of members of council and house of representatives, and other officers and clerks and employés of the Legislative Assembly, as is not needed for the payment of per diem, shall be applicable to the payment of mileage of members of the Legislature, and for printing, stationery, and other incidental expenses of the Legislature and the secretary's office of the Territory for the fiscal year 1875;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 621, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Colorado.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000: *Provided*, That said officers shall only receive their compensation on the basis of the salary aforesaid up to the time of the admission of the said Territory as a State into the Union."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 622, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Dakota.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 624, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Idaho.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 626, and agree to the same, with an amendment as follows: Strike out "fifteen" and insert in lieu thereof "fourteen," and add at the end of the paragraph the following as a new paragraph:

"For legislative expenses, namely: For compensation and mileage of members of the Legislative Assembly, the officers and clerks, and the contingent expenses thereof, $20,000: *Provided*, That the next Legislative Assembly shall convene at the seat of government of the Territory on the second Monday of January, 1877, and biennially thereafter.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 627, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of New Mexico.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, secretary at $2,000, and interpreter and translator in the executive office, at $500, $14,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 628, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Utah.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 629, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Washington.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 630, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Wyoming.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 633 to 642, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Secretary of War, $8,000; one chief clerk, at $2,500; one disbursing clerk, at $2,000; two chief clerks of division, at $1,800 each; six clerks of class four; four clerks of class three; four clerks of class two; twelve clerks of class one; eight messengers; seven laborers; six watchmen for the Northwest Executive building; in all, $69,380."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 645 to 650, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Adjutant-General.*—One chief clerk, at $2,000; eleven clerks of class four; seventeen clerks of class three; forty-one clerks of class two; one hundred and fifty-one clerks of class one; eight messengers, at $840 each; in all, $294,320."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 651, and agree to the same, with an amendment as follows: Strike out "twelve," and insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 652, and agree to the same, with an amendment as follows: Strike out all of said amendment after the words "chief clerk" and insert in lieu thereof the following: "At $1,800; one clerk of class three; two clerks of class one; one messenger; in all, $6,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 656 to 661, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Quartermaster-General.*—One chief clerk, at $2,000; seven clerks of class four; nine clerks of class three; twenty-four clerks of class two; forty-eight clerks of class one; twenty copyists, at $900 each; one female messenger, at $30 per month; one messenger at $840; two assistant messengers; six laborers; one engineer, at $1,200; one fireman; five watchmen; and one draughtsman, at $1,800; in all, $152,480."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 662 to 667, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Commissary-General*—One chief clerk, at $2,000; one clerk

of class four: three clerks of class three; four clerks of class two; ten clerks of class one; one messenger, at $840; two laborers; two watchmen; in all, $29,920."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 668 to 676, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Surgeon-General.*—One chief clerk, at $2,000; seven clerks of class four; five clerks of class three; seven clerks of class two; ninety-two clerks of class one; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; twenty watchmen and laborers; in all, $161,040: *Provided*, That the Surgeon-General of the Army is hereby authorized to detail, for temporary duty in his Office, in completing the catalogue of the library, one acting assistant surgeon from those now under contract, and no additional contract shall on this account be made."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 677 to 681, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Chief of Ordnance.*—One chief clerk, at $2,000; two clerks of class four; two clerks of class three; two clerks of class two; six clerks of class one; one messenger; one laborer; in all, $30,360: *Provided*, That the Secretary of War is hereby authorized to employ in this Bureau not exceeding eight enlisted men."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 682 to 690, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Paymaster-General.*—One chief clerk, at $2,000; six clerks of class four; seven clerks of class three; fourteen clerks of class two; nine clerks of class one; one messenger; two watchmen; three laborers; in all, $58,840."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 691 to 696, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Chief of Engineers.*—One chief clerk, at $2,000; four clerks of class four; three clerks of class three; three clerks of class two; three clerks of class one; one messenger; two laborers; in all, $24,080."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 705, and agree to the same, with the following amendment: Strike out in lines 26 and 27, page 44 of the bill, the following: "For postage on official mail matter for the War Department and its bureaus, $70,000," and insert the following: "For compensation of superintendents of the six buildings occupied by the War Department, at $250 each, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 712, and agree to the same, with an amendment as follows: Strike out the words "thirty-five thousand six" and insert in lieu thereof "thirty-one thousand four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 723, and agree to the same, with an amendment as follows: Strike out the word "twelve" and insert in lieu thereof "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 732, 733, and 734, and agree to the same, with an amendment as follows: In lieu of said amended paragraph substitute the following: "For one superintendent of the building occupied by the Navy Department, and for five watchmen and two laborers; in all, $5,220," and strike out lines 7 and 8, page 46 of the bill; and the Senate agree to the same.

That the House recede from the disagreement to the amendments numbered 735 to 741, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Secretary of the Interior, $8,000; Assistant Secretary, $3,500; chief clerk, $2,500; eight clerks of class four, who may be paid $200 additional if the Secretary of the Interior deem it necessary and proper; five clerks of class three; five clerks of class two; five clerks of class one, one of whom shall be the telegraph operator of the Department; three copyists; two messengers; two assistant messengers; and four laborers; in all, $59,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 742, and agree to the same, with an amendment as follows: Strike out in line 21, page 46 of the bill, the word "eighteen" and insert "twenty-eight," and strike out in line 23, page 46 of the bill, the words "thirteen thousand nine" and insert in lieu thereof "twenty thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 743, and agree to the same, with an amendment as follows: Strike out the words "seven thousand five hundred" and insert "six thousand two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 744, and agree to the same, with an amendment as follows:

In lieu of the words proposed by said amendment substitute the following:

"For rent of buildings for use of the Pension Office and for the Bureau of Education, $14,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations, for a rent not exceeding the sum hereby appropriated, he shall rent the same, to take effect so soon as the present letting can be legally terminated: *And provided*, That the lease of the present buildings shall be continued if the said buildings shall be made fire-proof by the owners thereof to the satisfaction of the said Secretary within six months from the passage of this act, without disturbing the use of the said buildings; and that any lease made for said building shall expire on nine months' notice from the Secretary of the Interior; and in case of removal the sum of $2 000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to said fire-proof building."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 745 to 759, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*General Land Office.*—For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000; recorder, $2,000; law clerk, $2,000; three principal clerks, at $1,800 each; five clerks of class four; twenty-two clerks of class three; forty clerks of class two; seventy clerks of class one; one draughtsman, $1,600; one assistant draughtsman, $1,400; two messengers; three assistant messengers; eight laborers; and two packers; in all, $213,640: *Provided*, That the Secretary of the Interior, in his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $900 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 760, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "twenty-seven thousand five hundred; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 774, and agree to the same, with an amendment as follows: Strike out "four" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 775, and agree to the same, with an amendment as follows: Strike out "seven" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 777, to 783, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For contingent expenses of the office, namely: For actual expenses of clerks detailed to investigate suspected frauds and attempts at fraud, as provided by law, $50,000; for stationery, $6,000; for carpets, mats, furniture, awnings, and repairs of the same, $2,000; for fuel, gas, engraving and retouching plates; for bounty-land warrants, printing and binding the same, engraving and printing pension certificates; for repairs of building, and for other necessary expenses of the office, including two daily newspapers, $4,500; in all $62,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 784 to 804, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*United States Patent Office.*—For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,250; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,250; twenty-two principal examiners, at $2,500 each; twenty-two first assistant examiners, at $1,800 each; twenty-two second assistant examiners at $1,600 each; twenty-two third assistant examiners, at $1,400 each; one librarian, $1,800; one machinist, $1,600; five clerks of class four, (one of whom shall receive $200 additional for services as financial clerk, and shall give bond in such amount as the Secretary of the Interior may determine;) five clerks of class three; twenty-one clerks of class two; and thirty-five clerks of class one; also for twenty-five permanent clerks, at $1,000 each; for forty copyist clerks, at $900 each; for three skilled draughtsmen, at $1,200 each; for one messenger and purchasing clerk, $1,000; for one skilled laborer, $1,200; for six attendants in model-room, at $1,000 each; for four attendants in model-room, at $900 each; for forty laborers, at $720 each; for six laborers, at $600 each; in all, $384,900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 805, and agree to the same, with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof "seventy;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 806, and agree to the text proposed to be stricken out, with an amendment as follows: Strike out the words "in the city of Washington" and insert "who shall receive competitive bids therefor;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 808, and agree to the same, with an amendment as follows: Strike out "thirty-five" and insert in lieu thereof "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 813, and agree to the same, with an amendment as follows: Strike out "three" and insert in lieu thereof "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 814 to 825, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For contingent expenses, namely: Stationery, $1,500; cases for library, $500; library, $1,000; current educational periodicals, $250; other current publications, $225; completing valuable sets of periodicals and publications in the library, $200; telegraphing and expressage, $200; collecting statistics, and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $8,000; fuel and lights, $275; office-furniture, $250; contingencies, $500; in all, $12,900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 826, and agree to the same, with an amendment as follows: Strike out "five" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 827, and agree to the same, with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 828, and agree to the same, with an amendment as follows: Strike out the words "eight thousand four" and insert in lieu thereof "five thousand five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 829, and agree to the same, with an amendment as follows: Strike out "six thousand" and insert in lieu thereof "four thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 830, and agree to the same, with an amendment as follows: Strike out the words "six thousand three," and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 831, and agree to the same, with an amendment as follows: Strike out the words "six thousand three," and insert in lieu thereof "four thousand five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 832, and agree to the same, with an amendment as follows: Strike out the word "twenty" and insert in lieu thereof "twelve;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 833, and agree to the same, with an amendment as follows: Strike out the word "four" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 834, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "three thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 835, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "four thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 836, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "four thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 837 and agree to the same, with an amendment as follows: Strike out the words "six thousand three" and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 838 and agree to the same, with an amendment as follows: Strike out the word "five" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 839 and agree to the same, with an amendment as follows: Strike out the words "four thousand seven" and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 840, and agree to the same, with an amendment as follows: Strike out the words "six thousand seven hundred" and insert in lieu thereof "four thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 841,

and agree to the same, with an amendment as follows: Strike out the words "four thousand" and insert in lieu thereof "three thousand two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 843 to 872, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,500 each; superintendent of money-order system, $3,000; superintendent of foreign mails, $3,000; topographer, $2,500; chief of division of mail depredations, $2,000; chief of division of dead letters, $2,500; chief of division of postal stamps, $2,250; superintendent of Post-Office building and disbursing officer, $2,100; chief clerk to the Postmaster-General, $2,200; three chief clerks to the Assistant Postmasters-General, at $2,000 each; chief clerk to the superintendent of money-order system, $2,000; chief clerk to the superintendent of foreign mails, $1,800; chief of division of free delivery, $2,100; superintendent of blank agency, $1,800; assistant superintendent of blank agency, $1,600; four assistants of blank agency, $1,200 each; two assistants of blank agency, $900 each; stenographer, $1,800; seventeen clerks of class four; sixty-three clerks of class three; forty-eight clerks of class two; sixty-five clerks of class one; forty-seven female clerks, at $900 each; one messenger to Postmaster-General, $900; three messengers to Assistant Postmasters-General, $840 each; seven assistant messengers, $720 each; captain of the watch, $1,000; nine watchmen, at $720 each; twenty-seven laborers, $720 each; one engineer, $1,400; one assistant engineer, $1,000; one carpenter, $1,200; one assistant carpenter, $1,000; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; one fireman, $720; three female laborers, $480 each; and for temporary clerks, $10,000; making, in all, $434,340."

That the House recede from its disagreement to the amendments numbered 873 to 885, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended text substitute the following:

"For contingent expenses of the Post-Office Department: For stationery, $9,000; fuel for the General Post-Office building, including the Auditor's Office, $7,400; for gas, $5,000; plumbing and gas-fixtures, $3,000; telegraphing, $3,000; painting, $2,000; carpets, $3,000; furniture, $5,000; keeping of horses and repair of wagons and harness, $1,200; hardware, $1,200; and for rent of house numbered 915 E street northwest, $1,800; and for miscellaneous items, $8,800; in all, $49,600."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 886 to 910, both inclusive and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Commissioner of Agriculture, $3,000; chief clerk, $1,800; entomologist, $2,000; chemist, $2,000; assistant chemist, $1,400; superintendent of experimental gardens and grounds, $1,800; statistician, $1,800; disbursing clerk, $1,600; superintendent of seed-room, $1,600; librarian, $1,400; botanist, $1,800; microscopist, $1,800; three clerks of class four; four clerks of class three; five clerks of class two; six clerks of class one; engineer, $1,200; superintendent of folding-room, $1,200; two copyists, at $900 each; two attendants in the museum, $1,000 each; one messenger, at $840; two assistant messengers, at $720 each; one carpenter, at $960; two watchmen; and eight laborers; making, in all, $64,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 911, and agree to the same, with an amendment as follows: Strike out therefrom the word "fifteen" and insert in lieu thereof "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 916, and agree to the same, with an amendment as follows:

In lieu of the paragraph substitute the following:

"For the purchase, by the Librarian of Congress, of new books of reference for the Supreme Court, to be a part of the Library of Congress, to be purchased under the direction of the Chief Justice, $2,000; and the unexpended balance of $1,000, appropriated by the act for sundry civil expenses for the fiscal year 1875, to enable the Joint Committee on the Library of Congress to procure plans for the accommodation of the Library, is hereby re-appropriated and made available for said purpose."

That the House recede from its disagreement to the amendments numbered 923 to 935, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Office of the Attorney-General.*—For compensation of the Attorney-General, $8,00 ; Solicitor-General, $7,000; three Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of the Post-Office Department, $4,000; Solicitor of Internal Revenue, $4,500; examiner of claims, $3,500; law-clerk and examiner of titles, $2,700; chief clerk, $2,200; stenographic clerk, $1,800; one law-clerk, $2,000; five clerks of class four; additional for disbursing clerk, $200; one clerk of class two; one clerk of class one; five copyists; one telegraph-operator, at $1,000; one messenger; one assistant messenger; two laborers; and two watchmen; in all, $72,440."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 939, and agree to the same, with an amendment striking out the paragraph and inserting the following: "For rent of the four floors of the building occupied by the Department of Justice, $14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 943, and agree to the same, with an amendment as follows: Strike out "four" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 945, and agree to the same, with an amendment as follows: Strike out therefrom "twenty-eight thousand" and insert in lieu thereof "twenty-four thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 946, and agree to substitute for the same the following:

"SEC. 2. That the reduction in the numerical force of the officers, clerks, and employés in the several Executive Departments made necessary by the provisions of this act shall be carried into effect as follows: The number so reduced shall be discharged on the 10th day of October next, and the sum of money necessary for their compensation to the said date is hereby appropriated. And the amounts of money necessary to carry out the provisions of this act for which no specific appropriations are made are hereby appropriated; and the amounts heretofore appropriated for legislative, executive, and judicial expenses for this fiscal year, so far as the same were applicable to service which by the provisions of this act is discontinued, or to excess of compensation which by this act is reduced, shall not be deducted from the aggregate appropriations herein made for like purposes; and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated for temporary clerical service in the several Executive Departments, according to the exigencies of the public service, to be apportioned by the Secretary of the Treasury. And the President is authorized, during the present fiscal year, whenever the interests of the public service shall require it, to transfer any clerk or employé from one Department to service in another Department."

That the House recede from its disagreement to the amendments numbered 947, 948, 949, 950, and 951, and agree to the following substitute for the section:

"SEC. 3. That whenever, in the judgment of the head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class, or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the Executive Departments the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors.

"SEC. 4. That the Secretary of the Treasury is hereby directed to institute a careful scrutiny of the present condition and competence of the force employed in the collection of revenue from customs, with a view of reducing the number of the same."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 952, and agree to the text proposed to be stricken out, amended as follows: Strike out therefrom the following words: "except those for whom specific appropriations are made" and insert the following: "beyond provision made by law."

"SEC. —. That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $500.

"SEC. —. To enable the Secretary of the Interior to carry into effect the act of March 3, 1875, to provide for the sale of the buildings and grounds known as the Detroit arsenal, at Dearbornville, in the State of Michigan, by appraising and surveying the property and advertising its sale, $1,000: *Provided*, That the Secretary of the Interior may, in his discretion, postpone the time of sale to the time most advantageous to the United States.

"SEC. —. For the purpose of defraying the expenses of a survey of the Union Pacific and Central Pacific Railways between Council Bluffs, Iowa, and Sacramento, California, to be made in pursuance of the resolution of the House of Representatives passed the 12th day of July, 1876, $10,000."

And the House agree to the same.

WM. WINDOM,
W. B. ALLISON,
T. F. BAYARD,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. R. MORRISON,
JOHN A. KASSON,
Managers on the part of the House.

Mr. EDMUNDS. I ask the Clerk to read commencing at section blank on page 65.

The Chief Clerk read as follows:

SEC.—. That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $500.

SEC. —. To enable the Secretary of the Interior to carry into effect the act of March 3, 1875, to provide for the sale of the buildings and grounds known as the Detroit Arsenal, at Dearbornville, in the State of Michigan, by appraising and surveying the property and advertising its sale, $1,000: *Provided*, That the Secretary of the Interior may, in his discretion, postpone the time of sale to the time most advantageous to the United States.

SEC. —. For the purpose of defraying the expenses of a survey of the Union Pacific and Central Pacific Railways between Council Bluffs, Iowa, and Sacramento, California, to be made in pursuance of the resolution of the House of Representatives passed the 12th day of July, 1876, $10,000.

Mr. EDMUNDS. I make the point of order as to these last sections that they were never in the House bill, or anything on the subject, or in any of the Senate amendments; and that contrary to the rules of parliamentary propriety the conferees have gone entirely outside of their jurisdiction and imported these provisions entirely fresh into the bill. Therefore I object to the report being received.

Mr. WINDOM. I do not wish to say anything on the point of order.

Mr. EDMUNDS. That has been settled too often.

Mr. WINDOM. I want to appeal to the Senator from Vermont to take into consideration the circumstances of this bill and former practices and content himself with giving notice for the future. If he chooses to read a lecture on obedience to the rules, it will be received very kindly, and it will be very substantially followed hereafter, so far as any influence I may have is concerned, but I appeal to him to withdraw the point of order. The fact is that this bill has passed through unusual tribulations. For thirty-three or thirty-four days and nights it has been on our hands. I think there is less of that objectionable legislation in it than has usually been in bills of this character, although that is no excuse for this. I agree with the Senator from Vermont that it ought not to be done, and I think it is an evil that will be remedied hereafter without the necessity for postponing this bill upon the point of order. There is, certainly, no very serious objection in themselves to the amendment. With the permission of the Senator I will state—I know this is not upon the point of order, but it is only in sustaining my appeal to the Senator from Vermont—that under the first of these sections committing to the Secretary of the Interior, as we have done, discretion as to the time of sale, there can be no great damage. Under the last clause to which the point of order is raised, I think a good deal of good will be accomplished, although perhaps that is not a reason why it should be included in the bill as against the rule. The committee were informed and believed the fact to be true that it has recently been ascertained that there are some fifty miles more of the Union Pacific Railroad paid for than really exist, and it was thought desirable to have the measure inserted, as probably from half a million to two million dollars will be saved by it.

I have nothing to say on the point of order. I understand the point of order better than I did in the conference committee; but I appeal to the Senator to let the bill go through.

Mr. EDMUNDS. Of course the Senate is perfectly aware that the point is well taken, and a point of order that ought to be taken on every occasion of this character, as it generally is. I, of course, do not intend, after I get the ruling of the Chair, to insist upon it, because these particular provisions are not obnoxious, so far as I know; but I make it in order that it shall not grow up to be the practice of this body to tolerate this violation of the rules of propriety and procedure, and by and by, as instances make order, as the phrase is, we shall find that it is in order for the conferees to put in whatever they like that the two Houses never heard of, and force us to take it at the end of the session, as in this case, because they put it in rather than to lose the bill. Therefore, in order to prevent the establishment of a bad precedent, I will make the point of order, and if, of course, as I have no doubt, the Chair shall sustain it, I shall at once withdraw it, with unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Vermont makes the point of order that new matter has been introduced which was not submitted to the conferees. The Chair will sustain the point of order, at the same time saying, as it is a matter of grave importance, that if the Senator insists upon it, the Chair will refer it to the Senate.

Mr. EDMUNDS. I only wish the Chair to state what the rule is.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. EDMUNDS. Now I ask unanimous consent to withdraw my point of order and let the objection be waived.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the point of order is withdrawn.

Mr. EDMUNDS. I want to give notice that I shall never withdraw it again, except—no, I will not make any exception.

Mr. WINDOM. I move that the Senate concur in the report of the committee of conference, and I think that the best explanation I can make of these nine hundred and odd amendments will be to submit the printed report and await any question that may be put to me. It is utterly impossible, as we have passed the bill, to make a full explanation. It has already been somewhat fully explained, and unless it be desired by Senators I will not take the time to make an explanation.

The report was agreed to.

CONSULAR AND DIPLOMATIC BILL.

The PRESIDENT *pro tempore*. The regular order is now before the Senate, being the bill in relation to the Hawaiian treaty.

Mr. WINDOM. I desire to appeal to the Senator from California [Mr. SARGENT] to permit the further consideration of the report presented by him upon the consular and diplomatic bill. I think we ought to finish that before we adjourn to-night, and I think he will consent to lay aside the regular order for that purpose.

Mr. SARGENT. I will do so, laying aside the regular order informally to come up again at the conclusion of the report. I ask that the question be taken upon the report.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report upon the consular and diplomatic bill.

Mr. EDMUNDS. Has it been read?

Mr. HITCHCOCK. It was read before the recess.

Mr. EDMUNDS. I do not ask for it, except that I should like to have the last clause read.

The PRESIDENT *pro tempore*. The Secretary will report it.

The Chief Clerk read as follows:

For compensation of such diplomatic and consular officers heretofore compensated by salaries for whose salaries no appropriation is made by this act such amount as shall be necessary to pay their salaries as fixed by law until they shall have notice to close their offices, which notices shall be at once sent to them by the Secretary of State, and for the time allowed by law for transit from their respective posts to their places of residence, $25,000, or so much thereof as may be necessary.

Mr. EDMUNDS. I should like to have my friend from California state what are these offices that the Secretary of State is ordered to cause to be closed.

Mr. SARGENT. The offices for which no provision is made in the bill.

Mr. EDMUNDS. The offices which this clause says the Secretary of State shall notify at once to be closed?

Mr. SARGENT. Yes, sir. For instance, he will send word to the ministers at Portugal, Switzerland, Bolivia, Ecuador, and also to the consuls at Swatow, Southampton, Oporto, &c.

Mr. EDMUNDS. I merely wish to say that if there is any executive branch of the Government left under this reform Congress, I supposed that under the Constitution it did not belong to Congress to determine when a particular officer should be turned out and ordered home. I did not suppose it was competent for Congress to declare that some minister at some foreign court or some consul should be directed by the Secretary of State to close up his office and either come home or go elsewhere as he liked, to stop his office and turn him out. I supposed the law was perfectly plain that that sort of thing belonged to an independent and separate department of the Government; and while of course I have no expectation of preventing the acceptance of this report, and as a practical fact I have no disposition that I know of—we must get out some way—I want, as I did on the other occasion about the matter of order and parliamentary propriety, to put in for one a *caveat* that I do not agree to any such law as that. Even if Congress has the power to abolish the office of a consul, so that no such office exists, it is quite a different thing from undertaking to exercise the power of directing that a particular officer or a particular number of officers, named as they are by reference, shall close up their offices and clear out. It is as plain a violation of the independent rights of a co-ordinate branch to the Government, to my mind, as could possibly be stated. I may be wrong; but that is my opinion, and I take this opportunity to express it so that nobody hereafter will say to me that I have assented to legislation of that character.

Mr. SARGENT. The conferees on the part of the Senate were confronted with this difficulty: We made no appropriation for certain offices, contrary to our opinion of what ought to be done, knowing thereby that, *pro tanto*, the service was injured and crippled; but it would take some months to get word to ministers and consuls in various parts of the earth that there was no salary provided for them, and hence there was a necessity for them to return home. Unless provision was made for their payment for that interval, and also that which the law provides for their transit home, they might be left in a very embarrassing situation. Their salaries at best, many of them, are small. They might not have the means to get home; and from being representatives of America abroad, keeping up to some extent the dignity of their positions they might be turned to beggars and compelled to borrow money or to beg it in order to get home. It was necessary to provide a fund to get them home. If a fund was provided, it was necessary to place some limitation upon the expense which would be incurred. It would be a charge upon that fund, and I do not know of any apter words that I could use to express it than to say that notice should be sent to them at once; that on their receiving it they should come home; and that they should be paid for the time which elapsed to get it and for their transit home. That was the difficulty which we encountered. I admit the criticism of the Senator. It was a very difficult problem to deal with, and I thought it was the best we could do under the circumstances.

Mr. EDMUNDS. I hope my honorable friend from California will not suppose that I am making a criticism upon the object he had in view. I was only saying that in my humble opinion this particular clause, to which I have referred, commanding the closing of certain offices named by reference, was a palpable violation, under the Constitution, of the rights of the executive department of the Government; that is all. The motive that he has stated was a very good, and a proper, and a very necessary one, if I can use that as applied to motive. That I entirely agree to. I should have been very sorry to have had the Senate assent to these salaries being abolished, to take effect from the passage of the act, and no provision at all made for these people who have been kept on beggarly salaries before to get home. That would have been cruel; but what I do say is that taking the language of the act as it stands it amounts so far as I can understand, and my friend seems to agree to that, to be assuming a power in Congress to declare that any public minister or officer at any place, because Congress seems to be dissatisfied with him or his service or for any reason, shall cease his functions and retire, not abolishing the office, which may be another thing, but abolishing him, which, so far as I have understood the Constitution, is a power that does not belong to Congress.

Mr. HOWE. I am not going to criticise the action of those Senators who have represented this body in these prolonged conferences on the consular and diplomatic bill. I partly know something of the strain to which they have been subjected, the difficulties that they have had to encounter, and the extreme labor which has been imposed upon them. I am bound to assume and really believe that they have not only done the best of which they were capable, but I have every reason to believe that they have done as well as could be done under the circumstances which confronted them. But I cannot see the Senate acquiesce in the result to which they have been forced without expressing my extreme regret and mortification—I will use that expression—that they should have been driven to a result which I think so unbecoming and so humiliating to the Republic.

Mr. President, if we had been driven by stress of circumstances or stress of politics to reduce the clerical force in your Departments one-fourth or one-half, we could have submitted to that without any dishonor in the eyes of the world. All you could say of that is that your work would not be done. You could have consolidated all the Auditors in the Treasury Department into one and the worst that could have happened would be that your accounts would not have been adjusted, your obligations would not have been met. You could have reduced the salaries of the heads of your Cabinet one-half or three-fourths, and the worst that would happen from that would be that such members of the Cabinet as were able to support themselves, which they now do in a great measure, would have only had to draw a few more thousands out of their own pockets, and as to such of those ministers as are dependent upon their salaries for support, we could have taken up contributions for them in the churches, or given them now and then a donation party, and so eked out their support. But this mania for a reduction in your expenses has not fallen so heavily upon the domestic service. It has struck hard the foreign service and just at that branch of service which I think should not have been struck at all.

For the first time in the history of the Republic we can say that

since the close of the late war the Government of the United States has exerted something like its due weight and influence in the councils of nations. I am gratified, not to say proud, to believe that in the rank of nations the United States stands at the front. Our councils are sought for, are listened to, are respected.

Mr. EATON. Will my friend permit me to ask him a question?

Mr. HOWE. Yes, sir.

Mr. EATON. Has not the United States occupied for the last thirty years a front rank among the nations of the earth?

Mr. HOWE. No, sir.

Mr. EATON. Not under the administration of Jackson?

Mr. HOWE. No, sir. I may have misunderstood what was the front rank of nations thirty years ago.

Mr. EDMUNDS. He means the skirmish line.

Mr. HOWE. She was not on the skirmish line by a long shot. I was even less acquainted with her diplomacy then than I am now. I am sorry to make the confession, but my judgment is that the United States has been lifted within the last ten years 50 per cent. in the scale of influence and of weight.

Now, sir, you cannot carry contributions to your consuls or to your ministers abroad; and after all our gasconade about republican simplicity, it does not pay well at the court of London or Paris or the court of any other first-class foreign power. It is not a good market for it. To have there the influence which belongs to this country, you must maintain ministers not only of intellectual force and power, but you must maintain them somewhat in the guise, if not in the character, of gentlemen. They cannot borrow clothes to attend an evening party. They cannot exert the power we expect of them in the arena of politics without maintaining something of a social position. They cannot do that for nothing. They cannot do that without an adequate compensation. I am glad to learn that some ministers have escaped being scaled down. I am sorry to learn that other ministers have been not exactly cashiered but have been supplanted.

Mr. SARGENT. Do I understand my friend? There have been no ministers whatever scaled down. We have not changed a salary.

Mr. HOWE. I am speaking of your law. I am speaking of your appropriation.

Mr. SARGENT. I am speaking of the appropriation bill myself. We have not reduced the salary of any minister whatever or any consul.

Mr. HOWE. But you have not appropriated for them.

Mr. SARGENT. There are twenty-two consulates not appropriated for.

Mr. HOWE. And some ministers.

Mr. SARGENT. Seven or eight.

Mr. HOWE. That is what I am speaking of.

Mr. SARGENT. The Senator spoke of their being scaled down. I thought that referred to salaries.

Mr. HOWE. I was not speaking of a change of the law.

Mr. SARGENT. We resisted the reduction of salaries because we believed the amount allowed by law was not more than sufficient to maintain them half respectably abroad.

Mr. HOWE. The Senator understands, as I explained at the outset, that it was not the purpose of any remark I had to make to criticise the action of the conferees on the part of the Senate. I am speaking of the result.

Mr. SARGENT. I was only anxious my friend should understand the case, and I see that he does. I misapprehended him.

Mr. HOWE. I am speaking of the unfortunate result. I think it is to be regretted that at this time we should actually advertise to the world that we cannot afford to maintain even third-class ministers at several very important European courts, and at several other South American governments. Perhaps there is more political significance in keeping up, maintaining the position we have already assumed here on this continent than there is abroad; but I think the importance of both these positions towers in comparison with the importance of the sum of money which it costs the people of the United States to maintain them.

Mr. President, I do not mean to detain the Senate; I feel this matter rather more acutely than I care to give expression to. I could have borne meager appropriations in various directions with more equanimity than I regard them in this particular one, but it is a question which concerns not me, but the American people. They will consider it, and will pass judgment for or against it. I await their judgment. If they disapprove of this, it can be corrected hereafter. I shall expect at no very distant day to see the Government of the United States return and re-occupy the position which to some extent I think it abandons at this time by the acceptance of this report.

Mr. FRELINGHUYSEN. Mr. President, I can sympathize with the conferees in this matter, for I have been on a committee of conference upon this bill. I am very sorry that the nation is brought to this strait. The destruction of the poor is their poverty. If a planter has a fine plantation and cannot stock it, if a merchant has a good stock of goods and cannot employ clerical force, if a professional man has a good education and cannot get a library, his poverty is his destruction. It is equally true that affectation of poverty by the rich is the destruction of the rich. The result is the same if the policy is the same, whether the poverty be affected or actual. If we say to the world that we are so poor that we cannot keep up our diplomatic relations, we are disgraced before the world. If we say that we cannot keep up our clerical force, our Government suffers. If we say we cannot pay officials properly, we must take those of a lower grade. In a word, if we run this nation on the basis of poverty, we damage it.

But, Mr. President, this nation is not poor. In 1860 we had a debt, I believe, of $90,000,000, which had accumulated in time of peace, and when we undertook to borrow we paid 12 per cent. interest. Now a large part of our entire debt is funded at 5 per cent., none of it is over 6 per cent., and we can fund it at 4½ probably. That does not look like poverty. We have reduced our interest account since 1857 from $143,000,000 to $103,000,000 a year. We pay $30,000,000 of our debt every year. The balance of trade last year in our favor was $120,000,000, which is just so much money paid into our Treasury. That does not look like poverty.

Mr. President, is it not true that we as a nation, whatever may be the condition of the people—and this question does not affect the people, for there has been no lowering of taxation—are affecting poverty in order that we may display to the public pretended virtues of extraordinary economy and frugality? I believe that to be the case.

Mr. FERRY, (Mr. ANTHONY in the chair.) Mr. President, I also sympathize with the conferees, much more than I do with the policy of their report. The chairman of the conference committee has stated that twenty-two consulates have virtually been abandoned because the bill fails to make appropriations for the consuls. I suppose one case would be a type for all, and as we are generally better informed of those that are nearer home, I desire to call the attention of the Senator from California and also of the Senate to the case of the consul at Windsor, opposite to the city of Detroit. There is the western terminus of the Great Western Railway opposite a city of a hundred thousand population, a port of entry. The goods imported at the port of Detroit are scattered from that port throughout the whole West; goods for Cincinnati, Saint Louis, Chicago, Milwaukee, and all the western cities are entered there, and yet the consulate at Winsor, receiving the petty salary of $1,500 in gold, whose fees more than pay his salary and that of all the consular agents connected with that consulate, is stricken out. Now, what is the consequence? Not a certificate can be issued, because there is no consul there, and parties owning the goods that are exported from there to the United States must go to Sarnia, a distance of seventy miles, I think. Not only is that so as to goods coming that way, but it is true as to goods coming on the southern railway at Trenton. Thus you have the business of two great thoroughfares to be provided for; and yet with a simple salary of $1,500 you have been driven to withhold the appropriation in order that you may enconomize on that scale. I desire the Senator to give a little explanation.

Mr. SARGENT. I can explain it in several ways. It may be proper for me to say that Windsor, Canada, was struck out originally in the House bill. It was one of the forty consulates left out. In studying this bill I went very carefully through the details and examined the debate in the House on the various items. I found quite a number of consulates which were proposed to be struck out and which were finally struck out and which in the House elicited a great deal of debate and a very instructive debate, but I found no reference at all to Windsor, Canada, as being of any consequence. Of course I knew its location and that it probably was as important as many others; but there was certainly nothing in the House debates to call my attention to it.

Furthermore, in making up this report after the proposition was submitted to the Senate conferees, we took the best advice we could from the Department as to where reduction would do the least harm to the service. It is unquestionable, in the opinion of the Department, and in my opinion, that we have done some harm to the service; still harm had to be done, and it seemed that Windsor could go out as well as La Rochelle could go out, or Swatow could go out, or Southampton and others I have mentioned, and perhaps better than some other consulates. In some cases people have to go more than seventy miles. In some cases the inconvenience would be very much greater.

Mr. MORRILL. May I inquire of the Senator from California if this is not one of the consulates provided for that might allow of the appointment of a consul for the fees?

Mr. SARGENT. A consular agent unquestionably can be appointed to be paid out of the fees. A consul cannot be appointed to be paid out of the fees, because the law says, which is not repealed under the sentiment of the Senate, that consuls at certain places named in schedules B and C shall be paid a certain salary, and if the Department were to appoint consuls to places named in schedules B and C they would be put back on a salary necessarily by law, and that would be contradictory of the action of Congress.

Mr. MORRILL. Then it will probably result in a consular agent being appointed and receiving fees for certificates to the amount of two or three times the consular salary.

Mr. SARGENT. That would be pretty nearly so. In cases of fifteen-hundred-dollar salaries there would be no saving. There would be a loss on all consulates where the amount was a thousand dollars, provided fees to the extent of a thousand dollars or over were collected, because the consular agent is entitled to a thousand dollars out of the fees, and then the consul to whom he is assigned or in whose district he is in also receives a certain proportion of the fees if the fees are

collected. Probably for a fifteen-hundred-dollar consulate it would be about even. There is one consulate here of $3,500.

Mr. FERRY. I stated that the fees of this consulate were larger than the salary of the consul and larger than the salary of the consular agents. I understand that under the fee system the salary would be about $2,000, and the consul is paid to-day $1,500. That is a strange policy, and I want to call the attention of the Senator from California to the fact that his general knowledge must have made him familiar with the fact that the Michigan Central road passes all its traffic through Windsor. He is not unaware of that fact.

Mr. SARGENT. No; I have often traveled over it.

Mr. FERRY. Certainly the attention of the conference committee must have been directed to the great importance of that consulate in connection with the traffic of that road.

Mr. SARGENT. Where you have a service which is complete in every part, which was organized upon the very best principles that could be suggested to Congress only two years ago, when unimportant consulates were dropped or made fee consulates, and when those that were important were retained and made salaried, how are you going to touch the service without doing some harm? The Senator can show me that in this particular instance harm was done. So can Senators in other cases. I do not deny it. I do not deny that in every case where a consul has been dropped here some harm may have been done. In many of the cases undoubtedly it has been done; but will you tell me how, where a system has been so recently revised according to the best knowledge and according to existing trade, it can be cut down without doing harm? If it can be done I should like to know it.

Mr. FERRY. I understood the objection was not so much to the character of the service as to the expenditure of the service. As I understood, the object of the conference committee was to reduce expenditure. I stated a fact in connection with this consulate showing that this measure does not reduce the expenditure; and if this be a type of the rest of the twenty-two, how is it that you have not reduced expenditure in effectuating the policy you have sought?

Mr. SARGENT. I have not said that the object of the Senate conferees in dealing with this service which was so recently re-organized by Congress was to reduce expenses. I stated that the best the House would offer us was one-half the difference between the two Houses, saying to us, "Put the money where you think it will do the most good."

Mr. FERRY. Or the most hurt.

Mr. SARGENT. The most good according to our discretion. They gave us the discretion which enabled us to prevent the repealing of law. They only would give us a certain amount of money, and they say, "You distribute it." That is the best perhaps we could get from them, and we did distribute it the way we thought would do the least harm.

Mr. FERRY. Then in the judgment of the Senator it would do the least harm to abolish such consulates as that to which I have called attention.

Mr. SARGENT. I say the consulates were abolished the abolition of which did the least harm in our best judgment.

Mr. EDMUNDS. I wish to suggest to the Senator from Michigan before he sits down that he will perceive by the state of the law which was passed in 1868 and is now in the Revised Statutes, to be sure passed under a republican administration and which therefore must be bad, but otherwise well enough, that it provides:

All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of $1,000 in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of $1,000 in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury and held subject to his draft or other directions

So that if it is lawful to appoint a vice-consul or consular agent at a place where the consul is by this mandate of Congress dismissed from office—assuming that to be lawful, upon which I express no opinion—if you can have any officer at all he must be a vice-consul or a consular agent, and his compensation is limited by law to the sum of $1,000, and he is obliged by law to collect just the same fees that he did before, but he must turn them over.

Mr. FERRY. I understood the Senator from California to state—I have not given especial attention to it myself—that in addition to the salary of a thousand dollars he shared with the consulate to which he was attached in the fees. In that event the salary in the case to which I allude would be about $2,000.

Mr. SARGENT. No, I think not. I do not think so large a proportion is allowed to the consul to whom the agent is attached or whose officer he is. The exact proportion I cannot state. A consul may have three or four consular agents under him and he supervises their accounts and directs them. Each of them, if the fees are large, receives $1,000, and then for the money passing through his hands and his general direction he receives a certain percentage.

Mr. EDMUNDS. He receives $1,000 himself for all his agencies.

Mr. SARGENT. That is what he receives.

Mr. EDMUNDS. If he has twenty agencies he only gets a thousand dollars out of all.

Mr. SARGENT. Excuse me. The agent receives $1,000 and the consul to whom he is accredited receives in addition, if the fees allow, a percentage.

Mr. EDMUNDS. I beg the Senator's pardon. This is what the act says:

All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of $1,000 in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of $1,000 in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

Mr. SARGENT. I understand that perfectly, and it is entirely consistent with what I say. They are accounted to the Treasury, but the Senator will observe that no consul except a salaried consul has a consular agent. He receives his salary in the amount we appropriate in the bill, and an addition is allowed, by a separate section which the Senator will find in the statutes, a certain proportion of the fees collected by his agents. These are paid to him out of the Treasury on draft.

Mr. EDMUNDS. You are now speaking of a consul who is appointed not in any of the schedules, but dependent upon fees.

Mr. SARGENT. No, sir; I am speaking of a consular agent who depends on fees and I am speaking of the consul to whom he is accredited who is in schedule B or C.

Mr. EDMUNDS. But I submit to my honorable friend that that class of consuls in schedules B and C, like those who are now recalled, have their salaries fixed by law, and in respect to what they are to get at the places where they are not themselves and have consular agents or vice-consuls, the law expressly says that, if they have more or less, a thousand dollars in the aggregate shall be the maximum that they get out of that business.

Mr. SARGENT. Either I do not understand the Senator or he does not understand me; but I am positive this is the law, that in addition to the $1,500 or $2,000 which may be fixed as the salary of a consul who has a consular agent, he is entitled to certain fees collected by the consular agent.

Mr. EDMUNDS. He is entitled to a thousand dollars out of those fees, as this statute says, and no more.

Mr. SARGENT. The consular agent or vice-consul.

Mr. EDMUNDS. But it says the principal consul or consul-general out of all moneys received by his vice-consuls or consular agents shall be entitled to a thousand dollars in the aggregate from all such agencies or vice-consulates, and all in excess of that shall be accounted for and paid into the Treasury.

Mr. SARGENT. Exactly. That is so. If he has one agent who collects a thousand dollars out of his own fees, which pays him, and another thousand dollars, that thousand dollars will go to the consul or consul-general; but if he has five agents under him, he cannot get more than a thousand dollars.

Mr. EDMUNDS. That is it.

Mr. SARGENT. And it would be added to his salary.

Mr. EDMUNDS. So that on the whole all that a consul or consul-general can get out of vice-consulates and consular agents in any case is a thousand dollars.

Mr. SARGENT. Exactly; whether he has one or five. Take the case of Windsor. Suppose there is a consular agent there and he collects $3,000. He is assigned to the consul at Sarnia. The Sarnia consul may have a salary of $3,000. The consular agent gets his thousand dollars and the consul at Sarnia gets his salary fixed by law and a thousand dollars besides.

Mr. EDMUNDS. That is correct.

Mr. FERRY. Then it is narrowed down to this: Instead of having a consul at Windsor at $1,500 you have a consular agent; you degrade the rank, and instead of saving money the Government actually loses $1,000 at the Sarnia consulate, and, deducting the saving here, there is a net loss to the Government of $500 instead of a saving under this economical policy.

I did not rise because I thought it would avail anything, for this report will be adopted; but I wanted to call the attention of the Senate to this illustration and to enter in this manner my protest against such a policy.

Mr. McMILLAN. I merely rise to state my reasons for being compelled to vote against the adoption of this report. It seems to me the objection urged by the Senator from Vermont is of so serious a character that it cannot be disregarded by the Senate. These offices are established by laws passed by Congress and approved by the Executive. In this bill there is no attempt by legislation to change the law establishing these offices or either of them. The report purports only to refuse appropriations under existing laws, and in the clause referred to directs that in cases where no appropriation is given by the act the offices shall be closed and the Secretary of State is directed to give the notice to the occupant; and it allows a certain amount for the time allowed by law for transit from their respective posts to their places of residence, and makes an appropriation of $25,000 or so much thereof as may be necessary.

By the Constitution the power of nominating and, with the consent of the Senate, appointing these officers is conferred upon the President. The Constitution has taken great care to define exactly the powers of the different branches of the Government, and I regard as a most serious danger any attempt on the part of one of the branches of this Government to interfere with the prerogatives of the other. I certainly would object to any infringement upon the rights of the legislative branch of the Government by the Executive as I

would by the legislative upon any other branch of the Government. This attempt then is in this report, if it shall be adopted, to control the action of the Executive in a point where the power is conferred upon him by the Constitution. It is therefore certainly unconstitutional, and the appropriation of $25,000 made in pursuance of such a provision would be a nullity, and to draw such sum or any portion of it from the Treasury by the Executive would be without authority of law. The whole provision it seems to me is such a serious infringement upon the power of the Executive and such an unauthorized exercise of power by the legislative branch of the Government that I cannot in my place give any countenance to it. I shall therefore vote against this report.

Mr. EATON. Mr. President, no other Senator on this side having spoken, I rise to say a word with regard to this report.

We have been told by the distinguished Senator from New Jersey, if I correctly understand him, that we are disgraced abroad because we change the class of our diplomatic agents. Sir, it has been the habit of Great Britain for two hundred years again and again and again to change the class of her diplomatists without taking into consideration what the opinion of other nations of the earth may be. Sir, that is the duty of the United States. I am not now talking about the propriety or legality of it. That is another matter. I am now talking with regard to the position that the United States will occupy in the community of nations, when she proposes either to change the class of a mission or to dismiss a mission entirely. If this country is to be disgraced at all in this matter, it is to be disgraced here by language of this character, and not by our pursuing a course that we believe to be entirely proper either upon legal or economical or any other rules.

Sir, there is another thing with regard to the diplomacy of the country that I desire to speak of for one moment. I have not the time to go into the history of this matter and go back half a score of thousand years, five hundred, to show why ministers were accredited originally in modern Europe from one state to another. Every Senator understands this matter thoroughly. There is no more necessity today for a minister at the court of Great Britain than there is at the court of Dahomey; not a particle. With the cable when you can get your information in three hours, there is absolutely no necessity for it; and there never will be a difficulty settled between this country and Great Britain or this country and France or this country and Germany at either of the capitals of the several countries. It will be done at Geneva; it will be done at Charleston; it will be done at Boston; it will be done at Washington; it will be done at Paris; and it will not be done by Edwards Pierrepont, or whatever his name may be; but it will be done by a commission appointed by the Government of the United States to attend to it.

Sir, if we have got any dirty linen to wash, we had better wash it in the back rather than in the front yard. What, come in on the floor of the Senate of the United States and say that this country is disgraced because it does not want a minister in Switzerland! Am I mistaken? I ask my friend from California, have you provided for the pay of a minister at Switzerland?

Mr. SARGENT. We have not.

Mr. EATON. I am glad of it. There is no more necessity for a minister at Switzerland than there is at any other point that can possibly be named where you do not want a consular agent. Switzerland has no minister here. It does not want any here. There is no necessity for one here, nor is there any necessity in Switzerland for a minister from this country. There is a necessity for a commercial agent of the highest character, a consular agent of the highest character, for there is a good deal of business between this country and that community, that republic in the heart of Europe. There is no earthly necessity for a diplomatic agent. Many of my friends over the way have traveled there. They know it. I know it, personally know it. There is no necessity for a minister at Switzerland. And now, Mr. President, when, if possible, we propose to reduce the expenditures of this Government, I trust in a proper manner, I trust in a legal manner, I trust in a way to bring as little injury to the service either at home or abroad as is possible, the idea that there is any disgrace to be attached to this Government of ours and this country of ours is a fallacy. Let us do what we believe to be right and proper, as Great Britain does and has done over and over again, as I said before, as France does and has done over and over and over again. We do it because we choose to do it, because we believe it to be right and just and proper, and we do not regard the opinion of any other people in such a matter. That is our business, and not the business of any other people. I shall live a great many years yet, I trust, and I never shall learn during all those years that a proper care for the expenditures of the Government either at home or abroad will disgrace this people in the eyes of any other people on the face of the earth. Language of that character, in my judgment, belittles this Government, this people, this country. Let us do what we believe to be just and right and proper, and do not let us take into consideration what Mrs. Grundy will say in London or Mr. Grundy in Paris. Let us act for ourselves.

One word now to my honorable friend from Wisconsin. We have suddenly, in his opinion, almost I should suppose miraculously within a short time leaped as it were into the front rank of the great nations of the earth. Sir, according to my reading of the history of the world the United States has occupied that front rank among the nations of the earth for a quarter of a century. I rejoice that I agree with my friend that we occupy that position to-day. I would that he could agree with me that we have occupied it for many years. If this country ever stood higher in the opinion of the world than it did during the administration of Andrew Jackson, when was it? Why was it? Where was it? Sir, when that illustrious President of the United States determined that a certain matter should be settled, it was settled. It did not require a committee of conference to settle it either. It was settled because of the character of the Administration. Sir, this Government has never stood higher in the opinion of the world than it did during the administration of Andrew Jackson. I do not say it stood higher then than it does now. God forbid; I trust not. I have no desire to draw a parallel between the condition of my country thirty years ago and to-day. I loved it then. I love it now. I believed then that it stood foremost among the powers of the earth. I believe it does to-day. Sir, permit me to say, too, that I think it stands there to-day through the action of the Secretary of State more than through the action of any other of the Departments of this Government. I pay honor where honor is due. But I cannot sit here silent in my seat and hear Senators say that the country is disgraced because it proposes to enter upon a system of proper expenditures. I cannot sit here quietly and hear Senators say that this country did not occupy a foremost position among the powers of the earth thirty years ago as well as to-day.

Mr. FRELINGHUYSEN. What I said, Mr. President, was this, which has called forth the criticism of the Senator from Connecticut: that we were engaged in an affectation of poverty, and that if, as we were doing, we withdrew our ministers for the apparent reason that we were too poor to maintain them, it would disgrace us in the eyes of the nations of the world. Wealth with individuals is of but little importance, but the character of a nation depends upon its wealth and its material ability.

My friend from Connecticut said that we do not send these ministers there because we choose not to send them. There, I think, he is greatly mistaken. We choose to send them. The Senate, the Congress, the President have united in enacting laws that they should be sent. We do not send them because we cannot send them; because the House of Representatives, that has a peculiar interest in the welfare of this nation, refuses to make the appropriations to execute the laws.

Mr. SARGENT. I hope we shall have a vote.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on agreeing to the report of the committee of conference.

The report was agreed to.

JUDGMENTS OF COURT OF CLAIMS.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is House bill No. 612, on which the Senator from Georgia [Mr. NORWOOD] is entitled to the floor.

Mr. WINDOM. Will the Senator from Georgia yield to me to report a bill from the Committee on Appropriations?

Mr. NORWOOD. With pleasure.

Mr. WINDOM. I do not think it will take any time.

Mr. SARGENT. I consent only on condition that it does not set aside the regular order. If we have unanimous consent for that, very well.

The PRESIDING OFFICER. It does not displace the regular order, which is informally laid aside subject to call.

Mr. WINDOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (S. No. 1044) making appropriations to pay judgments of the Court of Claims, to report it without amendment, and ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole. It appropriates $800,000, or so much thereof as may be necessary, to pay judgments of the Court of Claims.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THE HAWAIIAN TREATY.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor on the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, which is before the Senate as in Committee of the Whole.

Mr. NORWOOD. Mr. President, it is now twenty minutes past ten o'clock, which is about my bed-time. A friend suggests that I have just risen. I make an appeal to the Senator who has charge of this bill and ask him whether he will force me to go on at this hour of the night?

Mr. SARGENT. If there can be consent to have the final vote taken on the bill at any reasonable time on Monday, I will not insist on proceeding further to-night. Otherwise, I want to insist that we go on with the bill. If the Senate will allow a vote to be taken at one o'clock on Monday or two o'clock on Monday, I will consent to yield.

Mr. EDMUNDS. I wish to say that if you are going to adjourn now, I shall ask the Senate on Monday, pretty early in the morning, to take up on its passage the resolution from the House of Representatives proposing to amend the Constitution of the United States,

and shall ask everybody, of all parties and faiths, to take hold and pass it in a short time.

Mr. SARGENT. I give notice that I shall insist on this business until it is finished; and I ask the friends of this legislation to stand by me in that course. I am not responsible for the course that has been taken in the Senate to-day. Some five hours were taken in political speeches instead of being devoted to this bill. I allowed of course the important conference reports to be acted on. That I thought was due to the business of the Senate; but otherwise I shall insist and ask the friends of this legislation to stand by me till the bill is passed or defeated. I am willing to fix an hour on Monday when the final vote shall be taken on the bill, and I promise, so far as I am concerned, that in the intervening time I will not occupy ten minutes of the time of the Senate.

Mr. WEST. Will my friend from Georgia yield to me a moment to make a motion——

Mr. NORWOOD. I will hear what the motion is.

Mr. WEST. I shall merely preface my motion by a few remarks, and it will be a motion to adjourn.

Mr. SARGENT. Which will cut off any discussion.

Mr. PADDOCK. I hope that motion will not prevail if it is made.

Mr. WEST. I believe I am entitled to the floor. It is evident that if this thing is persisted in to-night we shall have to sit here and endure with as much patience as we can the further arguments on the questions which are to be made, as I understand by my friend from Vermont who sits on my right [Mr. MORRILL] and by several Senators on the other side of the Chamber, and undoubtedly we shall be occupied here until the small hours of the morning. If the Senate is prepared for that, well and good; but in order to give it an opportunity to express its opinion, I move that the Senate do now adjourn.

Mr. MITCHELL. Will the Senator yield to me one moment?

Mr. WEST. For what purpose?

Mr. MITCHELL. I should like to move that when the Senate adjourns it be to meet on Monday at ten o'clock.

Mr. WEST. I have no objection to that; but I want to know whether, if I yield the floor for that purpose, I lose the floor?

The PRESIDENT *pro tempore*. The Senator would lose the floor. A Senator yielding the floor loses it absolutely by strict rule; but the contrary has been the practice of the Senate.

Mr. WEST. Then I insist on my motion to adjourn.

Mr. SARGENT. There is a large quorum of the Senate here, and I ask that we proceed with this business to-night.

Mr. WEST. I insist on the motion.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate adjourn.

Mr. WEST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAYTON, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. MERRIMON.] I do not know whether he would vote to adjourn or not. I will vote if my vote is needed to make a quorum, and I understand it is.

The roll-call having been concluded, the result was announced—yeas 7, nays 29; as follows:

YEAS—Messrs. Clayton, Cockrell, Davis, Gordon, Key, McCreery, and West—7.
NAYS—Messrs. Allison, Anthony, Bogy, Burnside, Cameron of Wisconsin, Christiancy, Cooper, Cragin, Eaton, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Ingalls, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Maxey, Mitchell, Paddock, Sargent, Spencer, Stevenson, Wadleigh, Windom, and Withers—29.
ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Bontwell, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hitchcock, Howe, Johnston, Jones of Florida, Kelly, Merrimon, Morrill, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, and Wright—35.

So the Senate refused to adjourn.

Mr. ANTHONY. Will the Senator from Georgia yield to me a moment?

Mr. SARGENT. I am willing to make an agreement that this vote shall be taken at any reasonable time on Monday and I think I can promise that the friends of the bill will not occupy time. I can make a promise as far as I am concerned that I will not occupy over ten minutes. This is at the heel of the session. If Senators do not want to stay here to-night I do not want to compel them to remain; but it seems to me reasonable after the time has been occupied to-day on other matters that the Senate should consent that this important measure should be disposed of and time given for this purpose.

Mr. ANTHONY. I think the request of the Senator from California is a very reasonable one, and one that ought to be acceded to. I think at this stage of the session we ought not to tire each other out by useless controversy.

Mr. SARGENT. If we meet at ten on Monday I am perfectly willing to say the vote shall be taken at one o'clock or earlier.

Mr. WEST. No agreement.

Mr. ANTHONY. If everybody will agree but the Senator from Louisiana, we can still make an arrangement.

Mr. WEST. We will try that.

Mr. ANTHONY. Let us try that.

Mr. MITCHELL. I suggest that the vote be taken at two o'clock on Monday.

Mr. SARGENT. Does the Senator from Louisiana object to any arrangement?

Mr. WEST. I shall object unless you get the requisite number according to the rules to make a special order.

Mr. SARGENT. I do not wish to make it a special order, because unfinished business is superior to a special order, and this will be left as unfinished business.

Mr. WEST. The Senate can fix the time. I do not think the Senator from California is to judge what the Senate considers important business. The Senate has been conducting its business to-day according to its own sense of propriety. Now his conjecture about its importance is proper to himself; there is no doubt about that; but the Senate must judge what is important to it. If the Senate chooses to fix the time at two o'clock on Monday, I have no objection in the world to let the Senate do it, but I shall not consent to it. I know that Senators want to be heard on this subject and heard at length.

Mr. SARGENT. I do not object to their being heard. The Senator himself has been heard at length, and I did not object.

Mr. MORRILL. I would like to occupy twenty or thirty minutes, but I do not want to do it to-night.

Mr. ANTHONY. The Senate is aware that there is an important matter before us in executive session, and I should like to have a short executive session without displacing this bill, say for half an hour, in order to consider it.

Mr. SARGENT. I do not want to prevent that, but I want this matter to go on.

Mr. ANTHONY. When the Senate comes out of executive session this bill will be before the Senate the same as now. I move, therefore, that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I trust that will be defeated as the other motion was.

Mr. ANTHONY. I think it my duty to make the motion.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield the floor to the Senator from Rhode Island?

Mr. ANTHONY. The Senator from Georgia did yield the floor to me for that purpose.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

Mr. McMILLAN. I ask the Senator from Georgia if he will yield to me for a moment?

Mr. NORWOOD. Yes, sir.

Mr. McMILLAN. I wish to ask the unanimous consent of the Senate to take up the bill (S. No. 129) for the relief of the heirs of Asbury Dickins.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to take from the Calendar the bill which he has named.

Mr. SARGENT. I object.

Mr. McMILLAN. I hope the Senator from California will permit this bill to come up now. It probably will not lead to any discussion.

Mr. ALLISON and others. O, yes, it will.

Mr. McMILLAN. I think it would be a very proper act to close the week with by passing the bill. There are two reports, and I think if the reports were read there would be no objection. I certainly shall ask the Senate to take a vote without any discussion, if they are willing to do so.

Mr. COCKRELL. That bill cannot be passed this session unless it continues longer than Monday or Tuesday, because I have laws to read that will take that long.

Mr. McMILLAN. Well, I move to take up the bill.

Mr. PADDOCK. I call for the regular order.

Mr. McMILLAN. I think I have the floor. The Senator from Georgia yielded to me.

Mr. PADDOCK. Any Senator can call for the regular order.

Mr. McMILLAN. But I am on the floor. I move that the Senate proceed to the consideration of the bill for the relief of the heirs of Asbury Dickins, postponing the present order for that purpose.

The PRESIDENT *pro tempore*. The Senator from California objects.

Mr. EDMUNDS. But the Senator from Minnesota makes a motion to postpone the present and all prior orders.

The PRESIDENT *pro tempore*. The Senator moves to postpone the present and all prior orders for the purpose of considering the bill named.

Mr. INGALLS. That motion is not in order.

Mr. McMILLAN. The Senator from Georgia yielded the floor to me for the purpose of making this motion, and I have now submitted the motion and ask a vote upon it.

The PRESIDEET *pro tempore*. Does the Senator couple his motion to postpone with the taking up of a bill? If objection is made that is not in order.

Mr. SARGENT. I ask the Senator from Minnesota not to embarrass the progress of the bill under consideration.

Mr. McMILLAN. I do not desire to do so.

Mr. SARGENT. I appeal to the Senator not to embarrass the bill that is under consideration.

Mr. McMILLAN. I had no idea it would embarrass the bill. Gentlemen did not seem ready to proceed.

Mr. McCREERY. I move that the Senate do now adjourn.

Mr. McMILLAN. I have not yielded the floor yet.

The PRESIDENT *pro tempore*. The Senator from Minnesota is on the floor.

Mr. McMILLAN. Is my motion in order?

The PRESIDENT *pro tempore*. Not to postpone and take up. The Senator can move to postpone.

Mr. McMILLAN. Then I move to postpone.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to postpone the present bill.

Mr. SARGENT. I ask the friends of the bill under consideration to resist the attempt to lay it aside. I appeal to the considerations I have heretofore urged. I do not wish to take up the time of the Senate uselessly, but I make the appeal to the friends of the bill to stand by me in the position which it seems to me this legislation holds and with some regard to the considerations I have heretofore urged.

Mr. MITCHELL. Will the Senator from California yield to me a moment?

Mr. McMILLAN. If the Senator from California will consent that this bill be taken subject to the regular order.

Mr. SARGENT. I cannot consent at all. Every possible means has been used to get me off the floor by moving the consideration of this bill, by motions to adjourn, by motions for an executive session, by taking up this and that bill. I see no way except to stand still objecting, and I do object and appeal to the friends of this legislation to stand by me in that course.

Mr. McMILLAN. As the Senator desires to proceed with the regular order, if it can be done, I shall withdraw the motion I made.

The PRESIDENT *pro tempore*. The Senator from Georgia has the floor.

Mr. RANSOM. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. NORWOOD. Yes, sir.

Mr. RANSOM. I desire to make a very small motion, Mr. President, that I trust will meet with the approbation of the chairman of the Committee on Pensions. I desire to ask the Senate to reconsider the vote by which the bill for the relief of John Wood, of North Carolina, was indefinitely postponed so that it may be put upon the Calendar.

Mr. EDMUNDS. Can that be done pending the regular order?

The PRESIDENT *pro tempore*. It cannot.

Mr. RANSOM. I will ask to enter that motion.

Mr. EDMUNDS. That cannot be done.

The PRESIDENT *pro tempore*. Not unless by unanimous consent.

Mr. RANSOM. I will ask unanimous consent to enter it, not to interrupt the regular order.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and unanimous consent is given.

Mr. McCREERY. I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The Senator from Georgia is entitled to the floor.

Mr. NORWOOD. Mr. President, at twenty minutes past ten o'clock I announced that my hour for seeking repose in sleep had arrived. It is now a quarter to eleven. I appeal to the Senator from California in charge of the bill to allow the Senate to adjourn. He knows that I have stuck to him closer than a brother during all the day, and I propose to stick to him to the last; but I advise him and the Senate that if they have eyes to close they can prepare to close them now. [Laughter.] There is but an hour and a quarter left before the Sabbath. I shall certainly occupy all of that time and much more; and when the Sabbath comes the remainder of my remarks

> Perhaps may turn out a sang,
> Perhaps turn out a sermon.

We shall certainly be here until one or two or three o'clock, and I suggest to my friend from California that he had better prepare his bed.

The Senator from Connecticut [Mr. EATON] suggests that he would like me to get through with that part of my speech which relates to the adjournment. I say to him that I am speaking to the question of adjournment every moment. I desire an adjournment. I do not desire anything else but an adjournment, and I am ready now to yield the floor to any member of the Senate who desires to move to adjourn. Where is the Senator from Kentucky, [Mr. McCREERY?] [Laughter.] I will yield the floor for a motion to go into executive session. Where is the Senator from Rhode Island, [Mr. ANTHONY?] [Laughter.] Will the Senator move to go into executive session?

Mr. ANTHONY. My motions have had so bad a fate lately that I think I shall hardly renew them. I should like very much to have an executive session.

Mr. NORWOOD. Then, Mr. President, no one being ready to move to adjourn, I will proceed.

Is there any benefit that can accrue to this Government from the passage of this bill? The benefit can only be one of two kinds. It must be either in our foreign relations or it must be in our domestic economy. In one of these two ways we must be benefited, or the bill under consideration should not be passed.

First, let us inquire whether we shall be benefited in our relations to other governments.

It is supposed by the Senator from California that the possession of these islands is necessary in order to protect this vast domain and to prevent the subjugation of forty-five million people by some foreign foe that may invade us at some unknown time when we may not be prepared for our own defense. Those islands lie west of California, half way to China. They are as far from California almost as London is from New York; and yet it is insisted by the Senator from California that those islands are necessary to the Government of the United States as a military outpost, as a place for naval armament, as a *point d'appui* for the protection and the defense of the Government of the United States.

This is the main consideration that is urged for the acquisition of those islands.

The argument that the United States Government is dependent upon those islands for their defense is the strongest evidence of the weakness of the case, and it is evidence further that there is something more in this bill than the general good of the people of the United States. Of that I shall have more to say hereafter.

I say the suggestion that it is necessary to have those islands for our defense is hardly worthy of consideration; and but for the distinguished Senator, who has urged it with so much earnestness, I should not refer to it at all. The idea that 45,000,000 people who are segregated and insulated upon a continent, with the territory that we possess, with the resources that are at our command, with a railroad from ocean to ocean which can be traversed within five days, not being capable of defending themselves or protecting themselves against any force that any power on the earth, or that all the powers of the earth might bring against us, is not to be entertained for a moment.

But, again, it is said that we need those islands for our commercial interests. That is not true. We have a treaty existing with the King of the Hawaiian Islands, or the Sandwich Islands, by which we have a lodgment upon those shores that is sufficient for commerce so long as peace exists, and it is not necessary that this treaty shall go into effect in order that we may enjoy the advantages which are necessary in time of peace. In a time of war we do not need them for defense; we can take care of ourselves.

Mr. WEST. I ask the Senator from Georgia to yield to me.

Mr. NORWOOD. Certainly.

Mr. WEST. I desire to say that in making the motion that I did some time ago to adjourn, I submitted it at a time when I thought it was reasonable for the Senate to cease its labors for the day. Finding, however, that that was not the disposition the proceedings have been continued. Now, I have to propose to the Senator who is so much interested in this bill, the Senator from California, that if the Senate adjourns at this time those who are opposed to the bill will resort to no parliamentary tactics or efforts to talk the bill out of time on Monday when it comes up in the regular order.

Mr. SARGENT. I certainly will accept that. I think it is frank and fair. I am willing to accept it, and rely upon the sense of good faith of Senators generally to carry it out as stated. I think that proposition will be acceptable.

Mr. GORDON. I simply desire that this matter shall be thoroughly understood. Of course it is not understood by the Senator from California, for we have had a conversation about it, nor must it be understood by the Senate, that there is any promise that no remarks will be made upon the bill.

Mr. SARGENT. Not at all.

Mr. GORDON. I desire myself to be heard upon the question.

Mr. SARGENT. Unquestionably; I think that is the right of Senators.

Mr. FRELINGHUYSEN. The Senator from Vermont [Mr. EDMUNDS] is not present, who has charge of the constitutional amendment, which I know he intends to press.

Mr. SARGENT. Nevertheless the Hawaiian bill is the unfinished business.

Mr. WEST. There is no doubt but that there is a majority of the Senate in favor of this bill.

Mr. LOGAN. What bill?

Mr. WEST. The Hawaiian treaty bill.

Mr. LOGAN. Let us pass it now, then.

Mr. WEST. You have no quorum to pass it, and you cannot keep us here till daylight to pass it. Therefore I move that the Senate adjourn.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

The motion was agreed to; and (at eleven o'clock and eleven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 12, 1876.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate receded from their disagreement to the amendments of the House to the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as managers of the conference on the part of the Senate Mr. WINDOM, Mr. EDMUNDS, and Mr. KERNAN.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3473) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; and further insisted upon its amendments, and requested a further conference upon the disagreeing votes of the two Houses thereon, and had appointed as the managers of the conference on the part of the Senate Mr. WINDOM, Mr. LOGAN, and Mr. KERNAN.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3628) establishing post-roads.

The message further announced that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois;

A bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner;

A bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians;

A bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Wisconsin Cavalry Volunteers;

A bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph; and

A bill (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 492) making an appropriation for the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narragansett Bay;

A bill (S. No. 832) to increase the pension of Helen M. Stansbury; and

A bill (S. No. 951) to remove the political disabilities of Stephen D. Lee, of the State of Mississippi, and others.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER *pro tempore*. In pursuance of the order of the House, made on yesterday, the Chair will appoint as additional members of the Committee on Enrolled Bills Mr. POPPLETON of Ohio, and Mr. BAKER of Indiana.

PUBLICATION OF COAST SURVEY REPORTS.

Mr. SINGLETON. I am instructed by the Committee on Printing to report back, with a recommendation that the same be adopted, a concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Be it resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and the same number of copies of his report for the year ending June 30, 1875, be printed, to be distributed by the Superintendent of the Coast Survey.

Mr. SINGLETON. That resolution was originally introduced by the gentleman from New York, [Mr. WARD,] a member of the Committee on Commerce of this House. It received the approval of that committee, who recommended its passage, and it was referred to the Committee on Printing. I am instructed by the Committee on Printing to ask that it now be acted upon by the House.

The concurrent resolution was then agreed to.

EXPENSES OF THE DISTRICT OF COLUMBIA.

Mr. RANDALL. I desire to enter a motion to reconsider the vote whereby the House on yesterday asked a conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

The SPEAKER *pro tempore*. The motion to reconsider will be entered upon the Journal.

EXPENSES OF JOINT COMMITTEE ON PRINTING.

Mr. SINGLETON. I am instructed by the Committee on Printing to ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Printing Senate bill No. 1035, to provide for paying the expenses of the Joint Committee on Printing in making an inquiry in relation to the public printing.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 984) to provide for the sale of certain lands in Kansas.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON. I submit the report which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1394) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 51, 77, 82, 87, 91, 94, 98, 105, 107, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 78, 79, 81, 83, 84, 85, 86, 88, 90, 92, 93, 95, 96, 97, 100, 101, 103, 104, 111, 113, 115, 116, 117, 119, and 121.

That the House recede from its disagreement to the amendment numbered 14 and agree to the same, with an amendment as follows: Strike out of said amendment "Portugal, Switzerland, Greece, Denmark, Ecuador, Colombia, and Bolivia," and strike out "one hundred" and insert "fifty-two," and strike out "five thousand" and insert "five hundred;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 18, and agree to the same, with an amendment as follows:

Add as a new paragraph:

"For salaries of chargés d'affaires to Denmark, Greece, Switzerland, Portugal, and Paraguay and Uruguay, at $5,000 each, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: Strike out of said amendment "Swatow;" and the Senate agree to the same.

That the Senate recede from its amendments numbered 58 and 59, and agree to the paragraph where the amendments occur, with an amendment as follows: In lieu of said paragraph insert the following:

"Cork, Dublin, Prescott, Port Sarnia, St. Johns, (Canada East,) Barbadoes, Fort Erie, Leeds, Dundee, Leith, Toronto, Hamilton, Halifax, St. Johns, (New Brunswick,) Kingston, (Jamaica,) Nassau, (New Providence,) Cardiff, Port Louis, (Mauritius,) Bermuda, Quebec."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same, with an amendment as follows: Strike out "Vlandivostock;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, and agree to the same, with an amendment as follows: Strike out "Goderich, Windsor, (Canada,) Malta," and restore "Windsor, (Nova Scotia);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same, with an amendment as follows: Strike out "Nantes and La Rochelle;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 76, and agree to the same, with an amendment as follows: Strike out "Port Mahon and Valencia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 80, and agree to the same with amendment as follows: Strike out "Santa Cruz;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 89, and agree to the same, with an amendment as follows: Strike out "Maranham;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 99, and agree to the same, with an amendment as follows: Strike out of said amendment "51,000" and insert "42,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 102, and agree to the same, with an amendment as follows: Strike out "6" and insert "5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 106, and agree to the same, with an amendment as follows: Strike out "and thirty-one thousand and eight" and insert "fifteen thousand," and strike out "hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same, with an amendment as follows: Strike out "700" and insert "1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 110, and agree to the same, with an amendment as follows: Strike out "9" and insert "2;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 112, and agree to the same, with an amendment as follows: Strike out "4" and insert "2;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 114, and agree to the same with an amendment as follows: Strike out "10" and insert "9;" and in line 2, page 9 of the bill, strike out "thousand" and insert "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 118, and agree to the same, with an amendment as follows: Strike out "two thousand six" and insert "three thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 120, and agree to the same, with an amendment as follows: Strike out "one hundred" and insert "seventy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 122, and agree to the same, with an amendment as follows:

Insert as a new paragraph:

"For compensation of such diplomatic and consular officers heretofore compensated by salaries for whose salaries no appropriation is made by this act, such amount

as shall be necessary to pay their salaries as fixed by law until they shall have notice to close their offices, which notice shall be at once sent to them by the Secretary of State, and for the time allowed by law for transit from their respective posts to their places of residence, $25,000, or so much thereof as may be necessary."

And the Senate agree to the same.

O. R. SINGLETON,
W. S. HOLMAN,
CHARLES FOSTER,
Managers on the part of the House.

A. A. SARGENT,
GEO. S. BOUTWELL,
T. M. NORWOOD,
Managers on the part of the Senate.

Mr. SINGLETON. Mr. Speaker, it will be remembered that this is the fourth committee of conference on this bill. We have had a great many difficulties to encounter in coming to a proper understanding and agreement. The principle upon which we have settled this question is that we divide the money difference between the Senate and the House, giving to the Senate conferees, after consultation with the Secretary of State, the privilege of continuing salaries as fixed by law, but withdrawing both from the diplomatic and consular service such ministers and such consuls as were deemed to be least important for our foreign relations. In carrying out that agreement upon the diplomatic part of the bill, Portugal, Switzerland, Bolivia, Ecuador, Colombia, Paraguay and Uruguay, Greece, and Denmark have been left out from the list of ministers resident. They are to be withdrawn entirely; and I repeat again, that has been done, after consultation on the part of the Senate conferees with the Secretary of State, as being the least likely to cripple our foreign service.

We have deducted from contingent expenses $25,000 and from chargés d'affaires $20,250. And then in place of ministers we have sent chargés to Portugal, Switzerland, Greece, Denmark, and Paraguay and Uruguay. This makes $82,750 saved upon the diplomatic part of the bill, being one-half of the difference between the two Houses.

So far as the consular service is concerned we have left out consuls at certain ports, as follows: Swatow, Southampton, Valdivostock, Malta, Oporto, Santa Cruz, Port Said, Nantes, La Rochelle, Port Mahon, Valencia, Stettin, Maranham, Cyprus, Bucharest, Venice, Milan, Gaboon, Turk's Island, Hakodadi, Goderich and Windsor, (Canada,) making twenty-two. We have reduced the allowance to consular clerks $8,000 and to interpreters $1,500. We have taken from the amount appropriated for the difference in exchange bills drawn by our foreign ministers $38,000, from contingent expenses $16,850, from the Spanish claims commission $500, from counsel for commission $500, from rent of prisons $2,000, and from wages of keepers, &c., $500.

We have deducted from the allowance for care of American seamen $25,000, leaving $75,000 still to be expended for that purpose, whereas last year it only cost sixty-three thousand some hundred dollars. The amount is deemed to be amply sufficient.

In the consular service there has been saved to the country $125,318. The whole amount which has been saved on the appropriation of last year is $208,068.

We have not obtained all that we should like to have done. We believed the reductions might have been carried further, but we have done the best we could under the circumstances, and we think it will be satisfactory to the country. If any gentleman desires to ask a question, I will yield him the floor for that purpose.

Mr. CONGER. I should like to ask the gentleman to inform me in regard to the status of the consulate at Windsor, Canada West, and also of the consulate at Sarnia.

Mr. SINGLETON. Windsor has been stricken out.

Mr. CONGER. But what about Sarnia?

Mr. SINGLETON. That has not been stricken out.

Mr. CONGER. Is there any provision made for a consulate at Windsor?

Mr. SINGLETON. No, sir; none at all.

Mr. CONGER. Windsor, Canada West, is one of the largest ports of entry on the lakes, Detroit being opposite to it. There is a large emigration going there which needs the services of a consul. It is more important, except Port Huron, than any other place on the lake.

Mr. SINGLETON. I will state to the gentleman that under our bill Windsor was not stricken out, but his friends and the Secretary of State have brought about this result, for which we are not at all responsible.

Mr. CONGER. The gentleman says Secretary of State. I ask if the Secretary did not consent merely to state what particular places ought to be left out with the least damage to the service?

Mr. SINGLETON. That is exactly what I have stated to the House.

Mr. CONGER. The Secretary of State, therefore, under that compulsion, has agreed to the omission of Windsor, Canada West?

Mr. SINGLETON. That is what I stated to the House, and I will repeat it, that by our bill Windsor was retained. This has been done in conference committee, under the advice of the Secretary of State, believing it would result in less damage to our service to remove the consul at Windsor, Canada West, than a consul at some other place which has been retained.

Now one word in reference to the last clause of the bill.

Mr. CONGER. I should like to ask the gentleman whether he will give an opportunity for some remarks?

Mr. SINGLETON. I will certainly do so. We have provided in the last section of the bill for paying the salaries of those who are abroad now and who are to be withdrawn up to the time when they shall receive the notice of their discharge. This is only right and proper. It will take on the average nearly a month to give them that notice, and therefore, they will be entitled to receive pay up to the time notice is given to shut up their offices. In addition, we propose to pay their expenses home as the law authorizes. For this purpose $25,000 is set apart, or so much as may be necessary. It was not deemed proper nor just to leave them in a foreign land dismissed from the service without any fault of their own, with perhaps not means sufficient to get home.

Mr. MONROE. I desire to ask the gentleman from Mississippi one question. Perhaps I should have been sufficiently informed upon the point if I had heard every word that he said. I wish to ask what change, if any, has been made in the salaries of consuls of the rank of consul of the consulate at Rio?

Mr. SINGLETON. There has been no change made at all in the salaries of consuls or of ministers. They are allowed to stand as they were before. The reduction has been in the contingent expenses and in withdrawing certain ministers and consuls.

Mr. FOSTER. Will the gentleman from Mississippi yield to me for a moment?

Mr. SINGLETON. Yes, sir.

Mr. FOSTER. In agreeing to this conference report, Mr. Speaker, I have not found my judgment in accord with the report. I have agreed to it because we wanted to come to some agreement. No law has been repealed; no salary has been reduced. The reduction accomplished has been by the withdrawal of service, by the withdrawal of diplomats in the diplomatic service, and by the withdrawal of consuls in the consular service. This was done after a conference with the Secretary of State and his assistants, they stating to us that the withdrawals they suggested were the ones that would do the least harm. They did not concede that these withdrawals could be made without doing some harm to the service. I have felt, Mr. Speaker, that it was our duty, if possible, to come to an agreement, and for the purpose of coming to an agreement I have assented to this report, feeling it was the best we could obtain. I have not felt we have been doing right by the service, particularly so far as the consulates are concerned. I have always felt that the tax we impose upon the commerce of the country should be paid back for the benefit of the commerce we tax, and that when we use the money that we are paid from this tax for other purposes we violate a trust.

Mr. RANDALL. These reductions, as I understand them, are rather against the occupant of the diplomatic consular places than the service itself.

Mr. CONGER. Will the gentleman from Mississippi yield to me?

Mr. SINGLETON. Yes, sir.

Mr. CONGER. Having heard only the statement of the gentleman from Mississippi of the number of consuls and the places from which they are withdrawn, I cannot refer to the importance of several of them as I should like to do. I desire to say, however, that some of those which I heard mentioned are in remote parts of the world, where the consul, aside from any duties he may have in regard to the commerce and commercial interests of the United States, is the only representative of this Government to take charge of our sailors in large regions of the distant parts of the world. Now we tax the sailors of the United States enough, at the rate of forty cents a month, to furnish them with some officer into whatever part of the world they may go, to settle their differences and to provide for their return home when they are shipwrecked, or when they are lost, or when they are left by chance behind their ships.

In hearing the names of some of these consulates that are withdrawn I am free to say that there are among them places in distant parts of the world where our ships go, where a sailor cannot find within hundreds of miles any consul to afford him the remedies which the law requires. But I pass that by. I desire to refer, as an example of the manner in which these consulates have been discontinued, to the consulate at Windsor, opposite the city of Detroit, in my own State—a consulate the fees of which are more than double the salary of the officer, and have been so for years, which with the railroads coming from Canada, and through Canada from New York, from Buffalo, and the suspension bridge into the United States is absolutely necessary to the commercial business of Michigan, of Chicago, of Cincinnati, and all those places that require a consular certificate to the consignments and invoices of goods. Here is a consulate at a salary of $1,500 removed from a point one of the most important on all the lake, and where the fees more than double, I think more than treble, every year the salary of the consul.

What shall those men do? The law requires a certificate of every entry and every invoice. What shall the emigrants do coming from Canada, as they come to the number of five or six thousand a year to that point? Shall they send to Niagara? Shall they send to Toronto? For they must have consular certificates before they can bring their goods into the United States. What is the economy which shall destroy a consulate upon one of the great highways of emigration to this country? What kind of benefit is it to the Government of the United States to destroy a consulate which furnishes in fees, I will venture to say, more than treble the salary of the consul?

And if this be so in a case within my own knowledge, how may it be in other cases? And what can be the economy of discontinuing these consulates? We make large charges on emigrants and consignors of

goods for the certificate of the consul; and from Canada many of the goods that come by the Saint Lawrence to Chicago, to Saint Louis, to Cincinnati, to Milwaukee, to Detroit, to almost all our western and northwestern cities, come by way of Detroit and by way of Port Huron, entered under the consular certificate, and passed in bond in transportation to these cities, and the duties assessed and paid when they arrive at their destination.

Now you have removed the only means by which these consular certificates which must be given at the last port of departure, which is Windsor in this case. You propose to legislate out of office the only officer who can give his certificate of at least one-half of the importations that come by the way of the Saint Lawrence to all of the cities of the West and of the Northwest, and I here speak of this so that gentlemen may remember when they hear complaints from merchants and emigrants, from the press and the people, they will remember that I have protested and do protest against any reduction of consulates that are so very necessary, and with this reduction, if there were no other objections to the bill as proposed to be enacted by the conference committee I should feel compelled from a sense of duty to oppose the report of the committee, and to vote against it, and to prevent its passage as far as it may be in my power.

Mr. SINGLETON. The gentleman must remember that the House struck out forty-one consulates, and that the report of the committee of conference only strikes out eighteen, it being a compromise report.

Mr. HOAR. Did not the Secretary of State say that the omission of these consulates would be a great public calamity or would prove a source of public calamity?

Mr. SINGLETON. That is exactly what I stated.

Mr. HOAR. O, I think not. I think the gentleman said that it was at the instance of the Secretary of State that this consulate was omitted.

Mr. SINGLETON. If there is a need for a consular agent there at present with fees, all the President has to do is to appoint him.

Mr. CONGER. But a consular agent cannot give these certificates.

Mr. SINGLETON. I do not see why he cannot.

Mr. CONGER. The law does not permit.

Mr. SINGLETON. I call for the previous question on the report of the committee of conference.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. SINGLETON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATION FOR THE DISTRICT OF COLUMBIA.

Mr. RANDALL. I desire to call up the motion to reconsider the vote by which a conference was agreed to on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3962) providing means to defray the expenses of the District of Columbia until December 1, 1876. I am compelled to do it now, because I am apprised that the conference committee is in session.

Mr. BANKS. The motion cannot be acted upon until the papers are in the possession of the House.

Mr. RANDALL. I desire to make a statement in reference to this matter.

Mr. BANKS. I made the statement which I have made as a question of order.

Mr. RANDALL. This bill was reported to the House from the Committee for the District of Columbia, and it authorized the commissioners of this District to borrow in anticipation of the revenues derived from taxation $418,000. The Senate amended the bill and made it an actual appropriation of half a million dollars for this District, changing the entire bill from what originally belonged to the Committee for the District of Columbia to an appropriation which belongs to the Committee on Appropriations. During my absence from the House the bill was taken up and the amendment of the Senate was non-concurred in without explanation or discussion. I believe a conference committee has been appointed, and I would not have known of it had not my attention been called to it by the vigilant gentleman from Illinois, [Mr. MORRISON,] the chairman of the Committee of Ways and Means. What I want to get at is this, that the subject having been thoroughly considered during this session of Congress by the Committee on Appropriations in connection with the appropriations for the District of Columbia, that committee shall have charge of it and the right to consider the subject.

The SPEAKER *pro tempore*. The Chair will state that the papers are all in possession of the House at this time.

Mr. RANDALL. Yes, the papers are in the possession of the House, and not in the committee of conference, strangely enough.

Mr. REAGAN. I ask the Clerk to read the amendments of the Senate.

The Clerk read the amendments of the Senate, as follows:

That the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid into the treasury of the District of Columbia as the share of the United States toward the expenses of said District for the year beginning July 1, 1876.

Amend the title so as to read: "An act making an appropriation to aid in defraying the expenses of the District of Columbia."

Mr. REAGAN. Is this a bill to pay the interest on the debt of the District of Columbia?

Mr. RANDALL. No, sir. The bill as sent over to the Senate, which was reported by the District Committee of this House, authorized the commissioners of the District of Columbia to anticipate by a temporary loan a little over $400,000 of the revenues to be derived from taxation, because Congress had failed to fix the rate of taxation in time, so that they might have money enough to run the government of the District of Columbia between now and December next. They had I believe $250,000 in the treasury, and this would give them $640,000. I may not be quite correct in my figures, but that is about the amount. That will cover the expenses of the District government between now and next December.

Now, the amendment of the Senate to the bill is a clear, naked appropriation out of the Treasury, which this House has refused to make, and which I do not think the House understood intelligibly at the time they non-concurred and appointed a committee of conference.

Mr. KASSON. Does the gentleman think it wise for us to increase the debt of the District of Columbia so long as we admit that there is some liability on the part of the United States to pay its share of the expenses of the District government?

Mr. RANDALL. I believe the District government can run for the sum provided for by the House bill; but in no event am I in favor of giving half a million dollars out of the Treasury of the Government for the benefit of this District.

Mr. KASSON. I am not familiar with all the details, but I am familiar with the difference of principle between the two bills. The one bill authorizes a loan, which must be paid by somebody.

Mr. RANDALL. By the people of the District.

Mr. KASSON. Subject, of course, to the appropriation which the Congress may make hereafter as its share of the expenses of the District government.

Mr. RANDALL. Not at all.

Mr. KASSON. Let me finish my sentence. The bill as it comes from the Senate substitutes two things: first, a direct appropriation in lieu of a loan, and second a declaration that that appropriation is the share of the United States in the expenses of the District. I believe that is all the difference between the two bills.

Mr. RANDALL. The House bill authorized the commissioners of the District to anticipate the revenues from taxation. The Senate bill gives them all those revenues, and appropriates a half a million more out of the public Treasury of the United States.

Mr. KASSON. But I believe I am not mistaken when I say that it has never been claimed that the entire expenses of the government of this District shall be paid by taxes levied on the people of the District.

Mr. RANDALL. This bill——

Mr. KASSON. One moment. I hope the gentleman will not interrupt me till I have completed my statement.

Mr. RANDALL. I am entitled to the floor, and you hold it from me.

Mr. KASSON. Certainly, by your courtesy. We have always admitted that the United States is liable to pay a proportion of the expenses of the District government. The gentleman himself has never denied that. The only objection that can be taken to the bill as it comes from the Senate is that it now fixes that proportion at the sum appropriated. The bill as it went from the House left that proportion to be fixed hereafter, and requires the expenses of the District to be paid out of the taxes, which cannot now be realized, and authorizes the District commissioners to make a loan in anticipation. I do not ask the gentleman to do anything about this one way or the other, but only that the House shall understand what the bill is.

Mr. RANDALL. I only want to state a fact. There is no danger in the world that the District will not get money enough out of the Treasury. Year before last the appropriations for the District were nearly $3,000,000, and last year they were very large; I do not remember the exact amount.

Mr. FOSTER. They were a little over a million of dollars last year, I think.

Mr. RANDALL. That is, we appropriated about $4,000,000 in two years. Now I say there is no danger but what the District will get its share out of the United States Treasury, its adequate and equitable share. I now call the previous question.

Mr. REAGAN. So far as the motion of the gentleman from Pennsylvania [Mr. RANDALL] is concerned I do not propose to say a word. I understand that this bill as it comes from the Senate makes an appropriation of $500,000, while the bill of the House appropriated something over $400,000.

Mr. RANDALL. No; the bill as it comes from the Senate is a clean cut out of the Treasury of half a million of dollars, while the House bill merely authorized the District commissioners by a loan to anticipate the revenues from taxation by some $400,000. I now insist upon the previous question.

The previous question was seconded and the main question ordered, upon a division, ayes 113, noes not counted.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] to reconsider the vote by which the House on yesterday disagreed to the amendments of the Senate to the bill of the House (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, and asked a conference on the disagreeing votes of the two Houses thereon.

Mr. WILLARD. I have just come into the House and did not know that this subject was to be called up.

Mr. RANDALL. I did not know when it was called up yesterday.

Mr. WILLARD. This bill originally came from the Committee for the District of Columbia.

The SPEAKER *pro tempore*. It is too late now for any further discussion except by unanimous consent, the main question having been ordered.

Mr. WILLARD. I hope the motion to reconsider will be voted down.

Mr. RANDALL. We will see whether it will be voted down or not.

The question was taken on the motion to reconsider; and upon a division there were—ayes 104, noes 24.

Mr. PAGE. No quorum has voted.

The SPEAKER *pro tempore*. Is a further count demanded?

Mr. KASSON. I hope no further count will be demanded.

Mr. PAGE. I withdraw the point that no quorum voted.

No further count being asked, the motion to reconsider was declared to be carried.

Mr. RANDALL. I now move that the bill, with the Senate amendments thereto, be referred to the Committee on Appropriations.

Mr. KASSON. I ask consent that the gentleman from Michigan, [Mr. WILLARD,] the chairman of the House committee of conference on this bill and a member of the Committee for the District of Columbia from which the bill was originally reported, be allowed to make a statement before the vote is taken.

The SPEAKER *pro tempore*. That requires unanimous consent, the previous question now operating.

Mr. RANDALL. I have no objection.

There being no objection, leave was accordingly granted.

Mr. WILLARD. I desire simply to say, in the first place, that this bill was originally reported from the Committee for the District of Columbia, and provided that the commissioners of the District might anticipate by a loan, to be paid out of the revenues to be derived by the taxes assessed under the tax bill passed by this Congress, the amount necessary to pay the expenses of the government of this District until December 1, 1876.

The bill having passed the House went to the Senate, and was sent back to us with a Senate amendment. As a matter of course, I as well as the other members of the Committee for the District of Columbia supposed that the bill properly belonged to our committee, and I therefore asked unanimous consent last evening to have the bill taken from the Speaker's table so that a conference might be had on the disagreeing votes of the two Houses. The conference committee has been appointed on the part of the House and also on the part of the Senate, and just now, while this conference committee was in session, I learned that there was an effort made in the House to take the bill from that conference committee and refer it to the Committee on Appropriations.

Mr. RANDALL. I made that motion, and the gentleman knows it. He went to the Clerk's desk and found out the fact.

Mr. WILLARD. I knew that the motion was entered, but I did not suppose that it was to be acted on. Furthermore, I wish to raise this point of order——

Mr. RANDALL. Too late.

Mr. WILLARD. I raise the point of order that the bill was properly in the possession of the Senate, not of the House, as the Senate was the body that agreed to the conference. The bill, as I supposed, belonged properly to the Senate; and I expected that it would be found there. When the chairman of the Committee on Appropriations of the Senate sought to find the bill which he supposed was on the table of the President *pro tempore*, he found it had been sent over to this House improperly.

Mr. RANDALL. It came over here properly; and in the haste——

Mr. HOAR. I call the gentleman from Pennsylvania [Mr. RANDALL] to order.

Mr. WILLARD. I hope that under these circumstances the House will not send this bill to the Committee on Appropriations, where it does not properly belong.

Mr. RANDALL. This bill originated, as the gentleman states, in the Committee for the District of Columbia; but he will remember distinctly that he was in conference with the Committee on Appropriations as to the manner in which this allowance should be made to the District, and that the Committee on Appropriations only gave their assent to it in the form in which it was originally passed. He will further remember that yesterday afternoon, before he made his motion to take the bill from the Speaker's table, he was in conference with me, and that I did not assent to his proposition at all.

Mr. WILLARD. I did not understand that the gentleman dissented from the proposition to have the bill go to a conference committee.

Mr. RANDALL. I told the gentleman in that conversation that we could not give any more money to the District; did I not?

Mr. WILLARD. I did not suppose there was any objection to having the bill go to a conference committee.

Mr. RANDALL. The whole character of the bill has been changed; it is now made an appropriation bill and embraces an entire plan of appropriations for the District.

The question being taken on the motion of Mr. RANDALL to refer the bill to the Committee on Appropriations, there were—ayes 107, noes 45.

Mr. WILLARD called for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. WILLARD were appointed.

The House divided; and the tellers reported—ayes 86, noes 45.

So the motion of Mr. RANDALL was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RE-IMBURSEMENT OF BALTIMORE MUNICIPAL AUTHORITIES.

Mr. THOMAS. I ask unanimous consent to have taken from the Private Calendar and passed the bill (H. R. No. 2690) to refund to the mayor and city council of Baltimore certain moneys illegally assessed and collected for internal-revenue tax.

Mr. CONGER. I object.

JOHN J. ANDERSON.

Mr. STONE. I ask unanimous consent to have taken from the Private Calendar for consideration now the bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

Mr. BAKER, of Indiana. I object.

Mr. STONE. I ask the House to indulge me a moment while I make a statement.

The SPEAKER *pro tempore*. Objection is made.

INVESTIGATION OF SOLDIERS' HOMES.

Mr. THORNBURGH. I ask unanimous consent to submit the following resolution:

Resolved, That $2,500 may be drawn from the contingent fund of the House on the order of the chairman of the Committee on Military Affairs to pay the necessary expenses of the investigation of the volunteer soldiers' homes ordered by the House.

Mr. Speaker, the resolution adopted by the House yesterday failed to include a provision for paying the expenses of this investigation.

Mr. STONE. If this resolution requires unanimous consent, I object.

Mr. THORNBURGH. I did not object to the gentleman's request for unanimous consent.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. CATE. I ask unanimous consent to have taken up and put on its passage now a bill reported from the Committee on Indian Affairs entitled "A bill (H. R. No. 4086) for the relief of the Stockbridge and Munsee tribes of Indians in the State of Wisconsin."

Mr. STONE. I object.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I ask that the message from the Senate in regard to the action of that body on the Indian appropriation bill be read. The Senate has non-concurred in the report of the conference committee on that bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
August 11, 1876.

Resolved, That the Senate disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WINDOM, Mr. LOGAN, and Mr. KERNAN be the conferees on the part of the Senate.

Mr. RANDALL. I desire to state that there is but a single difficulty about this bill, and that is not of much importance. If a new committee be appointed a conclusion will be reached almost immediately. I move that the House further insist on its disagreement to the amendments and agree to the further conference asked by the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. RANDALL, Mr. SCALES, and Mr. HURLBUT as conferees on the part of the House.

LEAVE TO PRINT.

Mr. HEREFORD, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks which he had prepared on the subject of the extravagance and corruption of the administration. [See Appendix.]

Mr. SPENCER, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks which he had prepared on the condition of the country. [See Appendix.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TOWNSEND, of Pennsylvania. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business has been demanded, and the House now resumes the consideration of the motion made by the gentleman from Maine [Mr. HALE] on Thursday last to reconsider the vote by which the message of the President of the United States accompanying the sundry civil appropriation bill was referred to the Committee on Appropriations and ordered to be printed. The gentleman from Mississippi [Mr. LYNCH] is entitled

to the floor for thirty minutes, the remaining portion of the hour of the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. FORT. I rise to make a report from the Committee of Accounts.

The SPEAKER *pro tempore*. This is a motion to reconsider and is privileged, and a report from the Committee of Accounts is not of higher privilege so as to supersede it.

Mr. LYNCH. On Saturday last I asked the House to allow me an extension of time beyond the thirty minutes so kindly yielded to me by the gentleman from Pennsylvania, but objection was made by the gentleman from Missouri, [Mr. BLAND.] I understand that he does not now insist on his objection. I therefore ask unanimous consent of the House that my time shall be extended thirty minutes, so I may occupy the floor for one hour.

The SPEAKER *pro tempore*. The Chair hears no objection, and the time of the gentleman is extended for thirty minutes.

Mr. LYNCH. Mr. Speaker, I am very grateful to the House for its courtesy in allowing me to occupy the floor for an hour. It is not my purpose to reply to the speech which was made by my colleague from the fifth district, [Mr. HOOKER,] but to reply to some of the points which were so ably and so eloquently presented by my colleague from the first district, [Mr. LAMAR.] It is not my purpose, however, to refer to the first part of his speech, as I have no disposition or inclination to discuss the theory of our Government, the constitutional limitations of power, the propriety or impropriety of Federal interference in the domestic affairs of a State. I shall endeavor to confine myself to what I believe to be the living issues of to-day—those which are now agitating the public mind.

Now, sir, the political status of the colored race of this country is in some respects an unfortunate one. In my humble judgment it is unfortunate that the status of that race is necessarily made the subject of political discussion. I had hoped that after the last three amendments to the Constitution had been ratified, and the colored people invested with all of their rights, civil and political, so far as constitutional declarations and statutory enactments could fix them, that all political parties would acquiesce in these results to such an extent as to remove from the politics of the country this race question. I had hoped that the elevation, the advancement, and the protection of this race would be the aim, the object, and the aspiration of all political parties. This race issue will not be removed from the politics of the country, in my judgment, until that is done, and that it should be done I believe every honest man must admit.

Before proceeding to answer the points which were so forcibly made by my colleague from the first district, I hope I will be pardoned for digressing a little, for the purpose of explaining to the House and the country why it is that the colored people in the State of Mississippi are in favor of general amnesty. I have been desirous of making a remark or two on this point ever since the amnesty debates of last winter, but have not had an opportunity to do so. As this question has a direct bearing on the southern situation, I presume it will not be inappropriate for me to do so now.

After the passage of the reconstruction acts by Congress conferring upon the colored people the right to vote, we found ourselves in a very peculiar position. The voting population of the South was composed of three distinct elements: the ex-confederate soldiers and those who sympathized with them, the ex-Federal soldiers who had concluded to locate at the South, and the colored race. These elements have been, and were at that time, politically antagonistic to each other. The colored men could not be expected to identify themselves with any other than the republican party, and yet they could not fail to see and realize the fact that that party, to have a permanent existence and a firm and solid foundation, must include in its membership a large percentage of the wealth and the intelligence of the State, some of those who fought on the side of the confederacy.

How to bring the republican party into existence in that State upon such a basis as would render possible a harmonious union of these conflicting elements and at the same time be in harmony with the great republican party of the Union, was the task we had before us. To make this union possible, the colored men very generously and magnanimously, traits for which I presume all will admit they are particularly characterized, declared in language which could not be misunderstood that if those who had fought and upheld the "lost cause" would renounce all allegiance to that cause, announce it as their determination to stand by and defend the Union, and concede to the colored men every right and privilege they claimed for themselves—in other words, identify themselves with the great republican party—if they would do this, that they, the colored men, would support them just as heartily, just as earnestly, and just as enthusiastically as they would support those who fought for the cause of the Union; and to give emphasis to this declaration they were willing to incorporate in the platform of the republican party of that State, and did incorporate, a plank pledging the party to this doctrine of equal rights for every man and amnesty for the late rebels.

This was done. Upon this platform the republican party of Mississippi was brought into existence; and I stand upon the floor of the House of Representatives to-day for the purpose of declaring what I know to be true, that this party as thus organized, including in its membership as it does not less than nineteen-twentieths of the colored men of the South; including in its membership as it does not less than nineteen-twentieths of the ex-Federal soldiers in the State; including in its membership as it does not less than one-fifth and possibly more of the ex-confederate soldiers in the State; this party as thus organized includes in its membership a majority of not less than thirty thousand of the qualified voters of that State. It was so strong, so powerful, so overwhelming in numbers that nothing short of organized terrorism and armed violence, such as was unfortunately resorted to by the democratic party of that State last year, could crush it out of existence or defeat it at the polls.

I may be pardoned, Mr. Speaker, for remarking here that the white men who are identified with the republican party of the State of Mississippi, not northern men merely but southern men, ex-confederates, represent a large percentage of the wealth, the intelligence, and the moral worth of the white people of that State. They are as a class men who would be accepted in any community as high-toned, honest, honorable citizens and valuable members of society. They are as a class men whom the democracy in former days delighted to honor with the highest positions in the gift of the people of the State. They are admitted to be men of character, men of ability, men of standing and of unquestionable reputation. None of my democratic colleagues, I venture to assert, will deny this; for they know it to be true. Consequently, Mr. Speaker, this is why we have placed ourselves upon this broad, liberal, and conservative platform in addition to the fact that the colored people are particularly desirous of showing to their white brethren that they have no disposition to oppress them or deprive them of a single right they claim for themselves.

I will now refer to some of the points made by my honorable colleague. In giving his reasons for the present unfortunate condition of affairs at the South, there was one remark made by him that touched my sensitive feeling. And that was the comparison, apparently at least, of the colored people with the Mongolian race, that has been imported from China to America. It is certainly known by southern as well as northern men that the colored people of this country are thoroughly American; born and raised upon American soil and under the influence of American institutions; not American citizens by adoption, but by birth; worshiping the same God that the white men worship; identified with the same religious denominations that the white race is identified with; imbued with every sentiment of love of country, devotion to the Constitution, and loyalty to the flag that the white race is imbued with; identified in every conceivable particular with American institutions and with American liberty. For my honorable colleague, unwittingly as I believe, to compare this race with the untutored, the uncivilized, the unchristianized, and the un-Americanized Mongolian, that has been imported from China to America, was unjust, ungenerous, and unfair. I do not wish to be understood as detracting any thing from that great and powerful race, but it is known that they are not American; and that cannot be said of the colored race, for they are.

RECONSTRUCTION.

Now, sir, let me say something with regard to the policy of reconstruction. It will be remembered by those who heard the speech of my colleague that he made the remark that the reconstruction policy of the Government was the foundation of all of the political evils at the South; that that was the foundation of the color-line in politics, because the reconstruction policy of the Government enfranchised the colored men and disfranchised the white men; and that therefore there was a gulf between the two races, and that was the cause of the race struggles of the South and all the evils of which we complain. Before answering that argument let us see what are the logical deductions to be drawn from it. If it be true, as he asserted, that the enfranchisement of the colored men at the South was the cause of all of our troubles there, it seems to me that we can draw no other deduction from that argument (if there is anything in it) than that the only effectual remedy is to remove the cause; that you cannot remove it unless you disfranchise them and remand them back to their former condition. That seems to me to be the logical deduction to be drawn from the argument, though he did not say so, and I do not wish to be understood as placing him in the attitude of advocating that proposition. I am merely stating what seems to me the only conclusion to be arrived at as the logical result of the argument.

Let us inquire whether there is anything in that view of the case. I take issue with my honorable colleague in that respect, and will endeavor to show by referring to my own State that he is entirely mistaken. Why, sir, my colleague seems to have forgotten that in the State of Mississippi we have never had any serious troubles between the two races since the re-admission of that State into the Union until the latter part of 1874 and during the campaign of 1875. Until then we never had any serious troubles whatever. The two races got along well together and never had any serious difficulty of any kind, the democratic party sometimes putting colored men on their own ticket. If, then, the enfranchisement of the colored men was the cause of all the troubles in the South, is it not remarkably strange that it took the democratic party from five to eight years to find it out? Is it not remarkably strange that we could get along so well together for five or eight years without finding out that the incorporation of the colored element into the body-politic was the cause of our difficulties? No, sir; I will tell you what was the cause. The democratic victories at the North in 1874 so encouraged and exasperated the lawless and turbulent elements at the South as to give them the entire control of the party machinery in the democratic party. That was the cause of it.

The democratic victories at the North so strengthened this element of lawlessness as to give them power to control the democratic organization and to shape its policy; and therefore the color line was drawn in politics, not because the colored men first drew it, as is sometimes charged, but because this element felt that they would be sustained by the public sentiment of the country in resorting to violent measures for the purpose of accomplishing what they could not accomplish by peaceful means. The incorporation of the colored element into the body-politic had nothing to do with it, because the two races had lived as peaceful, as quietly, as orderly together prior to that time as they possibly could have done. Every election held in Mississippi since the re-admission of the State was peaceable, quiet, orderly and, except possibly in one or two localities which were not general in their character, fair. We never had occasion to call on the Federal Government for Federal interference; we never had an occasion to bring up charges for violence in any election held in the State until the general election last year and in a local election the fall previous.

Is it not strange that the argument is now brought forward that what was done five or eight years ago was the foundation of the violence of last year? Why, the argument is fallacious, it is unsound, it is unreasonable, and cannot be substantiated.

DEMOCRATIC RULE IN MISSISSIPPI.

Now, sir, let us see what has been done in the State of Mississippi under this policy that has been inaugurated. It will be remembered that my honorable colleague in his very eloquent speech referred to the State of Louisiana, and in so doing he held up republican rule in that State as typical of republican rule in the other Southern States. But he did not make any allusion to Mississippi especially.

Now, then, when holding up republican rule in the State of Louisiana as typical of republican rule in other southern States, he certainly must have known that republican rule in Louisiana, as understood and explained by himself, is not typical of republican rule in Mississippi. But I presume that none of our democratic friends will object to having democratic rule in the State of Mississippi under the new order of things held up as typical of democratic government in the other Southern States.

Now let us see what it is. I cannot speak of all of it, for I have not the time to do so. As the result of the election in the State of Mississippi in November last we had a Legislature brought into existence which has characterized its proceedings by greater blunders than any that were ever complained of by any of its republican predecessors. This Legislature having been brought into existence through questionable channels—that is a mild phrase, for I have too much respect for the feelings of my colleagues to use harsh phrases in their presence—but that Legislature having been brought into existence through questionable channels, what did it do?

Among the first of its proceedings was to revolutionize the entire State government, by taking forcibly the possession of the other two departments—the executive and judicial—by turning out of office every man who stood as a stumbling-block in the way of a complete democratic ascendency in the State. Well, they say they did it in a legal and constitutional way. Let us see about that. To get control of the executive and judicial departments of the government, it was necessary for them to impeach and remove from office both the governor and lieutenant-governor, so that the democratic president of the senate could become the acting governor. The first thing then was to get rid of the lieutenant-governor. He was impeached and removed from office on a charge of bribery. He was charged with having been bribed by two eminent lawyers to pardon a convict out of the State penitentiary; a very grave offense, for which he deserved impeachment, if true. Under the laws of Mississippi a man who proposes a bribe is just as guilty as the one who accepts it.

Those two lawyers who were charged with having bribed the lieutenant-governor happened to be very eminent and able democrats. The charge was made several months before the election and several months before the assembling of the Legislature. During that time the grand jury of Lowndes County, the county in which all three of the parties resided, thoroughly we are told, investigated this matter. This grand jury, composed of a majority of democrats, made a report to the court that all the parties to the transaction were innocent. No evidence could be produced to establish the guilt of any of them. The Legislature had no jurisdiction over the two democratic lawyers, they being private citizens. But they did have jurisdiction over the lieutenant-governor, he being a civil officer of the State. They then proceeded to investigate his conduct upon the charges upon which he had been acquitted by a democratic grand jury, no other charge being preferred against him, and pronounced him guilty, and he was accordingly impeached and removed. Now I do not say he was innocent, for I do not know; I did not investigate the matter, and I am not prepared to express an opinion upon that subject. Perhaps he was guilty; it is not necessary to answer my purpose to defend him. But the point I make is that either the democratic grand jury failed to discharge its duty for the purpose of shielding the two democratic lawyers from justice or else the Legislature was guilty of persecuting an officer for political purposes; one of the two is true, and it is not very favorable to the democratic party either way.

Now, after having got rid of the lieutenant-governor, the next thing was to get rid of the governor. Charges of impeachment were preferred against him. My time will not permit me to go over all of them, but I will give a skeleton of some of them. He was impeached in one article for failing to remove a man from office who in the judgment of the Legislature ought to have been removed. In another article he was impeached for failing to remove a man who in the judgment of the Legislature ought to have been removed.

He was impeached in another article because he called on the President of the United States for troops to put down what he believed to be domestic violence. He was impeached in another article because he leased out the penitentiary convicts to his partisan friends. The law expressly authorized him to lease them out; there was no crime at all in leasing them out; the offense was in leasing them out to his partisan friends. The inference of course is that if he had leased them out to his partisan enemies no offense would have been committed.

These were the principal charges that were preferred against him. He was impeached on these articles and driven from his office for the sole purpose of getting a democrat in his place. After the articles had been drawn up, some of the democratic members of the Legislature had some conscientious scruples on the subject. They did not desire to vote for these articles, and therefore a public pressure had to be brought to bear upon them for the purpose of whipping them into the traces.

What was done now to accomplish that? The leading democratic paper published at the capital of the State came out with flaming head-lines: "This man must be impeached and removed from office!" How? Upon the law and the evidence that may be presented? Not at all. Upon principles of equity and justice? By no means. Then how are you to get rid of him? He must be impeached and removed, said the democratic paper, "as a party measure." I defy any of my colleagues to deny that.

Mr. SINGLETON. What paper have you got there?

Mr. LYNCH. The Clarion, of Jackson, Mississippi.

Mr. SINGLETON. Produce that paper and let me see it.

Mr. LYNCH. Certainly, I will take great pleasure in doing so. This paper said that the governor must be impeached and removed from office as a party measure. No matter what the constitution may declare, no matter what the law may provide, no matter what the evidence may be, the people demand it at their hands, and they must obey the command of the people. I ask the Clerk to read what I have marked, and to be careful and emphasize the words I have underscored. [Laughter.]

The Clerk read as follows:

We cannot see that any lesson for our guidance in this matter of Governor Ames is to be drawn from the case of Andrew Johnson cited by The South. He was impeached for upholding the Constitution and laws. If Ames is impeached it will be for trampling them under foot. Nor does it follow that proceedings against the latter will fail because they failed in the case of the former. Johnson had justice on his side; Ames has not. Johnson was a republican President on trial before a republican Senate. Ames is a radical governor, who will be on trial before a democratic senate; and therefore no apprehensions need be felt that partisan influences will shield him from the penalty of his crimes. It is idle for the South to say that these proceedings "cannot be carried on as a party measure." *They cannot be carried on in any other way.*

* * * * * * *

It is no time for sentimentalism; practical work is needed. The democratic and other opposers of radical misrule "carried" the election, and if the full benefits of the victory are to be realized they will have to arraign Governor Ames and the other radical office-holders who have abused their trusts, and visit upon them the consequences of their crimes as "*a party measure.*"

Mr. LYNCH. The South referred to in that article is a democratic paper that was opposed to impeaching the governor "as a party measure," and this article was in reply to The South.

Mr. FOSTER. And this Clarion is the official organ of the party?

Mr. LYNCH. Yes, sir; it is the official organ of the party, and its proprietors are the public printers of the State. I suppose my colleague [Mr. SINGLETON] has had some experience in the matter of public printing. Now, having demanded the impeachment of this man as a party measure, of course the articles of impeachment were put through the House, but one democrat, I believe, dissenting.

After the impeachment articles had gone through the house, it was found out that there were some conscientious democrats in the senate who were not altogether prepared to vote for conviction. So the next thing was to prepare the senate for conviction. But the only way to do that was to turn out enough republicans and put in enough democrats to make conviction sure.

They then proceeded to turn out republican senators. They turned out one man upon the ground that he was a foreigner, although he was ready to swear that he was born in New York. But it made no difference where he was born; a democratic vote was needed and they must have it. Therefore the republican was turned out and a democrat put in his place, who had not been elected even in the peculiar manner by which they carried the elections there last fall. He had not been elected, and had no right or title to the seat. Yet they turned out the republican and put in the democrat.

After having prepared the senate for conviction we are told that a committee waited on the governor. And I suppose some such conversation as this took place: "Governor, you have been impeached; your conviction is but a question of time. If you will resign your office, then you will save money to the State and some money to yourself." To that I suppose the governor replied something like this: "If I resign, will you withdraw your articles of impeachment?" Judging from the result the reply to that was, "Yes, certainly we will." And that was agreed upon

The committee went back, made their report, and the articles of impeachment were immediately withdrawn, the resignation was sent in, and the proceedings thereupon came to an end. Now, in what attitude does this place them? I am not a lawyer, but it seems to me that the democratic party in that Legislature proved itself guilty of one or two things: they either acknowledged that the charges were groundless and false, without a shadow of foundation in fact, or else they were guilty of what the lawyers would call compounding a felony. I would like any democrat to deny that. One of the two must be true. Either that Legislature was guilty of compounding a felony by allowing this man to escape as a consideration for his office, or else it was a confession on their part that he was innocent of the charges brought against him. They said: "All that we want is your office; it is immaterial to us what you may have been guilty of; the sole objective point we have in view is to get a republican out and a democrat in."

Now, in a speech of my honorable colleague, [Mr. LAMAR,] which he delivered here when some proposition relative to the impeachment of the late Secretary of War was before the House, he took the very strong ground that the object of impeachment is not merely to get rid of an objectionable officer, but to punish him besides. He did not represent his Legislature in that sentiment, for they took the position that the object of an impeachment with them is to get a republican out and a democrat in. I would like to know whether the democrats on the other side of this House from the other Southern States are willing to have the Mississippi democracy held as typical of the democracy in their States. I hope for their sakes that they are not.

THE COLOR LINE--VIOLENCE.

In referring to this question of the prevalence of violence and the drawing the color line in politics, I am willing for one to give my colleague credit for everything that he says on that point. I am willing to give him credit for sincerity in deprecating the drawing of the color line and the inauguration of brute force and violence. The only thing upon which I take issue with him in that respect is this: He believes, honestly, no doubt, that in giving utterance to conservative sentiments here and elsewhere, in deprecating the drawing of the color line and the inauguration of violence, he represents the controlling element in the ranks of the democratic party in Mississippi. I believe (and I presume he will give me credit for honesty and sincerity in this opinion) that he does not.

I am willing to admit, as I said upon a former occasion, that there are in the State of Mississippi numbers of white men who are not identified with the republican party and whom I believe to be honestly opposed to these violent measures and to drawing the color line in politics. I may be pardoned for mentioning the names of one or two of these gentlemen, because their names are somewhat national; they are known to the country. I will mention for instance the present speaker of the house of representatives of Mississippi, Hon. H. M. Street. I will also mention Hon. J. W. C. Watson, of Marshall, the editor of the paper that opposed the impeachment of the governor upon party grounds; General A. M. West, of the same town; ex-Governor Charles Clarke, and ex-Governor and ex-United States Senator Albert G. Brown, of Hinds. These men, I believe, are honestly opposed to this policy of violence and the drawing of the line in politics. I have always believed that my colleague [Mr. LAMAR] was one of that number; I am willing to give him credit for it; but when he asserts that in his conservative utterances he reflects the sentiments of the controlling element of his party, I take issue with him. His position cannot be substantiated, for it is not correct.

It is sometimes said that these violent measures are sometimes necessary to get rid of bad government, heavy taxes, and dishonest officials. I have asserted on this floor more than once that this cannot be truthfully said of Mississippi. I did not make groundless assertions and empty declarations, but presented facts and figures to substantiate what I said. Not one of my democratic colleagues has denied or can deny my position on this question. In that State there was no occasion whatever for the inauguration of violent measures on the ground that bad, incompetent, or dishonest men had control of the government.

INEFFICIENCY OF STATE GOVERNMENTS.

One other point which has been made very forcibly is the inefficiency of republican State governments at the South. It is very often said that we have violence only in the States under republican rule. Without admitting that there is any foundation for this statement, (for it is not altogether true,) I say that admitting it for the sake of argument, what does it prove? It proves that the democrats will obey the laws only when made and enforced by men of their own choice, while republicans will obey the laws whether they are made and enforced by men of their own choice or by democrats. Let us admit that violence exists only in republican localities; why is it so? Simply because democrats say, "Let us have the government and we will obey the laws; if you do not, we will not." That is precisely the argument upon which the rebellion was inaugurated.

I presume no gentleman in this Hall who is familiar with the history of our Government will deny for a moment that had Frémont been elected President instead of Buchanan in 1856, the war would have been inaugurated four years sooner than it was. And I presume no one familiar with our history will deny that had Breckinridge, or even Douglas, been elected in 1860 instead of Lincoln, the war would have been postponed at least four years later.

Did not the southern democrats say, "We will stay in the Union if you let us control it; if you do not, we will not?"

Why, sir, my colleague might just as well come before the American people and contend that the election of Tilden and Hendricks is essential to the peace of the country; he might just as well say, "Elect Tilden and Hendricks and you will have peace; elect Hayes and Wheeler and you will have war." If the argument is good as applicable to a single State, it must be equally good as applicable to the nation.

If the country is ready to accept this condition of affairs, then it can do so, but it seems to me that it would be death and destruction to what are recognized as the results of the war.

CIVIL-SERVICE REFORM.

My colleague lays great stress upon civil-service reform in the Government. That is the controlling idea, he says. Let me say to the House and the country that civil-service reform does not occupy one-twentieth part of the consideration of the southern democrats. Civil-service reform does not enter into their composition. They have not got it to think about. The sole objective point with the democratic party of the South, and I presume at the North, is democratic success. It is immaterial to them what the attitude of their candidate may be on any of the public questions now before the people. It is immaterial to them whether their candidate for the Presidency be in favor of contracting the currency or expanding it. It is immaterial to them whether he be in favor of free trade or protection. It is immaterial to them whether he be really in favor of administrative reform or whether he be, as their candidate for the Presidency is now believed to be, the earnest advocate of gigantic corporations. They are willing to subordinate all other questions to the one great object of democratic success. They are willing to subordinate all other questions, without excepting the honor, the integrity, and the plighted faith of the nation. They only ask, "Give us the democratic party; that is what we want. The sole objective point with us is to get the Government into our hands and let us get our fingers on the purse-strings of the Treasury."

They have not only drawn the color line in politics for the purpose of appealing to the passions and prejudices of race, but they have drawn the sectional line for the purpose of rolling up the southern vote in behalf of the Saint Louis nominees. Civil-service reform amounts to nothing in the estimation of the democratic party south of Mason and Dixon's line. I speak of them knowingly. It may be true of those north of it also; but I speak of those south, for I know whereof I speak. The order has already gone forth from Tammany Hall, as represented by the chiefs of that organization, saying to the democratic party of the South, "Put this party into power, elect the ticket nominated at Saint Louis, and all things else will be added unto you."

I tell you that it is the only issue in the South to-day. No other public question agitates the public mind there. You may be divided at the North on questions of currency or of administrative reform, but they do not enter into politics at the South, because the democrats do not care anything about them.

CONCLUSION.

Now, sir, let me say that the South is proposed to be carried by the democratic party. Every Southern State they propose to carry as they carried Mississippi last year; a State with 30,000 republican majority reversed by giving 30,000 democratic majority nominally. They propose to carry all the others the same way, not by the power of the ballot, but by an organized system of terrorism and violence. That is the way they propose to do it.

Now let me say, in conclusion, that I am satisfied, I am convinced, that the public sentiment of the people of this country is sufficiently aroused now to see the danger we are in. I am satisfied that the people of this country are beginning to realize the importance of the situation we are in. I am satisfied that when these questions are known, when they are fully understood, the people will be determined to rise in their might and declare in language which cannot be misunderstood that this great, grand, glorious Republic must and shall be preserved.

Mr. Speaker, it is no pleasure for me to be compelled to admit the violence which exists in my own State. I would be happy if I could say truthfully that such is not the case. It gives me no pleasure to be compelled to acknowledge perfect toleration of opinion does not exist in the State of Mississippi. I have friends there on both sides. My home is there. My interests are there. My relatives are there; and I want to see the State prosperous and happy.

I want to see perfect toleration of opinion everywhere, and especially in the State where I live. I am anxious for that to be the case, and nothing would give more pleasure than to be able to declare on the floor of the House of Representatives that perfect toleration of opinion is allowed to all classes. The fact that I am compelled to acknowledge that such is not the case in many counties in the State fills me with pain, mortification, and regret, for I want to see the two races living in harmony and in peace, and friendly relations existing between both parties. That is the object of my aspiration, and it is what I hope the better judgment of the whole body of the people of that State will see is for the general good. For I can realize the fact that since the State of Mississippi has been in its present condition of turmoil our commerce has been practically destroyed, the friendly relations between the two races arrested, em-

igration to the State retarded, and the State itself almost in a disorganized condition, with a lawless class controlling it to a great extent.

[Here the hammer fell.]

Mr. LYNCH. I should like to have two minutes more.

Mr. RANDALL. Better say five.

Mr. LYNCH. I do not want more than two minutes.

There being no objection, Mr. LYNCH's time was extended.

Mr. LYNCH. In conclusion let me warn the House and the country, not with any feeling of malice, not with any feeling of hatred, for I have none, that if you expect to preserve the constitutional liberties of the people as well as to uphold the perpetuity of republican institutions you must see to it that lawlessness is crushed out at the South. I say to the northern democrats, you must see to it, with my honorable friend from New York, [Mr. LORD,] that your party stands upon the platform which that gentleman made in the resolutions introduced here yesterday to crush out mob law and violence at the South, whether proceeding from political friends or from political enemies. If the democratic party has a legitimate majority in the State of Mississippi or any other State, it is entitled to the vote of that State and ought to have it. If the republican party has a legitimate majority in that State or in any other State, it is entitled to the vote of that State and ought to have it. This is what honest men of all parties ought to be willing to say. And now, sir, I am satisfied that the people of this great Republic, realizing the necessities of the situation, will see to it that this grand and glorious Union of ours must, shall, and will be preserved. [Applause.]

Mr. LANDERS, of Indiana, rose.

ISSUE OF ARTIFICIAL LIMBS.

Mr. RUSK. I rise to present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

The House concurs in the first and second amendments of the Senate, as follows:

In line 1 strike out "persons" and insert "officer, soldier, seaman, and marine."

In line 5, after "application," insert "or commutation therefor, as provided and limited by existing laws."

The House concurs also in the proviso added to the end of the bill with an amendment, inserting the word "not" between the words "shall" and "be" in the first line, so that it will read, "that this act shall not be subject to the proviso of an act entitled 'An act to increase pensions,' approved June 18, 1874."

J. M. RUSK,
A. V. RICE,
JOHN C. BAGBY,
Managers on the part of the House.

JOHN A. LOGAN,
J. B. GORDON,
NEWTON BOOTH,
Managers on the part of the Senate.

The report of the conference committee was adopted.

Mr. RUSK moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the motion of Mr. HALE to reconsider the vote by which the message of the President in regard to the sundry civil bill was referred to the Committee on Appropriations.

Mr. LANDERS, of Indiana. I regret that so much valuable time is being taken up with the discussion of this southern question. It is a question in which I have taken but little interest, inasmuch as the colored men have every legal right that white men have. Color is no longer known in our statutes, and I would not, Mr. Speaker, cast a single vote to deny them those rights. Since those rights have been secured to them it is strange that the time of this House is to be occupied in the discussion of this question. No man has made a move to deny them a single right or attempted to do so; but, on the contrary, a resolution was passed here yesterday declaring that this Congress was in favor of the execution of the laws and the Constitution, and parties offending should be speedily punished. I favored this resolution so as to give the colored man to understand that his liberties would not be jeopardized in the hands of either of the political parties. I consider this question settled, and should pass out of politics. Its agitation at this time is only for bad political purposes.

I desire to say to my democratic friends here that there is nothing that does us more injury in the North than the agitation of this question. Whenever there is trouble in the South it is an injury to us in the North. It is to the interest of the republican party that this difficulty should be kept up; and I notice here, Mr. Speaker, that our republican friends delight to talk about the riots of the South. By their acts it would seem that they rejoice when there is any difficulty in the South. I regret, Mr. Speaker, that the blood of the colored man of the South should now be used to make political capital for the republican party of the North.

Mr. Speaker, it was not my purpose to speak at length upon this subject. I merely wanted to say to my southern friends that in every case where there is a difficulty in the South it recoils upon the democracy of the North. But there is one thing that has not been satisfactorily explained by any gentleman on this floor, and that is that those difficulties have occurred in every State of the South as long as they were under republican rule, and whenever a State of the South passes into democratic hands you hear of no more difficulty there between the white and the colored people. The trouble subsides at once. We are reliably informed that the election in Alabama passed off quietly. The trouble is now confined to Louisiana, South Carolina, and to Florida, States that are controlled by the republican party. Why is this? Why is it that the difficulties are alone in the States controlled by the republicans? Mr. Speaker, if the colored men of the South desire peace and quiet, it would seem they should desire the control of their States to pass into the hands of the democratic party. I can only account for this in one way; and that is, the democratic officials in the South see that the laws are executed, and that lawless men cannot impose upon colored men without being brought to the bar of justice; while in States controlled by republicans of the South they are willing to see the blood of the colored man shed to manufacture political capital for the benefit of their party in the North.

My object, Mr. Speaker, in speaking upon this occasion was not to reply to the remarks made by the gentleman from Mississippi, [Mr. LYNCH,] but to reply to the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Pennsylvania [Mr. TOWNSEND] on the question of the remonetization of silver. The honorable gentleman from Pennsylvania in a speech some days ago declared "that there never was a government that has been able to regulate the market price between the two coins, gold and silver; that it has been found to be an impossibility; that their value fluctuates as does that of any other commodity." I agree with the gentleman. I agree that a government has never been able to properly regulate the value of these coins; but I want the gentleman to think upon one question, and that is, has the Government any more power to regulate one than both? It is admitted by the gentleman from Pennsylvania that those metals are not standards of value; but the different nations having adopted them as money and fixed a value on them in payment of honest debts, has done much to give them uniform value.

I maintain that it is far more practicable to regulate the value of both than of one. If you have two metals performing the same office, whenever there is a demand for one of them or there is a scarcity of one of them by the demands from foreign countries, the other will perform the office of the one in demand. A double standard is self-regulating, while if you have but *one* standard, what is there to regulate it? If we had but one standard in this country, and a demand was made on us for the metal out of which it was made, there is nothing to check the advance in price of that metal, but if we have two each serves as a substitute for the other, and as a check in the advance of the other, and brings about a uniform value. The gentleman says that "you can no more regulate the price of coin metal than of grain." I admit the proposition, but I ask the gentleman whether the value of grain is not better regulated when there are two kinds of grain to perform the same office than it would be if you had but one; for instance, you have two kinds of grain which are used for breadstuffs. If the crop of one is short the other takes its place, and extravagant prices are prevented. It is just so with metals; wheat and corn regulate the value of each other, and so it is with gold and silver; they regulate the value of each other also.

The gentleman says that "if you remonetize silver and receive it for tariff dues then the Government will be compelled to buy gold to pay the interest on the public debt." I want the gentleman from Pennsylvania [Mr. TOWNSEND] to understand that the same law that defines what shall be received for tariff dues defines what shall be received for the interest on the public debt. Tariff dues are to be paid in coin and the interest on the public debt is to be paid in coin. We have as much right to pay the interest on our public debt in silver as we have to take silver coin for tariff dues. I claim the right in both instances.

The gentleman then speaks of "the great fraud," as he terms it, that would be perpetrated on the creditor class provided we remonetize silver and offer it in payment of our bonds. I say that the action of the Government in demonetizing silver was a course that would be discountenanced on any stock-board in the United States. The Government sold coin "short;" it sold that which it did not have for future delivery at the time. Let me suggest an illustration to the gentleman from Pennsylvania. Suppose a stock company, say the "Pacific Mail," had one thousand shares of stock, and they would sell "short" with that understanding, and a portion of their stockholders would be purchasers, say to the extent of five hundred shares. The directors would then consolidate the stock, retiring one-half, thus increasing the value of the stocks one-half; and at the time of delivery, suppose the corporation was compelled to purchase the stock, thus increased in value as stated by the retirement of the one-half, would not that be a great fraud on all stockholders not purchasers, and would not it bankrupt the company for the benefit of the few purchasers of stock? What would be said of this board of directors? Would they be countenanced on any stock-board in the country?

That is what the United States has done. It sold coin short and then retired one-half of its coin. A greater fraud was never perpetrated upon any stock-board, and yet men who engaged in this kind of legislation, this kind of fraud against all the debtors of the country, come here, and in this Congress, and when men speak in behalf of the right,

they abuse and denounce them. Some time hence it will be remembered that when I offered an amendment to a bill to make silver a full legal tender it was denounced in a most violent speech. I want gentlemen to understand that they have a different party to deal with now and that the creditors of the country are going to be heard, and instead of meeting them with derision let them come forward with their argument. They will find that before this question is settled no denunciation will prevent an entire investigation of this matter. They will find that they will be compelled to come forward with argument rather than denunciation. If they have no argument, let them keep quiet.

When this question was first before the House the gentleman from Ohio [Mr. GARFIELD] took especial pains to denounce those who brought it forward. I want to say in regard to him that I have kindly feelings toward him—I do not entertain unkind feelings toward any gentleman on this floor—but when I read his remarks in the RECORD made in regard to this great measure of restoring silver and giving it a legal-tender quality, a great measure in the interest of the people as against a few moneyed corporations and the bondholders of the country; when I saw the manner in which this question was treated by him, I felt it due to me and to the people I represent and to the one hundred and ten Representatives who cast their votes for that measure that he should be replied to before this session closes.

I am now satisfied that this subject is not to be settled this session. I am satisfied that the bondholding interest here will filibuster this measure over to the next session. But I want those gentlemen to understand that this question is only put off. The people will settle the matter between now and the next meeting of Congress, and I venture to say that at a very early day in the next session this measure will be carried by a large majority. We propose to establish in this country the right of the people, not by taking from any individual or class of men any rights that belong to them, but to take from them rights which they have unlawfully taken from others and restore them to whom they belong.

I desire now to refer to some remarks made by the honorable gentleman from Ohio [Mr. GARFIELD] in his speech upon this subject some time since.

Mr. Speaker, I quote from the honorable gentleman from Ohio, [Mr. GARFIELD:] "In 1873 *we* adopted a *device* to preserve the constancy of the value of the dollar." If the gentleman had omitted the *de*, and said we adopted a *vice*, he would have fairly expressed the law of 1873, for no more vicious legislation was ever before devised and enacted. It was not done, as the gentleman says, to "preserve the dollar," but to destroy it. It was not done, as the gentleman says, "because Congress saw that it would be difficult to preserve the dollar," but because a set of men congregated on Wall street (calling themselves brokers, and properly so, because they *break* everybody with whom they come in contact) saw that without such legislative action their business of *gambling* would be gone; therefore they sought to *impose* upon such members of Congress as the honorable gentleman from Ohio, and humbugged him and others into this most villainous legislation. In all of my career in both private and public life I have never known any proposition containing so many of the "essential elements of rascality and colossal swindling" as this demonetizing act of 1873.

The honorable gentleman from Ohio introduced the subject of equivalents from the law of 1869; it is manifest that he is not as ignorant upon that subject as upon the act demonetizing silver, at least he was wise enough to stop reading from that act just at the point which allowed him to place his *own* construction on it, a construction, I will venture to assert, few other members of this House could be found to indorse. The sentence which he refused to read explained the meaning of the words "coin and equivalent;" coin meant gold and silver and the equivalent *their* equivalent.

But the gentleman was wise enough to have the whole sentence printed in the RECORD when detected in his effort at special pleading upon the topic of *equivalency*. The truth is the gentleman has by his own presentation of this question destroyed his whole argument. He says "he denies the principle of equivalency." Who proposes to pay in this silver coin? It is *he* who "denies the principle of equivalency," for the law says gold and silver coin, which means either of them. The equivalency attaches to *paper* if offered in payment, and not to either of the metals. This is the plain construction of the law, and he is the first to give to the law any other interpretation and should be the last to thus interpret it. It is too absurd to be again repeated.

The gentleman from Ohio said, some one has said, "that there is an innate desire in the human mind to get a chance to cheat somebody." If this House desires proof of the honorable gentleman's quotation, I would refer you to his efforts in securing the passage of the law of 1873, demonetizing silver. This act deprives all the debtor class of this country of the option of offering silver in payment. That option to-day would be worth more than $1,000,000 to the debtor class. This was no small "cheat."

And it appears the gentleman was not entirely ignorant of the effect of this act, for he says, "that Congress foresaw a difficulty ahead (he was in Congress at the time) and passed a law to guard against it."

This difficulty was just what we now seek to remedy; the cheapening of silver was foreseen. How was it foreseen? Was it not by the intercourse of the plotting bondholders of both continents with legislation that the action of speculators was foreseen?

The great wisdom of the eminent statesman from Ohio would seem to have been formed upon information of the action of a body of Shylocks, who, not content with their "*pound*" of "*flesh*," must take the "*blood*" also. They well knew that it was the right of the debtor to pay in the cheapest money; hence the law must be changed by demonetizing silver to deprive them of that right, as it was likely to be cheap because of the conspiracy against it, which, if not *demonetized*, the creditor would be compelled to take it. The gentleman from Ohio boasts of participating in this conspiracy against the debtor class by legislative enactment in changing the contract, repudiating the original.

Again I quote from the gentleman from Ohio:

> A great minister once said that there were two things in human nature which when united always made iniquity complete. One was the desire to do a dishonorable thing and the other was the opportunity to do it.

It was most unfortunate that the *opportunity* was presented to the honorable gentleman from Ohio in 1873, and it is more to be regretted that the opportunity found him filled with the *desire*.

Mr. Speaker, can you picture in your mind the warm greeting that *Representatives* of the *people* met with at the festive board of the scheming bondholders, after having sold out the rights of their constituents, or rather legislated them away? Many healths were no doubt drank to the honorable gentleman from Ohio for his great liberality and generosity in seeing that they were to be paid in "*honest money*," seeing as they did that *silver* was soon to become *dishonest* money, as dishonest legislation had been enacted against it. The bondholders and gold-brokers no doubt exclaimed, "Gold will now advance, and we will receive our pay in it, and all this due to the generosity of the gentleman from Ohio and others. Drink them down!" O, there was no solemnity there.

If we are to be lectured upon the high *moral* grounds taken by the honorable gentleman, I hope it will be done by some one who was not the advocate of every measure that has been concocted in this House for the past ten years to filch from and rob the people, and still champion such jobs as "solemn pledges."

Mr. Speaker, there are but few members here who supported the iniquitous legislation of 1869, which increased the obligations of the debtor class by changing the payment from paper to coin, more than $400,000,000 on the public debt alone. The fraud of 1873 demonetizing silver affects all debts, public and private, and is far more reaching in its effect. The Government debt is but little over two billions, while State, municipal, and individual debts amount to more than ten billion. It ill becomes that few to lecture this House or at this time to stand by those fraudulent acts on "moral" grounds.

Some weeks ago a resolution was introduced by the gentleman from Ohio [Mr. POPPLETON] asking that a committee of investigation be appointed and charging that corrupt means were resorted to to pass the act of 1869, and that no less than $5,000,000 had been paid out to *secure the "solemn pledge"* spoken of by the honorable gentleman from Ohio, [Mr. GARFIELD,] and if I mistake not the honorable gentleman opposed the passage of that resolution.

Mr. TOWNSEND, of Pennsylvania. Will my friend from Indiana [Mr. LANDERS] allow me to ask him a question?

Mr. LANDERS, of Indiana. Certainly.

Mr. TOWNSEND, of Pennsylvania. Did I understand the gentleman to say that the act of 1873 retired one-half of the coin of this country?

Mr. LANDERS, of Indiana. I was illustrating a case. I say that, according to the best information we have, silver constitutes about one-half of the world's money. Our silver bullion is much greater than our gold bullion, at least twice as great.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman inform me how much has been coined by our Mint during its existence of gold and silver?

Mr. LANDERS, of Indiana. I know that that is a point taken by some gentlemen. I know that they urge that only about eight million silver dollars have been coined.

Mr. TOWNSEND, of Pennsylvania. That is so.

Mr. LANDERS, of Indiana. I understand that very well. But I wish to say that this country, until latterly, was not a silver-producing country. During the first years of the existence of this Government we obtained our silver from other countries. Now we are a great silver-producing country. In 1873 this Congress sought to undervalue its own production.

Mr. TOWNSEND, of Pennsylvania. I want to remind the gentleman of the fact that from the organization of the Mint up to 1873, when this act was passed, the coinage of gold amounted to $816,000,000, while the coinage of silver was only about $145,000,000. Consequently if silver was demonetized by the act of 1873, it constituted but a small proportion of the metallic currency of this country.

Mr. LANDERS, of Indiana. Will the gentleman also inform the House that in the early days of the Republic we had an immense amount of silver coin that was of Spanish and Mexican coinage, and that silver was worth more than gold. We had but little bullion to coin ourselves.

Mr. TOWNSEND, of Pennsylvania. I know that for the first few years we had not. But we began to coin the silver dollar in 1849, and

from that time we had our own silver dollar, and the number of silver dollars coined at our mints amounts to only about $8,000,000. I desire to ask the gentleman another question. He contends that the word "coin" in the act of 1869 includes both gold and silver. I want to inquire of him whether it includes copper and nickel, and whether or not he would contend that the interest on the public debt could be paid in subsidiary silver coin and in coppers and nickels?

Mr. LANDERS, of Indiana. I will give the gentleman the interpretation of the word coin as made by Chief Justice Chase. In deciding a case that came from New York to the Supreme Court Chief Justice Chase said that we had two kinds of dollars; that we had the coin dollar composed of a piece of gold or silver of a certain degree of weight and fineness, and a paper dollar. Is that satisfactory to the gentleman?

Mr. TOWNSEND, of Pennsylvania. I know that. But I want to know if the gentleman goes further and contends that the nickels and coppers, which are also coin, should be receivable in payment of public dues?

Mr. FORT. To the extent that they are legal tender, of course they should be.

Mr. LANDERS, of Indiana. The gentleman will understand that coppers and nickels are not known in the Constitution at all, and are not coins as defined in the Constitution. It is merely trifling with this question to raise that point.

ORDER OF BUSINESS.

Mr. RANDALL. I rise for the purpose of submitting a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, judicial, and executive appropriation bill.

Mr. CLARK, of Missouri. I ask the gentleman to yield to me for a moment.

Mr. RANDALL. If it does not take too much time.

POST-ROUTE BILL.

Mr. CLARK, of Missouri. I ask unanimous consent to take from the Speaker's table House bill No. 3528 establishing post-roads, with the Senate amendments thereto, and to have them referred to the Committee on the Post-Office and Post-Roads. As the amendments of the Senate contain an appropriation, we propose to confer with the Committee on Appropriations on that subject.

No objection was made; and the bill, with the Senate amendments, was taken from the Speaker's table, and referred to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL moved to reconsider the vote by which the bill and amendments were referred to the Committee on the Post-Office and Post-Roads; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF POSTMASTER-GENERAL.

Mr. CLARK, of Missouri. I am instructed by the Committee on the Post-Office and Post-Roads to report the resolution which I send to the Clerk's desk for consideration at this time.

The Clerk read as follows:

Resolved, That the annual reports of the Postmaster-General, as required by section 413 of the Revised Statutes, together with the accompanying documents in relation to contracts for carrying the mails, referred to the Committee on the Post-Office and Post-Roads, be printed.

Mr. CLARK, of Missouri. The papers referred to in this resolution were some time ago referred to the Committee on the Post-Office and Post-Roads and are now in the committee-room.

Mr. KASSON. They have not yet been printed?

Mr. CLARK, of Missouri. They have not been, and this resolution is to direct their printing.

No objection was made; and the resolution was adopted.

PUBLICATION OF ARMY REGULATIONS.

Mr. RANDALL. I now yield for a moment to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. I ask unanimous consent that Senate joint resolution No. 24, providing for the postponement of the publication of the Army regulations, be taken from the Speaker's table and acted on now.

The joint resolution was read, as follows:

Whereas the President was, by act of Congress approved March 1, 1875, authorized to make and publish regulations for the government of the Army in accordance with existing laws; and whereas by act of Congress approved July 24, 1876, a commission was created, to which has been referred the whole subject-matter of reform and re-organization of the Army of the United States: Therefore,

Resolved by the Senate and House of Representatives, &c., That the President be requested to postpone all action in connection with the publication of said regulations until after the report of said commission is received and acted on by Congress at its next session.

Mr. BANNING. It is thought by those in charge of the publication of these regulations that inasmuch as the commission on the re-organization of the Army will report at the next session of Congress, it will be best to postpone until that time the publication of the Army Regulations, as that report may make changes in those regulations.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. BANNING moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. MAISH, by unanimous consent, obtained leave to have published in the RECORD remarks on Pennsylvania border claims. [See Appendix.]

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. McMAHON, by unanimous consent, introduced a bill (H. R. No. 4090) to publish the proceedings in the impeachment of William W. Belknap; which was read a first and second time, and referred to the Committee on Printing.

REMOVAL OF DISTRICT JAIL.

Mr. HOLMAN. In order that the conference asked by the Senate may be agreed to, I ask the House to take up the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near the Washington Asylum, for the use of the District. This is a local affair. I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. HOLMAN, Mr. YOUNG, and Mr. KIMBALL as the conferees on the part of the House.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

An act (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

An act (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes;

An act (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers;

An act (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph; and

An act (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin.

Mr. POPPLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods;

An act (S. No. 852) for the relief of Elisha E. Rice;

An act (S. No. 944) for the relief of Gilderoy M. Hardy;

An act (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi;

An act (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steam-ships;

An act (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875;

An act (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois;

An act (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner; and

An act (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians.

LEGISLATIVE APPROPRIATION BILL.

Mr. RANDALL. I submit the report which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 70, 72, 73, 76, 175, 177, 178, 181, 182, 205, 215, 419, 443, 444, 445, 446, 460, 519, 545, 553, 554, 559, 577, 581, 590, 591, 592, 593, 614, 617, 620, 623, 625, 632, 643, 708, 709, 710, 721, 722, 763, 764, 766, 776, 810, 812, 912, 915, 921, 922, and 944.

That the House recede from its disagreement to the amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 71, 78, 79, 80, 138, 139, 140, 141, 142, 143, 157, 159, 161, 162, 163, 164, 165, 166, 167, 169, 170, 171, 172, 179, 180, 213, 214, 418, 422, 424, 425, 426, 427, 428, 430, 450, 457, 458, 461, 468, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 550, 552, 555, 556, 558, 560, 561, 572, 573, 574, 575, 576, 589, 594, 609, 610, 616, 619, 631, 644, 652, 654, 655, 697, 698, 699, 700, 701, 702, 703, 704, 706, 707, 711, 713, 714, 715, 716, 717, 718, 719, 720, 724, 725, 726, 727, 728, 729, 730, 731, 750, 761, 762, 765, 767, 768, 769, 770, 771, 772, 773, 807, 809, 811, 842, 913, 914, 917, 918, 919, 920, 936, 937, 938, 940, 941, and 942.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows: After the word "appropriated," where it occurs the second time in the enacting clause of the bill, insert "in full compensation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out, in line 10, page 2 of the bill, the words "two hundred and twenty" and insert in lieu thereof "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 51, and agree to the same, with an amendment as follows: After the word session, in line 6, page 3 of the bill, insert ("which words 'during the session' as used in this act shall be held to mean four months;") and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 52, and agree to the same, with an amendment as follows: Strike out "four thousand" and insert in lieu thereof "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same, with an amendment as follows: Strike out "sixty-six thousand nine hundred and twenty-two" and insert in lieu thereof the following: "seventy thousand eight hundred and two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 66, and agree to the same, with an amendment as follows: Strike out "thirteen," and insert in lieu thereof "thirty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same, with an amendment as follows: Strike out "twenty-eight," and insert "fifty-two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, and agree to the same, with an amendment as follows: Strike out therefrom the word "four" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same, with an amendment as follows: Strike out "eight" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same, with an amendment as follows: Strike out the words "forty-eight thousand and four" and insert in lieu thereof "thirty-three thousand and seven; and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 81 to 136, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, namely: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons for the use of the Clerk's office, $600; and the Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker; Chief Clerk and journal clerk, two reading clerks, tally clerk, five in all, at $2,500 each; disbursing clerk, file clerk, printing and bill clerk, and enrolling clerk, four in all, at $2,250 each; for assistant to Chief Clerk, assistant to enrolling clerk, resolution and petition clerk, newspaper clerk, superintendent of document-room, index clerk, and librarian, seven in all, at $2,000 each; distributing clerk, $1,800; for stationery clerk, $1,500; one document clerk and one upholsterer and locksmith, $1,840 each; one chief messenger in the office of the Clerk of the House and one messenger assisting librarian, at $1,440 each; book-keeper and four clerks, at $1,600 each; one engineer, $1,440; and two assistant engineers, at $1,200 each; and all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders of and in all respects under the direction of the Doorkeeper; for five firemen, at $900 each; one laborer, at $820; and four laborers, at $720 each; one page, at $2.50 per day during the session; and one telegraph-operator at $400; for clerk to the Committee of Ways and Means, $2,500; messenger to the Committee of Ways and Means, $1,200; clerk to the Committee on Appropriations, $2,500; messenger to the Committee on Appropriations, $1,200; clerk to the Committee of Claims, $2,000; clerk to the Committee on Public Lands, $2,000; clerk to the Committee on War Claims, $2,000; clerk to Speaker's table, $1,800; private secretary to the Speaker, $1,800; Sergeant-at-Arms of the House of Representatives, $4,000; for one horse and wagon for his use, $500; clerk to the Sergeant-at-Arms, $2,100; paying teller for the Sergeant-at-Arms, $2,000; messenger to the Sergeant-at-Arms, $1,200; Doorkeeper, $2,500; assistant doorkeeper, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200; Postmaster, $2,500; first assistant postmaster, $2,000; four messengers, at $1,000 each; eight during the session, at $600 each; Chaplain of the House, $900; five official reporters of the proceedings and debates of the House, at $5,000 each; two stenographers for committees, $5,000 each, and this shall be in lieu of all other compensation for such services in reporting and transcribing the proceedings of each and all of said committees; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800, and two at $1,200; one folder in the sealing-room, $1,200; superintendent and chief assistant in the document-room, at $1,800 each; document file clerk, $1,400; eight messengers, at $1,200; ten messengers, at $1,000; four laborers under the superintendent of the folding-room to handle books, at $720 per annum each; seven laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum, $2,400; one laborer, at $600; one laborer, (Henry Douglas,) at $840; and for one female attendant in ladies' retiring-room, $600; making in all, the sum of $196,420."

That the Senate recede from its amendment numbered 137, and agree to the text proposed to be stricken out, with an amendment as follows: Insert after the word "year," in line 6, page 8 of the bill, the following: "at a compensation not exceeding $1,500 each."

That the House recede from its disagreement to the amendment numbered 144, and agree to the same, with an amendment as follows:

Add at the end of the paragraph the following:

"To pay outstanding indebtedness incurred by the committees of the House prior to June 30, 1876, $4,000, to be disbursed by the Clerk of the House."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 145, and agree to the same, with an amendment as follows:

In lieu of the first paragraph of said amendment insert the following:

"For compensation of the Public Printer at the rate of $3,600 per annum, and of the clerks and employés in his office, $12,900: *Provided*, That the term 'Public Printer' as employed in that part of the act making appropriations for sundry civil expenses of the Government for the current fiscal year which repeals all laws providing for the election or appointment of Public Printer shall be construed as embracing that officer whether known as Congressional Printer or Public Printer."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 146 to 155, both inclusive, and agree to the same, with an amendment, as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the librarian, $4,000; and for fifteen assistant librarians, two at $2,250 each, one at $2,000, four at $1,600 each, two at $1,440 each, two at $1,250 each, two at $1,200 each, one at $1,000, and one at $960 per annum; in all, $26,640."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 156 and 158, and agree to the same, with amendments as follows: In lieu of "nine" and "fourteen" insert respectively "seven" and "twelve;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 160, and agree to the text proposed to be stricken out, with an amendment as follows: Add at the end of the paragraph the following: "*Provided*, That not exceeding $600 of the foregoing appropriation may be applied in payment for fuel used during the fiscal year ending June 30, 1876; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 168, and agree to the same, with an amendment as follows: Strike out "twenty-one" and insert "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 173, and agree to the same, with an amendment as follows: Strike out "three hundred and twenty" and insert in lieu thereof "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 174, and agree to the same, with an amendment as follows: Strike out "eight thousand and four," and insert in lieu thereof "seven thousand seven hundred and sixty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 176, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "twenty-eight hundred and eighty" and insert "fourteen hundred and forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 183, and agree to the same, with an amendment as follows: Strike out "two thousand" and insert "eighteen hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 184, and agree to the same, with an amendment as follows: Strike out "thirteen" and insert "twelve," and strike out "eight" and insert "seven," and after the word "hundred" insert "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 185, and agree to the same, with an amendment as follows: In lieu of "four" insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 186 to 202, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the two paragraphs amended substitute the following:

"For compensation of the Secretary of State, $8,000; three Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,500; twelve clerks of class four; five clerks of class three; ten clerks of class one; and thirteen clerks, at $900 each; one messenger; one assistant messenger; one superintendent of the watch, at $1,000; six watchmen; twelve laborers; chief engineer, who shall be a machinist, $1,200; one assistant engineer, $1,000; four firemen, at $720 each; twenty char-women, at $180 each; and a conductor for the elevator, at $720; in all $99,220.

"For five chiefs of Bureaus and one translator, at $2,100 each, $12,600."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 203 to 207, both inclusive, and agree to the same, with an amendment as follows:

Substitute in lieu of the amended paragraph the following:

"For proof-reading and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, $2,500; for stationery, furniture, fixtures, and repairs, $1,000; for books and maps, $2,000; for extra clerk hire and copying, $2,500; in all, $11,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 208 to 212, both inclusive, and agree to the same, with an amendment as follows:

Substitute for the amended paragraph the following:

"For contingent expenses, namely: For fuel $10,000; for lights, $3,000; for repairs $2,000; for care and subsistence of horses and repairs of wagons and harness, $1,500; and for miscellaneous items, not included in the foregoing, $3,125; in all $19,625."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 216, with an amendment striking out the following on line 8, page 14, of the bill: "For purchase of official postage-stamps, $20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 217 to 241, both inclusive, with an amendment as follows:

Substitute for the amended paragraph the following:

"*Secretary's Office.*—For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $4,500 each; chief clerk and *ex-officio* superintendent of the Treasury building, $2,700; one chief of division of warrants, estimates, and appropriations, $2,750; one assistant chief of division of warrants, estimates, and appropriations, $2,400; six chiefs of division, at $2,500 each; six assistant chiefs of division, at $2,000 each; twenty-three clerks of class four; two disbursing clerks, at $2 500 each; stenographer to the Secretary, $2,000; nineteen clerks of class three; eighteen clerks of class two; eleven clerks of class one; twenty female clerks, at $900 each; eight messengers and twenty-eight laborers; one captain of the watch, $1,200; one engineer, $1,400; one assistant engineer, $1,000; one machinist and gas-fitter, $1,200; one storekeeper, $1,200; sixty watchmen, at $720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, $180 each; six firemen, at $720 each; seventy-five char-women, at $180 each; in all, $281,310."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 242 to 251, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph insert the following:

"And the Secretary of the Treasury is hereby directed to consolidate the division of loans and the division of currency into one division; and all work now done in either division shall be done in the consolidated division, with the following employés, namely: One chief of division, at $2,500; two assistant chiefs of division, at $2,100 each; ten clerks of class four, and additional pay to three fourth-class clerks, namely, receiving clerk of bonds and two book-keepers, $100 each; six clerks of class three; three clerks of class two; four clerks of class one; thirty-five clerks, at $900 each; six messengers, at $840 each; six laborers, at $720 each; and six laborers, at $2.25 per day each; in all, $68,685.50."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 252 to 259, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph insert the following:

"*Supervising Architect.*—In the construction branch of the Treasury: For Supervising Architect, $4,500; chief clerk, $2,250; photographer, $2,250; one principal clerk at $2,000; one clerk of class four; two clerks of class three; two clerks of class one; one clerk at $900; and one messenger; in all, $20,140."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 260 to 268 both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*First Comptroller of the Treasury.*—For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; four clerks of class four; ten clerks of class three; eight clerks of class two; four clerks of class one; six clerks, at $900 each; one messenger; and three laborers; in all, $68,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 269 to 278, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Second Comptroller of the Treasury.*—For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; five chiefs of division, at $2,100 each; five clerks of class four; twelve clerks of class three; thirteen clerks of class two; eight clerks of class one; nine clerks at $900 each; one messenger; and three laborers; in all, $85,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 279 to 286, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Commissioner of Customs.*—For Commissioner of Customs, $4,000; deputy commissioner, $2,250; two chiefs of division, at $2,100 each; two clerks of class four; five clerks of class three; ten clerks of class two; nine clerks of class one; one messenger; and one laborer; in all, $48,410."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 287 to 298, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*First Auditor.*—For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; four chiefs of division, at $2,000 each; two clerks of class four; six clerks of class three; seven clerks of class two; eleven clerks of class one; one messenger; and two laborers; in all, $52,330; and for the division of loans, namely: Three clerks of class four; three clerks of class three; two clerks of class two; and two clerks of class one; in all, $15,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 299 to 308, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Second Auditor.*—For Second Auditor $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class four; twenty-eight clerks of class three; sixty clerks of class two; thirty-five clerks of class one; one messenger; and eight laborers; in all, $204,050."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 309 to 317, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Third Auditor.*—For Third Auditor, $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class four; fifteen clerks of class three; sixty clerks of class two; thirty-five clerks of class one; five clerks, at $900 each; one messenger; four laborers; and one charwoman, at $480; in all, $185,350."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 318 to 325, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Fourth Auditor.*—For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class four; sixteen clerks of class three; nine clerks of class two; nine clerks of class one; five clerks, at $900 each; one messenger; and two laborers; in all, $71,230."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 326 to 333, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Fifth Auditor.*—For the Fifth Auditor, $3,600; deputy auditor, $2,250; two chiefs of division, at $2,000 each; two clerks of class four; six clerks of class three; five clerks of class two; six clerks of class one; three clerks, at $900 each; one messenger; and one laborer; in all, $41,510."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 334 to 344, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Auditor of the Treasury for the Post-Office Department.*—For compensation of the Auditor of the Treasury for the Post-Office Department $3,600; deputy auditor, $2,250; eight chiefs of division, at $2,000 each; seven clerks of class four, and, additional to one clerk as disbursing clerk, $200; fifty-two clerks of class three; sixty-five clerks of class two; thirty-six clerks of class one; one messenger; and nineteen laborers; eighteen asso ters of money-orders, $18,000; also fifteen female assorters of money-orders, at $900 each; in all, $298,070."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 345 to 375, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Treasurer.*—For compensation of the Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one principal book-keeper, at $2,500; one assistant book-keeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; twelve clerks of class four; twelve clerks of class three; eight clerks of class two; six clerks of class one; forty clerks, at $900 each; five messengers; five laborers, at $720 each; and seven laborers, at $240 each; in all, $157,980; and for the division of loans, namely, fifteen clerks of class four; five clerks of class three; five clerks of class two; eight clerks of class one; one hundred and eighteen counters and copyists, at $900 each; seven messengers; and twenty-six laborers; in all, $182,400; and for the force employed in redeeming the national currency, namely, for superintendent, $3,500; two principal tellers and one principal book-keeper, at $2,500 each; one assistant book-keeper, $2,400; and two assistant tellers, at $2,000 each; two clerks of class four; two clerks of class three; four clerks of class two; thirty-five clerks of class one; twelve clerks, at $1,000 each; twenty-six clerks, at $900 each; two messengers; three assistant messengers; three employés, at $432 each; in all, $112,336."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 376 to 390, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Register of the Treasury.*—For compensation of the Register of the Treasury, $4,000; assistant register, $2,250; six clerks of class four; seven clerks of class three; ten clerks of class two; eight clerks of class one; six copyists, at $900 each; one messenger, and three laborers; in all, $60,250; and for the division of loans, namely, five chiefs of division, at $2,000 each; nine clerks of class four; eight clerks of class three; three clerks of class two; four clerks of class one; sixty-seven copyists and counters, at $900 each; four messengers and four laborers; in all, $114,540. And the office of deputy register of the Treasury is hereby abolished."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 391 to 406, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Comptroller of the Currency.*—For Comptroller of the Currency, $5,000; deputy comptroller, $2,800; four chiefs of division, at $2,300 each; one stenographer, at $1,800; eight clerks of class four; twelve clerks of class three; nine clerks of class two; eight clerks of class one; twenty-five clerks, at $900 each; three messengers, three laborers, and two night-watchmen, at $720 each; in all $102,820; and for expenses of the national currency, namely, one superintendent, at $2,000; one teller and one book-keeper, at $2,000 each; and assistant book-keeper, at $2,000; fifteen clerks, at $900 each; and one messenger; in all, $52,340.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 407, and agree to the same, with an amendment striking out the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 408 to 417, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Commissioner of Internal Revenue.*—For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one stenographer, $1,800; twenty-five clerks of class four; thirty clerks of class three; forty clerks of class two; eighteen clerks of class one; fifty clerks, at $900 each; four messengers; and ten laborers; in all, $253,410."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 420, and agree to the same, with an amendment as follows: Strike out all after the word "packages" in line 25, page 21 of the bill, to the close of the paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 421, and agree to the same, with an amendment as follows: Strike out "nine hundred and twenty" and insert "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 423, and agree to the same, with an amendment as follows: Strike out "eight hundred" and insert "four hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 429, and agree to the same, with an amendment as follows: Strike out "July" and insert "September;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 431, and agree to the same, with an amendment as follows: Strike out "thirty" and insert "twenty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 432, and agree to the text proposed to be stricken out, amended as follows: After the word "of," in said text, insert "not exceeding," and after the word "day," the last word in said text, add "in the discretion of the Secretary of the Treasury," and in lines 12 and 13, page 23 of the bill, strike out "the 30th day of June next" and insert "ten days from the passage of this act;" and the House agree to the same.

That the House recede from its disagreement to the amendments numbered 433 and 434, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Light-House Board.*—For chief clerk of the Light-House Board, $2,400; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at $900; one messenger; and one laborer; in all, $14,360."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 435 to 442, both inclusive and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Bureau of Statistics.*—For the officer in charge of the Bureau of Statistics, $2,400; chief clerk, $2,000; five clerks of class four; six clerks of class three; six clerks of class two; four clerks of class one; five copyists, at $900 each; one messenger; one laborer; and one charwoman, at $480; in all, $42,740. And for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress, the sum of $12,000, or so much thereof as may be necessary, is hereby appropriated, to be expended, under the direction of the Secretary of the Treasury, in payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 447, and agree to the same, with an amendment as follows:

Strike out the amended text and the sum proposed to be inserted and insert as a separate section at the end of the bill the following:

"SEC. —. That the Secretaries respectively of the Departments of State, Treasury, War, Navy, and Interior, and the Attorney-General are authorized to make requisitions upon the Postmaster General for the necessary amount of postage-stamps for the use of their Departments not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 448, and agree to the same, with an amendment as follows: In lieu of "three thousand" insert "two thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 449, and agree to the same, with an amendment as follows: In lieu of "six" insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 451, and agree to the same, with an amendment as follows: In lieu of "4,000" insert "3,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 452, and agree to the same, with an amendment as follows: In lieu of "six" insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 453, and agree to the same, with an amendment as follows: In lieu of "ten" insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 454, and agree to the same, with an amendment as follows: In lieu of "15,000" insert "12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 455, and agree to the same, with an amendment as follows: In lieu of "15,000" insert "12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 456, and agree to the same, with an amendment as follows: In lieu of "20" insert "15;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 459, and agree to the same, with an amendment as follows: Strike out of said amendment the words "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 462 and 463, and agree to the same, with an amendment substituting in each case for the amount proposed "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 464, and agree to the same, with an amendment as follows: Strike out "eight" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 465 and 466, and agree to the same, with an amendment substituting in each case for the amount proposed "two thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 467 and 469, and agree to the same, with an amendment substituting in each case for the amount proposed "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 470, and agree to the same, with an amendment as follows: Strike out "two" where it occurs the second time and insert in lieu thereof "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 481, and agree to the same, with an amendment as follows: Strike out "fifty thousand nine hundred and eighty" and insert "forty-eight thousand five hundred and thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 502, and agree to the same, with an amendment as follows: Strike out "five" and insert in lieu thereof "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 504, and agree to the same, with an amendment as follows: Strike out "five thousand one" and insert "four thousand two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 517, with an amendment as follows: Strike out the words proposed, and strike out, in lines 10 and 11, page 29 of the bill, the following words: "assistant fractional-currency clerk" and "dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 520, and agree to the same, with an amendment as follows: Strike out "forty thousand and twenty" and insert "thirty-nine thousand five hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 546, and agree to the same, with an amendment as follows: Strike out "fifteen" and insert "fourteen;" strike out "seven" and insert "two;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 547, and agree to the text proposed to be stricken out, amended as follows: In lieu of "June" insert "September;" after the word "discontinue" insert "from said date," and strike out "Tucson, Arizona," and insert "Pittsburgh, Pennsylvania;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 548, and agree to the same, with an amendment as follows: Strike out all after the word "Treasurer," where it occurs the second time, to the close of the paragraph, and insert in lieu thereof the following: "$1,000; one clerk, $450; one clerk, $400; one assistant messenger, $180; and two watchmen, at $180 each; in all, $2,390;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 549, and agree to the same, with an amendment as follows: Strike out all after the word "cashier" to the end of the paragraph and insert the following: "$450; bookkeeper, $350; one watchman, $180; in all, $980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 551, and agree to the same, with an amendment as follows: Strike out in line 19 of said amendment the following: "sufficient to make;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 557, and agree to the same, with an amendment as follows: Strike out the words "seventeen thousand three" and insert in lieu thereof "sixteen thousand nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 562 to 570, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Mint at Philadelphia.*—For salaries of the superintendent, $4,500; for the assayer, melter and refiner, coiner, and engraver, four in all, at $3,000 each; the assistant assayer, assistant coiner, and assistant melter and refiner, at $2,000 each; cashier, $2,500; chief clerk, $2,250; book-keeper and deposit clerk, at $1,800 each; weigh clerk, $2,000; and two clerks, at $1,600 each; in all, $36,050."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 571, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 578, and agree to the same, with an amendment as follows: Strike out "twenty-five thousand seven" and insert in lieu thereof "twenty-four thousand nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 579, and agree to the same, with an amendment as follows: Strike out "three hundred," and insert in lieu thereof "two hundred and seventy-five;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 580, and agree to strike out all after the word "dollars," in line 26, page 32 of the bill, down to the close of the paragraph; and the House agree to the same.

That the House recede from its disagreement to the amendments numbered 582 to 587, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Mint at Carson, Nevada.*—For salary of superintendent, $3,000; for assayer, melter and refiner, and coiner, at $2,500 each; chief clerk, at $2 250; cashier and book-keeper, at $2,000 each; weigh clerk, $2,000; voucher clerk and computing clerk, at $1,800 each; assayer's clerk, at $1,200; in all, $23,550."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 588, and agree to the same, with an amendment as follows: Strike out therefrom the words "one hundred" and insert in lieu thereof "eighty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 595 to 608, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Assay-office at New York.*—For salary of superintendent, $4,250; for assayer, $3,000; for melter and refiner, $3,000; chief clerk, $2,500; weighing clerk, $2,500; paying clerk, $2,000; bar clerk, $1,800; warrant clerk, $2,250; two calculating clerks, $1,800 each; assistant weigh clerk, $1,600; for assayer's first assistant, $2,250; for assayer's second assistant, $2,150; for assayer's third assistant, $2,000; in all, $32 900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 611 and 612, and agree to the same, with an amendment as follows: Strike out "six" and insert "four," and strike out "four" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 613, and agree to the same by substituting for the amount proposed "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 615, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Assay office at Charlotte, North Carolina.*—For salary of assayer and melter, $1,500; for labor and other expenses, $500; in all, $2,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 618, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert "14,500," and add at the end of the paragraph the following: "*Provided*, That so much of the amount of $25,600 appropriated by act of June 20, 1874, for per diem of members of council and house of representatives, and other officers and clerks and employés of the Legislative Assembly, as is not needed for the payment of per diem, shall be applicable to the payment of mileage of members of the Legislature, and for printing, stationery, and other incidental expenses of the Legislature and the secretary's office of the Territory for the fiscal year 1875;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 621, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Colorado.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000: *Provided*, That said officers shall only receive their compensation on the basis of the salary aforesaid up to the time of the admission of the said Territory as a State into the Union."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 622, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Dakota.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 624, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Idaho.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 626, and agree to the same, with an amendment as follows: Strike out "fifteen" and insert in lieu thereof "fourteen," and add at the end of the paragraph the following as a new paragraph:

"For legislative expenses, namely: For compensation and mileage of members of the Legislative Assembly, the officers and clerks, and the contingent expenses thereof, $20,000: *Provided*, That the next Legislative Assembly shall convene at the seat of government of the Territory on the second Monday of January, 1877, and biennially thereafter."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment numbered 627, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of New Mexico.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, secretary at $2,000, and interpreter and translator in the executive office, at $500, $14,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 628, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Utah.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 629, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Washington.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 630, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Territory of Wyoming.*—For salaries of governor, chief justice, and two associate judges, at $3,000 each, and secretary, at $2,000, $14,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 633 to 642, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Secretary of War, $8,000; one chief clerk, at $2,500; one disbursing clerk, at $2,000; two chief clerks of division, at $1,800 each; six clerks of class four; four clerks of class three; four clerks of class two; twelve clerks of class one; eight messengers; seven laborers; six watchmen for the Northwest Executive building; in all, $69,380."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 645 to 650, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the office of the Adjutant-General.*—One chief clerk, at $2,000; eleven clerks of class four; seventeen clerks of class three; forty-one clerks of class two; one hundred and fifty-one clerks of class one; eight messengers, at $840 dollars each; in all, $294,320."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 651, and agree to the same, with an amendment as follows: Strike out "twelve" and insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 653, and agree to the same, with an amendment as follows: Strike out all of said amendment after the words "chief clerk," and insert in lieu thereof the following: "At $1,800; one clerk of class three; two clerks of class one; one messenger; in all, $6,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 656 to 661, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Quartermaster-General.*—One chief clerk, at $2,000; seven clerks of class four; nine clerks of class three; twenty-four clerks of class two; forty-eight clerks of class one; twenty copyists, at $900 each; one female messenger, at $30 per month; one messenger, at $840; two assistant messengers; six laborers; one engineer, at $1,200; one fireman; five watchmen; and one draughtsman, at $1,800; in all, $152,480."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 662 to 667, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Commissary-General.*—One chief clerk, at $2,000; one clerk of class four; three clerks of class three; four clerks of class two; ten clerks of class one; one messenger, at $840; two laborers; two watchmen; in all, $29,920."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 668 to 676, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Surgeon-General.*—One chief clerk, at $2,000; seven clerks of class four; five clerks of class three; seven clerks of class two; ninety-two clerks of class one; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1 400; one messenger, at $840; twenty watchmen and laborers; in all, $161,040: *Provided*, That the Surgeon-General of the Army is hereby authorized to detail, for temporary duty in his Office, in completing the catalogue of the library, one acting assistant surgeon from those now under contract, and no additional contract shall on this account be made."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 677 to 681, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Chief of Ordnance.*—One chief clerk, at $2,000; two clerks of

class four; two clerks of class three; two clerks of class two; six clerks of class one; one messenger; one laborer; in all, $20,360: *Provided*, That the Secretary of War is hereby authorized to employ in this Bureau not exceeding eight enlisted men."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 682 to 690, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Paymaster-General.*—One chief clerk, at $2,000; six clerks of class four; seven clerks of class three; fourteen clerks of class two; nine clerks of class one; one messenger; two watchmen; three laborers; in all, $58,840."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 691 to 696, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*In the Office of the Chief of Engineers.*—One chief clerk, at $2,000; four clerks of class four; three clerks of class three; three clerks of class two; three clerks of class one; one messenger; two laborers; in all, $24,060."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 705, and agree to the same, with the following amendment: Strike out in lines 26 and 27, page 43 of the bill, the following: "For postage on official mail matter for the War Department and its bureaus, $70,000," and insert the following: "For compensation of superintendents of the six buildings occupied by the War Department, at $250 each, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 712, and agree to the same, with an amendment as follows: Strike out the words "thirty-five thousand six" and insert in lieu thereof "thirty-one thousand four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 723, and agree to the same, with an amendment as follows: Strike out the word "twelve" and insert in lieu thereof "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 732, 733, and 734, and agree to the same, with an amendment as follows: In lieu of said amended paragraph substitute the following: "For one superintendent of the building occupied by the Navy Department, and for five watchmen and two laborers; in all, $5,290," and strike out lines 7 and 8, page 46 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 735 to 741, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Secretary of the Interior, $8,000; Assistant Secretary, $3,500; chief clerk, $2,500; eight clerks of class four, who may be paid $200 additional if the Secretary of the Interior deem it necessary and proper; five clerks of class three; five clerks of class two; five clerks of class one, one of whom shall be the telegraph-operator of the Department; three copyists; two messengers; two assistant messengers; and four laborers; in all, $59,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 742, and agree to the same, with an amendment as follows: Strike out in line 21, page 46 of the bill, the word "eighteen" and insert "twenty-eight," and strike out in line 23, page 46 of the bill, the words "thirteen thousand nine" and insert in lieu thereof "twenty thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 743, and agree to the same, with an amendment as follows: Strike out "seventy-five hundred" and insert "sixty-two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 744, and agree to the same, with an amendment as follows:

In lieu of the words proposed by said amendment substitute the following:

"For rent of buildings for use of the Pension Office and for the Bureau of Education, $14,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations, for a rent not exceeding the sum hereby appropriated, he shall rent the same, to take effect so soon as the present letting can be legally terminated: *And provided*, That the lease of the present buildings shall be continued if the same shall be made fire-proof by the owners thereof to the satisfaction of the said Secretary within six months from the passage of this act, without disturbing the use of the said buildings; and that any lease made for said building shall expire on nine months' notice from the Secretary of the Interior; and in case of removal the sum of $2,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to said fire-proof building."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 745 to 758, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*General Land Office.*—For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000; recorder, $2,000; law clerk, $2,000; three principal clerks, at $1,800 each; five clerks of class four; twenty-two clerks of class three; forty clerks of class two; seventy clerks of class one; one draughtsman, $1,600; one assistant draughtsman, $1,400; two messengers; three assistant messengers; eight laborers; and two packers; in all, $213,640: *Provided*, That the Secretary of the Interior, in his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $900 per annum.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 760, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "twenty-seven thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 774, and agree to the same, with an amendment as follows: Strike out "four" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 775, and agree to the same, with an amendment as follows: Strike out "seven" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 777 to 783, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For contingent expenses of the office, namely: For actual expenses of clerks detailed to investigate suspected frauds and attempts at fraud, as provided by law, $50,000; for stationery, $6,000; for carpets, mats, furniture, awnings, and repairs of the same, $2,000; for fuel, gas, engraving and retouching plates; for bounty-land warrants, printing and binding the same, engraving and printing pension certificates; for repairs of building, and for other necessary expenses of the office, including two daily newspapers, $4,500; in all $62,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 784 to 804, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*United States Patent Office.*—For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,250; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,250; twenty-two principal examiners, at $2,500 each; twenty-two first assistant examiners, at $1,800 each; twenty-two second assistant examiners at $1,600 each; twenty-two third assistant examiners, at $1,400 each; one librarian, $1,800; one machinist, $1,600; five clerks of class four, (one of whom shall receive $200 additional for services as financial clerk, and shall give bond in such amount as the Secretary of the Interior may determine;) five clerks of class three; twenty-one clerks of class two; and thirty-five clerks of class one; also for twenty-five permanent clerks, at $1,000 each; for forty copyist clerks, at $900 each; for three skilled draughtsmen, at $1,200 each; for one messenger and purchasing clerk, $1,000; for one skilled laborer, $1,200; for six attendants in model-room, at $1,000 each; for four attendants in model-room, at $900 each; forty laborers, at $720 each; for six laborers, at $600 each; in all, $384,900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 805, and agree to the same, with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof "seventy;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 806, and agree to the text proposed to be stricken out, with an amendment as follows: Strike out the words "in the city of Washington" and insert "who shall receive competitive bids therefor;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 808, and agree to the same, with an amendment as follows: Strike out "thirty-five" and insert in lieu thereof "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 813, and agree to the same, with an amendment as follows: Strike out "three" and insert in lieu thereof "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 814 to 825, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For contingent expenses, namely: Stationery, $1,500; cases for library, $500; library, $1,000; current educational periodicals, $250; other current publications, $225; completing valuable sets of periodicals and publications in the library, $200; telegraphing and expressage, $200; collecting statistics, and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $8,000; fuel and lights, $275; office-furniture, $250; contingencies, $500; in all, $12,900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 826, and agree to the same, with an amendment as follows: Strike out "five" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 827, and agree to the same, with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 828, and agree to the same, with an amendment as follows: Strike out the words "eight thousand four" and insert in lieu thereof "five thousand five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 829, and agree to the same, with an amendment as follows: Strike out "six thousand" and insert in lieu thereof "four thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 830, and agree to the same, with an amendment as follows: Strike out the words "six thousand three" and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 831, and agree to the same, with an amendment as follows: Strike out the words "six thousand three" and insert in lieu thereof "four thousand five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 832, and agree to the same, with an amendment as follows: Strike out the word "twenty" and insert in lieu thereof "twelve;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 833, and agree to the same, with an amendment as follows: Strike out the word "four" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 834, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "three thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 835, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "four thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 836, and agree to the same, with an amendment as follows: Strike out the words "five thousand" and insert in lieu thereof "four thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 837, and agree to the same, with an amendment as follows: Strike out the words "six thousand three" and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 838, and agree to the same, with an amendment as follows: Strike out the word "five" and insert in lieu thereof "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 839, and agree to the same, with an amendment as follows: Strike out the words "four thousand seven" and insert in lieu thereof "three thousand six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 840, and agree to the same, with an amendment as follows: Strike out the words "six thousand seven hundred" and insert in lieu thereof "four thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 841, and agree to the same, with an amendment as follows: Strike out the words "four thousand" and insert in lieu thereof "three thousand two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 843 to 872, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,500 each; superintendent of money-order system, $3,000; superintendent of foreign mails, $3,000; topographer, $2,500; chief of division of mail depredations, $2,000; chief of division of dead letters, $2,250; chief of division of postal stamps, $2,250; superintendent of Post-Office building and disbursing officer, $2,100; chief clerk to the Postmaster-General, $2,200; three chief clerks to the Assistant Postmasters-General, at $2,000 each; chief clerk to the superintendent of money-order system, $2,000; chief clerk to the superintendent of foreign mails, $1,800; chief of division of free delivery, $2,100; superintendent of blank agency, $1,800; assistant superintendent of blank agency, $1,600; four assistants of blank agency, $1,200 each; two assistants of blank agency, $900 each; stenographer, $1,800; seventeen clerks of class four; sixty-three clerks of class three; forty-eight clerks of class two; sixty-five clerks of class one; forty-seven female clerks, at $900 each; one messenger to Postmaster-General, $900; three messengers to Assistant Postmasters-General, $840 each; seven assistant messengers, $720 each; captain of

the watch, $1,000; nine watchmen, at $720 each; twenty-seven laborers, $720 each; one engineer, $1,400; one assistant engineer, $1,000; one carpenter, $1,200; one assistant carpenter, $1,000; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; one fireman, $720; three female laborers, $480 each; and for temporary clerks, $10,000; making, in all, $434,340."

That the House recede from its disagreement to the amendments numbered 873 to 885, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended text substitute the following:

"For contingent expenses of the Post Office Department: For stationery, $9,000; fuel for the General Post-Office building, including the Auditor's Office, $7,400; for gas, $5,000; plumbing and gas-fixtures, $3,000; telegraphing, $3,000; painting, $2,000; carpets, $3,000; furniture, $5,000; keeping of horses and repair of wagons and harness, $1,200; hardware, $1,200; and for rent of house numbered 915 E street northwest, $1,800; and for miscellaneous items, $8,000; in all, $49,600."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 886 to 910, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"For compensation of the Commissioner of Agriculture, $3,000; chief clerk, $1,800; entomologist, $2,000; chemist, $2,007; assistant chemist, $1,400; superintendent of experimental gardens and grounds, $1,800; statistician, $1,800; disbursing clerk, $1,600; superintendent of seed-room, $1,600; librarian, $1,400; botanist, $1,800; microscopist, $1,800; three clerks of class four; four clerks of class three; five clerks of class two; six clerks of class one; engineer, $1,200; superintendent of folding-room, $1,200; two copyists, at $900 each; two attendants in the museum, $1,000 each; one messenger, at $840; two assistant messengers, at $720 each; one carpenter, at $960; two watchmen, and eight laborers; making in all $64,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 911, and agree to the same, with an amendment as follows: Strike out therefrom the word "fifteen" and insert in lieu thereof "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 916, and agree to the same, with an amendment as follows:

In lieu of the paragraph substitute the following:

"For the purchase, by the Librarian of Congress, of new books of reference for the Supreme Court, to be a part of the Library of Congress, to be purchased under the direction of the Chief Justice, $2,000; and the unexpended balance of $1,000, appropriated by the act for sundry civil expenses for the fiscal year 1875, to enable the Joint Committee on the Library of Congress to procure plans for the accommodation of the Library, is hereby re-appropriated and made available for said purpose."

That the House recede from its disagreement to the amendments numbered 923 to 935, both inclusive, and agree to the same, with an amendment as follows:

In lieu of the amended paragraph substitute the following:

"*Office of the Attorney-General.*—For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; three Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of the Post-Office Department, $4,000; Solicitor of Internal Revenue, $4,500; examiner of claims, $3,500; law-clerk and examiner of titles, $2,700; chief clerk, $2,200; stenographic clerk, $1,800; one law-clerk, $2,000; five clerks of class four; additional for disbursing clerk, $200; one clerk of class two; one clerk of class one; five copyists; one telegraph operator, at $1,000; one messenger; one assistant messenger; two laborers; and two watchmen; in all, $72,440."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 939, and agree to the same, with an amendment striking out the paragraph and inserting the following: "For rent of the four floors of the building occupied by the Department of Justice, $14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 943, and agree to the same, with an amendment as follows: Strike out "four" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 945, and agree to the same, with an amendment as follows: Strike out therefrom "twenty-eight thousand" and insert in lieu thereof "twenty-four thousand eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 946, and agree to substitute for the same the following:

"SEC. 2. That the reduction in the numerical force of the officers, clerks, and employés in the several Executive Departments made necessary by the provisions of this act shall be carried into effect as follows: The number so reduced shall be discharged on the 10th day of October next, and the sum of money necessary for their compensation to the said date is hereby appropriated. And the amounts of money necessary to carry out the provisions of this act for which no specific appropriations are made are hereby appropriated; and the amounts heretofore appropriated for legislative, executive, and judicial expenses for this fiscal year, so far as the same were applicable to service which by the provisions of this act is discontinued, or to excess of compensation which by this act is reduced, shall not be deducted from the aggregate appropriations herein made for like purposes; and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated for temporary clerical service in the several Executive Departments, according to the exigencies of the public service, to be apportioned by the Secretary of the Treasury. And the President is authorized, during the present fiscal year, whenever the interests of the public service shall require it, to transfer any clerk or employé from one Department to service in another Department."

That the House recede from its disagreement to the amendments numbered 947, 948, 949, 950, and 951, and agree to the following substitute for the section:

"SEC. 3. That whenever, in the judgment of the head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class, or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors.

"SEC. 4. That the Secretary of the Treasury is hereby directed to institute a careful scrutiny of the present condition and competence of the force employed in the collection of revenue from customs, with a view of reducing the number of the same."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 952, and agree to the text proposed to be stricken out, amended as follows: Strike out therefrom the following words: "except those for whom specific appropriations are made" and insert the following: "beyond provision made by law."

"SEC. —. That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $500.

"SEC. —. To enable the Secretary of the Interior to carry into effect the act of March 3, 1875, to provide for the sale of the buildings and grounds known as the Detroit Arsenal, at Dearbornville, in the State of Michigan, by appraising and surveying the property and advertising its sale, $1,000: *Provided*, That the Secretary of the Interior may, in his discretion, postpone the time of sale to the time most advantageous to the United States.

"SEC. —. For the purpose of defraying the expenses of a survey of the Union Pacific and Central Pacific Railways between Council Bluffs, Iowa, and Sacramento, California, to be made in pursuance of the resolution of the House of Representatives passed the 12th day of July, 1876, $10,000."

And the House agree to the same.

SAM. J. RANDALL,
W. R. MORRISON,
JOHN A. KASSON,
Managers on the part of the House.
WM. WINDOM,
W. B. ALLISON,
T. F. BAYARD,
Managers on the part of the Senate.

Mr. RANDALL. I demand the previous question on the adoption of the conference report.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. If the House should reject this report, would it be in order for the House to concur in all the amendments to the pending bill agreed to by the conference committee except the amendments numbered 1, 2, 79, 80, and 744?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana that the conference report must be agreed to as a whole. It cannot be divided.

Mr. HOLMAN. The Chair will hear me a moment. I know that this proposition cannot be submitted in the first instance. The House will have to reject the report to admit of such a proposition. That is often done. The report is rejected, and for the purpose of bringing the two Houses together it is moved to concur in all the other amendments excepting some which are specified.

The SPEAKER *pro tempore*. The first question is of course on concurring in the report of the committee of conference.

Mr. RANDALL. On which I have demanded the previous question.

Mr. HOLMAN. If the House should not concur in this report, I give notice that I will then move concurrence in all the amendments to the bill agreed to by the conference committee, except the amendments numbered 1, 2, 79, 80, and 744.

Mr. FORT. There are others who are going to vote against the increase of salary.

Mr. RANDALL. The gentleman from Indiana understands the rules, as he has been here for a long time.

The SPEAKER *pro tempore*. The gentleman from Indiana has the right to bring the question before the House.

Mr. RANDALL. I now insist on my demand for the previous question. If the House does not second the previous question, then I give notice I shall hand the charge of the bill over to the gentleman from Indiana.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. I call for a division on concurring in the conference report.

The House divided; and there were—ayes 136, noes 15.

So the conference report was adopted.

Mr. RANDALL. Mr. Speaker, I wish to state that this question was submitted the other day to the House in the most distinct manner, and by the House the managers of the conference on the part of the House were instructed to take the action they have taken. I do not, any more than the gentleman from Indiana, consent to the amendments he has indicated, except under the instructions of the House to me as conferee.

Mr. HOLMAN. I was detained from the House on that occasion by illness. If I had been present I would have resisted the action then taken.

Mr. RANDALL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COTTON CLAIMS.

Mr. WILSON, of Iowa. I withdraw the motion to reconsider the vote by which the letter of the Secretary of the Treasury in answer to a resolution of the House calling for a list of the cotton claims was referred to the Committee on Expenditures in the Treasury Department with accompanying statements and ordered to be printed. I have since ascertained by examination the objectionable matter was not there.

The SPEAKER *pro tempore*. The gentleman has a right to withdraw the motion to reconsider.

NORMAN H. RYAN.

Mr. HENDERSON. I ask unanimous consent to take from the Speaker's table the bill (S. No. 840) for the relief of Norman H. Ryan, in order that it may be put on its passage at the present time.

Mr. STONE. I object.

Mr. HENDERSON. I give notice that I shall object hereafter to all unanimous consents.

Mr. STONE. Objection was made to unanimous consent when I asked for it.

Mr. LANE. I ask unanimous consent to make a report from the Committee on Public Lands.

Mr. STONE. I object.

Mr. ATKINS. I move the House adjourn.

Mr. RANDALL. I wish to modify that, so as to move that the House take a recess until Monday morning at ten o'clock. That will give six hours on Monday in case the Senate should concur in the resolution for final adjournment on that day. It is desirable to have those two hours before twelve o'clock for the purpose of enrollment.

Mr. PACKER. I hope we will take a recess until seven o'clock this evening. Many members desire to take up business and have it acted on.

Mr. ATKINS. I cannot withdraw my motion to adjourn for that purpose.

Mr. RUSK. I hope unanimous consent may be granted, so I may report another pension bill.

Mr. ATKINS. I withdraw my motion at the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL,] and move that the House take a recess until ten o'clock monday Morning.

Mr. PAGE. I move to amend by saying half past seven this evening.

The SPEAKER *pro tempore*. The question will be first put on the longest time.

The House divided; and there were—ayes 130, noes 11.

So the motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House took a recess until Monday morning at ten o'clock a. m.

AFTER RECESS.

The recess having expired, the House re-assembled at ten o'clock a. m., (Monday, August 14.)

LEAVE TO PRINT.

Mr. W. B. WILLIAMS, by unanimous consent, obtained leave to have printed in the RECORD some remarks in relation to the Bureau of Engraving and Printing as a part of the proceedings of the House. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap; and

A bill (S. No. 1044) making appropriations to pay judgments of the Court of Claims.

FLOYD C. BABCOCK.

Mr. STEVENSON. I ask unanimous consent to take from the Speaker's table, that I may move concurrence, the bill (H. R. No. 516) for the relief of Floyd C. Babcock, with an amendment by the Senate.

There was no objection, and the bill was taken from the Speaker's table.

The amendment of the Senate was read, as follows:

In lines three and four strike out "$556.55" and insert "$332.65."

The amendment was agreed to.

Mr. STEVENSON moved to reconsider the vote by which the amendment of the Senate was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN W. L. FOULK.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 3862) for the relief of Captain W. L. Foulk; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

FORT HILL CEMETERY, AUBURN, NEW YORK.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 715) directing the Secretary of War to deliver to the Soldiers' Fort Hill cemetery, of Auburn, New York, condemned cannon and cannon-balls, to be used for monumental purposes; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THEODORE F. HALLOCK.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported a bill (H. R. No. 4091) for the relief of Theodore F. Hallock, late a private in Company G, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back adversely the following bills and executive document; and the same were severally laid on the table, and the accompanying report ordered to be printed:

The bill (H. R. No. 1831) to authorize the Secretary of War to appropriate condemned ordnance for the erection of a monument to the memory of the soldiers and sailors of Orange County, New York, who fell during the late war;

Executive document, War Department, dated February 15, 1876, in relation to military bridge across the North Platte River at Fort Laramie; and

The bill (S. No. 443) for the relief of Alstorpheus Weininger.

LIZZIE IRONS.

Mr. JOHN REILLY. I ask unanimous consent to take from the Speaker's table, that I may move concurrence, the bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery, with an amendment by the Senate.

There was no objection, and the bill was taken from the Speaker's table.

The amendment of the Senate was read, as follows:

In line 5 strike out "$512.50" and insert "$350.50."

Mr. JOHN REILLY. The Senate has reduced the amount of the bill as passed by the House, and I move concurrence in the Senate amendment.

The Senate amendment was agreed to.

Mr. JOHN REILLY moved to reconsider the vote by which the amendment of the Senate was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN J. ANDERSON.

Mr. STONE. I ask that by unanimous consent the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White, and that it be brought before the House for consideration. And in making that request I ask one moment for an explanation.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Missouri will be heard. The Chair hears none.

Mr. STONE. Five or six weeks ago when the House was in Committee of the Whole on the Private Calendar this bill was reached, and I objected to its consideration at that time for the reason that I thought the claimant was the late John J. Anderson, of Missouri, who was engaged in the banking business and defrauded a large number of people. I have since learned from members of the Kentucky delegation that the claimant is an old farmer of Kentucky who is entitled to this relief, and that the bill is justified by the facts of the case. I therefore ask that the bill may be passed.

The SPEAKER *pro tempore*. The Clerk will read the bill.

Mr. MORRISON. I reserve my right to object.

The SPEAKER *pro tempore*. The Chair will reserve for every gentleman the right to object until the bill is read.

The bill was read, as follows:

A bill for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Anderson, surviving copartner of the firm of Anderson & White, the sum of $8,597.83, in full of all claims of said Anderson & White, or either of them, against the Government of the United States, for cotton belonging to said firm, impressed for, and appropriated by, the authority of the Government of the United States to the defenses of Nashville in August and September, 1862, and for all damages in connection therewith.

Mr. SPRINGER. How much does this bill appropriate?

Mr. MORRISON. I must object to the present consideration of the bill. The chairman of the Committee on War Claims is not in his seat, and I must object until he is present.

Mr. STONE. I desire to have one moment to give an explanation.

Mr. MORRISON. I have no objection to that.

Mr. STONE. This bill was reported from the Committee on War Claims by the gentleman from Alabama, [Mr. CALDWELL,] and was the unanimous report of the committee. Senate bill No. 627, for the relief of Butler, Miller & Co., was predicated upon the evidence taken in the case of Mr. Anderson, and that bill has already passed the House. This bill, Senate bill No. 628, is accompanied by a long report from the Senate, No. 167. The claim has been before Congress for ten years, and from all the information I can get it is just and reasonable. The amount of this bill as originally reported was $14,000, but it was amended by the Senate so as to reduce the amount to $8,000. I think the bill should be passed.

Mr. MORRISON. I must continue my objection until the gentleman from Illinois, [Mr. EDEN,] the chairman of the Committee on War Claims, is here.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

SUSPENSION OF SIXTEENTH AND SEVENTEENTH JOINT RULES.

Mr. RANDALL. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the sixteenth and seventeenth joint rules be suspended for the remainder of the session.

Mr. RANDALL. These rules relate to the transmission during the last three days of the session of bills from one House to the other and to the President on the last day of the session.

Mr. MONROE. Let them be read.

The Clerk read as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session.

Mr. RANDALL. It has not been necessary heretofore during this session to suspend these rules, because the time for the adjournment of Congress has not been fixed. It has not yet been fixed, but it may be fixed to-day, and at a time when under these joint rules bills could not be sent from one House to the other or to the President. This resolution is right; I have examined the subject carefully, and no harm can be done by adopting it. This course is always taken at each session of Congress.

The resolution was adopted.

Mr. RANDALL moved reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. COOK, by unanimous consent, from the Committee on Military Affairs, reported the following adversely; and they were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3604) for the relief of David Rea, late second lieutenant First Regiment Tennessee Light Artillery Volunteers; and

The petition of John Edwards, jr., late captain Third United States Cavalry, for restoration to his former rank and position.

SETTLEMENT WITH RAILWAY COMPANIES.

Mr. COOK also, by unanimous consent, from the same committee, reported as a substitute for House bill No. 3362 a bill (H. R. No. 4092) to provide for a settlement with certain railway companies; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

PAY OF PAGES OF THE HOUSE.

Mr. ATKINS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House be directed to pay the pages their entire salary for the full month of August, out of the contingent fund of the House.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS AT HARRISBURGH, PENNSYLVANIA.

Mr. PACKER. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 1006, authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania. It is a local bill merely, and will not take long for its consideration.

The SPEAKER *pro tempore*. The bill will be read, after which it will be in order to object to its present consideration.

The bill directs the Secretary of the Treasury, after purchasing the site and obtaining a valid title to the land authorized to be purchased for public buildings at Harrisburgh, Pennsylvania, by the act of March 3, 1875, to use any moneys left of such appropriation for the improvement of the premises so purchased, with a view to the use of the same as a post-office and for Government offices, as named in said act.

Mr. RANDALL. I will reserve my right to object until I can hear the explanation of my colleague, [Mr. PACKER.]

Mr. PACKER. Mr. Speaker, in pursuance of the provisions of the act of March 3, 1875, by which the Secretary of the Treasury was authorized to purchase a suitable piece of ground in the city of Harrisburgh, Pennsylvania, for the erection thereon of a building for the accommodation of the post-office and other Government offices in that city, that officer, I am informed, has secured, or is about to secure, by purchase, in part at least, and possibly by condemnation in part, sufficient ground for the purpose indicated in the act.

Upon the premises thus selected, sir, there are buildings now erected which, with comparatively small expense, can be converted into offices, and as the total cost of the site will not, it is believed, exhaust the appropriation made for that purpose, it is proposed by this bill to authorize the application of the surplus to the improvement and alteration of the buildings, so that they may be used, for the present at least, as a post-office and for other Government offices, if necessary, as proposed by the act of Congress to which I have referred.

The Government at this time is renting buildings for post-office purposes; and if the Secretary of the Treasury is permitted to use the surplus of this appropriation for the purpose of putting in proper condition and repair the buildings now on this site, they can be used for post-office purposes and the Government will save the rent it is now paying.

Mr. RANDALL. I desire to know whether this property now proposed to be occupied has passed to the ownership of the Government?

Mr. PACKER. Not yet: but the title is, I understand, about being perfected.

Mr. RANDALL. Now I want to know further whether any appraisement has been made of that property and whether the price has been fixed?

Mr. PACKER. A portion of it, I am advised, has been fixed by agreement.

Mr. RANDALL. There is a dispute, if I understand the case, as to the amount to be paid by the Government for this property?

Mr. PACKER. Yes, sir.

Mr. RANDALL. This bill would seem to me to make absolute the purchase of that property from the private owners at the prices which they may have fixed.

Mr. PACKER. Not at all. The bill only provides for the use of such surplus as there may be. If there should be no surplus after the purchase or condemnation of the site then, as a matter of course, there will be no money to be used for the purpose of improving the property.

Mr. RANDALL. If my colleague will allow me to make a suggestion, I would rather provide in this bill that the post-office shall be removed absolutely into this building at once at a rental, and not fasten upon the Government this additional property at the prices which I fear it may have to pay.

Mr. PACKER. I would be willing to meet that view if it were practicable; but my colleague will observe that by the original act no power whatever was given to lease or rent a building, while a fixed sum was appropriated for the purpose solely and exclusively of purchasing the site; and that sum cannot be increased or exceeded by the Secretary of the Treasury. If the Government cannot get the property for that amount or less, it cannot get it at all. The purpose of this bill is that if the proceedings result in securing the title for the Government, it may be able to apply whatever surplus there may be, if any, to the improvement of the premises; and my colleague will of course see that unless the title be secured for a less amount than has already been appropriated, there will be no surplus.

Mr. RANDALL. But the amount appropriated was, I understand, altogether in excess of a fair price for the property.

Mr. PACKER. It is supposed that owing to the general depreciation in the value of real estate, or from other causes, the Government may be able to get the property now proposed to be taken for a smaller sum than was at first expected. I do not know whether such will certainly be the case or not.

Mr. RANDALL. I have been apprised that the Government is asked entirely too much for this property.

Mr. PACKER. So I am also informed as to a portion of the property included in the site proposed to be taken.

Mr. RANDALL. Now I want to protect the Government without interfering at all with the construction of this building. I desire that the Government shall have the advantage of any fall there may have been in the value of the property, shall have the advantage of an appraisement at the present actual value.

Mr. PACKER. That will be secured. If my colleague will read the bill he will see that is just what it will necessarily accomplish. As to a part of the property I understand the price has been agreed upon; as to another there has not been an agreement; and it is possible that the Government may have to resort to proceedings in court to condemn this portion. But my colleague will see at once that unless the Government keeps within the appropriation, whether by condemnation or purchase, it will be utterly impossible for it to proceed at all.

Mr. RANDALL. But I do not want, and I do not believe that my colleague wants, to run up to the aggregate amount of the appropriation.

Mr. PACKER. O, no; and there is nothing in this bill which by any possibility can be construed as conferring authority upon any one to exceed, either by purchase or appraisement, the true and actual value of the premises to be taken under the act of 1875, whether the site now selected shall be finally secured or some other location shall be ultimately adopted by the officers of the Government.

Mr. RANDALL. I do not make any objection to the bill; but I am glad this explanation has been made, because I apprehended that the Government of the United States might be made to pay an undue price for this site. When, however, my colleague states that the bill is right, I know from his character that it must be right.

Mr. PACKER. The bill is designed to accomplish, and I feel very confident it will secure, the object my colleague seems to have in view.

Mr. RANDALL. One further suggestion: If there should be a surplus after the purchase of the site, I think it should either be returned into the Treasury of the United States or should go toward commencing the building.

Mr. PACKER. That will necessarily be so.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

ELIZA JANE BLUMER.

Mr. BAGBY. Mr. Speaker, early in this session a bill (H. R. No. 11) granting a pension to Eliza Jane Blumer was passed by this House and the Senate, but was vetoed by the President because it was discovered that the soldier was wrongly described as having belonged to Company A, instead of Company B. I ask unanimous consent to report from the Committee on Invalid Pensions and have passed a bill in which this error is corrected.

There being no objection, the bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer was reported, and read a first and second time.

The bill directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Eliza Jane Blumer, widow of Henry A. Bloomer, a private of Company B, Forty-seventh Regiment Pennsylvania Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY MOORE.

Mr. BAGBY, by unanimous consent, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4094) for the relief of Mary Moore; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. SECOR.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1419) granting a pension to Mary A. Secor; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA M. ASHENFELTER.

Mr. BAGBY also, by unanimous consent, from the same committee, submitted an adverse report on the bill (H. R. No. 2516) granting a pension and back pay to Emma M. Ashenfelter; which was laid on the table, and the accompanying report ordered to be printed.

NORMAN H. RYAN.

Mr. HENDERSON. I ask unanimous consent to take from the Speaker's table the bill (S. No. 840) for the relief of Norman H. Ryan for the purpose of putting it on its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Norman H. Ryan the sum of $736, in full for services as storekeeper of the bonded warehouse of E. W. Dutcher, at Amboy, Illinois, from the 18th day of April, 1868, to the 15th day of October, 1868.

Mr. COX. I object.

Mr. HENDERSON. I hope the gentleman will withdraw his objection.

ORDER OF BUSINESS.

Mr. HOLMAN. It seems very proper that some disposition should be made of the bills on the Speaker's table, and this seems to be the most favorable moment. I therefore ask unanimous consent that the bills on the Speaker's table be taken up and that those of them to which no objection is made be passed and that those to which objection is made shall either remain upon the table or be referred to committees.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. PAGE. I object.

Mr. RANDALL. I call for the regular order.

Mr. COX. I withdraw my objection to the bill of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Chair understood that there were several objections to the proposition of the gentleman from Indiana, [Mr. HOLMAN;] but he will again submit it to the House. He asks unanimous consent at this time to go to the Speaker's table for the purpose of disposing of all of the business thereon, and that whatever business objection is made to shall either remain upon the Speaker's table or be referred to a committee.

Mr. PAGE. I object.

Mr. RANDALL. Then I call for the regular order.

Mr. COX. I desire to offer a resolution.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania insist upon the regular order as against the resolution of the gentleman from New York?

Mr. RANDALL. I ask for the regular order because this adjournment over until ten o'clock was to enable the gentleman from Mississippi, [Mr. SINGLETON,] who was on the floor, to make his speech, and unless he takes the floor now he will lose his opportunity at this session of Congress.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore*. The regular order is consideration of the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the President's message in relation to the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. SPRINGER. I desire to move to lay that motion on the table.

The SPEAKER *pro tempore*. The gentleman from Mississippi is on the floor.

Mr. SPRINGER. I did not know that, but I desire an opportunity to make that motion, as I think this question has been long enough before the House.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman when the gentleman from Mississippi has concluded.

PERSONAL EXPLANATION.

Mr. HOLMAN. Mr. Speaker, I ask the gentleman from Mississippi to yield to me for one moment. I wish to say that on Wednesday last I voted for the joint resolution introduced by the gentleman from New York [Mr. LORD] in relation to the protection of the rights of citizens, but was compelled to leave the House by severe sickness before the vote was taken on the preamble to that resolution; but if I had been present I would have voted for the preamble.

Mr. COX. I ask the gentleman from Mississippi to yield to me to offer a resolution.

[Cries of "Object!"]

Mr. SINGLETON. I will yield for that purpose.

CONSUL-GENERAL AT FRANKFORT-ON-THE-MAIN.

Mr. COX. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Foreign Affairs inquire into and report at the next session upon the conduct of Consul-General Webster, of Frankfort-on-the-Main, or minister to the German Empire, in refusing to receive and forward to this Government the address of the democratic association of the city of Frankfort-on-the-Main, congratulating our country on the centennial commemoration.]

Mr. CONGER. I object; I think these committees of investigation ought to have time for a little rest.

The SPEAKER *pro tempore*. Does the gentleman object to the reference of the resolution?

Mr. CONGER. I understand that it is a resolution directing an investigation.

Mr. COX. It is simply a resolution that the committee shall inquire into the conduct of this officer and report at the next session. If the gentleman knew the case he would not oppose it, out of respect to the German people.

Mr. CONGER. I want to give the investigating committees a little rest.

Mr. SPRINGER. The members of the committee are more desirous of it than you can be.

Mr. RANDALL. Those who are being investigated require rest the most.

Mr. KASSON I object to the introduction of the resolution now; let it be introduced at the next session of Congress.

PRINTING OF IMPEACHMENT PROCEEDINGS.

Mr. MCMAHON. I ask the gentleman to yield to me to take from the Speaker's table the bill (S. No. 1042) providing for the publication of the proceedings of the Belknap trial and to put it on its passage now. It is a report that is necessary in all the public libraries of the country and also in the libraries of the lawyers of the country as a precedent in future time.

Mr. PAGE. I am willing to withdraw my objection to go to the business on the Speaker's table.

The SPEAKER *pro tempore*. It is too late, the gentleman from Mississippi having the floor.

The Senate bill was read. It provides that 5,000 additional copies of the report of the impeachment trial of William W. Belknap be printed, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 350 copies for the use of the managers, and 200 copies for the use of the respondent's counsel; and appropriates the sum of $5,030, or so much thereof as may be necessary, for the execution of the work.

No objection being made, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. MCMAHON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL BILL.

The House then resumed the consideration of the special order, being the consideration of the message of the President of the United States in relation to the sundry civil appropriation bill; upon which Mr. SINGLETON was entitled to the floor.

Mr. SINGLETON. Mr. Speaker, I ask the indulgence of the House for a short time that I may correct some errors and misstatements which have gone to the country in relation to the late election in the State of Mississippi.

What I shall have to say will be in a spirit of kindness, and honestly to vindicate the truth of history and not to stir up acrimonious debate or kindle anew the fires of discord.

By the rules of this House I am not permitted to refer to anything which has taken place in the other end of the Capitol. To these rules, which are founded in wisdom, I bow deferentially, and shall attempt no evasion of them. But as a part of the history of the times appearing in all the newspapers of the day, in reports made to this House and the Senate, in speeches on this floor, I claim the right, as it is my duty, to repel certain charges made against my immediate

constituents, affecting to some extent my own status as a member of this body, and to explain certain misrepresentations in regard to my State generally.

The charges in the indictment preferred are "fraud, violence, and intimidation," from which, it is alleged, resulted an undue increase of the vote of the State and the overthrow of the republican party. I may premise by saying that, while these charges came in a questionable shape, avouched by no responsible party, claiming no paternity beyond that of a certain disreputable dame called rumor, I felt inclined to let them pass unnoticed, and trust to the good sense of an intelligent public to judge of the motives of those who gave them currency, and to do justice to a deeply injured and much calumniated people. But slanders of this character, originating, as they now do, from high sources, often repeated and not contradicted, like plated wares, are apt to pass with the unsuspecting for that which is genuine.

To the first of these charges, "fraud," I interpose a general and emphatic denial, so far as my own party is concerned. The badges of fraud to which attention has been directed as tending to establish the charge are, first, the fact that the republican party in Mississippi has lost its usual majority of 25,000 and the democratic ticket was elected by 30,000.

From this it is argued that great wrongs were perpetrated upon the elective franchise, tending to destroy its sacredness and sap the foundation of our Government.

Was ever proposition so preposterous advanced before an intelligent public? Was ever a charge so grave sought to be bolstered up by evidence so unsatisfactory? Is it not a fact familiar to every mind that political mutations are often more sudden and astonishing than any in the experiences of life? Have we not seen individuals and parties swept along by the current of popular opinion just as the swollen stream bears upon its bosom the drift log, whirling and dancing, with no power to resist the impetus or give direction to its own course?

We need only recur to the history of the country for a few years past to find ample proof of the statement. What meant the "tidal wave" of 1840, which hurled the democrats from power and placed General Harrison in the presidential office?

What did the people mean, when again in 1848, determined to change their rulers, they gathered up that plain, unpretentious, but brave and patriotic old soldier, General Taylor, and by acclamation lifted him into the presidential chair? What meant the elections of 1874, which crushed out the hopes of many a Representative who figured in this forum and sent him to the shades of private life? What meant the late election in Alabama by which a State until last year republican now gives a democratic majority of 40,000?

Will any gentleman dare charge these results to fraud upon the part of the people? Did not each of these spontaneous uprisings spring out of a desire for a change of rulers? Under this Government of boasted free thought, free speech, and free suffrage, are the people to be held up by discarded office-holders and presidential aspirants as fools and corruptionists because they do not choose to retain in office imbecile stipendiaries, or favor the pretensions of ambitious demagogues, who court places they are totally unfit to fill?

If these revolutions, however sudden, are to be taken as evidences of corruption and to be regarded as subjects of investigation by congressional committees, then I submit we have entered upon a Herculean task, and we had better set to work at once to divide the Congress into such committees, invest them with power to send for "persons and papers," and with each report to bring the people to the bar of this House or of the Senate to be punished or reprimanded for their bad manners or treasonable conduct in changing their opinions without the consent of Congress.

Mr. Speaker, the change in Mississippi politics is no grand phenomenon outside the regular order of things. The people of that State are much like people elsewhere. They are capable of suffering in body, mind, and estate. If you prick the body of one of them with a sharp instrument the blood will flow; if you offend his moral or intellectual sense he will rebel under it and give you to understand it is offensive to him; if you seek to plunder him of his estate, he will oppose such force to it as the law of society or natural right will justify. He has affections, hopes, aspirations as other people, and when wronged in any way he knows it and will seek redress. He lives under an organic law called a constitution and has a code of statute laws governing all the domestic relations of life.

Strange as it may appear to some very well educated people who do not seem to understand us, we have a good deal of human nature about us, and are amenable to the same laws that govern other mortals.

In connection with these facts I will state others which cannot be contradicted equally important to be remembered, and which must enter largely into a just estimate of the causes of this unexpected change in Mississippi politics.

For ten years our State has been scourged by a set of men who for the most part were the refuse of northern society, in many instances without education, destitute of principle, devoid of honor, with no social status, and bent upon the spoils of office, let it involve what sacrifice it might either of their own honor, dignity, or manhood, or the safety, lives, or property of the white or colored citizens.

These men, by constant association with the newly enfranchised population, by low cunning and unscrupulous falsehood, by constant appeals to their worst passions, by playing upon their fears of a return to slavery, by continued assurances that in the event of a race conflict they would be backed up by United States troops, by inveigling them into secret oath-bound leagues, and by every other species of falsehood and treachery that human ingenuity could devise, have managed to manipulate and control the colored vote of the State up to the last election, and have kept themselves in office against the wishes and remonstrances of the respectable, intelligent, property-holders of the country.

Their extravagant promises to the deluded freedmen were never kept; they sought the offices for plunder; a good name to them was of no value, and their robberies were so exhausting and impoverishing to all classes that they could no longer be borne. To escape these vampires and save the country from utter bankruptcy, the voters of the State, white and colored, determined to overthrow their power and put the State upon a new line of policy. In proof of what I have said I will call the attention of the House for a moment to a few figures which will speak for themselves and cannot be contradicted.

For ten years preceding the war the average annual cost of the State government was $325,000. For the last six years of republican rule the average has been $1,431,407. For the last five years the excess of appropriations above receipts have been an annual average of $573,214. This annual increase of the State debt was being heaped upon us while we were paying under their tax-laws, in 1874, $14 on every one thousand dollars' worth of property, the county and corporation taxes more than doubling the sum. Under the rule of our citizens in 1866, 1867, 1868, and 1869 the State tax did not exceed at any time $1.50 on the $1,000; showing that it cost us from ten to fourteen times as much to run the State government under their rule as it did under ours.

Again, under democratic rule lately inaugurated, notwithstanding our State debt, which had been largely increased by republican extravagance and must be met, the State taxes have been reduced more than one-third, although our taxable property in 1867 was assessed at $550,000,000, whereas in 1875 it was so reduced in value by maladministration and by a forfeiture of lands to the State that the assessed value of property was reduced to $155,000,000. The number of our circuit judges has been diminished and their salaries reduced; sinecure offices have been abolished; biennial sessions instead of annual of the State Legislature will hereafter be held; retrenchment has gone into every department of the State service; upon the public printing there will be a saving of $52,000 at each session of the Legislature; the number of chancellors of the State has been reduced from twenty, receiving a salary of $3,500 each, to ten with a salary of $2,500 each, saving to the State thereby $45,000, an amount sufficient to pay all the salaries of all other judicial officers of our State.

In addition to these facts, many others of like significance might be stated, but I will refer to only one which relates to public schools.

Under republican rule schools were required to be kept open four months in each year. By act of the late democratic Legislature the schools were required to be kept open five months, and ample means were provided for schooling all the children of the State, both white and colored.

Now, sir, are not facts like these calculated to inspire confidence in the wisdom and justice of our State officials? Is it a matter of surprise that the colored people are beginning to see where they should place their party allegiance? Can it be wonderful if further political changes occur in November next? They have occurred in our sister-State, Alabama, and you may confidently anticipate the same result in Mississippi.

But lest my statements as to the causes producing this change in Mississippi politics may be called in question, I shall introduce to this House a witness whose statements I presume will, or ought to be, satisfactory to those who are conducting this prosecution.

Senator ALCORN, a republican from Mississippi, in speaking of Governor Ames and Lieutenant-Governor Davis, of that State, as reported by the correspondent of the Chicago Times, holds the following language:

> Ames's course in the State has been so obnoxious to the best people there that it has been made socially uncomfortable for the unworthy governor. He is absent from the State most of the time, and has left the local government in the hands of Davis, the black lieutenant-governor. With this man criminals have for a long time gone scot-free. Without the formality of trial, notorious murderers have been pardoned out of jail before ever being made to appear in a court of justice. One of the worst cases of this turning out of murderers upon society cited by Senator ALCORN is that of a man named Barryntine, living near the center of the State. * * * In Mississippi it is claimed that this pardon was purchased by the murderer's friends for the sum of $800.
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> Senator ALCORN says that Ames obtains his control over the colored people by representing himself as the mouth-piece of General Grant. Ames has filled all the offices of the State with thieves and plunderers, so that the State that was once 30,000 republican, when it elected ALCORN governor, will in the opinion of the Senator give this fall a large democratic majority.

Here is a direct public charge of corruption preferred against the chief executive of the State and the lieutenant-governor of the same by a republican United States Senator, who understands too well the use of language and is too ready to respond to calls made upon him for words spoken to have used them lightly. I will now call to the stand the attorney-general of my State, George E. Harris, a republican of high repute in his party, elected at the same time and upon

the same ticket with Governor Ames, a strong supporter of the present Administration and fast friend of President Grant, to whom he addressed a long letter on the 24th of November, 1875, explaining the causes of the republican defeat in Mississippi at the last election. I quote largely from his letter, and ask republicans upon this floor who are fair minded and truth-loving to hear what he has to say. He is one of your own men, and not likely to state falsehoods or make untruthful admissions affecting his own party.

I have thought proper in this discussion to offer the statements of none but republicans, acknowledged to be of the highest respectability, and to introduce no democrat as a witness in support of any allegation I shall make. By this course I hope to reach the ear and heart of the unprejudiced at the North. If in this way they cannot be convinced, then would they not believe if one were to rise from the dead. But I will not despair. Already has truth found a lodgment in many a mind there, notwithstanding the persistent efforts of designing demagogues to prevent it.

But let Attorney-General Harris speak for himself. After premising with a few sentences, he says:

Governor Ames was inaugurated in January, 1874, under the most favorable auspices. His address promised economy and reform, and was well received by the whole country; even our political opponents, in a state of disruption, many of them having voted for him, expressed a willingness to support him in all that he had promised and advised; but instead of encouraging every indication of returning friendship, his cold indifference drove them at once into a direct antagonism. He seemed to contract his views and narrow his circle of friends to a few confidential advisers, as it were a close corporation of mercenary men, who knew but little of the wants of the people of the State and cared less; men who have no identity of interest or sympathy in common with the people of the State, and to deal plainly I must call names—such men as John R. Raymond, A. T. Morgan, A. R. Howe, and a few lesser lights, if possible. Raymond, the State printer, and chief clerk in the treasurer's office, lobbyist around the Legislature, especially on the printing bills, which pay him nearly $60,000 per annum, when $30,000 would be too much.

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Morgan, who is a sheriff of Yazoo County, has long been a refugee from his county. Chairman of the late State convention and husband of a very respectable colored woman, (!) who, when a State senator, offered, in writing, to sell his vote for $2,000 and Raymond refused to pay it, saying he had already paid him $900 and that was enough for that vote. A. R. Howe, ex-county treasurer and ex-member of Congress, who took from the treasury of Panola County, through an ignorant colored board of supervisors and now unlawfully retains, the sum of $5,125.97, (I have a certified transcript of the record,) and which he does not deny, but refuses to pay. This, in brief, is a small part of the record of three of the governor's confidential advisers, friends, and counselors, and he must have known their character all the while.

Through these and other friends he had full control of the Legislature and could procure almost any legislation that looked at all plausible, either for the good of the State, the good of the party, or for self-aggrandizement, and the sequel has shown how he has used that power. The first session of the Legislature passed with but little if any reform, and we felt sad. Under the constitution and laws of the State he was required to appoint twenty chancellors, with the advice and consent of the senate. This, of course, should have been done during the session of the senate; but for some reason best known to himself, he refused to do it, but waited until the adjournment and then made the appointments in vacation, and this was set aside by the supreme court, (see Brady *vs.* Howe, 50 Mississippi Reports, page 607,) the court holding that the appointments should have been made during the session of the senate. It was manifestly his duty to have made the appointments during the session of the senate and to have sent them in for confirmation, as the terms of office expired long before the next session. But the governor, in his desire to control the judiciary as well as the executive department of the State, resorted to the expediency of making the appointments in vacation and then holding the appointments over them *in terrorem*, until the next session of the Legislature, and if they did not please him in their decrees, &c., he could withhold their names, (as he did in one case;) thus making the judiciary of the State subservient to the executive, in violation of the constitution, (see article 3, sections 1 and 2;) and he actually removed Drennan, as I believe, because in a case of *habeas corpus* he refused bail to the governor's friend Morgan, on a charge of the murder of one Hilliard.

In his selection of men to fill these important judicial positions he did not confine himself to the legal profession; made some good appointments, it is true, but in two or three instances he appointed men who had received a law license only a few days previous, for the purpose of being appointed, who had never had a case in court, were totally ignorant of the law and practice, and who did not know a plea in bar from a demurrer. In one case a man notoriously venal and corrupt, and in another case for the avowed purpose of giving strength to his friend Howe for Congress, and that chancellor, to secure the sending in of his name for confirmation, appointed Howe's brother clerk of the chancery court, and clerk of the board of supervisors of Panola County, for the express purpose of preventing an investigation of Howe's indebtedness to Panola County. In one case he appointed a Mr. Peyton, son of the chief justice, and then refused to send his name to the senate, because he decided a case contrary to the governor's wishes, and pending the trial of this case he sent for the chief justice and desired him to control the action of his son, the chancellor. This aroused the honest indignation of the chief justice and broke up the friendly relations between them.

The chief justice then dealt him a well-merited castigation, which resulted in the withholding of the name of young Mr. Peyton from the senate.

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In December, 1874, troubles grew up in Vicksburgh. Indictments were pending against two or three of the county officers; complaints were made as to the sheriff's bond as tax-collector; he was ill-treated and forced to resign. There was much confusion and anarchy. The sheriff fled to Jackson for advice and instructions, disregarding his resignation made under duress. I do not know all the advice the governor gave him, but the presumption is that he received advice, as he returned and acted; notified the colored people by circulars to come to Vicksburgh armed on Monday morning, which they attempted to do, and nearly one hundred lives were lost in the fight. How far the governor is responsible for those lives, or whether responsible at all, I cannot say; but Colonel Wells has charged him in the papers with the use of language well calculated in its nature to produce riot and bloodshed, and he has never denied it, and I do not think he will.

Pointing out the means by which expenses could be cut off and the taxes reduced, I advised a reduction in the matter of public printing. The Legislature passed a bill and the governor vetoed it. (Raymond was State printer.)

I advised a reduction in the salary of county superintendents of education. The Legislature passed the bill and the governor vetoed it.

I advised a change in the constitution, so as to give us biennial sessions of the Legislature. (This would save nearly $100,000 per annum.) We had pledged it in our platform; the governor had advised it in his first message. The resolution passed the lower house and went to the senate; there the governor actually lobbied the senate, and advised his friends to vote against it, and defeated it by one vote.

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Again, in the face of the constitution, his adherents introduced a bill authorizing him to appoint the tax-collector for each county. They passed it after much caucussing in which *pistols* (I am informed by a member) were presented to force members to pledge their support to the bill. The governor approved it and acted under it in one or two cases, and the Supreme Court has set that law aside as unconstitutional. (See L. French *vs.* The State, MS. opinion.)

Thus it will be seen that the party in this State has been governed and controlled by a few men, not to exceed half a dozen, including the governor, who have persistently violated the Constitution and the most sacred pledges the party had made in its platform.

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A constitution and laws are of little value on paper unless they find a lodgment in the hearts of the people. We have a good constitution, but our legislation has been unwise and has given us much trouble.

And this is the point to which we have come: In the light of the experience of other southern States our party has rushed heedlessly into a shameful defeat.

I know the people of the State, having resided among them for the last thirty-three years. The Government appointees here, we think, are good men and true republicans. We need no changes made for political purposes and no troops.

This letter, though of some length, has given but a bare outline of the character and conduct of a few would-be leaders who have wrought our sad defeat; but should they choose to deny anything I have said of them I will not only prove it, but strike them at other points that are equally salient.

Your obedient servant,

G. E. HARRIS.

I now offer some extracts from a late letter of Ex-Senator Revels (colored) to His Excellency President Grant:

HOLLY SPRINGS, MISSISSIPPI, *November* 6, 1875.

MY DEAR SIR: In view of the results of the recent election in our State, I have determined to write you a letter canvassing the situation and giving you my views thereon. I will premise by saying that I am no politician, though having been honored by a seat in the United States Senate. * * *

Since reconstruction, the masses of my people have been, as it were, enslaved in mind by unprincipled adventurers, who, caring nothing for country, were willing to stoop to anything, no matter how infamous, to secure power to themselves and perpetuate it. My people are naturally republicans, and always will be, but as they grow older in freedom so do they in wisdom. A great portion of them have learned that they were being used as mere tools, and, as in the late election, not being able to correct the existing evil among themselves, they determined by casting their ballots against these unprincipled adventurers to overthrow them. * * *

My people have been told by these schemers when men were placed upon the ticket who were notoriously corrupt and dishonest, that they must vote for them; that the salvation of the party depended upon it; that the man who scratched a ticket was not a republican. This is only one of the many means these unprincipled demagogues have devised to perpetuate the intellectual bondage of my people. To defeat this policy, at the late election men irrespective of race, color, or party affiliation united and voted together against men known to be incompetent and dishonest. * * * We do not believe that republicanism means corruption, theft, and embezzlement. These three offenses have been prevalent among a great portion of our office-holders; to them must be attributed the defeat of the republican party in the State, if defeat there was, but I, with all the lights before me, look upon it as an uprising of the people, the whole people, to crush out corrupt rings and men from power.

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The bitterness and hate created by the late civil strife has, in my opinion, been obliterated in this State, except perhaps in some localities, and would have long since been entirely obliterated were it not for some unprincipled men who would keep alive the bitterness of the past and inculcate a hatred between the races in order hat they may aggrandize themselves by office and its emoluments to control my people, the effect of which is to degrade them. As an evidence that party lines in this State have been obliterated, men were supported without regard to their party affiliations, their birth, or their color by those who heretofore have acted with the democratic party, by this course giving an evidence of their sincerity that they have abandoned the political issues of the past and were only desirous of inaugurating an honest State government and restoring a mutual confidence between the races.

His Excellency U. S. GRANT,
President of the United States.

I have quoted thus largely from Ex-Senator Revels, always a staunch republican, because he is a representative man of his color, known to the country, and more especially to those who are attempting to malign my State and cast contempt upon her name.

Mr. Speaker, one or two extracts from the pen of Redfield, the able and, I may say for the most part, impartial correspondent of the Cincinnati Commercial, himself a republican, and I leave this head. These are his words:

From what I know of the candidates nominated by the whites, I have not the least doubt but what the coming Legislature will be the best one that has assembled in Mississippi since the war. The whites really made an honest effort to bring out their best men, discarding in many instances the old line of politicians, and putting forward men of capacity, worth, intelligence, and property. Really, there was no comparison between the nominees of the two parties. * * *

There were a few good men among the republican nominees for the Legislature, but the most of them were a sorry lot, made up of plantation negroes, white carpet-baggers, without a dollar's interest in the State, and natives who became republican one day and candidates for office the next. It was such a slate of candidates as would be repudiated in Ohio by 575,000 majority, provided your vote was as full as at your last election.

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The State government has been carried on at an expense of at least 40 per cent. more than necessary, and this extravagance will be checked. In six years in Mississippi taxation has increased 500 per cent., and property has depreciated 200 per cent.

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To suppose that the property-holders would rest quietly under this sort of thing, year after year, was to suppose that they had less of human nature than we find in other parts of the world.

Another badge of fraud as charged is that there was a large accession to the vote of the State.

Unfortunately for the country those who talk most about Mississippi affairs seem to know least of them. Men who have remained all their lives at a profoundly respectful distance from her borders, whose feet have never pressed her soil, in their eagerness to win po-

litical preferment for themselves or to secure a party triumph, gather up a few statistics, procure false information through interested and corrupt sources, and thus panoplied make war upon an unoffending State and hurl at her a tirade of abuse, couched in the vocabulary of the fish-market. Her people are called "coiners of spurious votes," "ballot-box-stuffers," and other offensive names, only because they threw off their supineness, hurried to the ballot-box, thousands of them who had abstained from voting year after year because they supposed they were to be overwhelmed by numbers and could see no good to result from casting a ballot. Thus the vote of the State was largely increased.

It is also a fact known to the most casual observer that during the last two years large numbers of colored voters have come into the State from Virginia, the Carolinas, Georgia, Alabama, Tennessee, and Kentucky, and have greatly increased our voting population, especially in the counties bordering on the Mississippi River. Take, if you please, the county of Washington, where two years ago the registration-books only showed a voting population of about four thousand, whereas at the registration last fall it amounted to more than six thousand, or an increase of one-third. In this county the colored vote is in the ratio of 5 to 1 of whites; and although there was a regular republican ticket there, opposed by a fusion ticket composed of democrats and republicans, the fusion ticket, upon which your humble speaker had no place, was elected by more than four hundred majority, and my majority was only a few votes short of it. In this county a very full vote was polled, as indeed was the case in almost every county in the State.

There is no difficulty then in accounting for the increased vote of the State upon rational principles without being subjected to the imputation of fraud and corruption.

As to the charges of "violence" and "intimidation," I interpose an equally unqualified negative, with this explanation: That in some localities where there was a great preponderance of colored population and where unscrupulous leaders had poisoned their minds against us, where threats were indulged and things assumed a warlike aspect, our citizens did purchase arms and ammunition, not secretly but openly, not for aggression but for defense, not to intimidate but to keep themselves ready for any emergency that might arise.

I deny that in Mississippi there have occurred more broils and disturbances than might be considered the legitimate fruit of the new and anomalous state of things; and I most emphatically deny that in even a majority of those which have occurred the whites have been to blame. Generally the outbreaks have been sudden and unpremeditated, as in case of the Clinton riot, where there was scarcely one white man present for every one hundred colored, and in the case of the Yazoo City riot, where there were only five southern whites present in a large room well filled with white and colored republicans. The statement of these facts, which are well known to my colleagues to be true, negatives the idea of premeditated attacks. I shall not go into the minutiæ of these disturbances, as the facts were published at the time of the occurrences. I will only say that as to the Vicksburgh and Friar's Point riots the blame has been entirely lifted from democratic shoulders by the testimony of distinguished republicans.

I observe that my colleague from Mississippi [Mr. WELLS] is in his seat. I ask his attention and the attention of the House to the following statement which he is reported to have made.

The Clerk read as follows:

HERNANDO, *August* 7.

Colonel G. WILEY WELLS, United States district attorney and candidate for the republican nomination for Congress in this district, made a speech here to-day. He declared that in the interview between Governor Ames, Sheriff Crosby, and Attorney-General Harris, at the time of the Vicksburgh riot, the governor instructed Crosby to arm the blacks and march against Vicksburgh. Attorney-General Harris protested against the advice, and urged a resort to the courts. Crosby left with these instructions from the governor, who, after his departure, turned to Attorney-General Harris and said that the blood of twenty-five or thirty negroes would benefit the republican party in the State.

Mr. WELLS, of Mississippi. Will the gentleman yield to me for a moment?

Mr. SINGLETON. Yes, sir.

Mr. WELLS, of Mississippi. In regard to the report which has just been read of my speech at Hernando I have simply to say that I made a speech at that time and did make about the remarks quoted. I stated, however, that I had been informed that this conversation had taken place between Ames and Attorney-General Harris and Crosby, and that I was in favor of peace, and was opposed to any person, whether democrat or republican, who would invite a conflict between the races; that I condemned this language, and that if he were truly reported, the governor ought to be condemned, and I did there condemn him.

Mr. SINGLETON. It has never been contradicted to this day that he did make that speech; that the governor told Sheriff Crosby to go to Vicksburgh; to arm the colored people and march them against the city; and that he declared to Attorney-General Harris that the blood of twenty-five or thirty negroes would benefit the republican party in the State. The fault, therefore, of that riot is not with the democratic party. It was instigated by the governor of the State of Mississippi. The sheriff, acting upon his advice, did arm these men, and marched on the city of Vicksburgh; and the citizens there, in defense of their rights, of their lives, of their families, and of all that they held sacred, did meet them, and after they tried in vain to induce them to return to their homes a conflict ensued, in which about one hundred persons, as charged here, were killed.

Now as to the riot at Friar's Point, I find by the testimony of Governor Ames, given before the Mississippi investigating committee, that we are acquitted of the charge of inaugurating it. He says in answer to questions propounded:

It is believed that that conflict and those murders were due to the action of Senator ALCORN. The democracy of that section were allied to him and supported him.

Question. Allied to whom?

Answer. ALCORN—following him, as reported to me by the sheriff. It was Senator ALCORN who originated that trouble and gave it countenance and head.

It has been fully proven in the investigation which was had that the democrats had no part in getting up that riot; that it was not partisan in character and had no political significance whatever.

I assert fearlessly that no proof entitled to a moment's consideration can be made or ever will be made showing that arms were purchased or used in any other way than that I have indicated.

If from this state of facts any amount of intimidation was felt by their white leaders or by the colored people, it was only because their consciences made cowards of them, and not because of any threat or demonstration on the part of democratic voters.

That there was intimidation practiced in the late election, and in all the elections which have taken place for the last ten years in Mississippi, is a fact that no man who respects the truth will deny. This intimidation sprang from a spirit of intolerance manifested by the colored voters of the republican party toward any colored man who dared to side with the democrats. Social ostracism was the penalty. Speakers of this class were dragged from the stand; church members were excluded from the pales of the church; preachers of the gospel were driven from their pulpits and silenced in disgrace. Many were beaten unmercifully and not a few killed for opinion sake, and yet no cry of intimidation then went to the country. Why, sir, this persecution went to such an extent that we found it necessary both in our platforms and in our speeches to give solemn pledges to colored voters that if they desired to vote with us they should be fully protected in the exercise of this right; and on several occasions in carrying out these promises conflicts ensued between the races, for which we were not responsible, as they were the aggressors.

Now, Mr. Speaker, the very pertinent question arises, Why has it been thought proper by certain distinguished individuals to drag this Mississippi election into the political arena? Is there any individual upon trial for a violation of the election laws before either House of Congress? If so, how does the jurisdiction accrue to either of them? Is any member's seat being contested? If so, is there not in each branch of Congress a Committee on Elections which is charged with the duty of inquiring into the whole matter? Is the case of Mississippi so anomalous that all parliamentary rules shall be lost sight of and an investigating committee be required to try the slums and cess-pools of party politics, and pluck up by the locks some foul slander which may answer as political capital for a party hard pressed and perhaps secure its ascendency for an hour? Is all this not a political maneuver, and nothing more?

Can any legitimate practical results flow from having sent a committee to Mississippi to inquire into her late election? Can the report, whatever may be its character, be used as evidence to affect the rights of any one? Is it not entirely *ex parte* in its character? Is there not a law governing committees as it governs courts, that every man whose rights of person, property, or franchise are to be determined shall have his day in court, shall be confronted with witnesses and shall be heard by himself or counsel, or both, in his defense. In this case upon whom has notice been served? What are the issues to be tried, and what the verdict to be rendered? Whose rights are to be affected by it?

But enough of this. The eyes of the country are open to the whole movement, and it will meet its merited reward. I can envy no man his characteristics who is incapable of generosity to a fallen foe or who delights in tearing the bandages from the wounds of his victim, that blood may flow afresh. Such a man has all the materials in him to make an improved and enlarged edition of Falstaff, and, an opportunity presenting itself, would gather up the body of another Harry Percy, carry it to the feet of his party, and, brandishing his self-hacked sword, cry with stentorian voice, "*Ecce signum.*" Whatever laurels he can gather upon this field let him wear them complacently. I leave him "alone in his glory," believing that time will set all things even, and posterity will award his memory the scorn and contempt it so richly merits.

During the delivery of Mr. SINGLETON's remarks the following proceedings took place:

The SPEAKER *pro tempore*. The time of the gentleman from Mississippi has expired.

Mr. JONES, of Kentucky. I ask unanimous consent that the gentleman's time be extended.

Mr. PAGE. I object.

Mr. JONES, of Kentucky. The time of gentlemen on the other side of the House has been extended by unanimous consent.

Mr. LYNCH. The House had the courtesy to extend my time, and I hope the same courtesy will be extended to my colleague.

Mr. PAGE. I withdraw my objection. My only reason for making it was because the gentleman from Mississippi [Mr. SINGLETON] ob-

jected the other day to an extension of time to the gentleman from Maine, [Mr. HALE.]

Mr. SINGLETON. On all occasions when I have addressed the House I have yielded to every gentleman who asked me to do so. But the gentleman from Maine [Mr. HALE] having refused to hear me at all, that was the ground on which I made an objection in his case.

The SPEAKER *pro tempore*. How much time does the gentleman from Mississippi desire?

Mr. SINGLETON. How much time have I occupied?

The SPEAKER *pro tempore*. Half an hour.

Mr. SINGLETON. I would like half an hour more.

The SPEAKER *pro tempore*. The time of the gentleman from Mississippi will be extended one-half hour if there be no objection. The Chair hears none.

Mr. SINGLETON then resumed and concluded his remarks as given above.

Mr. WELLS, of Mississippi. I was not in the House when my colleague began his remarks, and I wish to ask him this question: Is it not a fact that nearly all the leading prominent republicans of the State of Mississippi denounced the acts that are charged by gentlemen here upon this floor and by my colleague himself to have been committed and used every means to reform those abuses?

Mr. SINGLETON. I will state that some of them did. How many I cannot say. But my colleague from Mississippi on the other side of the House [Mr. LYNCH] undertook the other day to defend Governor Ames and his administration, and charged upon the democratic party that we had acted in bad faith and had persecuted and turned gentlemen out of office without just cause. The gentleman must settle that difference between himself and his colleague.

Mr. WELLS, of Mississippi. I do not rise to make any question as to that fact; but I desire to say this: That I heartily concur in what my colleague [Mr. LYNCH] said in this particular, that if Governor Ames was guilty of the charges made against him he should have been tried and impeached, as well as every other officer against whom such charges are preferred; and I did object and do now object to the position taken by the Legislature in pensioning one of the judges of our supreme court and providing for his retirement without any constitutional power to do so or any appropriation to pay him, in order to secure the appointment of a democratic judge.

Mr. HOAR. What is the rate of taxation per thousand dollars in the State of Mississippi?

Mr. SINGLETON. The State and county taxes at present amount to nine mills on the dollar.

Mr. HOAR. Nine mills on the dollar! What a dreadfully overburdened State!

Mr. SINGLETON. That is the rate under the democratic rule. We have reduced it to that from fourteen mills. We have reduced it about one-third, notwithstanding the debt heaped upon the State by the republican party.

Mr. HOAR. I have paid $17.50 on the thousand dollars in the city of Worcester for years, and am glad to pay it.

Mr. WELLS, of Mississippi. If it has been reduced one-third, it has been done by appropriating the amount raised *for* the school fund by the republican party, which I understand has been distributed *pro rata* to the counties, this fund amounting to over $60,000, and by increasing the county taxes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a concurrent resolution authorizing the Committee on Enrolled Bills of the House of Representatives to make certain corrections in the enrollment of the bill making appropriations for the consular and diplomatic service of the Government; also a concurrent resolution for the appointment of a joint committee to prepare a suitable form of government for the District of Columbia; in which resolutions he was directed to ask the concurrence of the House.

SUNDRY CIVIL BILL.

Mr. SPRINGER. I yield twelve minutes to the gentleman from Texas, [Mr. SCHLEICHER.]

DANIEL W. PERKINS.

Mr. LAWRENCE. Pending that motion I ask unanimous consent to report from the Committee on the Judiciary a substitute for the bill of the House (H. R. No. 2230) for the relief of Daniel W. Perkins, of East Saginaw County, Michigan.

There being no objection, Mr. LAWRENCE, from the Committee on the Judiciary, reported a bill (H. R. No. 4095) as a substitute for the bill (H. R. No. 2230) for the relief of Daniel W. Perkins, of East Saginaw County, Michigan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

CORRECTION IN ENROLLMENT.

Mr. RANDALL. I ask unanimous consent to take from the Speaker's table the concurrent resolution from the Senate allowing the Committee on Enrolled Bills of the House to make certain correction in the consular and diplomatic appropriation bill.

There was no objection, and the Senate resolution was taken up and concurred in, as follows:

Be it resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills of the House of Representatives be authorized in the enrollment of House bill No. 1504, making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, to insert in the amendment numbered 14, after the words "fifty-two," the words "one thousand," so that the amendment will read "$52,500;" also to insert in the bill in the amendment numbered 114, after the word "nine," the word "thousand," so that the amendment will read "$9,500."

MEMBER SWORN IN.

Mr. BLACKBURN. I desire to present the credentials of Hon. Mr. Watterson, a member-elect from the fifth congressional district of Kentucky, who is present and desires to be sworn; and I ask that the Clerk read the certificate.

The Clerk read as follows:

STATE OF KENTUCKY, OFFICE OF THE SECRETARY OF STATE.
Frankfort, August 11, 1876.

The undersigned, a board duly authorized by law to examine the returns of a special election held on the 7th day of August, 1876, for a Representative in Congress from the fifth congressional district, to fill a vacancy occasioned by the death of E. Y. Parsons, do certify that the whole number of votes cast at said election was 12,244, of which Henry Watterson received 11,567 and W. J. Heady received 677; and that Henry Watterson having received the highest number of votes is declared duly elected.

JAMES B. McCREERY,
Governor of Kentucky.
THOS. E. MOSS,
Attorney-General.
JOHN STODDARD THOMPSON,
Secretary of State.

Mr. WATTERSON appeared, and was duly qualified by taking the modified oath.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. CRAPO. With the permission of the gentleman from Illinois I ask unanimous consent to take from the Speaker's table a concurrent resolution from the Senate which was sent over this morning providing for a commission to prepare a uniform government for the District of Columbia.

The concurrent resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be appointed a joint select committee of three members of the Senate, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the presiding officer of the House of Representatives, to prepare a suitable form of government for the District of Columbia, and to report at the next session of Congress; that said committee be authorized to sit during the recess and to employ the necessary clerical force; that the expenses of said committee be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

Mr. RANDALL. This is, I understand, a proposition to appoint a joint committee to provide a government for the District of Columbia.

Mr. CRAPO. It is similar to a bill which passed this House, with this exception, that the bill provided for a commission composed of two residents of the District of Columbia and one non-resident.

Mr. RANDALL. And this resolution proposes simply to appoint a committee of Senators and Representatives, and to give them power to meet during the recess?

Mr. HOAR. I would like to inquire what has become of the report which was made by a similar committee to this House?

Mr. CRAPO. That was made to the last Congress, and not to this.

Mr. HOAR. What has become of it?

Mr. CRAPO. It never was presented to this Congress.

Mr. HOAR. My colleague will permit me to say that the last Congress appointed a committee like this, consisting of the present Secretary of the Treasury, Mr. Mitchell of Wisconsin, (one of the ablest members on the democratic side of the House,) and two other members. They made a very thorough and exhaustive examination and discussion of this matter, and their report seems to solve the problem both in the matter of the proportion of taxation and the form of government, and it would have been satisfactory to the country if Congress had taken it up and discussed it; but they had never done anything about it.

Mr. SPRINGER. I only yielded to the gentleman from Massachusetts on the condition that this matter should not give rise to debate.

No objection being made, the resolution of the Senate was taken from the Speaker's table and concurred in.

Mr. CRAPO moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL BILL.

The House resumed the consideration of the motion made by the gentleman from Maine [Mr. HALE] to reconsider the vote by which the President's message in reference to the sundry civil appropriation bill was referred to the Committee on Appropriations, upon which Mr. SCHLEICHER was entitled to the floor.

Mr. SCHLEICHER. Mr. Speaker, the gentleman from Pennsylvania, [Mr. TOWNSEND,] in taking ground against the silver bill now before the House, has argued against the use of silver as money altogether. I believe this is changing the argument to a wrong position, as in my opinion this present bill does not present the issue of the double and single standard at all. This shifting of the argument might have the

injurious effect to cause the friends of honest silver money who disagree with the gentleman to look with favor upon this present measure. Indeed, we have seen this effect already. I would like to warn gentlemen who, like myself, are opposed to the policy of demonetizing silver, that there is great danger in linking their cause with any proposition which, like the present one, has so many other objectionable features. Most of the arguments of the opponents of silver, like the able argument of Mr. HEWITT, delivered in this House several months ago, can be completely met by a re-adjustment of the ratio between gold and silver at the proper time. The history of silver as money does not present a history of frequent fluctuations, but of a few violent temporary fluctuations, followed by long periods of stability. Since the discovery of the South American silver mines, which created in the European money market convulsions like the present, there have been no violent fluctuations until quite lately. The present feeling is much in the nature of a panic. There was nearly as much of causeless fear for gold after the Californian and Australian diggings were found as there is now for silver; but many of the ephemeral writings of that period are now forgotten, and people seem to think that gold was always the same. An occasional re-adjustment of the ratio, happening perhaps once in a hundred years, is all the drawback that may be feared in retaining both metals as money.

I am in favor of a double standard. I think it is the true American policy to sustain the value of the silver which is produced by American mines. But I am in favor of giving a dollar's worth of silver for a dollar and have it coined into a dollar, and not eighty cents' worth. Gold and silver have been money as long as we have a history of civilized nations. They both have the requisite qualities for money. But we know that from time to time it has been necessary to adjust their relative ratio, as one or the other would fluctuate. Before the discovery of the South American silver mines the proportion of value in Europe was 11 to 1. It changed to 14 to 1, to 15 to 1, and in 1824 the United States made it 16 to 1, which proved to be too much and drove the silver dollars out of circulation.

There was no change since until lately through various causes silver has lost in value until the weight of silver in the dollar in 1834 would now only be worth about eighty cents and less. A change of standard is evidently again required, but it would be altogether hazard and guess-work to attempt to establish that new standard in the midst of the present violent fluctuations. We are fortunately situated in not being now affected by these changes of value like the English in India and like the double-standard countries, and we can well afford to wait until the new ratio can be more definitely ascertained.

In my opinion it should be the work of an international commission in which all the governments participate who recognize silver as money.

But the idea of now declaring eighty cents' worth of silver a legal tender for a dollar is contrary to every dictate of strict honesty and of prudence. Why it is not honest it is not necessary now to argue. That it is imprudent and instead of alleviating the burdens of our taxpayers will increase them is the main and only practical argument now. If we had the money to pay off the principal of our bonds or any considerable part of them at eighty cents on the dollar, as this bill declares we have the right to do, then there might be an argument about the prudence of doing so, although the honesty would be very questionable; but when we have nothing to pay off our public debt or any respectable portion of it, even at such a discount, the only possible result of the present agitation is the proclamation of our bad faith and consequently a lowering of our credit. We say to our creditors: "We would cheat you now if we could pay you off, but as we have no money to do that, we must continue to ask you to extend credit to us and bide our time." Glorious way that of reducing the interest on our public debt. It seems to me that ordinary prudence would dictate that as long as we have nothing to pay with, it is useless to threaten what we would do if we could, and that we should rather feign the virtue honesty, even if we do not possess it, so as to obtain good credit, which means low interest.

If we had continually expressed ourselves in favor of strict honesty and a compliance with all obligations—which would have cost us nothing—our credit might be now so that we could fund our debt at 4 per cent. interest instead of 6. England pays 3 per cent.; we pay 6 only because we have a worse credit. Had we succeeded in inspiring the world with a belief in our honesty we might now save at least thirty millions a year in the gold interest on our bonds. But when one day this Congress votes to investigate the validity of the act of 1869, upon which our present credit rests, and if on another day it votes to declare that we have a right to pay our debt with eighty cents' worth of silver to the dollar, how can we expect to retain even our present credit, let alone improving it?

Gentlemen may say we need no credit now. What fallacy! I have said we might, if we had had statesmanship enough to improve our credit, save at least thirty millions per annum by refunding at a lower interest. But apart from that, do gentlemen reflect that only five years hence the principal of the twenty-year bonds of 1862 will begin to fall due? How shall we pay? We can only pay by selling new issues of bonds. What interest we shall have to pay for them depends solely upon what credit we establish in the mean time.

With prudence and honesty we might get it down to 4 per cent. at least, but with such proceedings as these we may have to pay 10 or 12 per cent.

Is this the way the champions of the tax-payers are going to lighten our burdens? To increase the annual interest of our public debt instead of reducing it?

The great and central heresy around which cluster all minor errors is the idea that government can create values by law. We must get clear of that before we can ever act understandingly.

When James II was expelled from England and established himself in Ireland he coined money of brass and made it a legal tender. He tried to extricate himself from his financial troubles, as Macaulay says, "by calling a farthing a shilling." I refer to Macaulay's pages for a description of the results. "Of all the plagues of that time," he says, "none made a deeper or more lasting impression than the plague of the brass money."

I confess my inability to perceive the difference in the principle of the acts of James and the schemes of the gentleman from Indiana [Mr. LANDERS] or the gentleman from Pennsylvania, [Mr. KELLEY.] The difference is in degree only. To call a lump of brass a dollar and stamp it so, or to call a promise to pay on a piece of paper a dollar and stamp it so, or to call seventy or eighty cents' worth of silver a dollar and force people to take either of the articles so stamped at their nominal value in exchange for real values, is all the same in principle and differs only in degree.

The arbitrary power which in any country can enforce and impose worthless paper or debased metal or an insufficient quantity of valuable metal on its own people under the fiction that the coinage or inscription gives it value ceases at once when it crosses its own border and is forced to fair dealing. But in modern times it has been considered shameful for a government to practice such impositions on its own people simply because it has the power, or on its creditors because by trusting in its honesty they have placed themselves in its power. Enlightened governments deal as fairly with their own people as they have to deal with strangers, and the stamp on a gold or silver coin should be a certificate of its weight and fineness, no more; not making the value nor adding to the value, but a ready proof of the value only. I am opposed to stamping a false certificate of value on our silver coins.

Bad faith in a government is a poison that tends to corrupt the whole body-politic, destroys confidence, and thereby paralyzes all the recuperative energies of the people.

I have a few moments left and will yield them to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. MORRISON. I move that the House adjourn.

Mr. BANKS. The gentleman from Illinois wishes to make that motion; I do not object, and will yield the floor for that purpose.

The question was taken on Mr. MORRISON'S motion, and it was agreed to; and accordingly (at eleven o'clock and fifty-five minutes a. m.) the House adjourned.

IN SENATE.

MONDAY, *August* 14, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

COAST SURVEY REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. W. Carhart, mayor of the city of Hot Springs, Arkansas, in the name of four thousand citizens living upon the Hot Springs reservation, praying for the passage of the joint resolution introduced by Senator DORSEY in relation to the collection of water and house rent by the United States thereon; which was referred to the Committee on the Judiciary.

CORRECTION OF ERRORS IN ENROLLMENT.

Mr. MORRILL. I ask once more that the House bill in relation to the pavement of Pennsylvania avenue be taken up for consideration.

Mr. SARGENT. I want to present a concurrent resolution in the nature of a report from the Committee on Appropriations. The passage of a concurrent resolution is necessary in order to correct the enrollment of the consular bill, and it ought to be passed at once.

Mr. MORRILL. Very well.

Mr. SARGENT. I submit the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills of the House of Representatives be authorized in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, to insert in the bill, in the amendment numbered 14, after the words "fifty-two" the word "thousand," so that the amendment will read "$52,500;" also, to insert in the bill, in the amendment numbered 114, after the word "nine," the the word "thousand," so that the amendment will read "$9,500."

This is not a change in the bill from what it was understood as it passed both Houses. From the fact that the Committee on Appropriations were thoroughly wearied and tired out, after working night and day, I am not surprised that these two unimportant errors occurred; but I suppose they would be important if not corrected. I ask that the resolution be passed.

Mr. EDMUNDS. Can that be done by a concurrent resolution?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. Very well; let us take that for granted.

The resolution was considered by unanimous consent, and agreed to.

DISTRICT GOVERNMENT.

Mr. MORRILL. I now ask that the bill which has repeatedly been called up, in relation to the pavement of Pennsylvania avenue, be taken up for action.

Mr. EDMUNDS. Is the morning business through?

The PRESIDENT *pro tempore*. Morning business is not through.

Mr. MORRILL. There is no objection to this bill.

Mr. EDMUNDS. There is no quorum here. You cannot do any business. I do not object to taking it up, but there is no quorum.

The PRESIDENT *pro tempore*. The Chair will call for morning business.

Mr. SPENCER. I submit the following resolution, and ask for its present consideration:

Resolved by the Senate, (the House of Representatives concurring.) That there be appointed a joint committee of three members of the Senate, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the presiding officer of the House of Representatives, to prepare a suitable form of government for the District of Columbia, and to report at the next session of Congress; that said committee be authorized to sit during the recess and to employ the necessary clerical force, and that the expenses of said committee be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

Mr. EDMUNDS. I should like to look at the resolution before it is acted upon.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the resolution cannot be considered at this time.

Mr. SPENCER subsequently said: The resolution which I just offered was objected to by the Senator from Vermont. He now withdraws his objection and is willing that the resolution shall pass.

Mr. COCKRELL. I ask that the resolution be read.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to.

MISSISSIPPI ELECTION INVESTIGATION.

Mr. BOUTWELL. I submit a resolution, and ask for its present consideration. I suppose the Senator from Vermont will not object to it. I offer the following:

Resolved, That the Special Committee on the Mississippi Election be authorized to allow the clerk of said committee pay for preparing the index to the testimony taken by said committee for a period of time not exceeding thirty days after the adjournment of this session of Congress.

The Senate proceeded to consider the resolution.

Mr. EDMUNDS. How is the clerk to be paid?

Mr. BOUTWELL. Out of the fund appropriated for the expenses of the committee.

The resolution was agreed to.

CHARLES C. CAMPBELL.

Mr. MITCHELL. The chairman of the Committee on Claims [Mr. WRIGHT] is absent. He called my attention to a case which he became satisfied before leaving was a very meritorious one. It was called up a few days ago and some objection was made. I have in my hands a letter which I will read as a part of my remarks to show why the bill should be taken up now, and I think there will be no objection to its passage. The bill has passed the House, and it was reported favorably to the Senate by the late Senator Caperton. It has been considered by the chairman of our committee since that time, and I believe it to be a very meritorious case. I will read a letter from General Burbridge. The simple question of loyalty, I understand, was raised when the matter was up before.

Mr. EDMUNDS. Who is the man?

Mr. MITCHELL. Mr. Campbell, of Virginia.

Mr. EDMUNDS. You cannot pass that this morning. It was not a question of loyalty; it was a question of public law as to these mules, &c., belonging to the concern.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia.

Mr. EDMUNDS. That bill has been once under consideration. It may be that this gentleman was entirely loyal, but the question which was discussed in the Senate before was that of the relation of the property to the salt-works—of course I cannot go into the merits—the salt-works having been destroyed, and the property used in connection with it was carried away. This bill is to pay for that property, and it opens the whole question about the rights of war there, which has agitated us so many times. It is perfectly useless, in my opinion, at this late stage in the session to attempt to take up such a bill. I hope, therefore, that it will not be taken up, for it will not be lost; it will only stand over as it now stands. We may adjourn this afternoon, and here are the Hawaiian treaty bill and the constitutional amendment, both of which we must act upon. If this bill is not taken up, I believe I shall move to take up the constitutional amendment, and let the debate go on upon that.

Mr. MITCHELL. I hope this bill will be taken up. I will state that it does not come within the list of cases that have been controverted. It is simply to compensate this man for certain commissary stores taken by General Burbridge for the use of the Army. I desire to read the letter which I was about to read a moment ago, which is addressed to the chairman of the Committee on Claims, and is as follows:

WASHINGTON, D. C., *July* 31, 1876.

MY DEAR SIR: I feel it to be my duty to attempt to correct the erroneous and unjust impression which seemed to prevail on the part of one or two Senators in relation to the loyalty of Mr. Campbell. I know Mr. Campbell to have been a truly loyal man. I destroyed his salt-works not because he had sold salt to rebels but because there was danger that his salt-works might be captured by the confederate army and then used in the manufacture of salt for the confederate forces.

I destroyed the property of many Union men for the same reasons. Mr. Campbell was loyal in a locality in which loyalty implied a sacrifice of every material interest and social relation, and now it seems both harsh and unjust that any aspersions should be made against his devotion to the Union. He claims nothing for the property destroyed—

I call attention to this—

he claims nothing for the property destroyed, but only for supplies taken and used by the Union Army. He is now sorely afflicted with sickness in his family, and his home, which is all that ravages of the rebellion have left him, is advertised for sale, and if Congress fails to do him justice he will be without a roof to protect himself and family. A feeling of delicacy on his part has prevented him from making known to you his distressing situation, and I at the risk of being regarded as troublesome feel it my duty to acquaint you with his situation.

I have the honor to be, very truly, yours,

S. G. BURBRIDGE.

Hon. GEO. G. WRIGHT,
United States Senate.

I hope this bill will be taken up and disposed of. It has been acted upon favorably by the House and reported favorably by the committee of the Senate.

Mr. EDMUNDS. Is that any reason why we should pass it, because the House acted favorably? That is a very extraordinary argument in reference to it.

Mr. MITCHELL. It is this much of an argument, that it is a House bill; and if it is a proper bill to act upon, it is an argument which should give it preference over a Senate bill.

Mr. LOGAN. If this question is debatable I desire to say but a word. I have no fault to find with Mr. Campbell or anybody else, but I propose to object, where my objection will avail anything, to every claim that is presented by a gentleman for property destroyed by the Union Army claiming to be a loyal man or a disloyal man. It is immaterial for what he claims——

Mr. MITCHELL. This is not to pay for property destroyed.

Mr. LOGAN. It makes no difference.

Mr. MITCHELL. It is for property used.

Mr. LOGAN. Very well, property used; mules, wagons, &c., assisting in making salt. I propose to object, while I am here in my seat, whether the claim is a proper one or not, until the Senate shall agree to pay the soldiers who put the rebellion down what this Government owes them. I object to the consideration of this bill.

Mr. MITCHELL. I am just as willing as the Senator from Illinois to vote to pay the soldiers, and I have voted with him every time the Senator has asked to take up the bounty bill.

Mr. LOGAN. I know that, but that is not the point. It is not whether the Senator votes with me or not, but whether the Senate will take up the bill.

Mr. MITCHELL. I think it is as great an outrage for the Congress of the United States to refuse to pay a loyal man for his private property taken by the Union Army and used by the Union Army in putting down the rebellion as it is to neglect to pay the soliders who fought to put down the rebellion.

Mr. EDMUNDS. I should like to know if that is not going into the merits.

The PRESIDENT *pro tempore*. The Senator will confine himself to the question of taking up the bill. Debate is not in order upon the merits. The Senator from Oregon moves the present consideration of the bill.

The motion was not agreed to.

SALE OF SALINE LANDS.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 2260) providing for the sale of saline lands.

The Chief Clerk read the bill and the amendment of the Committee on Public Lands.

Mr. HARVEY. The amendment recommended by the committee——

Mr. WEST. I ask whether the bill is up?

The PRESIDENT *pro tempore*. The bill is not before the Senate.

Mr. WEST. Then we cannot have the merits of the bill discussed.

Mr. HARVEY. I simply wish to make a statement. The amendment recommended by the committee was made upon the recommendation of the Commissioner of the General Land Office.

Mr. WEST. I venture to inquire whether the Senator can discuss the character of the bill or the amendment before the bill is before the Senate?

The PRESIDENT *pro tempore*. The merits of the bill cannot now be discussed.

Mr. HARVEY. Can I call for the reading of the letter of the Commissioner of the General Land Office?

The PRESIDENT *pro tempore*. That can be read to show the necessity of taking up the bill; but the merits cannot be considered in debate.

Mr. HARVEY. I ask for the reading of the letter.

Mr. LOGAN. How long will it take?

Mr. HARVEY. Only a few minutes. I think there will be no objection to the bill.

Mr. CAMERON, of Wisconsin. Perhaps the Senator from Kansas will yield to me for a moment to call up another bill.

The PRESIDENT *pro tempore*. While the letter is being sent for.

Mr. HARVEY. Will it have the effect to displace my motion to take up the bill?

The PRESIDENT *pro tempore*. Not by unanimous consent. The paper has now come.

Mr. KELLY. While the paper is coming——

The PRESIDENT *pro tempore*. The Senator from Wisconsin now on the floor has asked the privilege to take up some measure.

Mr. CAMERON, of Wisconsin. It will take but a moment to consider my bill.

Mr. EDMUNDS. One thing at a time, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont insists on one measure at a time. The letter will be reported.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 1, 1876.

SIR: I have had the honor to receive your letter of the 28th ultimo, inclosing a copy of H. R. No. 2260, entitled "An act for the sale of saline lands," and requesting from this Office "information whether it is desirable and proper that it pass."

In reply, I have to state that as was set forth in a late decision of the Supreme Court of the United States, "the policy of the Government, since the acquisition of the Northwest Territory and the inauguration of our land system, to reserve salt springs has been uniform." Further, it has been a policy generally acted upon in admitting States containing public lands to make a grant to the State of such salt springs as might be found therein, with a limit as to number, the grant embracing also contiguous sections and making up an aggregate area usually equal to two townships of public land. The first case in which this was done is that of Ohio; the last that of the proposed admission of Colorado, as provided for in the act of Congress of March 3, 1875. (Statutes at Large, volume 18, page 476.) In view of this policy, which may be adhered to in admitting new States, I suggest that the act mentioned be amended by adding at the close of the twenty-third line the following words, namely: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant until either the grant has been fully satisfied or the right of selection thereunder has expired by efflux of time.

With such an amendment I think it desirable and proper that the bill pass.

Very respectfully,

J. A. WILLIAMSON, *Commissioner*.

Hon. W. R. BROWN,
House of Representatives.

Mr. HARVEY. The amendment reported by the committee is the same as that recommended by the Commissioner.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

Mr. DAVIS. I think we ought to proceed with the Calendar of unobjected cases. There are a number of bills on the Calendar that many Senators are interested in. We ought to proceed regularly with the Calendar, and every Senator will then fare alike. There are a number of bills on the Calendar which ought to be passed; and I therefore move that the bill under consideration be laid aside in order to proceed regularly with bills on the Calendar.

Mr. WEST. The bill has not been taken up yet.

The PRESIDENT *pro tempore*. The bill is not pending. The question is on proceeding to the consideration of the bill named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2260) providing for the sale of saline lands. It provides that whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of the register and receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash, at a price not less than $1.25 per acre; and in case the lands fail to sell when so offered, the same shall be subject to private sale, at such land office, for cash, at a price not less than $1.25 per acre, in the same manner as other lands of the United States are sold.

The bill was reported from the Committee on Public Lands with an amendment to add the following proviso:

Provided, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time.

The amendment was agreed to.

Mr. CLAYTON. I move to insert the following as an additional section at the end of the bill:

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, to be designated by the Secretary of the Interior.

Mr. HARVEY. I have no objection to that amendment.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend by adding at the end of the amendment reported from the committee the following:

But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quitclaim of all title of the United States.

Mr. INGALLS. The Supreme Court, as I understand, have repeatedly determined that a patent is nothing but a quitclaim, and that it conveys merely the title of the United States; and therefore this amendment is unnecessary.

Mr. EDMUNDS. Ah, but let me suggest to my friend that although the Supreme Court has decided something such as he says, not that it is a mere release but that it conveys a title, yet if the United States does not possess the title, and the person to whom we give the patent fails to get a title, he can come back on us as he would on a private person in the nature of a warranty. That is the point. In relation to these saline lands where there are pre-emption settlers, State claims, and things of that kind, and we want to close them out, it appears to me that it would be the height of folly to give a patent under the decison of the General Land Office to a man who bought at a dollar and a quarter an acre at an auction sale when the land was already claimed by some one else, and we should have to pay the man we turn out or the man we gave the patent to, one or the other. We should lose a great deal more money than we should make by the operation, and my design is to protect the United States against double claims.

Mr. HARVEY, I think there is no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THE CALENDAR.

Mr. DAVIS. I move that the Senate proceed to the consideration of the Calendar of unobjected cases under the Anthony rule at the point where its consideration was last suspended.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar will be reported.

Mr. CRAGIN. Let me suggest to the Senator from West Virginia to apply the order to House bills alone.

Mr. DAVIS. It applies to unobjected cases. Anybody who desires to object can prevent action upon a bill.

Mr. CRAGIN. But it should apply only to unobjected House bills. There is no use in passing Senate bills now.

Mr. DAVIS. Oh, yes, it is; for we may have a very late session today.

Mr. LOGAN. There is just as much use in passing such bills as any others. I object to any proposition of that kind.

Mr. PADDOCK. Before the order is enforced, I should like to ask unanimous consent of the Senate to call up a little bill which has been considered before, Senate bill No. 705.

Mr. DAVIS. We shall reach all the bills in order. I object to anything out of order.

Mr. PADDOCK. I think the Senator from West Virginia will not insist on his objection when I make the statement which I shall make. This is a claim by a postmaster in one of the small towns in my State for internal-revenue stamps which were lost by him under the old law. A bill has passed re-imbursing him for the loss of the postage-stamps, and the case has been carefully considered by two committees.

Mr. DAVIS. I do not object to this particular bill, but it will be reached in its order if we proceed with the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object to the consideration of the bill named by the Senator from Nebraska?

Mr. DAVIS. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made, and the first case on the Calendar will be reported.

Mr. EDMUNDS. I think that it is due to the occasion to have these unobjected cases wait a few minutes; and I will therefore move to postpone the present and all prior orders and take up the constitutional amendment.

The question being put, there were, on a division—ayes 18, noes 10, no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The roll-call having been concluded,

Mr. HAMLIN. On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were present he would vote "nay," and I should vote "yea."

Mr. WINDOM. On all questions in reference to this amendment I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present I presume he would vote "nay," and I should vote "yea."

Mr. HOWE. (After having voted in the affirmative.) On this question and all other political questions I am paired with the Senator from North Carolina, [Mr. RANSOM,] in case there is a quorum without my vote. I wish to withdraw my vote unless it is necessary to make a quorum.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

The result was announced—yeas 23, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Logan, McMillan, Mitchell, Morrill, Morton, Paddock, Sargent, Spencer, and West—23.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Jones of Nevada, McDonald, Merrimon, Oglesby, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Windom, Withers, and Wright—35.

So the motion was agreed to.

THE SCHOOL AMENDMENT.

The Senate proceeded to consider the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States, the pending question being on its passage.

Mr. FRELINGHUYSEN. Mr. President, before the vote is taken on this measure, I propose to state the principles involved in it, and to do so with great brevity.

There are only two principles involved in this article for the amendment of the Constitution, as passed by the House or as now amended by the Senate:

I. That there shall be no establishment of religion or prohibition of the free exercise thereof, and that there shall be no religious test as a qualification to office in the several States of the Union.

II. That the people shall not be taxed to promote the particular creed or tenets of any religious or anti-religious sect or denomination.

Let me remark that it is manifest that the people call for an amendment covering these two principles. This is manifest from the fact that the Representatives of the people of every religious and political persuasion, coming fresh from every section of the country, have by a vote of 166 out of 171 (only 5 negatives) declared that to be the will of the people.

Further, sir; on the passage by the House of this amendment, which undertook to affirm and to protect these two principles, and which the people and the press, and which I assume the House of Representatives thought was effective, great gratification was afforded to the whole country, not only because of their wish that these principles should be incorporated in our fundamental law, but also because this vexed question was to be removed from the arena of party politics. The great unanimity of the vote in the House shows how strong is the conviction of the Representatives of the people that this article of amendment to the Constitution is within the legitimate province of constitutional amendments, and is also in accord with the best policy and the soundest interests of the nation.

There is, sir, no room for two opinions on the two propositions that religion and conscience should be free, and that the people should not be taxed for sectarian purposes. The whole history of our country, from its origin to the present day, establishes and fortifies these positions. And nothing can be clearer than that these fundamental rights should be secured in a constitution ordained expressly to "establish justice" and to "secure the blessings of liberty."

Mr. President, while the two principles of religious freedom and exemption from taxation for sectarian purposes are plainly asserted in the article as it comes to us from the House, there are, unfortunately, in it defects and omissions that were it accepted without amendment by the States would render it nugatory and invalid. And the House should be gratified that a more careful scrutiny has discovered and corrected these defects, and should be ready to concur at once in the amendment of the Senate. I will point out these defects and their corrections.

I. The fifth article of the Constitution requires that Congress when proposing amendments to the Constitution shall state to the people in what manner the amendment shall be ratified; whether by the Legislatures of the States or by conventions in the States; the fifth article is as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

This article amending the Constitution as it came from the House failed to propose either mode of ratifying this amendment. It did not propose that it should be ratified by the Legislatures or that it should be ratified by conventions. Had the Legislatures ratified it, not being in conformity with the requirements of the Constitution, it would have been invalid.

I call the attention of the Senate to the first alteration the House amendment makes in our Constitution. The first amendment to the Constitution, enacted shortly after the adoption of the Constitution, provides that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

This is an inhibition on Congress, and not on the States. The House article very properly extends the prohibition of the first amendment of the Constitution to the States. But the sixth article of the old Constitution also provides that—

> No religious test shall ever be required as a qualification to any office or public trust under the United States.

This provision in such close harmony with the first amendment of the Constitution, the House article entirely omits, and it has very properly been inserted by the Senate and made applicable to the States.

Nobody can object to the Senate amendment on account of these two positions contained in it.

Thus the article as amended by the Senate prohibits the States, for the first time, from the establishment of religion, from prohibiting its free exercise, and from making any religious test a qualification to office.

II. Now, as to the second division of the proposed article amending the Constitution relative to the use of the public money for sectarian purposes, let me say that there are six different modes by which the people can be taxed for sectarian purposes.

1. By appropriating money raised for school purposes to sectarian schools.

2. By appropriating money from the general Treasury to sectarian schools.

3. By appropriating public money to sectarian institutions other than schools, as theological institutions, sectarian colleges, monasteries, and nunneries.

4. By devoting schools or other institutions established by public funds, when so established, to sectarian purposes.

5. By making appropriations of public money to religious denominations, or to promote their interests.

6. By appropriating public money to an institution to promote infidelity or for the benefit of an anti-religious sect.

The amendment of the Senate guards against all these abuses, while the article as it came from the House only prohibited the first, to wit, the appropriation of public money, and only public money raised for schools, to sectarian schools or dividing it among denominations.

The Senate amendment only carries out the principle and cures the defects of the article as it came from the House, but it does so effectually.

Why, sir, provide that money raised for schools shall not be appropriated to sectarian schools and leave it lawful to appropriate to sectarian schools from the general Treasury?

Why should we prohibit appropriations to sectarian schools, and yet permit schools established by the public money to be made sectarian?

Why prohibit appropriations to sectarian schools and permit money to be appropriated to sectarian institutions of another character? Why prohibit appropriations to religious sects and permit them to be made to infidel sects?

There is no reason. And any one who could honestly and sincerely vote for the article as it came from the House should rejoice in the opportunity of voting for the Senate amendment.

Not only does the article as it came from the House merely apply to the appropriation of money raised for schools to sectarian purposes, but it omits to give Congress any power by legislation to prevent or punish the violations of the article.

The usual section conferring power on Congress by legislation to enforce an amendment is in these words:

> Congress shall have power to enforce this article by appropriate legislation.

But as the committee were aware that some might argue that such a section would confer on Congress the power to interfere with public schools of the States, the committee, to avoid all possible objection, have—though they were satisfied that an article so phrased would not have the effect claimed—reported a section which gives no affirmative power to Congress, but simply provides that—

> Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

This section takes the place of the strange provision of the article as it came from the House, which is in these words:

> This article shall not vest, enlarge, or diminish legislative power in Congress.

Some have called this House article the Blaine amendment. No such provision was ever suggested by that distinguished man. He left the article to be enforced under the provisions of the original Constitution, which (article I, section 9, placit 18) provides—

> That Congress shall have power to make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof; and this article is to be part of this Constitution.

This article when adopted, by the very terms of the fifth article of the Constitution, becomes, in the language of the Constitution, "to all intents and purposes a part of the Constitution." Now the pro-

vision as it comes from the House prevents the provision of the old Constitution which I have read from operating, for it declares that "nothing in this article shall be held to vest, enlarge, or diminish any legislative power in Congress." So that Congress would have no more power over the subject after the passage of the article than it had before it was passed, while the section introduced in the Senate amendment limits the power of the old Constitution by making a specific provision that Congress shall have power over this subject so far as to prevent and punish violations of this article.

Mr. President, it has been said that this amendment will prevent religious instruction in our prisons and other institutions supported by the public revenue. The clause which is relied upon to maintain that position is this:

And no such particular creed or tenets—

That is, no particular creed or tenets—

of any religious or anti-religious sect or denomination shall be read or taught in any school or institution supported in whole or in part by such—

That is public—

revenue.

Sir, does that prohibit religious instruction in prisons? Does it prevent religious instruction anywhere? If the visit to those who are sick and in prison is for the purpose of reading to them or of teaching them the particular creed or tenets of a religious or anti-religious sect or denomination, this article does interfere with it, and is designed to. Institutions supported by the money of all persuasions, even though they be prisons, are not to be made schools for teaching presbyterianism, or catholicism, unitarianism, or methodism, or infidelity, or atheism, and this article says so. But this article goes no further. There is nothing in it that prohibits religion as distinguished from the particular creed or tenets of religious and anti-religious sects and denominations being taught anywhere.

That pure and undefiled religion which appertains to the relationship and responsibility of man to God, and is readily distinguishable from the creeds of sects; that religion which permeates all our laws, which is recognized in every sentence against crime and immorality, which is invoked in every oath, which is reverentially deferred to every morning at that desk and on like occasions at the capitol of every State of the Union; that religion which is recognized by our Presidents and governors every year in the thanksgivings of the people, to which one-seventh part of the century which has just closed has been devoted; that religion which is our history, which is our unwritten as well as our written law, and which sustains the pillars of our liberty, is a very, very different thing from the particular creeds or tenets of either religionists or infidels. And this article places no unhallowed touch upon that religion. While we punish the violations of the oath or other moral obligation, it would be monstrous by affirmative legislation to restrict religious instruction. On this subject let me briefly quote from Story and Webster and Washington. Story says:

It is impossible for those who believe in the truth of Christianity as a divine revelation to doubt that it is the especial duty of government to foster and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private judgment in matters of religion and of the freedom of public worship according to the dictates of one's conscience.

Webster says:

If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble to the dust. But if we work on men's immortal minds; if we imbue them with high principles, with the just fear of God and of their fellow-men, we engrave on those tablets something which no time can efface, but which will brighten and brighten to all eternity.

Washington, in his Farewell Address, says:

Of all the dispositions and habits which lead to prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these purest props of the duties of men and citizens. The mere politician equally with the pious man ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Again, some one has said that he thought the Bible was a religious book. That remark arises, sir, from the provision in the article of amendment that sectarian creeds are to be excluded, but that this provision shall not be construed to exclude the Bible. Let me say that the saving clause in favor of the Bible is just, because it is a religious and not a sectarian book.

I have a few words more to say. There is one provision in the article to which I have not called attention. If the amendment to the Constitution is to answer any purpose, it is to exclude sectarian teaching from public schools, and this article says so. That expression might be perverted to effect the exclusion of the Bible, and the provision that it shall not be so construed was necessary to exclude that conclusion, so as to leave the Bible in its relations to the public schools and institution where it stands now.

It says that, while Shakespeare and Homer, Junius and Juvenal are not to be excluded, the Bible shall not, by reason of this article, be excluded. The Constitution of this country will never treat that book with disrespect. No party will ever have it tabooed. Who wants this article to exclude the Bible? Not the Catholics. It is the rule of their faith and practice and they want more, not less, religious instructions. They were the first in this country when establishing the government of Maryland to provide in her fundamental law for religious freedom. The Protestants do not want it excluded, because it is their rule of faith. The Israelite does not want it excluded, because it is the guide to his conscience. The atheist does not want it excluded, for he recognizes no superior; he is a law unto himself. It is a matter of indifference to him whether the Bible or Dabold's Arithmetic or Hale's History of the United States is used in the school, so far as his conscience is concerned.

But then we are told that there are different translations of the Bible. True, and yet there is but one Bible; that is the revelation from on High. There are various translations, and the excellence of this article is that it prevents the exclusion of any. Nothing in this article shall be construed to exclude either the Douay or the King James version. I am for the broadest toleration, but I would never agree to a constitutional amendment that would exclude from the schools the Bible. The Constitution should neither say that it should or should not be read in the schools. To attempt either would be to mingle politics with religion, which all would deprecate. Make the Bible a political ensign, and a party spirit such as clustered around the white and red rose would be aroused, in which perhaps there would be no more piety than there was in the spirit that animated Richard the Lion-hearted and his followers when they rallied around the cross, or Saladin and his Mohammedan hordes when they fought for the crescent.

Into such a conflict, having forsworn all idolatry, even though the Bible be on the shrine, I will not enter. "Put up thy sword, my kingdom is not of this world," is the injunction of our religion. But this article of the Constitution must not exclude it unless we come to the conclusion that the narrative of the creation, that the maxims of Solomon, that the logic of Paul, and those truths that have lighted up the future to unnumbered generations, are injurious to public morals!

Mr. President, where shall we go for public morals? If you must exclude the Bible you must banish all our literature or expurgate it, for it would be the height of folly to say that it is lawful to drink from the conduits which human hands had made, but not from the pure fountain. Where shall we go? To the Koran? To Confucius? To the Morman book of their lord? To the vain philosophy of the ancients? To mythological fables? No, sir; the people of this country want that book let alone. The Constitution must not touch it. It is to be forced upon no one and the Constitution is to make it unlawful to read it nowhere.

Mr. HAMLIN. Mr. President, I may not be in my seat when the vote shall be taken on this question. I wish to announce now, as I would if I were in my seat, that I am paired with the Senator from North Carolina, [Mr. MERRIMON.] I would vote for the amendment, and he would vote against it.

Mr. EDMUNDS. I wish to give notice that the moment the Hawaiian treaty bill is disposed of I shall ask the Senate to take up this matter again and stick to it until it is completed, without the intervention of any other thing.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate, being the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. LOGAN. I rise to call up the conference report which was objected to by the Senator from Kansas on Saturday.

The PRESIDENT *pro tempore*. Does the Senator from California yield for that purpose?

Mr. SARGENT. I understand that there will be debate on that.

The PRESIDENT *pro tempore*. It can be taken up subject to a call for the regular order.

Mr. LOGAN. I understand the conference report to be a privileged question.

Mr. SARGENT. Not to set aside unfinished business.

Mr. LOGAN. Not to set aside unfinished business, but I think Senators might at least allow the conference report to be taken up.

Mr. SARGENT. I assure the Senator that I have every desire to submit to the disposition of the Senate. I have been the victim of circumstances for a day or two, it must be confessed, and I really beg Senators to allow me to get off my hands the matter which has vexed the Senate now for the last two or three days. If this report would not lead to extended debate so as to interfere with the unfinished business, I should not object to it. It now appears that I have been troubling the Senate two or three days with the Hawaiian treaty bill, when in fact a large amount of other business has been transacted and political speeches injected. If the report is going to lead to lengthy debate, as I am notified it will, I must insist on the regular order.

Mr. LOGAN. I do not know what Senators notified the Senator that it would lead to debate. I do not know who wishes to debate it.

Mr. SARGENT. The Senator from Kansas, [Mr. INGALLS.]

Mr. LOGAN. Very well, let him make his speech. It will not be long.

Mr. SARGENT. I insist on the regular order.

Mr. LOGAN. Very well. I desire to say before the regular order is taken up, and I say it without criticism of the action of any Sen-

ator, that it is astounding to me that there has not been a proposition to take up a bill for the purpose of giving either pension or bounty, or now to give wooden-legged soldiers some kind of apparatus by which they may be aided, but what it is thrown aside by everything else; I should like to know why it is. There has not been a conference report offered in this Senate all this session by any Senator that has been laid aside except this one that I offered on Saturday. If there is any explanation of this, I should like to know what it is. If anything that pertains to a soldier in this country has become so obnoxious to the Senate that a little conference report on that subject has to be laid aside when every other conference report in the Senate has been considered at this session, I desire to let that be known. I only want to know why it is that nothing can come forward here that has any reference to matters of this kind but it must be laid aside.

As far as the Hawaiian treaty is concerned, it is up and will be acted on. My judgment is that the Senator will get his action just as soon by letting this conference report be agreed to now as he will by postponing it. That is my judgment, and I think the future will develop that fact.

Mr. SARGENT. I call for the regular order.

Mr. COCKRELL. I hope the Senator from California will yield to this report, and then I will mutually join him to determine the other matter. It will only take two or three minutes.

Mr. SARGENT. If it would only take two or three minutes I would not object; but I am notified it will lead to debate. I ask the Senator from Kansas if I am correct?

Mr. INGALLS. Undoubtedly.

Mr. SARGENT. Then the Senator from Missouri is mistaken in his premises. It will lead to a lengthy debate.

Mr. COCKRELL. I cannot see why it should.

Mr. SARGENT. That is my information. I merely state that to show that I am not unreasonable. I ask for the regular order.

Mr. ANTHONY. I think the Senator from California has peculiar claims on the Senate, although he does not urge them himself. He has been for the last six weeks engaged entirely in conference committees, and has been unable to assert the business which is particularly in his charge. I think, therefore, we ought to have what we Quakers call a very great tenderness toward him. There are several bills that must be disposed of before we adjourn; but if we make up our minds to sit here until we finish them, we shall get through by midnight to-night probably. We must dispose of the Hawaiian treaty bill; we must dispose of the constitutional amendment; and our constituents ought to send us back if we do not pass some bill for counting the electoral vote. There is also some executive business that we must dispose of, or we shall be called back again.

Mr. LOGAN. I desire to say in answer to the Senator from Rhode Island that there is always some great business to be disposed of when I attempt to call up any bill of this character. That has been universally said, not only by the Senator from Rhode Island but by other Senators. I have been on three conference committees myself that have taken up a good deal of my time and I have worked as hard as any body else, but not so extensively as the Senator from California on appropriation bills. I have been on four conference committees, some connected with appropriation bills, such as the Indian bill, the Army bill, the West Point bill. These and other conferences that I have been on have taken up my time. It will take but a moment to have this conference report disposed of, and it is the only report that has been objected to this session.

Mr. SARGENT. I am willing to test the question. I am willing to yield for five minutes, which is five times the length the Senator says it will take. Is not that fair? But if a Senator rises and proceeds with a speech and states that he wishes to speak at length, of course that cannot be done in five minutes.

Mr. LOGAN. I do not think anybody will want to speak at any great length on the question whether you shall allow one-legged soldiers wooden legs or not.

Mr. SARGENT. I am in favor of the wooden leg to the soldier; but I also want the business in my charge disposed of.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap.

The message also announced that the House had passed a bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the resolution of the Senate authorizing the Committee on Enrolled Bills of the House to correct an error in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 515) for the relief of Floyd C. Babcock; and

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery.

The message also announced that the House had passed a resolution suspending the sixteenth and seventeenth joint rules for the remainder of the session.

Mr. HAMLIN. I want to say that we have no sixteenth and seventeenth joint rules to suspend.

THE HAWAIIAN TREATY.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. NORWOOD. Mr. President, when the Senate adjourned on Saturday night I was endeavoring to demonstrate that the acquisition of the Hawaiian Islands was not necessary to the military defense of the United States.

Having said as much as I desire to say upon that head, I come now to consider the second point, which is whether we shall ever acquire the Hawaiian Islands under this treaty. There is no express provision in the treaty for their acquisition. We will have no more rights in those islands than any other nation, except that we will have occupation of certain ports for the term of seven years, if this treaty should go into effect. There is an inhibition upon the King of those islands to lease any port in them, but there is no inhibition upon him to sell them, and the possession of them therefore can pass beyond the reach of the United States at any time when the King sees fit to sell them. But, sir, that is not the strong reason why I think we shall never acquire those islands. The advocates of this bill and of this treaty place the prospect of their acquisition upon the ground that depopulation is going on in the Islands, and they cite us to the statistics to show us that that depopulation has been continued at the rate of 2 per cent. per annum, until the population now is about forty thousand natives. At the time those islands were discovered by Captain Cook, near a century ago, the population, according to his estimate, was about four hundred thousand, and that number has decreased to 10 per cent. Upon that fact is built the theory that this decrease will continue until the population will not be enough to sustain a government, and that they will naturally fall into the lap of the United States, because their inclination is toward this Government.

I desire to ask the Senator from California and the Senator from Oregon if they have considered this proposition in the light of mathematics. We are to acquire these islands by the depletion of the population. There is no other theory upon which a hope is based that we shall ever be able to acquire them. Now I desire to know whether they have considered how long, in the first place, it will take that population to die out at the rate of decrease that has been going on according to the census reports. If my friends will take the trouble to make the calculation, they will find that before the 40,000 native population now upon the islands shall be reduced down to 30,000, more than 14 years will have elapsed. That is calculating at a decrease of 2 per cent. per annum, whereas the actual decrease is about $1\frac{66}{100}$ per cent. But allowing 2 per cent. decrease, the native population upon the islands will not reach 30,000 within the period of fourteen years, which is double the time of the continuance of this treaty.

Now, then, if you will continue your calculations from 30,000 down, supposing there is no increase of foreign population meantime, you will find that more than fifty years must elapse before the population will be brought down to a number that will not be self-sustaining, and before you reach a point of depopulation at which there can be reasonably entertained a hope by the American people that they can acquire these islands either by annexation or by the voluntary gift of the inhabitants. This fact is worthy of the consideration of the American people. We are endeavoring to acquire these islands for strategic purposes, not for agriculture, not for commerce, except as they are a resting-point in the Pacific Ocean; and yet, according to this calculation we must wait and linger for fifty years before we can get them.

But, Mr. President, the next question in order is, will those islands be depopulated? Will this decrease go on? Will the native population of the islands die out? Upon that point it may be interesting to the Senate and to the country to consider the fact that the diseases which have produced the depopulation of the islands are diminishing. The sanitary system that has been adopted on the islands has decreased these diseases until we are told now that the native population is diminishing very slowly.

But that is not all. That population will not diminish, because there is an element being introduced into the islands that is arresting the debility that seems to pertain to the constitutions of the native inhabitants. The Chinese are taking possession of the Hawaiian Islands; they are rapidly increasing, and we know that there is not a more prolific race and probably a more healthy race, considering their sanitary system, on the face of the globe. The immense population of their kingdom shows that they are a prolific and a healthy people. Upon this point I beg to call the attention of the Senate to an authority that has been quoted on this floor, that has been used by the Committee on Foreign Relations, and which commands con-

sideration and very high respect from the intelligence of the author and from the opportunities which he had for making his observations, because he visited all these Islands. On the question of whether there will be a depopulation, let us hear what Mr. Nordhoff says in his work on Northern California, Oregon and the Sandwich Islands, on page 74:

Of the foreigners the Chinese are the most numerous, outnumbering all the other foreign nationalities together except the Americans. Chinese have been brought over here as cooly laborers on the plantations. They readily intermarry with the native women and these unions are usually fruitful of healthy and bright children. It is said that the Chinese insist upon taking better care of their children than the native women, uninstructed, usually give them, and that therefore the Chinese half-caste families are more thrifty than those of the pure-blooded Hawaiians.

So we see that there is being introduced into these islands a foreign element, a prolific, industrious, healthy race, and that by the intermarriage of that race with the natives of these islands there is being produced, in the language of Mr. Nordhoff, "a fruitful and healthy progeny."

Now, sir, is it probable that, with an increase of the Chinese population in those islands, there will be a decrease of the native population from this time forth? It is impossible, because all authorities concur in the statement that there is not a healthier climate on the face of the globe than that of the Hawaiian Islands.

But, again, on page 76 Mr. Nordhoff says:

In fact, they have died out pretty fast, though there is reason to believe that the mortality rate has largely decreased in the last three years—

I invite the attention of my friend from Oregon to this statement—

and careful observers believe even that in the last year there has been an actual increase rather than a decrease in the native and half-caste population.

He then gives the following statistics:

In 1832 the islands had a population of 130,315 souls; in 1836 there were but 108,579; in 1840, only 84,165, of whom 1,962 were foreigners; in 1850, 69,800, of whom 3,216 were foreigners; and in 1860, 62,959, of whom 4,194 were foreigners. The native population has decreased over 60 per cent. in forty years.

That is a decrease, as I stated a while ago, of less than 2 per cent. per annum.

In the same period the foreigners have increased very slowly, until there are now in all 5,366 foreigners and persons born here, but of foreign parentage, on the islands.

This authority shows two facts. The first is, that there is no decrease going on in the native population on those islands, but that in the last year there has been an actual increase. But the other fact is much more significant, and it is, that the Chinese and American population on the islands is increasing. You will observe from the authority I quoted that in 1840 there were only 1,962 foreigners: in 1850 there were 3,216; in 1860, 4,194; and in 1874, when this book was written, there were over five thousand foreigners on the islands.

But now, Mr. President, under what circumstances has this increase in population taken place? Under what disadvantages has it occurred? With the exception of the salubrity of the climate and the fertility of the soil, there has not been a single advantage in favor of the increase of population. Labor is scarce and is unskilled. The rate of interest on money used for the production of rice and sugar is 12 per cent. per annum, and under all these disadvantages the population has increased, and increased for agricultural purposes.

As to the agricultural difficulties under which these islands have been laboring for some time, I read from page 59 of Mr. Nordhoff's book:

But I am persuaded that, as there are planters now who are prosperous and contented and who make handsome returns even with the sugar duty against them, so, if that were removed, there would be planters who would continue their regular and slow march toward bankruptcy, and for whom the remitted duty would be but a temporary respite, while it would deprive them of a cheap and easy way to account for their failure. Wherever on the islands I found a planter living on his own plantation, managing it himself, and out of debt, I found him making money, even with low prices for his sugar and even if the plantation itself was not favorably placed; not only this, but I found plantations yielding steady and sufficient profits under judicious management which in previous hands became bankrupt. But, on the other hand, where I found a plantation heavily encumbered with debt and managed by a superintendent, the owner living elsewhere, I heard usually, though not always, complaints of hard times. If a sugar planter has his land and machinery heavily mortgaged at 10 or 12 per cent. interest; if he must, moreover, borrow money on his crop in the field to enable him to turn that into sugar; if then he sends the product to an agent in Honolulu, who charges him 5 per cent. for shipping it to San Francisco; and if in San Francisco another agent charges him 5 per cent. more on the gross returns, including freight and duty, for selling it; if, besides all this, the planter buys his supplies on credit, and is charged 1 per cent. a month on these, compounded every three months until it is paid, and pays almost as much freight on his sugar from the plantation to Honolulu as from there to its final market—it is highly probable that he will, in course of time, fail.

There are not many legitimate enterprises in the world which would bear such charges and leave a profit to the manager. But it is on this system that the planting of sugar has been, to a large extent, carried on for years in the islands. Under it a good deal of money has been made, but not by the planters.

Thus we see that the cultivation of sugar upon the Hawaiian Islands is subject to the following embarrassments: First, a scarcity of labor; second, a high rate of interest; third, a high rate of freight to get their sugar; and, fourth, an exorbitant commission. The planter pays 5 per cent. to his home agent and 5 per cent. to his foreign agent in the market where his produce is to be sold. Then if they buy upon a credit, they pay at the rate of 12 per cent. per annum, and the interest at the end of three months is compounded against them; so that the production of sugar in those islands is weighed down by difficulties that do not exist in any other agricultural district of which I have ever read, and I invite the Senators from Oregon and California to cite a parallel. And yet, sir, with all these difficulties, as I have said, not only is the foreign population of the islands increasing, not only is the depopulation of the half-castes and natives diminishing, but the cultivation of sugar under all these embarrassments is profitable.

Mr. President, if under all these embarrassments the sugar-planters of the Hawaiian Islands can produce sugar with profit, what will be the case under the stimulus that will be given to that production by the passage of this bill? I have said that they are making a profit, and I propose upon that point to give the statistics:

In 1860 they exported 1,444,271 pounds of sugar; in 1864, 10,414,441 pounds; in 1868, 18,312,936 pounds; and in 1871, 21,760,763 pounds of sugar.

And in 1875, without going through the other years, they exported 25,082,182 pounds. So the export of sugar from those islands within twenty-five years has increased about 2,000 per cent.

Mr. MITCHELL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. NORWOOD. Yes, sir.

Mr. MITCHELL. The Senator is mistaken in that. I see it stated in the majority report of the House committee, which is, according to my understanding of the other figures and the whole information, that the Pacific States for the fiscal year ending June 30, 1875, imported 17,888,000 pounds.

Mr. NORWOOD. That is correct, but the Senator has misapprehended my point. I am not speaking of what they exported to the United States; I am speaking of their total exports.

Now, Mr. President, I put the question to the Senate, if that be so, what will be the increase of the production in these islands under the hot-bed process that this treaty bill will apply? Considering what they have accomplished without the advantages which will accrue after this bill has passed, what limit can be placed to the production of these islands? There is but one limit, and that is the area of the islands. Within the seven years that this treaty will exist, with the thrift of our people, with their mechanical arts, with their superior husbandry, with their enlarged industries, with a low rate of interest, I say that the limit of the production of sugar and rice upon the islands will only be found in the extent of territory upon which they can be cultivated.

It is a noticeable fact that when this bill was under consideration by the Committee on Foreign Relations the minister who represents that foreign government at Washington was before the committee, and the main question that agitated the minds of the committee at that time was as to the capacity of those islands to produce sugar and rice. Upon that question there was no definite information, and the honorable minister who had lived in Honolulu for a quarter of a century, as he stated, was called upon not only by those who were representing the opposite side before the committee but by members of the committee to give information as to the quantity of land on the islands that could be made available for the production of rice and sugar, and the noticeable fact that I have made reference to is that that minister was unable to come within 100,000 or even 200,000 of the correct number of acres. He knew nothing upon the subject whatever. He was simply a know-nothing. They could get nothing out of him except that it would be a great advantage to the United States that annexation should take place. And right here I would remark in passing that it is the most singular fact connected with any treaty that I have ever heard of, that the king of the country who is seeking to negotiate the treaty should have a minister at the seat of the foreign government urging the passage of a bill to carry the treaty into effect upon the ground that the ultimate result would be to destroy the kingdom which he represents.

It requires great credulity to come to the conclusion that King Kalakaua and his minister plenipotentiary—and, I might say, in some respects "extraordinary"—entertain the idea that the result of this treaty will be the destruction of his kingdom. On the contrary, they desire the enactment of this law and the enforcement of this treaty for their pecuniary advantage, and they will reap all the benefits and the United States will be the loser.

Upon this point I desire to read from the Commercial Relations of the United States and Foreign Nations, page 707, to show what these people desire and are working for. The report that I now read from is authentic and official.

What we lack are not land and quality of soil, but *population* and a *free market* to encourage *immigration* and *products*.

Do they expect that their islands will be so far depopulated that they will naturally fall into the hands of the United States? Are they looking to that result? What they want is population and a free market. They do not lack land; they do not lack fertility of soil, but they do lack population and a free market, and the United States Government, with a liberality unsurpassed in the history of any Government, now proposes to give them exactly what they want.

Mr. President, is it a reasonable hope on the part of the American people that when the population of these islands shall increase and they become wealthy and proud they will then propose to annex themselves to the United States or that they will be willing to surrender their government? Does anybody suppose that King Kalakaua after awhile will be wandering on those bald mountains, monarch of all he

surveys, without a subject and offering his crown and scepter to anyone that will accept it? No, sir; King Kalakaua has far more kingcraft than the United States Government. He sees what his necessities are and he sees exactly what are the appliances to be brought to bear in order to meet them. And with a free market for his sugar and rice, with the abundance of land which he has to cultivate, with the fertility of that soil, he knows that population will flow in upon him and that it will not be long before the depopulation will be checked and the increase of population will be vast.

But is there any likelihood that he would ever propose to be annexed to the United States? On that subject let me refer again to Mr. Nordhoff. Mr. Nordhoff considers the question as to whether there is any probability of this king surrendering his scepter; and as to whether even his subjects will ever consent that it shall be done. He says there is no desire on the part of the inhabitants to be annexed to the United States; even the half-caste population and the Chinese in their poverty and squalor are unwilling to be annexed to the United States. But when we shall give them the means to have wealth, and an annual tribute of from half a million to a million and a half of dollars in duties, which they would otherwise pay, we will defeat the purpose we have in view, and make it, by our own act, utterly impossible that we shall acquire these islands except by force of arms.

Now I call attention to the fact that the estimated area of sugar-cane lands on these islands is 100,000 acres. There are thirty-two sugar plantations now under cultivation. Those thirty-two plantations embrace less than ten thousand acres. I make a liberal estimate; and those plantations produce now about twenty-five million pounds of sugar, to say nothing of the molasses. The Commercial Relations, which I hold in my hand, says:

> This group is capable of sustaining a population of at least half a million souls, and of producing for export a hundred million pounds of sugar, and fifty million pounds of rice; an equal amount of manila and ramie-hemp, and other products.

The product of an acre in those islands, we are told by several authorities, on the average is two and one-half tons of sugar; that six tons of sugar can be raised, and in one instance upon seven acres of land fifty tons of sugar were raised. In this country an average crop of sugar per acre is one ton.

Mr. WEST. That is a very liberal average.

Mr. NORWOOD. I put it in order to show that upon these islands they can produce two and a half times as much as we can on an average yield, and that when they bring their 100,000 acres of land into cultivation they will produce 400,000,000 tons of sugar.

The next proposition is, suppose that we acquire these islands, what will they cost the United States? I have shown that even if the population were so diminished that we can have the hope of acquiring the islands, it will take fifty years. At the beginning of this treaty we will surrender a half million of duties annually on rice and sugar, and it is but reasonable to assume that the increased production and consequent increased importation into the United States will soon swell our loss to between one and two millions annually. So that at the end of fifty years the cost to the Government of the United States would be between fifty and a hundred millions of dollars. Putting it at $1,000,000 a year, it is $50,000,000; putting it at $2,000,000 a year, which would be a reasonable allowance upon the production of these islands, we should pay $100,000,000.

Mr. DAVIS. While the Senator is on that point I should like to have him state what amount of revenue he thinks would be lost by the treaty. I did not hear the Senator's statement.

Mr. NORWOOD. I will repeat, although I have stated it and so has the Senator from Louisiana, [Mr. WEST.]

Mr. DAVIS. I heard the statement of the Senator from Louisiana, and I want to see whether the two statements agree.

Mr. NORWOOD. The amount of revenue that is derived by the imports of the Hawaiian Islands is about half a million dollars. Am I correct?

Mr. WEST. Yes, sir.

Mr. NORWOOD. And the amount of trade, I will state, as I am now passing on that subject, that the United States Government has with those islands upon which we make a profit, I mean the gross trade, is about $800,000, so that we are now paying five-eighths of the amount of trade that we have for the privilege of this treaty.

Mr. WEST. Will the Senator yield to me?

Mr. NORWOOD. Certainly.

Mr. WEST. I wish the Senator to allow me to contribute somewhat to the reply which the Senator from West Virginia desired in regard to the commerce that is to accrue to this country if this treaty is ratified. I read from an official presentation of this case as made by the commissioners of the Sandwich Islands as an inducement for the ratification of this treaty:

> The total value of articles imported into the Hawaiian Islands, included in the treaty of 1866, which are proposed to be admitted into the Hawaiian ports free of duty amounted to $1,003,424.86, of which $483,711.76 came from the United States, and $519,713.10 came from other countries; but under such a treaty—
>
> Meaning the treaty under consideration—
>
> with its advantages favoring American productions, most, if not all, would come from the United States.

In other words, that we may expect to get most, if not all, of a trade of $500,000.

Mr. NORWOOD. Mr. President, when I was interrupted by my friend from West Virginia I was showing that we are endangering the interest of a helpless people. There are about a half million of colored people in the State of Georgia, and yet their aggregate wealth is only about $7,000,000.

But, Mr. President, suppose we should acquire the islands, what will they be when we get them? Upon this head the inconsistency of the Senator from California strikes me as remarkable. He made a long and able argument here not long ago to satisfy the American people that the importation of the cooly labor upon the Pacific coast and the immigration of Chinese should be stopped. The Americans on the Pacific slope are driving the Chinese away. But where do we find them when they leave California? Have they gone back to China? No, sir. They have lodged just where we should naturally expect them to drift—upon the Hawaiian Islands—and lodged there because the production of sugar and the production of rice have invited them.

Now, suppose that the treaty be carried into effect, and suppose—which I never believe will occur—that we shall acquire these islands, what do we get? Do we get American population? Do we get the thrifty and hardy sons of New England, or of the South, or the West? On the contrary, we shall acquire the native population of the Hawaiian Islands, and the cooly population that would be introduced there as laborers, and the half-breeds that will be produced by the intermarriage of these two classes of people; and who will be the capitalists, the people who will be the masters of the islands? They will be Americans, it is true; but their proportion to the laboring population on those islands will not be as 1 to 50. The capital will be carried there by them, the profits will be reaped by them, and all the interests upon those islands will be owned by them; but the people will be but a cooly colony.

The honorable Senator from California is very eager in his endeavors to have this bill pass; but his endeavors are tending to the consummation of a result which I dare say he does not desire. He does not want even by immigration any more Chinese in the United States. He certainly would not advocate the admission of a cooly colony as one of the United States; and yet we can acquire no benefits from it further than we have now in our commercial relations or had under the treaty existing before this treaty was negotiated, unless we do annex them to our Government.

Mr. President, I have shown that the Government of the United States in an economical point of view would not be benefited by the passage of this bill. I have shown, I think, that the acquisition of these islands is of no very great importance to our Government in a military point of view. The Government of the United States, therefore, I say is in no sense interested in this treaty. The people of the United States will not be benefited by it. On the contrary we are paying out a vast amount of revenue in grasping after a shadow.

But, sir, there are some who will be benefited by the passage of this bill, but the number is very small. They are a few capitalists who reside in Boston and New York and San Francisco. The class in Boston and New York are those who own the sugar plantations upon the islands. I have the statistics here which I will quote. There are upon the islands in operation now thirty-two sugar plantations, and of that number twenty-five are owned by American citizens. There are in San Francisco a few sugar refiners who are instigating this treaty for their own advantage.

With the duty off, they can make a profit upon their sugars that cannot be thought of by the producers of sugar in the United States, and they can finally run the sugars that are produced in Louisiana and other points in the United States out of the market. This will appear by a very easy calculation. It is said by our friends that the sugar will never pass beyond the Pacific coast; that it will never reach the Atlantic coast. This is a mistake. At the present time sugar, molasses, and rice are imported from the Hawaiian Islands into the Atlantic ports. In one notable instance a small shipment of molasses came around the Cape, went to New York, thence to New Orleans, and was sold at a profit. Over sixty-seven thousand pounds of rice within a short time were imported from those islands into the Atlantic ports.

I mention these facts simply to show that the assumption that the rice and sugar from the Hawaiian Islands will never interfere with the rice and sugar produced on the Atlantic Coast is entirely without foundation. With a duty of two and one-half cents on rice and an average duty of about three cents upon sugar and of five cents a gallon upon molasses, those articles have already been imported and sold at a profit in our Atlantic ports.

The sugar and rice planters in Hawaii and the refiners in California will be benefited by this treaty. There are no other persons who are interested in it. Are the people of California interested in this bill? If you will except the sugar refiners, they are not. And why do I say so? The cost of transporting sugar from the Atlantic States and California is about equal to the duty upon sugar imported into the United States, so that when the producer of sugar comes from Honolulu with his cargo to San Francisco and puts it upon the market for sale the only competition he will have will be the sugars that have been introduced from other countries subject to duty or sugars that may be shipped from the Atlantic coast over the continent with the freight added, so that he will be enabled to command his own

price, which cannot be affected except by the price of other sugars with the duty or the freight added.

A word as to who will be injured by carrying this treaty into effect; and this is the saddest part of this question. There is a class of people who will be injured by it, and that class I in part represent. The Senator from California hoped that this question would not be considered in a sectional light. I do not propose to treat it in a sectional light at all; but I do propose to say a few words in reference to a class of people who live mainly in but one section of this country, which class of people are more interested in the defeat of this bill and the non-fulfillment of this treaty than all the United States besides, because upon the duty that now is imposed upon sugar and rice their livelihood depends. The production of rice in the South has gone on increasing, until its production from 1865 to 1875 has increased, in round numbers, from 11,000,000 pounds to 82,000,000 pounds? Why has that increase taken place? Simply because two and a half cents a pound duty was imposed upon rice, and but for that there is not a single rice plantation in the whole of the South that would not have been abandoned at the close of the war. Rice-planters have been here before the Committee on Foreign Relations, and on a former occasion before the Committee on Finance, and they have shown that their profits lie within the duty that is imposed on rice. The price of rice from eleven and a half cents in 1865 has fallen to five and a half cents. Take two and a half cents from five and a half cents and you reduce the price of rice below the cost of production. It cannot be produced at three cents a pound.

I hold in my hand a memorial that was laid before the Committee on Foreign Relations. It is signed by delegations from South Carolina, Georgia, and Louisiana, and sets forth the merits of this question. I call attention to these facts, that dependent upon the production of rice and sugar in South Carolina, Georgia, and Louisiana, there are over two hundred and fifty thousand people, and of that number the whites are so small a proportion that they are not worth considering in the estimate. There is invested in the State of Louisiana a total of $80,000,000 employed in producing sugar and rice. If this treaty is carried into effect, to put the question in the simplest form to prevent all exaggeration, the interest of these people will be hazarded by the Government of the United States. I go further and say that we are not only periling the interests of those people, but I have shown you that the stimulus of those products in these islands will be such that those products will be brought in competition with the sugar and rice produced in the United States, and will finally bear down the prices of those products until they will go below the cost of production; and when that occurs the cultivation of sugar and rice in the United States must be abandoned. My honorable friend from Connecticut [Mr. EATON] smiles at the idea of the production of rice and sugar in this country ever being abandoned.

Mr. EATON. No; but that it should be abandoned owing to the production in the Sandwich Islands.

Mr. NORWOOD. If my honorable friend had done me the honor to listen to the statistics which I have given, showing how large an amount of rice and sugar can be produced in those islands, he would not smile. He would have observed that rice already has been imported into this country from those islands with a duty of two and a half cents a pound on it and sold at a profit, and he would have observed that the production of sugar in those islands can be brought to such a point, as appears from the statistics of Mr. Pierce, who was the minister to Hawaii, that they can export conveniently 100,000,000 pounds of sugar.

I was speaking of the injury that would be sustained by the colored people of the South. I appeal to those who claim to have been humane to them that they shall continue their humanity, to those who have been philanthropic to the colored people to continue their philanthropy. They have in their wisdom made them citizens of the United States. They have taken them from a condition of mental darkness, that no other people on this continent has ever been under, and have placed them on a common platform with all other American citizens. I ask that those who have done this work shall continue in what they consider their good work; that they shall not now, after lifting these people up by one hand, strike them down with the other; that they shall not when they ask them for bread give them a stone; but that they shall continue to sustain them, to maintain them, and prevent them from retrograding into barbarism. Suppose that capital and labor within the Southern States should be divorced, and the interest of one should be adverse to the interest of the other. Then my honorable friend from Connecticut says there would be anarchy, and he is correct. It would be different from the condition of affairs in any other section of the Union, and why? Because the races are nearly equally divided; one is black and the other is white. The black is the laborer and the white is the capitalist. To-day they are mutually dependent, but if to-morrow you should divide them and say that capital and labor are no longer dependent upon each other in these States, that the white man has no further interest in the black man than that dictated by humanity, you would organize anarchy; and you, Mr. President, [Mr. SPENCER in the chair,] know as well as I do that such would be the result. There is no greater calamity that can befall a people than that capital and labor should be antagonized. When that day shall come the governments in ten States in this Union will return to their original elements, and you will have to reconstruct, and reconstruct when you will have a discordant element that no power can control. You never can unite in close bonds of sympathy two races as diverse as the white and the black when you separate their mutual interests. With the white race it is different; with the Mongolian race it might be different; but between those races which are the antipodes of the human family such can never be the result. Therefore I appeal to those who have been philanthropic to this race not now to turn their backs upon them. What kind of humanity is that which will deny sustenance to this people? What kind of philanthropy is that which will now turn its back upon them and legislate for the heathens in the Pacific Ocean? What kind of statesmanship is that which will strike down two of the great industrial interests of this country, rice and sugar, for the purpose of stimulating them in the far-off islands of the sea?

I say that there is not only imminent danger of your destroying the rice and the sugar interests of the South and turning loose three hundred thousand blacks to run as savages through the wilderness and of desolating a rich and a fruitful tract of country which has hitherto bloomed and blossomed under cultivation by the black race managed by the white race. but that you will reduce that population to a condition of starvation; for when the white man of the South shall withdraw his helping hand from the black man, he will be helpless and will go back to a state of barbarism.

Mr. President, if it was only a conjecture and a reasonable conjecture made to the mind of this Senate that it would imperil the interest of this people, it should give them pause. This Hawaiian treaty is a matter of no great consideration. I have shown that but few people are interested in it. I have shown that the Government will lose revenue by it annually. I have shown that there is no prospect of ever acquiring those islands and if we should that it will be at the end of fifty years, long after all who are within the sound of my voice will be sleeping beneath the sod. I have shown that instead of acquiring them we are now setting upon foot a process by which we will make it impossible that we shall ever acquire them, because we are now building up a kingdom, that otherwise would perish. We are stimulating a kingdom, whereas, if we hold our hands off, the probability is that, unless immigration shall increase there without this stimulus, that population would gradually die away. and then they might make application to become a sister-republic instead of continuing as a kingdom. I have shown these things; and I say that the bare suggestion that we may destroy the interests of the black race should make us recede. What greater cruelty can be practiced by this Congress than to impose upon the ignorant colored men of this country? When I say impose upon them I do not mean hoodwinking them, deceiving them, cheating them; but I mean that imposition which carries them to the earth beneath a weight which they cannot bear. Yet those who have set them upon their feet propose now to strike them to the earth again and put them in a far worse condition than they were in before. Then they had masters; those masters had an interest in them; they cared for them; they healed them when they were sick and ministered to their wants. They did it not only from interest, but humanity; but if you break the bond of interest that holds the white and the black together in the South, the end will be want first and destruction after to the blacks.

Wisdom suggests that we should foster our own people rather than the heathen in the isles of the sea. Enlightened statesmanship looks first to home, and then looks abroad. Philanthropy can do no better work than to care for the heathen at its own door; and that political economy is the best which provides for the domestic general welfare.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by U. S. GRANT, jr., his Secretary, announced that the President had on the 12th instant approved and signed the act (S. No. 1007) concerning the employment of Indian scouts.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes;

An act (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal;

An act (S. No. 852) for the relief of Elisha E. Rice;

An act (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships; and

An act (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I ask the Senator from California to yield to me to present a conference report.

Mr. SARGENT. Certainly, if it does not displace the regular order.

Mr. WINDOM. I present the report of the conference committee on the Indian appropriation bill.

Mr. EDMUNDS. There is no need to read it at this present moment. Let it be read when we act upon it.

The PRESIDENT *pro tempore*. Does the Senator desire the present consideration of the report?

Mr. EDMUNDS. I do not wish it read at this moment, until we consider it. I do not ask it to go over until to-morrow, but that it be laid aside for the present.

The PRESIDENT *pro tempore*. The report will lie on the table for the present.

SIXTEENTH AND SEVENTEENTH JOINT RULES.

Mr. EDMUNDS. May I ask the Senator from California to allow to be taken up, as a matter of courtesy to the House, a resolution the House has sent here suspending, as they supposed, the sixteenth and seventeenth joint rules?

Mr. SARGENT. If it will not lead to debate.

Mr. EDMUNDS. It should not lead to debate. If it does, we can lay it over.

Mr. SARGENT. I will yield subject to a call for the regular order.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the sixteenth and seventeenth joint rules be suspended for the remainder of the session.

Mr. EDMUNDS. On that subject I offer the following resolution:

Resolved, That the resolution of the House of Representatives presented this day in the following words: "*Resolved by the House of Representatives, (the Senate concurring,)* That the sixteenth and seventeenth joint rules be suspended for the remainder of the session," be respectfully returned to the House of Representatives, with the statement that as the House of Representatives has not notified the Senate of the adoption of joint rules for this present session, as proposed by the resolution of the Senate of the 20th day of January last and transmitted to the House of Representatives on the 23d day of the same month, there are no joint rules in force.

By unanimous consent, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution offered by the Senator from Vermont.

The resolution was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; and it was thereupon signed by the President *pro tempore*.

THE HAWAIIAN TREATY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. MORRILL. Mr. President, I should deem myself wanting in my duty if I consumed at this late hour any considerable time of the Senate in debating the question now under consideration; but I should consider myself more wanting if I were to allow the measure to pass in silence. The Senator from California seems to have taken the charge of this bill, and the Committee on Foreign Relations appear to have abdicated all control over it. I regret that this seems to indicate that there is a greater local interest than general interest in the bill. It was argued by the Senator from California that there was something of honor involved on the part of the Senate in passing the bill at the present time. I hold that the Senate is as independent of the Executive as it is of the House, and in this bill, where it was especially provided in the treaty from which it originated or which was the cause of this bill, that the treaty should not go into operation until the laws necessary to carry it into effect should be passed by Congress, it is clear that the Senate transcend nothing beyond their ordinary duty in giving this bill a thorough scrutiny, and may pass or reject it solely. I am quite ready to concede that a body that passed upon a treaty by a two-thirds majority is quite capable of passing the bill carrying it into effect by a majority; but so far as our powers or duties are concerned we are as free to pass upon the merits of this question now as we were originally; as free as Adam when he left Paradise with all the world before him where to choose.

I only desire to consider this question in relation to its national and political aspects for a moment, not in its local bearing, but to ascertain whether it is in harmony with American institutions or not. I say for one that it is wholly un-American. It is in conformity with the traditions of monarchy, and not in harmony with the idea of a republican form of government. Under monarchical forms of government it is true that the executive holds almost omnipotent power in relation to treaties, and often in relation even to taxation; but not so under a republican form of government, and especially not so in relation to this bill. Our Constitution provides that all revenue bills shall originate in the House of Representatives. Where did this bill really originate? Clearly it originated in the State Department, where the treaty was made, and not in the House of Representatives. It is therefore, in my judgment, not only a plain violation of the spirit of the Constitution, but it is of the most vicious character; for if the Executive and the Senate may interfere and make a treaty with so unimportant a kingdom as the Hawaiian Islands, we may make it with all other powers. If we may make it with Hawaii in relation to sugar and rice, why not with Norway in relation to iron, or with Switzerland or Italy in relation to silks? There is no stopping-place when you once enter upon this policy; therefore I say it is a policy clearly un-American and anti-republican.

Then, in addition to that view, when we come to look at its financial aspect, in its effects upon the country, taking a broad view of it, I hold that it is clearly our duty not to do anything that would greatly injure the sugar-producing interests of this country. It is an article that we consume so very largely and which we pay for mainly in coin to other countries, that by every possible means we ought to encourage the growth of both the cane sugar and of beet sugar; but this is a measure which is calculated to act disastrously upon both of those interests. It may be asked how. I assert that the effect will be precisely the same that it would be if the same amount of sugar should be smuggled free of duty into the country. What would be the effect of smuggling 25,000,000 pounds of sugar into this country? We all know that it would operate to the great injury of all those who are engaged in the business of importing sugar into this country. Take the port of Portland; and I am sorry not to see my friend, the Senator from Maine [Mr. HAMLIN] in his seat. The port of Portland, Maine, has been built up by the molasses and sugar trade of the West India Islands, and its present prosperity largely depends upon that interest. How will his constituents like it to have that interest seriously embarrassed, as it will be, by this measure? We know that at the present time Cuba has raised or is about to raise her export duties upon sugar. Of course that increases the profits upon the importation of Hawaiian sugar, and if it operates upon the interests of sugar importers on the Atlantic coast as the large frauds in the smuggling of silks a year or two since operated in New York, it will confuse and destroy the profits of the whole year's business. While I am disposed to hold treason as a great crime, yet I am the last man who would strike down the national interests of our southern brethren—prosperity makes good citizens—and I regard this as a measure affecting great and vital interests of the South. Instead of doing anything to discourage the growth of sugar and of rice in the Southern States we ought by every possible means with any, even ordinary, statesmanship to increase the products, both as a profit to that community and to prevent the large annual exportation of coin for the payment of our imports of foreign sugar and rice.

This measure will not be likely to operate much to the benefit, as my friend from California thinks, of California. The cost of sugar to consumers will be diminished but very little. There are but a small number there engaged in sugar refineries, and they are the only class of people who will be largely benefited by it. If they have not already made bargains with the sugar producers of Hawaii by which they are to share some portions of the profits which will be derived from the entrance of the sugars free of duty, their profits will not be very large, and in the end the Hawaiian sugars will rise in grade and no longer need much refining. There are none of the sugar plantations which are owned by Hawaiians. They are all owned by Americans and other foreigners. If this was to benefit the people of Hawaii we might look upon it with more tolerance, but the people of Hawaii are unwilling to labor; they love idleness and dissipation, and they have already by the action of their Legislative Assembly sent out agents in order to obtain Chinese cooly laborers to supply their expected wants. I find in a Hawaiian paper which is upon my desk that they appropriated in the Legislative Assembly $5,000 to send to China for Chinese laborers, and the act of the agent was criticised in their legislative halls because instead of going to China for these coolies he went to San Francisco, and obtained four hundred of them. This shows how little interest the people of Hawaii have in this matter.

When this treaty was under consideration it was represented that it would cost the Government of the United States in its Treasury Department but $370,000. I want to show that, basing the estimate upon the returns of last year, ending December 31, 1875, the loss would have been $530,000. For the last four months the loss would have been $200,090.04, and showing that even for the present year it will be over $600,000. There is no one who is acquainted at all with the facts who does not estimate that this product will not only be largely increased, but whatever they have heretofore sent to other countries or consumed themselves will be at once sent here; because instead of consuming their own sugar they will import sugars from abroad in order to obtain the profit of duties that are relinquished upon whatever they may send here, where they will obtain the same prices received on duty-paid sugars.

In addition, no one can soberly deny but what the amount of the sugar products and rice products in Hawaii may be largely increased. Unquestionably they can be very largely increased, at least to four times their present amount, which would amount to something like a loss of two million and a half dollars of revenue annually. We are to pay this to a sugar-producing country where our trade is now in a more healthy state than with any other sugar-producing country in the world. It is a little singular that in selecting this country with which to make a reciprocity treaty in relation to sugars we should have selected the very place in all the world where our trade is in a healthy condition. Instead of going to some other country to which we export but a small amount in comparison with the amount of our importations, we go to Hawaii, where the only balance that we really paid last year in coin was $40,000 of silver.

It seems to me very extraordinary that this should have been done. We are not to gain anything in trade with Hawaii, as we already nearly monopolize it. The only increase of their population in con-

sequence of this treaty will be the increase of the cooly population which does not and cannot, as is quite notorious, consume any large amount of our manufactures. The amount of gain that we are to have in this affair is the relinquishment of only about thirty or forty thousand dollars of Hawaiian duties now levied upon the American manufacturers. If there is any member of the Committee on Foreign Relations here I should like to ask him what is the Hawaiian duty upon lumber. I think it is a matter that the Committee on Foreign Relations ought to know and probably do know something about.

Mr. SARGENT. Ten per cent. *ad valorem.*

Mr. MORRILL. I think it is not that. I know that a very considerable amount of our exportations are now free, and there is but 10 per cent. levied upon anything that I am aware of. They must have provisions, breadstuffs, and meat, and they must also have lumber. I do not know what the amount of duty upon lumber is, but that is one of the largest items that is in the trade. For this petty sum that they are to relinquish, thirty or forty thousand dollars, we are to relinquish somewhere about $600,000 this year, and more hereafter, increasing year after year until the expiration of the treaty.

I consider this one of the worst possible bargains that ever was presented to the American Senate. Usually it has been claimed that the Americans in diplomacy have been the equals of other nations; but here we allow ourselves, by long importunity touching a measure that has been pending and pushed for ten years, at last to be cheated more than 10 or 20 to 1 in a matter of dollars and cents, and much more than that as a question of national economy. In relation to these poor people out there, I see an account in this paper, already referred to, as to their legislature, composed of nobles and representatives. This paper says:

A month has elapsed since the Assembly met, and the policy of the government, as it may be gathered from the budget—the only tangible utterance that has come from the ministry—may be summed up in these words: "More Chinese," "Increased expenditures and increased debt."

Mr. EDMUNDS. What paper is that?

Mr. MORRILL. It is The Pacific Commercial Advertiser, published at Honolulu, Hawaii, under date of June 3, 1876. Then again, I find in looking over it, several matters of interest:

During the discussion upon the resolution, as is usual in the assembly—

That is, upon the discussion of the vote of the want of confidence in the ministry, I believe—

a great deal of irrelevant talk was introduced about the useless nature of the treaty, some declaring it would do no good to the poor natives, but only to sugar-planters, and others who were already rich.

I think they were pretty sensible. Then there was a discussion in relation to the consideration of the treaty, and a claim that it should be sent to them to pass judgment upon it; but the ministry would not allow it, but claimed they had this whole power, almost as much as my friend from California who thinks we should ratify this law and vote for it at once because the treaty has been negotiated.

On Thursday, Mr. Preston offered the following resolution: "That a select committee be appointed to inquire into and ascertain upon what terms L. Aseu was sent to China by the government to obtain immigrants and why he is returning from San Francisco with Chinese, and upon what terms and conditions these Chinese were taken on board the vessel chartered, and on what terms they are to be landed here," &c.

So that it appears the negotiation of this treaty is to make the business of importing Chinese into Honolulu a lively affair, and that, I suppose, would not be very disagreeable to my friend, the Senator from California, who uttered one of the most vehement philippics against the importation of such persons into San Francisco that I remember ever to have heard. Still the Senator it is fair to presume is in favor of having this sort of population increased there, and in the end we are to take the island under our flag with its population and whatever incumbrances may exist.

Mr. President, I do not feel authorized to consume any great length of time on this subject; but, as I feel that this treaty is destined to be terminated at the very earliest opportunity that the Congress can lay hands upon it and with more alacrity even than was the reciprocity treaty with Canada terminated, I desire to prevent, as much as possible, some of the mischiefs likely to arise in consequence of insufficient laws upon the statute-books to punish fraud in relation to any importations from Hawaii not entitled to the benefits of this reciprocity tariff. It is obvious that there will be a very large temptation to fraud when they send their sugar here, not worth perhaps but a little more than the amount of the duty imposed upon it and they will be likely to send what are not strictly the products of Hawaii. We have no rules or regulations now which would authorize our consuls there to ascertain about that fact and to punish any attempt that might be made fraudulently to take East India sugars and send them here for the products of Hawaii. I merely desire to offer an amendment to the bill that shall remedy this defect. Otherwise you leave the door open to the introduction of any amount of rice and sugar in a fraudulent way, for you cannot distinguish the different kinds of rice, whether one is the product of Hawaii or the product of China, nor can Hawaiian sugar be distinguished from that of India. It need not be said, as it may be by some who are very zealous for the sudden and instant passage of this bill, that the House of Representatives will not be willing to pass an amendment that shall bar out this opportunity for fraud. I therefore ask the candid judgment of the Senate upon an amendment which I shall propose and which Senators, if they will examine the subject, will find is indispensable, if they would prevent these frauds. We have now a law, section 1737 of the Revised Statutes:

If any consul, vice-consul, commercial agent, or vice commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than $10,000.

I want to impose a fine; that, if he shall certify that any sugar or rice is the product of Hawaii when it is not, there shall be a law to punish the offense. I will say to Senators that while the Secretary of the Treasury has power to issue rules and regulations, he has no power to punish for a violation of such rules and regulations. Therefore while I know that my friend from California will be impatient at the slightest reference to any amendment, though it is merely to prevent a large amount of frauds, yet I do insist that in point of even decent legislation such an amendment is indispensable and will not in the least hazard the passage of the bill. I present the following amendments and ask that they be read.

The PRESIDENT *pro tempore.* The Senator from Vermont proposes amendments, which will be read.

The CHIEF CLERK. In line 22, after the word "force," it is moved to insert "subject, however, to be suspended whenever the conditions and stipulations contained in articles 2 and 4 of said convention shall not be faithfully observed by His Majesty the King of the Hawaiian Islands."

Mr. MORRILL. That is in accordance with the usual practice under such treaties, and there is no provision by which this treaty can be terminated short of waiting until Congress should convene, provided the Hawaiian government should at any time fail to execute it according to its terms. I wish to leave power in the Executive to terminate this treaty if they shall so fail at any time. That is one amendment. There are others. Let them be read.

Mr. BOUTWELL. There are three reasons in way of objection to the amendment, either of which in my opinion is fatal to it or sufficient to show that the amendment itself is unnecessary. The first is that the Hawaiian government, if this treaty be at all favorable to the people of that country, and especially if it be favorable to that people in any degree proportionate to the representations made by Senators upon this floor who oppose the bill, will prevent by their own policy and their own conduct any fraudulent practices in their custom-houses. That first reason is connected with the second, which is——

Mr. MORRILL. Let the other amendments be read. You have only heard part of them.

Mr. BOUTWELL. I thought I had heard the whole.

Mr. MORRILL. No.

Mr. BOUTWELL. Then it is worse, probably, than I supposed.

The CHIEF CLERK. It is also proposed to insert as additional sections the following:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized from time to time to make and prescribe, in addition to requirements for the verification of invoices under existing laws, such rules and regulations and conditions relative to the evidence, which shall include the declaration under oath of the owner, shipper, or manufacturer, and the certificate of the consul, vice-consul, commercial agent, or vice-commercial agent, that any articles of merchandise proposed to be exported from the Hawaiian Islands and to be admitted into the ports of the United States of America free of duty under the first article of the convention aforesaid are the growth and produce or manufacture of the Hawaiian Islands, as may be necessary for the protection of the revenue and in conformity to article 3 of the aforesaid convention.

SEC. 3. That if any consul, vice-consul, commercial agent, or vice-commercial agent shall falsely and knowingly certify that any merchandise about to be exported from any port of the Hawaiian Islands to any port of the United States is of the growth and produce or manufacture of the Hawaiian Islands, he shall on conviction thereof in any court of competent jurisdiction forfeit and pay a fine of not exceeding $10,000, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Mr. BOUTWELL. Mr. President, those supplementary clauses seem to relate to the main proposition which is first stated in the amendment, and would not therefore change the views which I entertain concerning the proposition itself.

First, then, it is not necessary, because the Hawaiian government has a reason for fulfilling the treaty in its precise intent, which is strong in proportion to the advantages which the people of that country are to derive from the treaty; and just as strong as is the opinion or the representation of the Senator from Vermont or his associates who oppose this treaty that it is advantageous to the people of Hawaii, just in that proportion is the strength of our security that they will maintain inviolate the treaty in this particular.

Mr. MORRILL. If the Senator will excuse me, I have not represented that this was going to be any advantage to the people of Hawaii, but only to the planters. I think it will not be of any advantage to the people.

Mr. BOUTWELL. I will ask the Senator by what process he supposes this treaty has been attained on the part of Hawaii; that is, what influences in the islands have induced the Government to assent to the treaty?

Mr. MORRILL. I would rather not discuss the influences that have brought about this treaty.

Mr. BOUTWELL. Then I will assume one of two influences, either derived from the people of whom we speak on the one hand, who as is said by the Senator from Vermont are not to derive any advantages from this treaty, and therefore it follows that they had no power in making the treaty and will have no interest in keeping it,

and hence will have no capacity to annul it. But if there are people in the Hawaiian Islands who are interested in this treaty, the probability is that they had some agency in the process on the part of the Hawaiian government by which it was secured, and the influence of that body of people in the Hawaiian Islands will remain and their influence will be exerted to secure the faithful performance of the stipulations contained in the treaty, and they will exert themselves in that direction just in proportion to the advantages they derive from it.

Further, the amendment is entirely unnecessary from the circumstance that it proposes that when the Hawaiian government violates the treaty the treaty shall be abrogated. We do not need legislation to secure that. By the well-understood and uniformly practiced law of nations, whenever a treaty is violated on the part of one of the contracting parties the other contracting party has a right to annul the treaty; and therefore we do not need to legislate, because we have better security than legislation can furnish. If the treaty is not faithfully kept by the Hawaiian government, we shall have the right in good faith and according to the law of nations to annul it.

Mr. SARGENT. Will the Senator allow me a moment to call his attention to the fact that the bill which is pending is an exact copy of the law found in volume 10 of the Statutes at Large to give effect to the reciprocity treaty with Canada, where the subject was articles which were the growth or produce of Canada, New Brunswick, Nova Scotia, &c. We have followed the exact precedent. In regard to the penalties, the other portion of the amendment, section 5442 of the Revised Statutes provides:

> Every consul, vice-consul, commercial agent, or vice-commercial agent who knowingly and falsely certifies to any invoice or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than $10,000 and by imprisonment for a term not more than three years.

It applies to this; it applies to everything.

Mr. BOUTWELL. But I beg to say to my honorable friend from California that a reference to the proceedings of Congress in regard to the reciprocity treaty with Canada would be the most unwelcome precedent for my friend from Vermont that could be offered.

Mr. SARGENT. That I am aware of.

Mr. BOUTWELL. I imagine that his chief reason for objecting to this treaty is the apprehension he entertains that it may be a precedent at some future time for another reciprocity treaty with Canada or some other country on some side of our own territory.

But the third reason is that the amendment is for the time being fatal to the bill. We know perfectly well that at this stage of the session to adopt an amendment to this bill and send it to the House is to dispose of it for this session of Congress.

I do not claim that because this Senate by a two-thirds majority has ratified a treaty it is bound to pass such laws as are necessary for the execution of the treaty; but I do say that having ratified a treaty by a two-thirds majority, and the facts remaining substantially as they were when the treaty was ratified, this Senate cannot take a different position or fail to carry into effect its own treaty ratified after debate and due consideration. If there were new facts, if there was any disclosure of any improper proceedings concerning the negotiation or the ratification of the treaty, if in any sense it was calculated to produce results different from those anticipated at the time the treaty was negotiated, then the Senate might take advantage of its "sober second thought," supported by new facts and new information. But in this case nothing has occurred, and nothing, I may say, has been stated on the floor of the Senate in the debate upon this bill that was not stated substantially, and I think indeed with more elaboration and detail when the treaty itself was under consideration.

I accept this treaty and the consequences of this treaty not on account of the mere advantage one way or the other of the slight trade that is going on between these islands and the United States, and if the losses of revenue were twice what they are shown to be it would not disturb me in my opinion that as a measure of public policy this is one of the best opportunities the country has had for the enlargement of its trade and the advancement of its commercial influence in the Pacific and toward the great nations that lie upon the other side of the Pacific Ocean. If there be any reason which can be assigned that has substance in it as tending to show the cause of our present financial difficulties, the depression of trade, the loss of work, it is that as a great producing country, with immense intellectual resources applied to inventions and improvements, we have advanced in production beyond the capacity of the markets we command; and the country will, I believe, enter upon a new career in this respect looking to the hundreds of millions of people in China and Japan who are not our equals in the capacity to produce, but who still have the means of purchasing and consuming vast quantities of the products of the labor of our people and of our machinery. Now this is one step in the right direction. It is not a very long step, but it is half way toward the four or five hundred million people on the other side of the Pacific Ocean.

Another reason to my mind is that while we do not desire, and certainly for one I do not design, to annex these islands to the United States, I still desire to see them in such a condition that when the ruling class in that country shall disappear there shall be established in the place of the present government a republican Government under the control of Americans and animated by the ideas of Americans; and if we thrust these people away they must now seek aid and protection somewhere else. If we reject this treaty we transfer these islands either to France or to Great Britain, and we diminish our markets, we diminish our political power, we limit the influence of our institutions, we circumscribe American ideas, we retard the progress of American civilization in its advance westward. Any one of these considerations is worth more to the people of this country than the one-half million or more dollars that you say will be lost by this treaty.

Mr. HITCHCOCK. I move that the Senate lay aside the pending order informally that we can take up the concurrent resolution for adjournment.

Mr. SARGENT. I understand we can have a vote on this proposition in a very short time. I believe there is only one other speech to be made. I make this suggestion to the Senate: that by going on without taking a recess we can adjourn the Senate by midnight. If we waste time in the discussion of the order of business we cannot do it. Now let us run on smoothly, and I have no doubt we can adjourn by that time.

Mr. HITCHCOCK I have been waiting patiently nearly all day. I have no disposition to interfere with the passage of the bill of the Senator.

Mr. SARGENT. I understand that; I make the suggestion in perfect good faith. I think we can adjourn to-night.

Mr. HITCHCOCK. If we take up the resolution of adjournment and fix a time——

Mr. SARGENT. That very thing may prevent our adjournment, because things may arise and Senators do not like to talk against time.

Mr. HITCHCOCK. If the time was fixed it certainly could be changed if a change should be found necessary.

Mr. SARGENT. I insist on the regular order.

Mr. HITCHCOCK. I suppose the regular order is my motion.

Mr. LOGAN. I insist on the regular order.

Mr. HITCHCOCK. That is my motion. I should like to test the sense of the Senate. I feel as unwilling to interfere with this bill as any one——

Mr. SARGENT. We can get this out of the way in twenty minutes, I hope.

Mr. MORTON. I suggest to the Senator to let the vote be taken on the bill.

Mr. HITCHCOCK. If the vote can be taken, I shall not interpose.

Mr. SARGENT. I understand that one Senator wishes to state his views merely, not occupying much time. Then I believe we can have a vote. I hope the Senator will withdraw his motion.

Mr. HITCHCOCK. I withdraw it for the present.

Mr. LOGAN. Mr. President, I desire to detain the Senate but a very few moments in reference to this question. I look upon the measure as one of very great importance to this country, and I differ with the views of certain Senators whose ideas seem to be in reference to a question of this kind merely dollars and cents. I fear that our statesmanship of to-day appertaining to all of us differs very materially from what American statesmanship was in times gone by. It was once considered good statesmanship to look somewhat to the future and the great development of this country and at that which would aid in its development and advancement; but nowadays it seems to be statesmanship whenever a question arises to take out a pencil or a pen and cipher up how many five-cent pieces the United States of America will lose at the present time if some measure shall be enacted into a law.

The idea that this proposition should be ciphered and figured on in reference to dollars and cents, when the amount is a mere bagatelle at best, is something that strikes me as unsound in statesmanship. My friend from Georgia, [Mr. NORWOOD,] who has great sympathy for the laboring people of Georgia, the colored people—and I admire his sympathy for them—is very much alarmed, if this bill should pass, for fear that some poor colored man will not be employed to do a day's labor in the cultivation of rice. Therefore he says this bill is inhumanity itself, because it destroys the labor of those people in the South that are now engaged in rice cultivation. It was very amusing to me. I do not know how it affected other Senators. The idea that the rice landed from the Hawaiian Islands in San Francisco, or on the coast of California, should have an effect on rice-raising in Georgia, taking into consideration the great distance of travel, the manner of transportation, and all the items that must be taken into view, does strike me as something very extravagant. It would have just about the same effect upon rice production in Georgia, or in any other State, that the tariff on a hand-saw would have on the price of pigs in Illinois; just about the same.

So it is with my friend from Vermont, [Mr. MORRILL.] He is terribly alarmed too for fear the importation of a few hogsheads of sugar from the Hawaiian Islands will affect the sugar crop or the price of sugar in Louisiana or some other southern district of country—Texas, or somewhere else. Now, when we discover that the amount of duties on all the articles received in our Pacific ports from Hawaii is about $300,000, how is that small amount of importation of sugar to affect Louisiana and affect Texas and affect the sugar-producing portion of the country? That is an argument of course on a certain line, but it is an argument in a narrow groove, one of the most narrow grooves that any man's mind can possibly act in. What possible effect could the importation of this small amount have upon the sugar production of our country? I do not want to get into it; it is too small a

business. I do not wish to take out my pencil and count the five-cent pieces that might be accumulated in future ages by continuing these duties. I will say to my friend from Vermont, who represents an agricultural people, that the effect upon his constituents of the taking off the tariff on sugar landed from the Hawaiian Islands on the coast of California will be just about the same that the tariff on wool would have on the price of tobacco. If any man can calculate that, that is about the influence it would have, and that is about the value of the arguments that have been made in reference to this proposition.

What is the proposition? The proposition to my mind is something of more magnitude than this. It is a proposition having at least grandness in it so far as the future is concerned. It strikes my mind the same as a question of this kind would if the Senator from Georgia or the Senator from Vermont were in command of an army to-day moving on an enemy and they were approaching close to one another and they found a stream of water and but one stream to furnish the soldiers with water; the question would arise which one should get possession of that stream first, and there the fight would occur, as all men know who are conversant with these things. The question then for the benefit of the army is the question of that water, the one that gets possession first. So when armies opposed to each other find a hill in advance, either one, two, or three miles, of the valleys where they are they naturally seek possession of that hill as an outpost, to which the army can be moved for defensive purposes. That is one of the rules we always find closely adhered to when we are moving in matters of that kind. So it is between the governments of France, England, and the United States. These islands in the North Pacific are the outposts of the western coast of the United States of America; and in time of war they are like the hill or the stream of water that I have described to the United States of America, and there the battle would occur for the possession of the islands as a coaling station, and every man who has thought on this question knows it to be a fact. Then the man who looks at this matter, not as to the effect on this country in the future, but as to the number of five-cent pieces we may lose or might lose by our action, is looking at it as I said in a very narrow groove.

Mr. WEST. Will the Senator yield to me to ask him a question?

Mr. LOGAN. Certainly.

Mr. WEST. How will the ratification of this treaty contribute to the military possession or the naval possession of these islands?

Mr. LOGAN. I will answer the Senator as best I can. It will contribute to it in this particular and in this way: If we do not ratify the treaty and pass a law carrying out the existing stipulations of the treaty, and by that means have the friendly relations existing between that government and ours that would naturally give us that right, and would naturally cause it, like the ripe apple on the tree, to fall into the hands of the one who first shakes the tree, we are prevented from finally getting possession of that which is desirable to this country. If we strike this down and allow other nations to take the position we have now a chance to get by commercial treaties of the same character, they would cause these people to desire friendly relations with them more than with us, and they would affiliate with them and not affiliate with us. If affiliation and sympathy and feeling exist between the two governments, that naturally will in time to come give us possession of the islands which are desirable to us at this or at any other time. That is my answer.

Mr. WEST. As the Senator has kindly answered that question to his satisfaction, will he tell me how the Government of the United States by ratifying this treaty can hold these islands against a struggle with Great Britain, without fortifications and defenses; and must we not necessarily after consummating this treaty so fortify these islands that we may make a stronghold there?

Mr. LOGAN. That is a question that the Senator himself knows has nothing on earth to do with the passage of this bill.

Mr. WEST. That may be, but I should like to have the Senator's answer to it.

Mr. LOGAN. Very well; I will give the Senator this answer: It would not necessarily at all require us to fortify the islands. Our friendly relations are a fortification in our favor to a certain extent and give us the right of occupancy in a time when we might be in danger. It is the fortification of good-will toward this Government which is as strong a fortification as that that may be made by military science, and the only kind of a fortification that exists between governments having friendly relations is the fortification of good-will, of kindly relations between the two. That is all the kind of fortifications that can exist between governments. That is my answer to that question, and if the Senator has another I will try to answer that.

It does seem to me that my friend from Vermont and my friend from Georgia are trying to demonstrate the necessity in this country of adopting the Chinese-wall system, having no relations whatever with any other nations of the earth; walling yourselves in until the time of peril comes and then the walls must fall; walling yourselves in from that which every man by looking on the map can see is of vast importance to us now and will be in the future. Without going over the history of the recent war we find that vast importance was attached to these islands at that time, and certainly it is not expected that they will not be of the same importance in future years if the same state of things should exist, and the same state of things may exist that did at that time.

Now, sir, my theory in reference to these islands and all other contiguous islands to the United States of America dotted around our coasts that stand as an outpost, that stand merely as the little company of advance guard that you send out in front of an army to look-out and spy out the enemy, is that we ourselves in times gone by have not looked as well to our interest as we should have done. If we had, the outposts surrounding us to-day would have been in the possession of the Government of the United States, and with these outposts in our possession this Government might defy the combined power of all the nations of the earth. When I say "outposts" I mean all those outposts which approach our borders either east or west. I am for that kind of statesmanship that does look to the future and that does not wait until the time comes when we are called upon unprepared to make that exertion which the nation cannot without great preparation make. We have had some experience in reference to preparations that are necessary to be made when a surprise comes upon us, and the tale is told in the annals of this country in the last few years, in the annals in reference to its blood, in reference to its failures, in reference to its successes, in reference to its expenditures. The tale is amply unfolded there, giving warning to us that the necessity exists at all times to be ready for that which cometh at the hour we know not of.

Mr. WEST. Mr. President, the concluding remarks that have just been submitted by the Senator from Illinois meet my sanction; there is no difference of opinion between us on that subject; but I contend in furtherance of that very idea, that the step that you are now about to take will defeat it virtually and positively; that you are about to so subsidize these islands as to actually remove them beyond your domain or your possible occupation or ownership of them at a future and a proper time.

The Senator said in response to a question that I put to him a while ago that this treaty would so Americanize these islands and so contribute to our influence upon the spot that it would be an easy matter at all times to maintain friendly relations and profit by them. Does he know what the history of our relations with the islands is at the present time? Does he know that to-day they are as much Americanized as if the American flag flew over the islands? If he does not, here is the only authentic history we have on the subject, and I will read it to him.

Mr. LOGAN. I have read it. You will not add to my information by reading it.

Mr. WEST. It is very difficult ever to give the Senator from Illinois any information; but perhaps it may benefit some others. Mr. Nordhoff says:

> It is plain that the island trade is so largely in our hands that no other nation can be said to dispute it with us. If our flag flew over Honolulu we could hardly expect to have a more complete monopoly of Hawaiian commerce than we already enjoy. Moreover, almost all the sugar plantations, the most productive and valuable property on the islands, are owned by Americans, and the same is true of the greater number of stock farms.
>
> Our political predominance on the islands is as complete as the commercial. In the present cabinet all the ministers except one are Americans.

I submit what possible advantage do you gain, what possible advance do you make toward the possession of these islands by subsidizing them for the period of seven years. I repeat again, does it plant one gun, does it raise any fortification, or contribute in any way to our military or forcible maintenance of the islands against any European power? Does not the Senator know that immediately upon the outbreak of hostilities between this country and Great Britain, to use his own figure of speech, that would be "the very stream of water," that would be the very vantage-ground which would be sought to be occupied by both countries? If we want these islands as a military protection, let us buy them, let us fortify them and make them useful, but not give away the money of the people of the United States in a useless piece of speculative diplomacy.

The Senator from Massachusetts [Mr. BOUTWELL] spoke of the great advance that this country had made in production beyond the capacity of consumption. He said that this was a step, but not a very long step, toward the commerce of the 400,000,000 or 500,000,000 people of the East. Yes, "it is a step, but not a very long step." What are you reaching out and grasping for? The commerce of 50,000 people, I repeat again, and that is all. What becomes of this magnificent vision that looks to the increasing and growing industries of this country to be promoted by this measure? It is a mere vision, and embraces no greater commerce than pertains to one-third of the population of this city. He said he did not care if it cost twice the treasure, twice the estimate that was put upon it at the expense of this country so long as we could acquire possession. Then we are to understand that according to his estimates he is willing to spend $4,000,000 a year to get a treaty with these islands; $28,000,000 frittered away in seven years for what? At the end of that time that people and those enriched sugar-planters on those islands will turn to you and tell you, when they have had the benefit of your subsidy for seven years, they will endeavor to maintain their independence.

Sir, the Senators on this floor who desire the acquisition of these islands by the ratification of this measure present the only stumbling-block that appears to my vision in the way of that acquisition. We cannot acquire them under this proposition; it is idle to talk of it, and due reflection would bring us to that conclusion.

May I be permitted to say one word in connection with the amendment that has been offered by the Senator from Vermont, and that is in regard to smuggling. There can be no question but what foreign

sugars will be introduced into these islands to the extent of their consumption by all the native population, and perhaps more. Every pound that they can produce will be sent to this country. There you will have side by side with their native production the foreign import, and I ask you when such an inducement as will be held up to them or to their merchants or to those engaged in commerce to adulterate that sugar and adulterate that rice with a foreign product whether they are not likely to succumb to temptation? You can adulterate Sandwich Island sugar and Sandwich Island rice 20 per cent. with the production of India and nobody can detect it, not the most efficient expert that we have in our employ.

Then the Senator from Massachusetts argued that the people there would be interested in preventing this smuggling. Are not the honest people all over this land interested in preventing smuggling? Does not the illegal introduction of smuggled goods into this country immediately conflict with the legitimate profits of your honest trader? Do the efforts of the honest trader in this country prevent illegitimate productions, and will it not do so there? The amendment that has been offered is eminently proper.

This treaty, as it reads in the third article, says:

> Under such rules and regulations and conditions for the protection of the revenue as the two governments may from time to time respectively prescribe.

I ask what has this Government prescribed for the protection of the revenue in that case? Can the Secretary of the Treasury, under existing laws, make the needed regulations? I think not.

Mr. SARGENT. He did so under the reciprocity treaty with Canada.

Mr. WEST. There never was any attempt there, that I am aware of, to evade them, and the proposition is idle that because a certain number of honest men are interested in seeing the laws faithfully administered that is an insurance that they will be, without penal provisions for their violation. I think the amendment is eminently proper, and without it you will not only be obliged to pay this revenue to these islands, but you will be defrauded by one-fifth of it at least.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. MORRILL. I merely wish to say that there is a provision in the treaty that the Hawaiian Islands shall not concede similar privileges to any other country. If that should be violated, then it would be in the power of the President to terminate the treaty under my amendment. I think that the time between our adjournment from March and the next succeeding session of Congress might sometimes be too long to wait. Of course Congress can terminate the treaty whenever they please.

The PRESIDENT *pro tempore*. Does the Senator desire action on all the amendments at once?

Mr. MORRILL. No; on the first one by itself, to insert in the first section the power of suspension on the part of the Executive.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from Vermont.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposing to insert additional sections.

Mr. MORRILL. In spite of all that has been said, I do insist that there will be no power to punish fraud that may be committed unless this proposition shall be adopted. I therefore ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to state that on this bill, and, as I understand from my friend from Oregon, [Mr. MITCHELL,] also on these amendments, I am paired with the honorable Senator from New York, [Mr. CONKLING,] who is now necessarily absent from the Senate. I wish to say also while I am up, not to take any time, that while I agree to what the Senator from Illinois [Mr. LOGAN] has said about the desirability of political control or friendship at least with these islands and all others, the gravity of the question as it will ultimately result is in the circumstance that under our particular form of government when any of these islands become a part of the United States it will almost necessarily be followed by their being introduced into the government of the country and they will assist in making laws for the people of the United States, and unless their populations are homogenous with our own and their local institutions are similar to ours, it will be an element of unhappiness and discord and injury rather than of public benefit. I should, therefore, hesitate a long time before I took any step that would look to the incorporation into the American Union of these outlying islands on either side of the continent, for that involves too much for republican liberty dependent upon considerations that have often been mentioned. But on this particular topic, as I have stated, I am paired.

I wish to say also that I do not agree with what has been stated by the Senator from California, [Mr. SARGENT,] that we are under any more obligation to pass this law than we were to agree to the treaty. We agreed to the treaty with the express stipulation that it should not take effect until the legislative department of the Government, the Senate and House of Representatives and the President acting in that character as a check upon legislation, should also pass the necessary laws to carry it into effect. I do not hold, therefore, that we are bound to carry this treaty into effect by law unless in our judgment we believe it right in itself that it should be carried into effect. There is no point of honor or of public faith, that I can see, that is involved in it. If it were otherwise it would be perfectly useless to incorporate into a treaty such a limitation; and it would be just as absurd to my mind as it would be where an agent is making a contract for his principal without authority to stipulate that the contract should not have force until the principal should agree to it, and then to assume that the principal was bound to agree to it because the agent had made that conditional arrangement.

I am not by any means prepared to say that the President and Senate would not have had absolute power under the Constitution to make this treaty without any such provision for legislation. I am not going into that. But it being in it, it appears to me to be perfectly plain that the legislative branches of the Government are under no obligation except the obligation to do right in respect of the subject.

Mr. STEVENSON. I should vote for the amendment if I did not believe the matter was already provided for by law. I think section 5442 of the Revised Statutes provides for it expressly. It renders it criminal for any false invoice to be made in regard to any foreign merchandise whatever. Believing, therefore, that it is already provided for, I shall vote against the amendment.

I voted for this treaty before; and when the Senate by two-thirds ratify a treaty, while I will not say they are compelled to act upon it, it at least puts us in a false position unless some change in public affairs has taken place after such action of solemn ratification of a treaty not to vote for the legislation to carry it into effect. I shall, therefore, vote for the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called) I am paired with the Senator from New York, [Mr. CONKLING.] I should vote in favor of the amendment.

Mr. MORTON, (when his name was called.) Some few hours ago, supposing I was going out of the Senate for a while, I paired with the Senator from California [Mr. BOOTH] on this question. He is not now here and perhaps has gone out supposing that I would be absent. If he were here he would vote for the amendment and I think I should vote against it. I shall not vote.

Mr. MCCREERY, (when his name was called.) I am paired on this Hawaiian treaty with the Senator from Iowa, [Mr. WRIGHT.] He favors the treaty and I am against it.

Mr. KELLY, (after first voting in the negative.) On Saturday I paired with the Senator from Virginia [Mr. WITHERS] and as I thought the pair would expire this morning, but he has gone away understanding that he is paired all the session. I shall have to withdraw the vote I gave against this amendment.

The PRESIDENT *pro tempore*. The vote will be withdrawn, if there be no objection.

Mr. KELLY. I understand the Senator from Virginia went home on account of sickness in his family.

The roll-call having been concluded, the result was announced—yeas 7, nays 30; as follows:

YEAS—Messrs. Cockrell, Gordon, Key, Morrill, Norwood, Patterson, and West—7.

NAYS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Davis, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Maxey, Mitchell, Oglesby, Paddock, Randolph, Sargent, Saulsbury, Spencer, Stevenson, Wadleigh, and Windom—30.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Booth, Bruce, Cameron of Pennsylvania, Conkling, Conover, Cooper, Dennis, Dorsey, Edmunds, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, McCreery, Merrimon, Morton, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—34.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. MORRILL called for the yeas and nays, and they were ordered.

Mr. GORDON. Mr. President, it was my purpose to have spoken upon this bill at some length. I am physically unable, however, to do so this morning, even if I thought it advisable; but after the last vote, which has so overwhelmingly defeated the important amendment proposed by the Senator from Vermont, the object of which was to protect the interest in behalf of which I intended to speak, it would be a sheer waste of time to attempt an elaborate argument. I shall therefore content myself with protesting against this proposed legislation to carry into effect a treaty so partial in its operations and so unjust to one section or one portion of the people of this country. There were a number of objections to this treaty to which I proposed at one time to address myself. One objection is local; another is general in its character. One objection lies against its policy, another against its principle. It aims a death-blow at important interests in one large section of the country without any corresponding benefit to other sections, and therefore it ought not to pass. It is at least of doubtful constitutional sanction; it places in jeopardy the good name of the Government for fair dealing with other nations with whom we have treaties, and on these accounts ought to be rejected.

But, as I said, I propose simply to offer my protest, and not only

mine, but the protest of the people whose interests are involved, most lamentably involved, by this partial and short-sighted policy. Sir, I know the southern rice and sugar planters, and it is not too much to say of them that no portion of the American people are more capable of self-sacrificing patriotism; and if you will propose a measure which shall admit duty free or upon light duty all articles of foreign manufacture which the people of this country consume, they will yield to it as cheerful a support as the people of any other section. They have inherited by birth and have maintained through their entire lives the doctrine of free trade, or rather the imposition of duties for revenue alone; but, sir, is it surprising that they should antagonize with all their feeble power a bill which proposes to single out from all importations those productions upon which all their prosperity depends? I myself am a free-trader in the sense of a tariff for revenue alone, and whenever there shall be introduced into the Senate a bill to open our ports to English iron, to English steel, to French manufactures, to Great Britain's manufactures, and to the manufactures of all the world, I shall go as far toward its support as is consistent with the security of needful revenues and as far probably as those who now so actively support this partial, one-sided, obnoxious measure.

I am here to vote for general laws, for equal burdens, and equal rights, and I can never, though I should stand alone, give my sanction to any bill which discriminates against the interests of any portion of the American people. It is not just, Mr. President, and begging the pardon of the majority of the Senate who choose to force this legislation at a heavy cost to the people of my section, I must say that it is not only unjust, but it is inconsistent with that mutuality of interest and that equality of burden which was guaranteed by the Constitution and by the very organism of the Union itself.

Is it just to experiment for the benefit of the whole people and for the benefit of a foreign people in the South's productions and the South's cost? Much less is it just or politic or statesmanlike to try that experiment at the hazard of the sole material interests of that portion of the southern people who by the vicissitudes of war have been made poorer than any people in all the history of the past.

Senators tell me that this legislation will not interfere with the interests of the rice and sugar planters. But, sir, when Senators tell me that they are better advised of the interest of these planters than the planters themselves, who are intelligent, cultured, capable—the peers of any who hold seats upon this floor; when legislators thus answer arguments, then debate is useless. I repeat, sir, these planters know their interests, and they feel that upon this bill hangs not only their future interests, but may involve their ability to gather their growing crops. They feel that the passage of this bill may involve the possibility and even the strong probability of having their plantations abandoned on the very eve of their harvest. Yet Senators tell us that they are to be the judges, and that all these apprehensions are groundless. I trust they may be; but I will never consent to legislation which is of such doubtful constitutional support, of uncertain effect upon the general revenues, and which by its discriminations fills with alarm so large and intelligent a body of citizens, whose whole fortunes, already palsied by disease, are to bear all the burden of the change. I do not expect the Senate to heed these admonitions; for it has just voted a proposition to so amend this bill as to make it certain that no other rice or sugar shall be admitted free except that grown upon these islands. Sir, what guarantee have you that there will be admitted into San Francisco and the Pacific ports only the productions of those islands? Is there anything in the law, is there anything in the character of the people with whom you are treating, is there anything in your ability to enforce this law by spies and informers, by ships and cruisers, that guarantees to us that these islands will not become a great funnel through which will be emptied into your ports free of duty the productions of Cuba and India and China? We are not dealing with Canadians or Englishmen; but with semi-savages, whose moral sense would be less shocked by a violation of the treaty than by the loss of the profits which gigantic smuggling will insure. I am not a merchant; but a shrewd trader with capital could organize an establishment in the city of San Francisco, another on the island of Hawaii, and another in Cuba, and another at Hong-Kong, and could pour into your Pacific ports year by year free of duty more rice and sugar, in spite of all your laws, than the Hawaiian Islands are worth or ever will be worth. Will enterprising gentlemen be wanting in such a scheme? How will you prevent it? Are you going to send your men-of-war to enforce your law in these far-off islands, and make this great western ocean Pacific only in name? Is this the price we are to pay for so contemptible results as are promised or can be secured by this treaty? Sir, I am amazed that the proposition submitted by the Senator from Vermont [Mr. MORRILL] received but seven votes in this body. It will not be twelve months before we shall have hogsheads of sugar by the thousand grown on the island of Cuba, tierces of rice by the myriads grown in China, entering our ports with the *frank* of Kink Calico (Kalakaua) upon them.

But, Mr. President, as I said, it is idle to discuss this measure. I will not take the time of the Senate any longer. Let me once again repeat, however, that you are proposing a grave injustice—injustice to the southern planter of rice and of sugar; injustice to the laborer who produces these commodities; injustice even to the West, whose productions of wheat and corn and meat these planters are now able to consume, but which they may no longer be able to purchase when this bill shall become a law. It cost originally $100 per acre to redeem these rice lands from the swamps; they have cost since the war $50 to $70 per acre to resubdue and refit them, and they now cost from $10 to $20 per acre per annum to cultivate them. And when they shall become no longer valuable because the product which has made them valuable becomes itself almost valueless, then these laborers must abandon these fields, and these lands themselves be abandoned to the waters from which they have by the labor of generations and so great an expenditure of money been redeemed.

One word more and I shall close. These planters, intelligent, well-informed, and honest, believe that they are in absolute danger, if this bill shall pass, by reason of the panic which it will create in the minds of their laborers of having their plantations abandoned and their present crops lost.

Now, Mr. President, I appeal to fair-minded Senators to postpone the consideration of this bill until the present crop shall have been gathered. Then, if the panic shall come, let it come when these burdened and paralyzed people shall be better prepared to meet it. But do not bring upon them this disaster after they have engaged their labor and planted their crops upon the supposition this great Government would be incapable of such partial law-making or of making them an exception to its rule of protection. Sir, what would Pennsylvania say if it were proposed to introduce iron free? What would Connecticut say if her products were brought into competition with free imports from some other nation? Georgia, Louisiana, South Carolina, Alabama, and Texas only ask that the consideration which has been shown to other States shall be shown to them; and, if nothing more, that they at least shall be spared this blow until their harvest is ended. I therefore move to postpone the further consideration of the bill until the second Tuesday in December next.

The PRESIDENT *pro tempore*. The Senator from Georgia moves the postponement of the bill until the second Tuesday in December next.

The motion was not agreed to—ayes 8, noes not counted.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] He would vote for the bill, and I should vote against it.

Mr. HITCHCOCK, (when his name was called.) On this bill I am paired with the Senator from South Carolina, [Mr. ROBERTSON.] If he were here he would vote "nay," and I should vote "yea."

Mr. KELLY, (when his name was called.) I was paired with the Senator from Virginia, [Mr. WITHERS;] but the Senator from Arkansas [Mr. CLAYTON] has kindly agreed to pair with the Senator from Virginia for me, so that I am at liberty to vote. I vote yea.

Mr. CLAYTON, (when Mr. WITHERS's name was called.) As has been stated by the Senator from Oregon, [Mr. KELLY,] I am paired with the Senator from Virginia, [Mr. WITHERS.] If he were here he would vote "nay," and I should vote "yea."

Mr. MCCREERY, (when Mr. WRIGHT's name was called.) I am paired on this question with the Senator from Iowa, [Mr. WRIGHT.] He would vote for the bill, and I should vote against it.

The roll-call was concluded.

Mr. GORDON. On this bill I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 29, nays 12—as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Cragin, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Paddock, Randolph, Sargent, Saulsbury, Spencer, Stevenson, Wadleigh, and Windom—29.

NAYS—Messrs. Bogy, Booth, Cockrell, Cooper, Davis, Jones of Florida, Key, Merrill, Norwood, Patterson, West, and Whyte—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conkling, Conover, Dennis, Dorsey, Edmunds, Goldthwaite, Gordon, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, McCreery, Maxey, Merrimon, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, Withers, and Wright—30.

So the bill was passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

A bill (H. R. No. 516) for the relief of Floyd C. Babcock; and

A joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting, in answer to a resolution of the Senate of July 24, 1876, a statement of the number of civil officers employed in the Treasury Department from 1859 to 1875, inclusive; which was ordered to lie on the table, and be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer was read twice by its title and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. CLAYTON. Mr. President, for the purpose of submitting a few remarks, which will not take more than ten or fifteen minutes, I move that the Senate now take up the resolution to print the President's message in relation to the Hamburgh massacre.

Mr. SARGENT. Cannot the Senator make his remarks on the report of the committee of conference on the Indian appropriation bill?

Mr. CLAYTON. I shall take no more time on the one than on the other, and I may as well make my remarks now.

Mr. EDMUNDS. I wish to appeal to the Senator from Arkansas. I gave notice this morning that as soon as this Hawaiian matter was finished I should again ask the Senate to take up the House resolution proposing an amendment to the Constitution of the United States.

Mr. CLAYTON. I can finish my remarks while Senators are discussing this question, if the Senate will allow me to take it up.

Mr. EDMUNDS. But somebody else may want then to say something on the same question. I hope the Senator will withdraw his motion and let me call up the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

Mr. LOGAN. If the Senator will give way, I will ask to take up a conference report, and he can make his speech on that just as well as on anything else; and it is a conference report that ought to be taken up.

Mr. CLAYTON. Very well; I am willing.

Mr. LOGAN. I move——

Mr. EDMUNDS. I was wishing to make a motion.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor.

Mr. LOGAN. I move to take up the conference report on the subject of artificial limbs for crippled soldiers.

Mr. EDMUNDS. The Senator from Kansas objected to that report to-day.

Mr. LOGAN. I move to take it up; it was reported on Saturday.

Mr. INGALLS. I made no objection to-day.

The PRESIDENT *pro tempore*. It can be taken up on motion.

Mr. EDMUNDS. I hope the motion will not be agreed to, for it will lead to considerable debate; and now while the Senate at this time in the day is somewhat fuller than it is at any other time, I wish to get a straight vote on the question of the constitutional amendment. I shall not occupy the floor myself, if I do at all, for exceeding ten minutes, and I am advised that very little is to be said on the other side as very little could be as a matter of course as everybody understands, and therefore I hope my friend will not insist upon that but will let me get a vote on the amendment.

Mr. LOGAN. I wish to ask the Senator a question. He says the report will lead to considerable debate. I ask him why it will lead to debate?

Mr. EDMUNDS. Because I have understood my friend from Kansas to say that it would, and that it changes the state of the law as it has hitherto been understood to be. It may be a correct change. I say nothing about that.

Mr. LOGAN. I will state what the proposition of the conference report is. The law has been for years that every soldier, sailor, or marine who had lost an arm or a leg in the service of the United States should have every five years either a leg or arm supplied or commutation therefor. The last Congress gave to the soldiers who had lost an arm above the elbow or a leg above the knee $24 a month pension, and provided that they should not receive commutation for an artificial limb. This bill re-instates that provision that they shall have it, and they ought to receive it more than any other men. That is all there is of it.

Mr. EDMUNDS. Do not debate the merits.

Mr. LOGAN. I am not going to debate the merits, but I am stating the proposition so that the Senate shall understand it. Now I move to take it up, and we shall see whether it leads to debate or not.

Mr. EDMUNDS. I hope we shall not take it up until we dispose of the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The question being put, there were on a division—ayes 24, noes 8; no quorum voting.

Mr. LOGAN. I call for the yeas and nays.

Mr. EDMUNDS. I may as well give up the constitutional amendment. I can neither get the floor nor a majority of the Senate.

Mr. GORDON. I think if we take the division over again there will be a quorum.

The PRESIDENT *pro tempore*. There is no objection, the Chair understands. The ayes have it, and the report is before the Senate.

Mr. EDMUNDS. I hope the Chair will count the Senate. I do not want to make any disturbance if a majority of the Senate is opposed to taking up the constitutional amendment, but I wish the Chair to count the Senate and see whether there is a quorum present.

The PRESIDENT *pro tempore*, (after counting.) There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 897) granting a pension to Andrew Evarts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap;

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

Mr. LOGAN. I ask for the reading of the report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the first and second amendments of the Senate, as follows:

In line 1 strike out "persons" and insert "officer, soldier, seaman, and marine."

In line 5, after "application," insert "or commutation therefor as provided and limited by existing laws."

The House concurs also in the proviso added to the end of the bill with an amendment of the word "not" inserted between the words "shall" and "be" in the first line; so that it will read: "That this act shall *not* be subject to the proviso of an act entitled 'An act to increase pensions,' approved June 18, 1874."

JOHN A. LOGAN,
J. B. GORDON,
NEWTON BOOTH,
Managers on the part of the Senate.

J. M. RUSK,
A. V. RICE,
JOHN C. BAGBY,
Managers on the part of the House.

Mr. CLAYTON. Mr. President, I favor the adoption of this report. I believe that this Government ought to furnish aid to these disabled soldiers. I am not right sure whether the Government ought not to furnish aid to some of the soldiers who have been disabled since the war in some of the Southern States. I am not right sure whether this Government ought not to furnish aid to some of the widows and orphans who have been made widows and orphans because the Government would not give them that protection which it has given to its citizens in foreign countries; but upon this subject I shall make no further remark. I have risen for another purpose.

Mr. President, a duty which I owe to the State of Arkansas impels me, even at this late day in the session, to refute certain erroneous statements which have been made in this Capitol and elsewhere concerning its State debt. It has been asserted by democratic speakers, democratic newspapers, and within the past few days by an honorable member of the other House, that the debt of the State of Arkansas has been under republican rule increased to the extent of about $15,000,000. How erroneous these assertions are, I shall now proceed to show. I send to the Clerk's desk a copy of the RECORD of August 10, containing a speech delivered by Hon. THOMAS L. JONES, of Kentucky, and ask that so much of the same be read as is marked:

The Chief Clerk read as follows:

But as the American mind, especially in these degenerate days, is apt to inquire how the money is handled, how collected, and how disbursed, whence it cometh and whither it goeth, and the answer to these questions makes up the verdict of the American people as to the honesty and morality of their public servants or rulers, perhaps no better illustration can be given of the condition of the Southern States and of the character of their rulers than the table which I submit, showing the debts of those States at the end of the war when their governments were in their own hands, and what they were at the end of reconstruction when their governments were in the hands of others.

Virginia.—Debts and liabilities at close of the war, $31,938,144.59. Debts and liabilities January 1, 1872, $45,480,542.21.

North Carolina.—Debts and liabilities at the close of the war—principal, $9,690,500; interest, $1,261,316; whole amount, $10,951,816. Debts and liabilities January 1, 1872, $34,887,467.85.

South Carolina.—Debts and liabilities at the close of the war, $5,040,000. Debts and liabilities January 1, 1872, $39,158,914.47.

Georgia.—Debts and liabilities at the close of the war, nominal. Debts and liabilities June, 1871, $50,637,503.

Florida.—Debts and liabilities at the close of the war, $221,000. Debts and liabilities January 1, 1872, $15,763,447.54.

Tennessee.—Debts at the close of the war, $20,105,606.66. Debts and liabilities January 1, 1872, $45,668,263 46.

Arkansas.—Debts and liabilities at the close of the war, $4,036,952.87. Debts and liabilities January 1, 1872, $19,761,265.62.

Louisiana.—Debts and liabilities at the close of the war, $10,099,074.34. Debts and liabilities January 1, 1872, $50,540,306.91.

Texas.—Debts and liabilities at the close of the war, nominal. Debts and liabilities January 1, 1872, $20,361,010.61.

Alabama.—Debts and liabilities at the close of the war, $5,939,658.87. Debts and liabilities January 1, 1872, $38,382,967.34.

Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers, elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than $284,000,000.

Mr. CLAYTON. Mr. President——

Mr. PADDOCK. I ask the Senator from Arkansas to yield that I may move that the concurrent resolution sent from the House for the adjournment of Congress be taken up. I wish to move an amendment to it.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield for that purpose?

Mr. MORRILL. I hope not at the present time.

Mr. CLAYTON. Very well.

Mr. PADDOCK. I move to take up the concurrent resolution.

Mr. WINDOM. I hope it may not be taken from the table. The Indian appropriation bill has not passed yet, and cannot pass if there be a single objection to it until to-morrow. Certainly it is not expedient to pass the adjournment resolution fixing a time prior to that to which the Indian appropriation bill may be postponed.

Mr. PADDOCK. Do I understand the Senator from Minnesota to say that the Indian appropriation bill cannot be reported this evening.

Mr. WINDOM. It cannot be passed until to-morrow if there be a single objection to it. One objection carries it over. It was reported from the conference committee to-day and a single objection carries it over until to-morrow. It certainly would not be prudent to pass the resolution until we know that that important bill can be passed.

Mr. BURNSIDE. Will the Senator from Arkansas give way to me to move for a recess from half past five until eight o'clock?

Mr. WEST. No, we had better sit it out.

Mr. PADDOCK. On the statement of the Senator from Minnesota, I shall withdraw my motion for the time being.

Mr. WINDOM. I want to say that I reported the bill some time ago and would be very glad to call it up, but an objection has been made and I am unable to do so at present.

Mr. PADDOCK. I wish to give notice that at the earliest practicable moment after the Indian appropriation bill is disposed of I shall call up the concurrent resolution for adjournment, because I believe this Congress ought to adjourn.

Mr. BURNSIDE. Will the Senator from Arkansas yield to a proposition for a recess from five o'clock to half past seven, or whatever time may suit the Senate?

Mr. WEST. That will involve a session to-morrow.

Mr. CLAYTON. After the conclusion of my remarks I will yield.

The honorable gentleman after undertaking to give a statement of the *ante bellum* and existing debts calculated up to January 1, 1872, of ten southern States, winds up by saying:

> Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than $284,000,000.

Now, Mr. President, a gentleman who undertakes to deal in figures affecting the credit of ten States ought to be at least correct in his arithmetic. Let us see whether he is or not. By adding together the amounts stated of the debts of each of the ten States at the close of the war it will be found to aggregate $88,333,000, and by adding together the entire debt existing, as stated, on the 1st of January, 1872, it will be found to aggregate $360,661,686.01; deducting the *ante bellum* debt from the entire debt we have what is claimed to have been created under republican rule, amounting to $272,328,432.68, instead of over $284,000,000, as stated by Mr. JONES; a difference of about $12,000,000. If in the simple matter of addition and subtraction the honorable gentleman is so inaccurate, what must we expect from him when he undertakes to ascertain down to the very cent the exact debt of each of the ten States alluded to?

To show that he is as unreliable in the detail of his figures as he is in his sum-total, I need only expose the error in his statement of the debt of Arkansas, which he fixes at $19,761,265.62 on the 1st day of January, 1872, and of the creation of which he attributes $15,725,312.75 to republican rule. Mr. President, I hold in my hand a copy of the Little Rock Daily Herald of August 10, 1876, one of the organs of the democratic party in Arkansas, which contains a tabulated statement* "showing the bonded and floating debt of the State of Arkansas to June 30, 1876," for which the editor states he is indebted to the courtesy of Hon. W. R. Miller, the present auditor and democratic candidate for governor in the State of Arkansas. I find this statement also published in the Gazette, another democratic organ, and vouched for as accurate. In this statement the total debt of the State is given at $17,306,823.50, being $2,454,442.12 less than the amount stated by Mr. JONES. It will be seen by reference to this statement that the debt has been increased since 1872 as follows:

**Statement showing the bonded and floating debt of the State of Arkansas June 30, 1876.*

Character of bonds.	Principal.	Interest.	Total.
5 per cent. State Bank bonds 1837	$10,000 00	$19,750 50	$29,750 50
6 per cent. State Bank bonds 1838	108,000 00	215,400 00	323,400 00
6 per cent. Real Estate bank Bonds 1838, letter A	538,000 00	953,815 53	1,491,815 53
6 per cent. Real Estate bank Bonds 1838, letter C	45,000 00	85,500 00	130,500 00
6 per cent. funding bonds 1869	944,000 00	253,975 00	1,197,975 00
6 per cent. funding bonds 1870	2,265,000 00	516,690 00	2,781,690 00
10 per cent. ten-year bonds 1874	276,500 00	26,996 00	303,496 00
7 per cent. levee bonds	1,986,773 74	625,335 45	2,612,109 19
6 per cent. bonds 1875, (Loughborough Bonds)	256,000 00	11,760 00	267,760 00
	6,429,273 74	2,709,222 48	9,138,496 22

RAILROAD-AID BONDS.	Principal.	Interest.	Total.			
Memphis and Little Rock	$1,200,000	$270,090	$1,470,090			
Arkansas Central	1,350,000	366,960	1,716,960			
Little Rock, Pine Bluff and New Orleans	1,200,000	336,175	1,536,175			
Little Rock and Fort Smith	1,000,000	288,000	1,288,000			
Mississippi, Ouachita and Red River	600,000	167,235	767,235			
				5,350,000 00	1,418,460 00	6,768,460 00
				11,779,273 74	4,127,682 48	
Outstanding Treasurer's certificates redeemable with ten-year bonds						1,354 65
Total bonded debt						15,908,310 87
6 per cent. State scrip					21,433 77	
5 per cent. State scrip					1,300,389 54	
No interest-bearing State scrip					76,689 32	
						1,398,512 63
Total debt						17,306,823 50

In September, 1869, Real-estate bonds, No. 1 to 500, inclusive, dated January 1, 1840, amounting, principal and interest, January 1, 1870, to $1,370,000, were converted into funding bonds, dated January 1, 1870, and numbered 491 to 1860, inclusive.

The indebtedness of the State on these bonds is as follows:

Thirteen hundred and twenty bonds* outstanding June 30, 1876		$1,320,000 00
Interest from January 1, 1872, to June 30, 1876		356,400 00
Total due as funded		1,676,400 00
Of the above 338 Real Estate Bank bonds, letter A, are held by the Treasurer of the United States in trust for the Smithsonian Institution. Principal		538,000 00
Interest to June 30, 1876, after deducting amount credited from the 5 per cent. fund and all payments through the State treasury		953,815 53
Total		1,491,815 53
One hundred and sixty-eight funding bonds of 1870 are held by the Secretary of the Interior in trust for various Indian tribes. Principal	168,000 00	
Interest to June 30, 1876, after deducting amount credited for keeping United States convicts in the State penitentiary and all payments through the State treasury	25,200 00	
		193,200 00
Total held by the United States as trustee		1,685,015 53

Treasurer's certificates, redeemable with ten-year bonds, bear interest at the rate of 10 per cent. per annum.

* NOTE.—Fifty of the 1 370 bonds have been received into the State treasury in payment for swamp and internal improvement lands, leaving outstanding 1,320 bonds.

Ten per cent. ten year bonds, issued in 1874	$276,500 00
Six per cent. bonds, issued in 1875	256,000 00
Total	532,500 00
To this should be added bonds issued in aid of the construction of railroads since 1872	900,000 00
Also the accumulated interest on the State debt since that time, which I find amounts to about	3,000,000 00
Making a total increase of debt	4,432,500 00
When we add to this	2,454,442 12
Which is the difference between the actual debt as shown by the statement just referred to and the amount stated by Mr. Jones as existing in 1872, we find an error in his statement amounting to	6,886,942 12

In other words, he has simply fallen into an error of about $7,000,000 in stating the debt of Arkansas alone. The error which may exist in his statement of the debts of other States I will leave for others to say, though I do not doubt that it will be found that they are equally extravagant and erroneous. When we deduct these erroneous figures from the figures given by Mr. JONES, which are $19,761,265.62, we find the actual debt of the State to be $12,874,323.50. This was the actual debt at the time he states. Deducting from this amount $5,051,265.62, which was the *ante bellum* debt, we have $7,823,057.88, which is the amount of debt contracted under republican rule at the time to which the gentleman refers, a difference of about $8,000,000 between his statement and the correct figures.

Now, Mr. President, I desire to say a few words in relation to the character of this debt. Over $5,000,000 of it was entailed upon the people by *ante bellum* democratic administrations, and grew out of the State loaning its credit to two worthless banks which failed soon after receiving the loan. The history of their transactions, if I had time to detail them, would in comparison make the worst case of carpet-bag financiering respectable. Four million three hundred and fifty thousand dollars of the debt of the State arose from the issue of bonds to aid in the construction of railroads under an act of the Legislature which was submitted to the people and ratified by them almost unanimously, only about five thousand voting against it.

Whatever may be said as to the impolicy of issuing bonds to aid in the construction of railroads will apply to other States of the Union and to the United States itself, and in this case the responsibility must attach to the people of Arkansas without regard to party; for they not only favored it, but ratified it with their votes. Under this law the railroad companies were required to pay both the principal and interest, and the people never were taxed one cent for that purpose. While the republican party were in power the railroad companies were made to pay the interest, but since the democratic party have come in power they have been relieved from that requirement by a repeal of the law. This rather saddles this debt upon the people or repudiates it altogether.

Three million dollars of bonds were issued for the construction of levees, and were based upon the swamp lands of the State and made receivable for the purchase of the same, in which manner about one-third of the issue has been liquidated. The people of the State were not taxed one cent for the payment of interest on these bonds.

Of the floating debt of the State nearly one million was created to pay the expenses of the militia which were called into the field during my administration to suppress the Ku-Klux rebellion of 1869. Had the democratic party in Arkansas obeyed the laws under republican rule as we do under democratic rule, this debt would never have been incurred, and much valuable property and many still more valuable lives would have been saved.

Mr. President, it has been charged for several years, and more especially of late by democratic orators and democratic newspapers, that in the States of the South where the republican party has been and is in power the governments have been and are characterized by robbery, peculation, and all manner of fraud and corruption. But I assert as a fact which I think cannot be denied, especially so far as relates to my own State, that since the democratic party has come into power there they have not through their courts been able to fix upon a single republican formerly holding official position the crimes and corruptions they have charged upon them. What is true of Arkansas I believe to be true of other Southern States which were formerly under republican rule and now under democratic.

What does this prove? Either one of two things, that their charges have been false, or that the democratic party does not punish crime. That it does not punish crime in many instances where the criminal is a democrat and the victim a republican I am well assured; but I do not believe that the democratic party in the South would be very loth to punish crime when perpetrated on the people of those States by those they call the thieving radicals.

Now, Mr. President, does it not seem, in the interest of good government, to protect the people in the future against crimes, that if these crimes were perpetrated by republicans in the South they should have been fixed upon their authors, who should have been brought to condign punishment. Are we to believe that southern democrats are so enamored with southern republicans as to shield them from the just punishment of such great offenses? I think not, but rather that when brought to the test they are unable to substantiate the charges they have so industriously circulated.

A few words upon another subject, Mr. President. It is asserted of late, and our democratic friends take great pleasure in it, that wherever the republicans are in power in the Southern States the condition of affairs is characterized by disorder and lawlessness, and that wherever the democratic party is in power there peace and quiet is the result. Well, Mr. President, I do not admit that this is so. I know that in many instances it is not. But suppose we admit it; what does it show? It simply shows that the republicans in the South obey the laws and respect the existing authorities, whether those laws or those authorities be republican or democratic; while on the other hand it can be shown that democrats do not obey the laws when administered by republicans and do not respect the authorities when those authorities happen to be republicans. I need only cite you to a few cases that have national reputation. Trenton, Coushatta, Vicksburgh, Grant Parish, and lately, Hamburgh, to show that what I say is correct. It is true we have quiet in some of the Southern States, my own among the number, that are now under democratic rule, and why? Simply because republicans do not organize Ku-Klux Klans and do not resort to violence, assassination, and murder to secure their political ends; and for that reason you have peace. Mr. President, we should have had no war, all would have been peaceful and lovely, perhaps even to the present time, if it had not been for the fact that the democratic party of the South was called upon to live under republican rule in 1861. Rather than do that they deluged the country in blood, and rather than do so to-day they are ready to resort to such atrocities as characterized the late proceeding at Hamburgh, in the State of South Carolina. I wish I could believe that in case the republicans should carry the coming election in Arkansas the democrats would live under our government as peaceably as we have under theirs. The history of the past leaves but little room for such credulity.

Mr. President, much has been said of late about the fact that men who held positions in the confederate army occupy seats in this and the other Chamber. Let me say that in any Southern State where the democrats are really in the majority it is right that they should send democrats to represent them here, and when they do send democrats, I hope they will continue to send here the men who bore the brunt of battle in a gallant attempt to sustain a cause which I believe they thought at the time was just. So far as I am concerned, I would much rather see them here than see the men who when the war swept over the South urged their neighbors to the front but staid themselves at home upon the pretext that they were the owners of the required number of slaves which under confederate law exempted them from military service, men who when the Federal armies marched into the South were Union men and when the Federal armies marched away were confederates. In my experience during the war I saw many such men, and I am compelled to say I have but little respect for them. I say I would much rather welcome men who fought for the flag of the confederacy here representing democratic constituencies than these other men to whom I allude. They fought gallantly and well in a cause which is now lost forever, and which although now known to be a bad one, as before said, they then believed to be just, and no word has ever or shall ever fall from my lips detracting from that gallantry.

So far as I am concerned, I take great pleasure in embracing this opportunity to say here that I make no complaint because southern democratic constituencies have seen fit to send to represent them men who followed the flag which at that time the whole mass of the southern people unfurled.

With these few remarks, Mr. President, I shall not detain the Senate longer.

The PRESIDENT *pro tempore*. The question is on the conference report.

Mr. PADDOCK. I move that at five o'clock the Senate take a recess until half past seven.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate take a recess from five o'clock until half past seven.

Mr. ANTHONY. Say from half past five to eight.

Mr. PADDOCK. I will accept that; half past five to eight.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska that the Senate take a recess from half past five until eight o'clock.

Mr. EDMUNDS. Is this a debatable question?

The PRESIDENT *pro tempore*. It is not.

Mr. EDMUNDS. Then I must ask for the yeas and nays, because of a matter that the public have a good deal of interest in. Senators may not get here in the night.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Christiancy, Cragin, Dawes, Ferry, Hitchcock, Ingalls, Jones of Nevada, Logan, Mitchell, Paddock, Patterson, and Spencer—17.

NAYS—Messrs. Bogy, Cameron of Wisconsin, Clayton, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Kelly, Kernan, Key, McMillan, Maxey, Morrill, Ogleaby, Sargent, Saulsbury, Stevenson, Wadleigh, and Whyte—21.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Howe, Johnston, Jones of Florida, McCreery, McDonald, Merrimon, Morton, Norwood, Randolph, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, West, Windom, Withers, and Wright—33.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

Mr. INGALLS. Mr. President, believing that the bill upon which the report of the committee of conference has been made was in violation of an existing statute, that it was intended to circumvent a provision of that statute by indirection, and that it was in its provisions discriminating and unjust to classes of pensioners who are not named in the bill, I took occasion when it was before the Senate on its passage to call attention to those facts and to urge certain reasons why the bill, in my opinion, should not become a law. I am in favor of the most liberal pensions to all classes who can properly be held to be within the purview of a pension law; but I am opposed to discrimination, to invidious partiality, and to an attempt by any one whatever to accomplish by indirection what it is deemed impossible to effect by direct methods. This bill proposes to give to soldiers who are unable to use artificial limbs commutation once in every five years. I call the attention of the Senate to the remarks that were made by the Senator from Illinois when this matter was previously before the Senate as to what was the object and intention of the law. The remarks were made on the 22d of July, which was Saturday, and appeared in the RECORD of the following Monday:

Mr. EDMUNDS. How does it differ from the law?

Mr. LOGAN. It does not differ at all except to change from the Secretary of War to the Quartermaster the furnishing of transportation. It is the same bill precisely except these changes and extending to every five years, which was the intention of the law.

Further on the Senator from Illinois said:

I am now willing to make that change—

That is, the change suggested by the Senator from Rhode Island, [Mr. ANTHONY]—

and make it conform to the original law. That is all there is of the bill. The Surgeon-General gives a construction that he cannot re-issue these artificial limbs. The commutation is the same and everything is the same, except the change I have stated.

In the course of the debate I called the attention of the Senator from Illinois to the provisions of the law approved June 18, 1874, which increased the rate of pension to persons who have lost either a leg at or above the knee or an arm above the elbow to $24 a month. The proviso is:

Provided, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

The Senator from Illinois, when his attention was called to this act, expressly declared that the bill which is now under consideration was not, and was not intended to be, in conflict with the provisions of that law. I asked him whether the intention of the bill was to give the pensioner increased pension and commutation for a limb that he could not use. He replied:

Mr. LOGAN. There is no such object at all. The law was passed without reference to the pensions. The object is just what is expressed on the face of the bill, to give the man an artificial limb who lost a leg or arm in the service.

I replied to him that he had the right to that now. The Senator from Illinois then said:

Mr. LOGAN. He had the right to it except that the Surgeon-General construed the law not to extend further than the first five years. Hence it cuts him off; and this is only to extend it every five years as the original intention of the law was. That is what the bill means, and that is all it was intended it should mean.

He repeated that statement once or twice more, and the bill was passed, with an amendment inserted upon my motion:

Provided, That this act shall be subject to the provisions of an act entitled "An act to increase pensions in certain cases," approved June 18, 1874.

Now, to show that I was right in my construction of the object and purpose of this bill, and to show how disingenuous the advocates of the bill are, it comes back with an amendment suggested by the committee of conference to the amendment offered by me by the insertion of the word "not" between the words "shall" and "be," expressly excluding the bill from the operation of the law of June 18, 1874, showing that the view I then took of it was correct, and that the statements which were made by the Senator from Illinois are not borne out by the facts, and that the object and purpose is as I stated, to accomplish the circumvention or repeal of that part of the law of June 18, 1874 by indirection and to accomplish this by the report of a committee of conference.

I think it is unjust, as I said, because it discriminates in favor of one class of pensioners and against all other classes who are not named in the bill. The bill ought not to pass for another reason, and that is because it is retroactive. It provides that the period at which the commutation shall be given shall date back to June, 1870—more than six years. But if the Senate desire to pass the bill, if they desire to have accomplished by this method what the advocates of the bill are unwilling to submit as a distinct proposition, I have nothing to say. I felt that, as the chairman of the committee having these subjects in charge, being intrusted to a certain extent with the administration of the revenue of the Government in this direction, it was my duty to call the attention of the Senate to the objects and purposes of the bill and to the unfair and incorrect argument upon which the bill is attempted to be forced through.

Mr. LOGAN. Mr. President, I do not know that it is necessary for Senators to defend themselves every time that other Senators think some little advantage has been taken of them. I presume there is no desire to take any advantage of any one; I know that there is not on my part; and I say to the Senator from Kansas now that at the time we were discussing the bill I understood it just as I then stated it, nor did I know at that time that he or some other Senator or some committee had inserted a proviso in a pension law recently that deprived a part of these soldiers of this apparatus. I did not know that; hence I stated what I did. The House committee that reported this bill may have noticed that. I had not, and until my attention was called to the provision which I will read I was totally ignorant of it. The only distinction I could discover between this bill and the original law was the change that I stated which applied to the Quartermaster-General instead of to the Secretary of War, and that the word "person" was used in this bill instead of "officer, soldier, sailor, marine." These were the only two changes; but on examination I find that the Pension Committee in reporting a bill in 1874 put this proviso to a little short bill. This is the bill:

That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be left in the second class and shall receive $24 per month.

The proviso is, "Provided that no artificial limbs or commutation therefor shall be furnished to such persons."

That is the proviso which the Senator had reference to that I was totally ignorant of. That is to say, they got a proviso in a pension bill in 1874 that prohibited all persons who had lost an arm at or above the elbow and all who had lost a leg at or above the knee from receiving this apparatus. If there are any soldiers in this country who have been so unfortunate, and there are a great many, as to have lost an arm at or above the elbow or a leg at or above the knee, it does seem to me that they are the ones who should be entitled to this apparatus, as much so as any others certainly. This bill does change the law so that the commutation shall be furnished by the Quartermaster-General instead of the Secretary of War, and it does change the law so as to include these particular persons who are made an exception. All other persons under the law as it exists now can receive this apparatus, except those I have mentioned. That exception being put in a pension law, this bill cures that defect, and my attention was called to it. As I said, the House committee had noticed it; I had not.

When we examined the bill before the Military Committee it was not in reference to the pension law, but in reference to the existing law as to limbs; and this was the only change I saw in the bill, and I so stated. That was the only error there was in the statement; but I say now, although that error was made innocently on my part, yet had I known this exception to exist at that time I would have persisted in the passage of the bill with just as much earnestness as I persist in the passage of it now, because it was right then and it is right now. If the Senator thinks that it is right to furnish an apparatus to all soldiers who have lost a hand, or a foot, or both feet, or both hands, and that it is not proper to furnish them an apparatus if they have lost both legs above the knee or both arms above the elbow, then I am willing to say that his theory ought to be adopted by the Senate of the United States; and that is all there is in this.

The House concurs in all the Senate amendments except this one, and they insert the word "not" in that, and the managers on the part of the Senate agreed to it, for the reason that by examination of the law and a comparison of the law we find that all persons receiving pensions who had lost a limb in the war were entitled to this apparatus except those who were so unfortunate as to lose a leg above the knee or an arm above the elbow, or both. We thought they certainly were entitled if anybody else was.

Now a word as to the proposition the Senator suggests in reference to its being retroactive. The law as it stands, section 4788 of the Revised Statutes, is:

Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, $75; for arms, $50; for feet, $50; for apparatus for resection, $50.

This, then, re-enacts the law as it stood in 1874. In 1874 all persons had received this apparatus or had received the commutation money; hence this bill does not give commutation to any but those who made the second application. It does not apply to the first application, for that has already been received, but only gives them authority to make the application once in every five years. The law in section 4791 provides that the Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section 4787, and we change this so as to use the words "Quartermaster-General" instead of "Secretary of War."

Mr. INGALLS. Mr. President, the Senator from Illinois is a trifle unjust in the argument that he makes when he attempts to suggest or intimate that the intention of the Committee on Pensions when they recommended the passage of the law that was approved on the 18th of June, 1874, was to exclude certain classes of pensioners from the benefits of the law. The fact is that by that act the men who had suffered the class of disabilities therein named were raised from the third to the second class; the rate of their pension was increased, I think, $9 per month upon the representation of the Commissioner of Pensions and a bureau of medical officers there that they ought to receive that sum in consideration of the disability which the loss of the leg or arm at the points named inflicted upon them. They were therefore placed in the possession of a much higher pension than they had before, and the object of that was to compensate them for the loss that they had suffered, and the Pension Bureau and the board of examining officers thought that the sum of $24 per month was a

reasonable sum to pay them, taken in connection with the general standard that had been adopted for various bodily injuries. And at that time, in consequence of the fact that every man who has lost a leg, whether he can use an artificial leg or not, applies either for the leg or for the commutation, the Commissioner of Pensions thought that justice to all these classes of men required that when these men accepted this higher grade of pension they should not be entitled to the commutation for the limb unless they could use it. That was the sole object of the law. There was no discrimination against a given class of pensioners. On the contrary, they were rated in the class above what they had previously been rated at, and the object of the law was to give them compensation which the Bureau said was a reasonable equivalent for the loss they had received when compared with those allowed for other classes of injuries.

Mr. LOGAN. I will ask the Senator, does he believe that because a man is so badly wounded that he cannot use the apparatus he ought not to have a higher pension than the man who can use the apparatus?

Mr. INGALLS. Why, Mr. President, I do not believe that the rate of pension is high enough to make it a proper equivalent in any of these cases. The Senator from Illinois would not lose his leg for $24 a month; neither would any of us. It is in no sense whatever an equivalent or compensation; but it is the rate that has been established by the Government as the nearest approach to equity when it is taken into consideration with the sums that are allowed for other bodily injuries, such as the loss of a finger or the loss of a hand or the loss of the sight of an eye. This is not an independent, isolated case to be considered by itself. Of course we all admit that the pension of $24 per month is no equivalent for the loss of a leg; neither is the $8 a month that is paid to the soldier any equivalent for his total disability; nor is $50 a month that is paid to those who require the constant care of others any equivalent or compensation for their absolute helplessness; but the Government can afford to pay only so much; they have established a certain rate, and they have apportioned between the different classes of disabilities the different sums named in the pension law, and this is one that was adopted upon consideration and upon what were believed to be equitable grounds, and for the purpose of avoiding the continual claims that are made for artificial limbs or commutation for them by persons who cannot use them. Of course if the man cannot use the artificial leg, if he is so injured that he cannot use the artificial leg, there is no reason why the Government should pay him for it. If the rate of pension that he receives is not high enough, give him more; but do not pay him a pension and at the same time give him an equivalent for an artificial limb that he is not able to use in consequence of the injury he received.

Mr. LOGAN. I have only to say in reference to that that if a man has his arm off at the wrist and you can give him a hand, that is all right; he is entitled to it; he may make use of that; but if his arm is off above the elbow, so that he cannot use it for any purpose whatever, he can only get the same character of pension as others, but he is not entitled to an artificial limb. Why?

Mr. INGALLS. Within the last two years in consequence of that very inequity that the Senator complains of, in consequence of the injustice that he complains of, they have been raised from the third to the second class. That was why the bill was passed.

Mr. LOGAN. I understand that they have been raised somewhat. Some get $8 a month and some get $15 and some $4 a month only, and on up to $24 a month. Those who can use their arms or legs get $24 a month? Now you add an apparatus that others cannot use to walk about. If they cannot use that apparatus they get $75 a leg. That is a little more than $1 a month additional. Every five years he gets $75. For the sixty months he gets a little over a dollar a month. That is all. I ask the people of this country if a man is so badly wounded that he cannot use an apparatus to walk around on whether they object to increasing his allowance in this way $1.25 a month? That is all it means. I do not think this Government ought to be so niggardly as it is in reference to these things. If a poor cripple who cannot walk a step comes into this Hall and asks for a little increase of pension, there is as much noise over it as if it was a one-hundred-thousand-dollar cotton claim.

Mr. CONKLING. Will the Senator allow me to make an inquiry?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. The Senator from Kansas [Mr. INGALLS] was speaking, as I understood him, of men so disabled that they cannot use an artificial hand or leg. I should like to inquire of him or of the Senator from Illinois what, in the view of the Senator from Kansas, would become of cases like this? Here is a man whose arm is off below the elbow; he can use an artificial hand; or his leg is amputated and he can use an artificial leg. That man afterward becomes disabled. He is partially paralyzed, or he is overtaken by disease, or he gets too weak to do manual labor and go about. He would not profit by the higher rate of pension given to men who were originally so disabled that they could not use an artificial limb; nor would he in any way that I can see receive anything as the equivalent for his limb; but he simply would become a loser of so much, owing to the fact that he had become so much more prostrate, so much more helpless. It strikes me that there must be a pretty large percentage of such cases; and I suggest to the Senator from Illinois, in aid of his argument, that whatever there is in them tends to show that the idea for which he is contending is a just and proper one.

Mr. LOGAN. There are, I will say to the Senator, as I understand—I have not the data so exactly that I can state the number correctly—but I have been informed by those who have inquired—that there are about fifteen hundred persons of this character, called pensioners of the second class, with a leg off above the knee or an arm off above the elbow. It is to them that this applies, and none other. The rest all get this apparatus, or get their commutation, except this fifteen hundred, or whatever the number may be. I understand fifteen hundred have a leg off above the knee or an arm off above the elbow. They are excluded. This bill puts them back and makes some other changes. I think they are more entitled to it than anybody else, and that this provision ought to have been inserted in the law.

Mr. BURNSIDE. I should like to ask the Senator from Kansas if under the present law soldiers who have been crippled in this way can renew the apparatus or get commutation for it?

Mr. INGALLS. By express provision of law they are entitled to artificial limbs or commutation therefor once in five years.

Mr. BURNSIDE. Then I think those who cannot wear them are clearly entitled to commutation.

Mr. LOGAN. That is the point exactly.

Mr. BURNSIDE. If the soldier who can wear it is given the apparatus and then $9 a month is added to his pension, with a view to recompense that man, but no future issue of apparatus, then it will be fair to give those soldiers who cannot wear it a commutation. If the soldiers who can wear the apparatus are entitled to an arm or a leg every five years, surely the soldiers who cannot wear it are entitled to commutation.

Mr. COCKRELL. Under the first act, which was passed on the 16th of July, 1862, there was simply provision made for the purchase of artificial limbs for soldiers and seamen disabled in the service, to be expended under the direction of the Surgeon-General. The first amendment to that law was on the 28th of July, 1866, and the Secretary of War was then directed to furnish transportation to disabled soldiers to and from their places of residence to the places where they could procure the artificial limbs. In 1868 a provision was made extending the benefits of the law to officers, providing that all officers in the military and naval service should be entitled to the same that the soldiers and marines were entitled to receive. On the 17th day of June, 1870, the law was passed to which reference is made in the bill. That law provides—

> That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb, or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this act as the same can be *practically* [practicably] furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the Surgeon-General of the Army: *Provided*, That the soldier may, if he so elect, receive, instead of said limb or apparatus, the money value thereof, at the following rates, viz: For artificial legs, $75; for arms, $50; for feet, $50; for apparatus for resection, $50.

And this was placed under the control of the Surgeon-General. On the 30th of June, 1870, an amendment was passed to that law providing that the benefits of all the acts then in force should be extended to all officers, soldiers, seamen, and marines; and there is where the words come in which have been put into the bill in the conference committee by amendment instead of simply "officers, soldiers, seamen, and marines." The law of June 30, 1870, was incorporated into the Revised Statutes, and was amended by the law of June 18, 1874.

It does seem to me that justice, equity, and fair dealing, as exhibited in all the legislation of Congress from 1862 up to June 18, 1874, require that the provisions of this bill shall be extended to the officers, soldiers, seamen, and marines, and I do hope that the bill will pass as the conferees agreed to it. I think it is nothing more than simple justice and equity to these soldiers that the provisions of the bill shall be extended to them. It simply fixes the date, the 17th of June, 1870, as the beginning of the period of five years, and during every five years from that date they shall receive an artificial arm or leg, or in lieu of it every five years they may receive $75 or $50. This is a very small sum; it does seem to me they are entitled to it; and I hope the report will be concurred in.

The report was concurred in.

PARTITION OF REAL ESTATE.

Mr. BURNSIDE. I move that the Senate take a recess from five o'clock until half past seven o'clock.

Mr. MORRILL. I hope the Senator from Rhode Island will allow me to call up a bill which I have tried to get up and which has been read twice.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island yield to the Senator from Vermont?

Mr. BURNSIDE. If I do not lose the floor.

Mr. MORRILL. It is only to alter the date in regard to the pavement of Pennsylvania avenue.

Mr. FRELINGHUYSEN. I wish to make a conference report which the House wish acted upon.

Mr. BURNSIDE. I see no reason why the Senator from Vermont should interpose his bill now. He can have it passed at any time.

Mr. FRELINGHUYSEN. Will the Senator from Rhode Island yield to me to make a conference report?

Mr. BURNSIDE. Yes, sir.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 3168, entitled "An act relating to partition of real estate in the District of Columbia," respectfully report that that they have met, and after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with the following amendment:

Strike out all after the word "may" in line 3 of said amendment and insert "in the direction of the court be compelled in any court of competent jurisdiction to make or suffer partition of such estate or estates. In proceedings for partition, all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction. And in proceedings for partition under this act the court may, in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court.

"SEC. 2. That the court, in all cases in decreeing partition, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale among the parties according to their respective rights and interests.

"SEC. 3. That in all such sales, unless the court shall by special order direct or require on good cause shown that the sale be made for cash, the purchase-money shall be payable one-third on day of sale, one-third in one year, and one-third in two years thereafter, with interest, the deferred payments to be secured to the parties, according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court."

And that the Senate agree to the same.

FREDK. T. FRELINGHUYSEN,
J. W. STEVENSON,
T. O. HOWE,
Managers on the part of the Senate.
WM. LAWRENCE,
SCOTT LORD,
GEO. F. HOAR,
Managers on the part of the House.

The report was concurred in.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. MORRILL. I now ask the Senator from Rhode Island to yield to me for the purpose of having the Senate concur in House bill No. 4085. The bill has already been read, and I think there will be no opposition to it. If there is to be any debate, I will withdraw it.

Mr. BURNSIDE. I will yield, if I do not lose the floor for my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876. It repeals all that part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, which provides "that said pavement shall be fully completed and ready for use December 1, 1876."

Mr. DAVIS. Has there been any amendment to the bill since it came from the House?

Mr. MORRILL. It is just as it came from the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED RECESS.

Mr. MORRILL. I now ask the Senator from Rhode Island to allow me to take up and pass a bill appointing a joint commission on the silver question, which was proposed by the House to which there was an amendment of the Committee on Finance, in effect the same as the joint resolution of the House but putting it in the form of a bill and appropriating enough money to carry it out.

Mr. LOGAN. I shall object to taking up that bill at this time.

The PRESIDENT *pro tempore*. Objection is made.

Mr. LOGAN. I will not object to taking it up after awhile.

Mr. BURNSIDE. I move that the Senate take a recess from half past five to eight o'clock.

Mr. SPENCER. I ask the Senator from Rhode Island to yield to permit me to offer a resolution.

Mr. BURNSIDE. I hope the question will be taken on my motion now, and then I will yield the floor.

Mr. EATON. I hope my friend from Rhode Island will not press his motion. I have no doubt he has a very good dinner at home, but yet I trust he will not press this matter. Let us go on and finish the business now, without a recess.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate take a recess from half past five until eight o'clock.

The motion was not agreed to.

ALABAMA ELECTION INVESTIGATION.

Mr. SPENCER. I desire to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama——

Mr. COOPER. I object.

Mr. SPENCER. I should like to have the resolution read for information.

Mr. COOPER. I object.

Mr. SPENCER. I have a right to have it read for information.

Mr. COOPER. Not without notice, I take it.

Mr. SPENCER. I think I have a right to have the resolution for information.

The PRESIDENT *pro tempore*. The resolution will be reported for information.

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama for State officers and members of the Legislature——

Mr. COOPER. The resolution cannot be read under the rules, objection being made. I objected and I object now. The reading is not in order.

Mr. SPENCER. You can object to the consideration, but not to the reading of it.

The PRESIDENT *pro tempore*. The Senator can object to the consideration, but the Senator from Alabama asks for the reading of the resolution.

Mr. ANTHONY. The Senator from Alabama can read it himself and avoid dispute.

Mr. COOPER. But can it be read by the Clerk without unanimous consent?

The PRESIDENT *pro tempore*. The Senator from Tennessee objects to its being read at the desk. The Senator from Rhode Island suggests that the Senator from Alabama read it.

Mr. INGALLS. Rule 14 provides that—

When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. INGALLS. It does not lie within the power of one Senator to object.

Mr. COOPER. The point of order I make is this: There is no question before the Senate and a Senator cannot call for the reading of a paper unless there is a question before the Senate, under that rule.

The PRESIDENT *pro tempore*. Does the Senator from Alabama move the reading of the resolution?

Mr. SPENCER. I suppose it is in order for me to give notice that I shall offer on the first opportunity the following resolution:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama, for State officers and members of the Legislature, was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, precincts where large republican majorities existed were not opened for voting, obstacles were interposed to prevent registration, so that a popular majority of more than 10,000 was overcome and in its place was given an apparent but fraudulent majority of more than 40,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas, if these allegations are true, a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to sit during the recess, to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate during the next session of their investigation and findings; and that the said committee be authorized to employ a clerk and a stenographer.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the present consideration of the resolution?

Mr. COOPER. Yes, sir.

Mr. EDMUNDS. I rise to submit on this question of order that under the rules the Senator from Alabama has a right to submit his resolution, but it must lie over for consideration one day.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. EDMUNDS. I think he had a right to have it read at the desk.

The PRESIDENT *pro tempore*. He had a right to offer it, but objection was made to its present consideration.

Mr. EDMUNDS. I thought the Chair had been led to acquiesce in the notion that the resolution could not be submitted.

The PRESIDENT *pro tempore*. Not at all. The Chair stated that if objection was made to the reading the question would be submitted to the Senate. There being no business before the Senate, the Senator from Alabama had a right to submit his resolution.

Mr. EDMUNDS. I merely suggest that on being submitted, it being a paper properly submitted, we should have a right to hear it, as a paper which has not incidentally come in, but a thing submitted for the action of the Senate; and for that purpose the Senator had a right to have it read at the desk, and if anybody objected it must lie over for consideration.

The PRESIDENT *pro tempore*. The Senator from Tennessee, the Chair understood, rose to object to its reading, but as the reading was in order, he now objects to its consideration, and the resolution goes over under the rule.

COAST SURVEY REPORTS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of reports of the Superintendent of the Coast Survey for the use of the office, to report it without amendment, and I ask for its present consideration. It is the usual resolution which when presented is always passed. There is no provision for gratuitous distribution, but it

merely provides for the printing of copies for the use of the Superintendent of the Coast Survey.

Mr. EDMUNDS. How much will it cost?

Mr. ANTHONY. There are only two thousand copies; I move its present consideration.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.

The resolution was concurred in.

ADJOURNMENT SINE DIE.

Mr. HITCHCOCK. I move that the resolution of the House providing for the final adjournment of Congress be taken from the table.

Mr. PADDOCK. I ask my colleague to give way one moment, in order that I may ask the Senate to proceed to consider the bill which I asked to have considered this morning.

Mr. HITCHCOCK. After this is acted upon my colleague can get his bill up.

Mr. ANTHONY. Does not the motion of the Senator from Nebraska [Mr. HITCHCOCK] require unanimous consent?

Mr. LOGAN. In that case I object.

Mr. WEST. The resolution was reported on Saturday.

The PRESIDENT *pro tempore*. The resolution was reported on Saturday and lies on the table. The motion is to take it from the table, which is in order.

Mr. ANTHONY. To pass that resolution now is to decree that we shall give up all the business now before the Senate. We cannot act upon the constitutional amendment, we cannot act upon a very important matter which the President has submitted to us with regard to Indian hostilities, and we shall not transact our executive business. It puts it in the power of any Senator to prevent the completion of any business now before us. We ought to transact our business first, and then pass the resolution.

Mr. PADDOCK. I suppose the idea is to amend the resolution which came from the House and fix a later date.

Mr. ANTHONY. We can fix the date when we finish the business.

Mr. WEST. Mr. President——

Mr. LOGAN. Will the Senator from Louisiana allow me to say a word?

Mr. WEST. Certainly.

Mr. LOGAN. I have but this to say. I do not see what the anxiety of the Senator from Nebraska is. There are some two or three measures here that he has taken a very great interest in during the session. He exhibited considerable interest in the passage of a certain bill that I am very desirous of getting up. It is now on the Calendar and I hope we shall reach it. It is known as the bounty bill, and I hope the Senate will not adjourn until it votes upon that measure. Besides, there are other matters. The conference report on the Indian bill has not been agreed to, and there are quite a number of things. I cannot see why the Senate is so desirous of taking up the adjournment resolution at this time.

Mr. ALLISON. May I ask the Senator from Illinois what the condition of the bill is with reference to Indian hostilities?

Mr. STEVENSON. I understand that the Indian hostilities bill is now on our table awaiting the action of the Senate.

Mr. LOGAN. Yes, sir, it is. There is another matter I desire to call the attention of the Senator from Nebraska to, and it is this: Several days ago, at the suggestion of the President of the United States and the Secretary of War, we passed a bill and sent it to the House authorizing the recruiting of twenty-five hundred cavalrymen for the purpose of filling up the ranks of the cavalry to go against the Indians who are perpetrating acts of hostility upon the white settlers on the frontier. That bill has not yet been acted on by the House. I say to the Senator from Nebraska who was very anxious, as both the Senators from Nebraska were, a few days ago to have a resolution passed calling for volunteers, that I cannot understand his anxiety about the resolution for final adjournment.

Mr. PADDOCK. Not a few days ago, but a few weeks ago.

Mr. LOGAN. Very well; a few weeks ago, then. If the House fail to act on the bill authorizing the filling up of the cavalry regiments, I have a resolution in my pocket to offer to the Senate which I will then ask the Senate to pass authorizing the President to call out volunteers; bnt I do not desire to do that if the House will act upon the other bill.

Mr. PADDOCK. I desire to say to the chairman of the Committee on Military Affairs that I wish he would introduce his resolution at once.

Mr. LOGAN. I propose to introduce it if the House fails to act on the other bill.

Mr. HITCHCOCK. I do not know how long a time is requisite to convince the chairman of the Committee on Military Affairs whether or not the House intend to pass either of the bills for the increase of military forces in the Northwest. I have a recollection of a promise from the honorable Senator, made several days ago, that if the House failed on that day he would before the close of the session of the Senate on that particular day report a bill to allow the acceptance of volunteers by the President.

Mr. LOGAN. Yes, sir.

Mr. HITCHCOCK. I have a recollection, too, that the House did fail on that day to pass the bill, and that the chairman of the Committee on Military Affairs also failed to make that report.

Mr. LOGAN. Now, if the Senator will allow me, I will say that I do not get up here for the purpose of criticising the House or the Senator, but the idea that the Senator should say he had a promise from me to report a bill I do not understand. I am only the organ of the committee. The committee would have to act on it and agree to it. He is making a statement that is going a little further than is necessary. I said then, and say now, that if the House refused to act upon the bill I should introduce a proposition to call for volunteers; but if the House will act on the bill I consider it better than to call for volunteers. Cavalry regiments can be more readily filled up to go against these Indians than to make a call for volunteers and organize them. For that reason I prefer the bill which has gone to the House, and I hope the House will act upon it. If they fail to act, however, we shall take the next best means we can. Inasmuch as the Senator lives on the border and has been so desirous with reference to protection against these hostilities, it does not seem to me that it is the best course for him to ask for an adjournment until the House act upon a measure of so much importance.

Mr. WEST. I must insist that, as I obtained the floor from the Chair, there shall not be a cross-firing here between Senators the whole time. Some other Senators want to say a word. I wish to bring to the attention of the Senate the condition of our affairs here, and to show that it is impossible for us to adjourn to-day unless we have the unanimous consent of the Senate; that any one Senator's objection will continue the session until to-morrow, because the Indian appropriation bill lies on the table. It has been reported to-day, and unless we get unanimous consent to consider it we must sit to-morrow. If we can have an understanding here, under the guidance of the chairman of the Committee on Appropriations, that that bill shall be considered, we shall know that we can adjourn. Otherwise any Senator has it in his power to make us sit to-morrow. Now let us consider that bill, and if there is objection to it we shall have to sit to-morrow.

Several SENATORS. Let us take it up now.

Mr. HITCHCOCK. The Senator from Louisiana says we cannot adjourn to-day. I have said nothing about adjourning to-day. I have simply asked to take up the resolution in order to fix upon some time to adjourn. I believe we can and ought to adjourn to-day.

Mr. WEST. Suppose somebody should object to the bill?

Mr. HITCHCOCK. I do not believe any Senator on this floor will take the responsibility of preventing action on the Indian appropriation bill, which he can do by a single objection.

Mr. WEST. Try it and see.

Mr. HITCHCOCK. If he does I am perfectly willing that he shall take that responsibility. I certainly have no desire to dictate to any Senator on the floor, but I believe that after nine months of weary, almost useless, session—because I believe there has been but little good and a great deal of evil done—the country and the Senate, a majority of them, are ready to adjourn and adjourn promptly. I certainly think a majority of the Senate might be registered upon that question.

Mr. WINDOM. I have been pressed to call up the conference report on the Indian appropriation bill, and I now ask unanimous consent to proceed to the present consideration of the report.

The PRESIDENT *pro tempore*. The Senator from Nebraska has moved to take up the adjournment resolution.

Mr. HITCHCOCK. I will withdraw it for that purpose.

Mr. WINDOM. I ask if it does not require unanimous consent to take up the report?

The PRESIDENT *pro tempore*. It does. The report will be regarded as before the Senate unless there is objection to its present consideration.

Mr. EDMUNDS. I object to its present consideration.

Mr. WEST, (to Mr. HITCHCOCK.) I told you so.

Mr. HITCHCOCK. I renew my motion.

Mr. WINDOM. Is there any way under the rules by which the report can be taken up? I want that understood.

The PRESIDENT *pro tempore*. One objection prevents the report from being considered to-day.

Mr. HITCHCOCK. I renew my motion that the Senate proceed to the consideration of the adjournment resolution.

Mr. EDMUNDS. The idea of our agreeing to any definite moment of adjournment until the business that is indispensable is disposed of, and we know that it is disposed of by the signature of the President to every appropriation bill, not one of which can he sign constitutionally after we have adjourned, is perfectly absurd, as it appears to me. I do not intend to stand in the way of the Indian appropriation bill being considered at the proper time and its due order; but other bills have had the consideration of the Senate, and we have endeavored to get them up from time to time, and they have been laid aside, that are very worthy of great consideration, and I do not intend that anything shall be taken up out of its regular order, reported from a committee to-day, until other matters of at least equal public importance are disposed of. That is my reason for objecting, and until they are disposed of I shall continue to ask that the rules of the Senate be enforced. I am as anxious to go home as anybody else is, but the idea of now agreeing that the resolution of the House with a future time

named, as it must be, of course—it is perfectly competent to take it up, I admit, and amend it—but the idea of fixing any hour until we shall have known that the business which is indispensable is disposed of, is in my opinion entire folly. As soon as the business absolutely indispensable is disposed of, then we can take up this resolution and put the time twenty minutes ahead, and if the House agree to it we are dissolved. They would not wish to agree to it any sooner. They ought to reject a time themselves if we were to send it over now, until we know that essential measures to carry on the Government have received the approval of the President. I hope my friend, therefore, will not insist on pressing this taking up now.

Mr. HITCHCOCK. Question.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska, that the Senate take from the table the adjournment resolution from the House.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 24; as follows:

YEAS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, Hitchcock, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Oglesby, Paddock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—21.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—24.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion to proceed to the consideration of the resolution was not agreed to.

RECESS.

Mr. EDMUNDS. I move that the Senate take a recess until eight o'clock.

Mr. OGLESBY. No recess now.

Mr. EATON. I ask for the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 23, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Jones of Nevada, Logan, McDonald, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—23.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, Gordon, Harvey, Ingalls, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Oglesby, Paddock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—22.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate took a recess until eight o'clock.

EVENING SESSION.

The Senate re-assembled at eight o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia.

THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the House resolution for the amendment of the Constitution.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, upon which the yeas and nays have been ordered.

Mr. KERNAN. Mr. President, the Senate, by a majority vote, has substituted the article reported by the Judiciary Committee for the article proposed and passed in the House of Representatives and sent here. The article sent here by the House declared that—

> No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

That was the proposed article which had been brought to the attention of the public many months ago by a gentleman of distinction [Mr. Blaine] in the party with which he acted and very well known to the country; and I believe that it met with no considerable opposition in any quarter. It declares that money raised in a State by taxation for the support of public schools or derived from any public fund therefor or any public lands devoted thereto shall not be under the control of any religious sect or denomination, nor shall any money so raised be divided among the sects or religious denominations. Were this before the Senate I would support it.

I should be opposed, if the people of a State were entirely of one denomination, and that the one to which I belong, to placing moneys raised for the support of public schools under the control of that religious denomination.

But there has been another article proposed here and adopted by a majority of the Senate; and as I wish to call the attention of the Senate to this proposed article I will read it. I invite attention to the various provisions of it.

ARTICLE XVI.

> No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught; and no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested.
>
> SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

I cannot, with my views of what is wise either for the Federal Government or for the people of the respective States, vote for this proposed article. I ask the attention of Senators to the leading principle or idea which the wise men who framed the Constitution of the United States followed in framing it. It was that the Federal Government, which was to be the Government and to act for the people of all the States, should have those powers which were essential to action by that Government on subjects as to which the people of all the States had a common general national interest. It was to be a Government with power to make treaties with foreign countries, to provide for the general defense, to furnish a currency, to regulate commerce, and to have jurisdiction over other matters of like character in which all the States had a common general interest and upon which the people of the several States could not properly act. The framers of the Constitution believed also that it was wiser and better that the people of the several States should reserve to themselves and exercise all those powers of government which related to home rights, if I may use that term, to the internal affairs of the State, to the regulating of the domestic relations, to the title to property, the modes in which it could be transferred; in a word, that the people of each State should have the exclusive power to manage their local and internal affairs as they thought best for their own happiness and prosperity. I think all experience shows how wise this was and is.

It was and is wise in reference to the perpetuity and strength of the Federal Government, which extends over a very wide section of country, over communities living in different States and having different views as to their local matters and State governments. The Federal Government will be strong and the people contented while the people of each State manage their own local affairs and the Federal Government in its action is restricted to general national affairs. But when in reference to these local affairs of a State, these home matters, the representatives from Massachusetts or New York have a voice as to what shall be done in California as to local State matters, the people of Ohio shall have a voice in the local affairs of Missouri, we can readily see that there will not be as much contentment, and I do not believe there would be as much of good government and prosperity, as if the people of each State managed these local affairs for themselves. It makes the Federal Government strong to leave local affairs to the people of the State, because the people of different States then do not come in conflict in the Halls of Congress as to local government and policy, in regard to which they may have very different interests and views. The founders of the Federal Government had the wisdom to perceive the advantage of leaving to the people of each State the control and management of their local State matters.

Believing this to be wise, believing that nothing but evil will grow out of allowing the Representatives of one State to have a voice as to the local affairs of another, I have believed, and all my teaching and experience confirm me, that we should have power in the Federal Government only over those matters as to which the people of all the States have a common, general interest and as to which the people of a State could not act for themselves.

Now, Mr. President, in my judgment this wise principle which has worked so well in the past is violated by the proposed amendment reported to the Senate by the Judiciary Committee, and which is now under consideration.

Mr. MORTON. I should like to ask the Senator this question, whether the amendment as it came from the House does not violate the principle for which he is contending?

Mr. KERNAN. I answer with entire frankness that to some extent it does.

Mr. EDMUNDS. It does to every extent as far as it goes.

Mr. KERNAN. I will answer frankly that I believe that the matter of educating children may be wisely left to the people of each State. I believe that it is a home right; I believe that it will be exercised best in that way. I believe that our experience shows that there is no serious difficulty in its being exercised wisely and well by the people of each State for themselves. But I recognize that moneys raised to support common public schools are a fund to support a system which pervades the Union; this system is regarded with great interest by a large por-

tion of our people; and it is a single subject. Inasmuch as there was danger that sectarian dissensions would arise in regard to the common-school moneys, inasmuch as it was asserted that efforts were being made to divide these moneys between the religious denominations, and there was great danger that the subject of the common schools would be made a political question and sectarian prejudices aroused as an element in political contests, I was willing to adopt the Blaine amendment, in the hope and belief that it would quiet these groundless fears as to the common schools and avert the evils which spring from religious prejudices.

Therefore I say that while I believe that it is wiser and better to leave the people of each State free to maintain their schools as they see fit and I do not believe there will be any diversion of money raised for the support of common schools to other purposes, especially as in many State constitutions, as in that of New York, there are provisions which forbid the application of money raised for common schools to any other object. Yet if it would allay that which I regard as the greatest evil that ever comes among a community, strife and bitterness in reference to religious creed, I was willing to vote for the Blaine amendment, although, as the Senator from Indiana says, it is against the principles I believe to be wise. But I consider the proposed amendment now before the Senate as going far beyond that proposed by Mr. Blaine; and in my judgment, instead of allaying strife and dissension, it will increase them and bring evil to our schools, to our institutions, and to the people of our country.

Mr. EDMUNDS. Will the Senator kindly tell us——

Mr. KERNAN. As I promised to get through in a few minutes, and want to state my views without arguing them, I must decline to yield now, and after I am through, if my friend wishes, I will answer him.

Mr. EDMUNDS. I was asking for light.

Mr. KERNAN. I know my friend wants light, but he has got a fine intellect and he does not expect to get it from me, I fear; but if he does, what little light I can shed will be shed more intelligently by allowing me to proceed quietly in stating what my views are.

Mr. EDMUNDS. Then the Senator declines to allow me to ask him a question?

Mr. KERNAN. Yes, sir.

As I said, I think the proposed amendment before the Senate violates seriously, in many ways, the principle to which I have alluded of giving the Federal Government supreme power only over national subjects; and as to internal affairs, local matters in the States, the people of the several States should exercise the power as they reserved it in the original Constitution, untrammeled.

I have said that, in my judgment, the proposed amendment would be a very wide departure from correct principles. As to the first clause I have no comment to make; this declares that—

> No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

That provision has my most hearty commendation; but for all that it is not necessary to put it in the Federal Constitution. That matter was discussed in the convention that made the Constitution, and it was not thought wise to put in any such provision, but to leave it to the States; and we have gone on little less than a century, beginning with clauses in the constitutions of many States, making distinctions on account of religious creeds, and I believe they have all disappeared from every State constitution except that of the State of New Hampshire; and I venture to say that will soon be changed. There is a provision in the constitution of that State that no one can be elected governor unless he is of the Protestant religion, and so as to members of the Legislature of the State. But I am willing to trust that to the people of that State, believing that very soon in this age of ours and in this country of ours they will adopt the liberal provisions which are found in the constitutions of the other States on the subject of the sacred rights of conscience. In the constitution of my own State in reference to any interference with a man's conscientious convictions as to religion it is declared:

> The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind.

It makes no religious test a qualification for any office; and this I believe is true as to other States except New Hampshire. Therefore I assume as to this provision which I have read, the first clause in the article, there is really no need for it. It would be an insult to the people of every State in this Union, New Hampshire included, to say that there was danger that they would begin now to establish a State religion, or begin to prohibit its exercise, or make religious belief a test or qualification for holding office.

I cannot conceive that there is any need of our having a constitutional amendment to guard the people of a State against anything of that kind, and I say it very sincerely, because I realize that if there is a prejudice of that kind perchance it exists most strongly against those with whom I believe in reference to matters of religion.

But I ask attention to what follows:

> No public property, and no public revenue of, nor any loan of credit by or under the authority of the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other *institution*, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or *institution* supported in whole or in part by such revenue or loan of credit.

In the constitutions of some of the States the people have thought it wise to insert a provision that no funds or property of the State should be given to any private institution, but should be used only to support the institutions of the Government; but this provision under consideration is not of that character. This seems to be aimed at something else. This leaves the United States Government to vote away any amount of public land to a corporation to build a railroad or do some other work; but the United States Government could not under this amendment give a piece of land to Bishop Whipple for an Indian school or church. I allude to him because I know he is the zealous Episcopal bishop of Minnesota who has taken such an interest in trying to civilize and protect and christianize the Indians. While we may give to railroad jobs under this proposed amendment any amount of public lands, we cannot give him a site out of the public land for his little church or for his mission school, because of course he would teach the Indians the creed of that denomination of which he is a bishop.

Let us go a little further. How are you to get on under this amendment? This Government has soldiers' homes; it has, I believe, some hospitals in this District that it aids to support, and some other good Christian benevolent institutions; but what will be the effect of this amendment? "No particular creed" is the language "or tenet" can be "read or taught" in your soldiers' home or in your school for orphan children or in any other institutions supported or aided by the Government. Take the soldiers' home. A man is there who has gone there and is taken care of there because of the wounds he received or ill-health he incurred in the public service. He may have never belonged to a Christian sect; but the time comes when he does desire religious ministrations. He is on a bed of sickness. He has from the mother that reared him perchance, or from his friends, or from other associations, a leaning to the Methodist denomination and sends for a clergyman of that church and asks that he may be taught that form of Christianity; and yet with this amendment in force, he cannot in that institution be taught that creed. So with an orphan asylum supported in whole or in part by the United States. You may say there are but few such institutions under the Federal Government, and I shall spend no time on them. Come to our State governments. Here are juvenile reformatories. The children are gathered in there, the little waifs whose parents are either dead or from some misfortune or vice do not care for them. They have committed a petty offense, the first step in crime.

In the State of New York we have two or three reformatories for children under sixteen who have committed crime. The State reformatories are supported entirely from the public treasury. Do my friends mean to say that we shall put in the United States Constitution an iron rule to bear upon the people of every State that they shall not permit any Christian creed to be "read or taught" in such an institution to these children? It is at war, it seems to me, with all that is wise and all that is good in the State. Go to States where such institutions exist, and there is no difficulty, if we keep this out of politics and act like wise Christian men, like Christian men where each believes he is right and ought to have the means to practice that which he believes to be his duty in reference to worshiping his Maker and means to allow everybody else to do the same and will be zealous that everybody else shall have the same right. In the reformatory at Rochester, New York, there is no trouble. It is a State institution; the board of trustees arrange that the clergymen of the various denominations can go there and the boys can attend the religious service and teaching according to their faith or that of their parents. We cannot deal with juvenile delinquents so as to reform them except by endeavoring to supply the place of parents, by teaching them some form of the Christian religion; and in a country like ours in these institutions the only way is to allow the children to be won back to the ways of morality and religion by allowing the clergymen of the denomination for which they have a preference, and against which they have no prejudice, to instruct and teach them the creed of their parents. But this amendment would prohibit the teaching them any creed.

Take the State prison. We send men there for reformation; and under this provision, as it is a State institution maintained by State funds, there could be no particular creed or tenet read or taught to a man either in the chapel, where they have one, or in his cell.

A man is under sentence of death in prison. He had a mother of some religious creed who taught him in his boyhood the prayers and the observances of the church to which she belonged. He has committed crime; he is to be executed as a criminal; he is to face his Maker, and the memory of early years comes back, and he asks to have brought to him a clergyman of the denomination to which his mother belonged. The clergyman comes to him and is ready to teach him as he wants to be instructed, in that creed which he has from some cause or other, conviction or prejudice, a desire to be instructed in; and yet under this amendment he cannot read or teach him the religious tenets and creed that he wants to know and the faith in which he wishes to die.

Take your State hospitals and prisons. They are institutions of the State, supported entirely by the public money, and in every one that I ever heard of in our State, in every jail, every reformatory, and every prison, the keeper that would not send for the minister of the gospel of that religious persuasion which the inmate wished and allow him to teach him and read to him and have him unite with him

in the religious service to which the person was attached, or instruct him in that which he wished to be instructed in, would be denounced, and there would be a cry of indignation at such a violation of the rights of conscience by people of every creed. But this amendment forbids the reading or teaching of any creed or tenet of religion in any such institutions.

I happen to have—and I speak of it with commendation to the State of Massachusetts—the law which was enacted in that State in the year 1875, April 15; and yet that law cannot be carried out in their public institutions if this amendment to the Constitution of the United States were in force except as you incur the penalties which Congress may enact under it. I will read that law:

MASSACHUSETTS.

[Chapter 126.]

An act to provide for religious instructions in prisons.

Be it enacted, &c., as follows:

SEC. 1. No inmate of any prison, jail, or house of correction in this Commonwealth shall be denied the free exercise of his religious belief and liberty of worshiping God according to the dictates of the conscience within the place where such inmates may be kept or confined, and it shall be the duty of the officers and boards of officers having the management and direction of any such institutions to make such rules and regulations as may be necessary to carry out the intent and provisions of this act.

SEC. 2. Nothing herein contained shall be so construed as to impair the discipline of any prison as far as may be needful for the good government and safe custody of its inmates.

SEC. 3. This act shall take effect upon its passage.

(Approved April 15, 1875.)

A man in one of the institutions named in this act desires to be taught and instructed in the tenets and creed of one of the religious denominations or he desires to have the service of the church he belongs to read to him; they would be reading or teaching the tenets of some creed, and although they would be obeying the law of Massachusetts, it would be violating the Constitution of the United States if this amendment were adopted.

Another law, that I chance to have in my hand, is one recently enacted in the same year, 1875, by Ohio. Allow me to read that and see how the spirit of that law which I submit every Christian man will approve would be crushed out by this constitutional amendment.

OHIO.

A bill to secure the liberty of conscience in matters of religion to persons imprisoned or detained by authority of law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That as liberty of conscience is not forfeited by reason of conviction of crime or by reason of detention in any penal, reformatory, or eleemosynary institution, or any house of refuge, work-house, jail, or public asylum of the State, no person in any such institution shall be compelled to attend religious worship or institution of a form which is against the dictates of his or her conscience; and it shall be the duty of every director, trustee, superintendent, or other person having in charge any such institution to furnish equal facilities to all such persons for receiving the ministrations of the authorized clergyman of their own religious denomination or persuasion, under such reasonable rules and regulations as the trustees, directors, managers, or superintendents shall make; but no such rules shall be so construed as to prevent any clergyman of any denomination from fully administering the rights of his denomination to such inmates: *Provided*, That such ministration entail no expense on the public treasury.

SEC. 2. This act shall take effect from and after its passage.

That is the spirit of our institutions; that is the spirit in which the people of the States are acting, providing that these criminals even, these outcasts that go to the poor-houses or reformatories, may call upon a Christian minister of the religious denomination which he prefers, and there he shall be allowed to teach and minister to him in the State institution; this would be in violation of this amendment if it were made a part of the Constitution.

But go a little further. We all know that in our communities, and especially in our cities, there are large numbers of children who are gathered by the benevolent and the charitable and the good of every creed in our land; orphan children who have no mother, no father, no one to keep them from running in the streets right into the State prison and becoming a curse to the community and becoming a destruction to themselves. The Protestant ladies appeal to the benevolent and they build their asylums as they have done in almost every city of our State, in some of them more than one. They appeal to the benevolent to help them; they have collections in the churches, they have fairs. The institution is mainly erected and supported with donations. They gather in these children, and occasionally the State gives them aid or the city gives them aid Upon economical principles they can afford to give them aid, because it is the cheapest way of preventing them from becoming criminals and making them useful members of society; and yet must they go on without teaching those children any religious creed? If it chances to be members of the episcopal denomination who founded and have the charge of such an institution, they teach and bring them up in that form of creed and worship which they themselves believe in. In a word, they make themselves fathers and mothers to the fatherless and to the motherless, and they do by them just what every sincere Christian father and mother would do by their own children; and yet that is to be forbidden. If the institution chance to be in distress, if—as now and then happens—the whirlwind takes the roof off their asylum or the flames destroy it, they cannot receive from the State or city a donation if this amendment is adopted, except on the condition that no religious creed shall be taught the children.

In my own city (and it is a good illustration of what I want to say) there are two orphan asylums that are a credit to any place. They have gone on side by side in the utmost harmony; the promoters of each think better of the other for what they are doing. One is under the Protestant ladies' board of trustees; the other is under the Sisters of Charity, who look after the Catholic orphan children. There is no prejudice there. If a Protestant lady finds an orphan child whose parents were Catholics she takes it to the institution under the charge of the Sisters of Charity. If the others find destitute orphans of Protestant parents they take them to the Protestant institution and ask them to take them. We have a poor-house; it is a good establishment, and it is the only place the county can send the orphan children to that are paupers. There are no means for education in the institution. More than ten years ago it was suggested, and the board of supervisors of the county ordered, that all the children under a certain age that came to the poor-house should be sent to one of these asylums. The board directed, in the real spirit of doing good, the superintendent to send the children who came there, if of Catholic parentage, to the Sisters' asylum, and to send all the others to the Protestant asylum, and the county pays them less for educating and caring for them than it would cost in the poor-house. Thus we have brought up and educated in these asylums children that would go from the poor-house without instruction, without the habits of usefulness. They readily get places as they advance a little in years. Each of these asylums teaches the children, as children in my judgment should be taught, that religious creed which those having the institutions in charge believe and practice.

Our State has occasionally given them aid, and there has been no jealousy and no trouble. When they have been overburdened there has been inserted in appropriation bills a clause giving each aid; there has been no jealousy, no wrangling, but real good, a great relief to the community from the expense of paupers and from the expense of criminals. But this could not be done under the amendment. Each is under the control of a religious denomination—in each a religious creed is taught.

The best practical principle is to leave all these matters to the State and to the neighborhood. You will there find Christian charity among all. The only strife will be which will do the most good to these little children for the sake of that Saviour who said, "Suffer little children to come unto me."

Take hospitals. Such institutions have to be supported in some degree usually by public funds and in part by contributions from the benevolent. A man in the hospital sick, brought to thoughtfulness by his condition, warned perchance by the nurse or the physician that he will soon have to appear before his Maker, asks them to send for a minister of one of the religious denominations, selecting one for himself. He tells him "I had a little religious instruction in youth, not much; I want to be taught the tenets of your church; explain them to me; teach them to me." It cannot be done; the hospital is supported in part by the State. He does not want a mere general form. He asks to be instructed in that which he wishes to understand.

I submit, Senators, that when you reflect on a few of these things there is no need of doing that which is detrimental to the good that is done in this way. But come to private hospitals, got up as they are by the contributions of the benevolent and charitable members of some church. These hospitals occasionally apply to the State or the city for aid. They are doing good. They are caring for the poor sick cheaper than they can be cared for in public hospitals. Take the hospital in my own city. It is in charge of ladies of a particular creed who give their services because they think it their duty. They started without anything and they have won their way so that they are sustained alike by Protestants and Catholics. Every sick person who is poor and has no place to go to is received without regard to creed; and every clergyman is invited to visit and every patient may send for the clergyman he likes and he comes there and reads and teaches and administers unto him according to the form of worship that patient desires.

In the Protestant hospitals, under Protestant trustees, if there was a Catholic there, though they might not think well of his creed, if he desired the priest of his religion, they would send for him and have him come and read to and teach him and administer to him the rites of the Catholic religion. Yet all that must be stopped because these private institutions very generally get some aid from the public treasury.

This is a land of charitable, benevolent, and Christian people. Say what you please, you will find in every corner of it, in every denomination people who have fervent convictions for their own creed and people who would always give every other person, and especially in an institution, public or private, opportunity of having precisely the ministrations that he desired and which he believed essential to his salvation. If it is a public institution under this amendment, you must shut out all denominations having any creed or any particular tenets. If it be one erected by private benevolence which does a great deal of good and relieves the State from a great deal of pauperism, takes care of panpers better than they can be elsewhere, you may apply to the State, and if the State gives you aid you must at once shut out the ministers of the gospel of every creed, although your patients desire to have their ministrations before they go in their last sickness, to meet their Judge, to account for all they did or omitted to do on earth.

I object to this amendment. It is not, in my judgment, wise; it is

not, in my judgment, in accordance with the spirit of Christian charity as it exists in every denomination of Christians.

But it has been said that it applies only wherein a particular creed or tenet is taught. Each denomination believes that its creed and its forms and its doctrines are true. If children are under their charge, they will so bring them up in that creed. In sickness they will have the patients attended by a clergyman teaching the creed which the patient believes in.

Now, I submit that we should not say that all these institutions which get aid at all from the public funds or which are established by the State must bar their doors against every such thing. In this country where the denominations of Christians differ in form and in tenets of religion to some extent, you can only bring up the child in the asylum; you can reform the criminal only by giving him an opportunity to practice in the institution where he is that creed to which he is attached or as to the truth of which he has convictions.

How does this amendment look to a Christian? In our fundamental law we not only provide that the Federal Government shall give no money for any such purpose, but throughout this broad land in every State we are to put in the Federal Consitution an iron rule that they shall not aid an institution of charity because it is under the control of the Methodist denomination or they teach its doctrines to the inmates. Although they are doing a great work for those who have been criminal, who were and are of their faith, to those who are orphans and of their faith; although they do good and are benefiting the State by bringing them up in morality, by instructing and inculcating and indoctrinating them with the views of Christianity they profess, yet you say we will cut them off, we will shut out Christianity and anti-Christianity. I cannot quite conceive what state of things there is to be in an orphan asylum, a hospital, or a reformatory. These charitable institutions will be founded and they will be managed by zealous hands and active feet belonging to one or the other of Christian denominations. They have their faith, and so believing they do not want to protrude their views upon others, but they gather up their own pauper children, their own pauper sick, their own pauper aged in these institutions. Yet you say the State shall not encourage them in their need by aiding from the treasury according to the will of the people of the State, because they teach that creed that makes them these ministering angels and zealous workers.

No city can aid the institution, no country can do it, no State can do it. While they can give to any other enterprise they shall not help with the public funds these zealous people who give their labors and their lives to this work. All Christian denominations have these zealous men and women, and by this amendment you say neither State nor city shall aid them, although a roof cannot be closed over the orphan children who are being cared for, in a place where they can be brought up and where it is the will of the State they shall be brought up, unless you banish religion and religious teaching.

I trust therefore that we will dismiss this idea. Take the ragged school; take any other school that is gotten up by benevolent people. Take the city of New York, where they have schools for these ragged boys that were running to destruction, and where they teach them in schools under charge of almost every denomination. Our State has thought it wise, where so much has been done by these denominations to relieve the State from pauperism and crime and make good citizens of those who else would be a burden, to aid them, and we have done it and done it very cheerfully. Certainly if it was a Protestant institution I would do it all the more cheerfully, because they were educating those children in the creed which the parents and friends of the children wish them to be educated in. But this amendment cuts them off from aid if they teach the child the religious creed of its parents.

Therefore I am opposed to putting anything in this Constitution that becomes a bar upon the people of the State as to what they may deem wise as to all these institutions. They are home duties; they are home objects; the people will correct if there is any abuse. These institutions reform those who otherwise would go untaught for want of parents, that would go to destruction because the poor boys and girls would learn crime in the way they were left long before they learned anything about that creed and that Savior who died to save them and whose Christian people they should grow up to be.

One further suggestion. The last clause is:

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

If the article stood without this, laws in violation of it would be void. The courts would have to so declare them. But by this you transfer to Congress the questions. Of course I entertain great respect for Congress; but it is not the best body in the world to be legislating on the subject of this amendment.

There will be irritating contention and litigation as to the meaning of this article. It may be claimed that while there can be no appropriation to an institution under the control of one religious sect there may be to an institution under the control of sects united. Then what is the meaning of the term "particular creed or tenets?"

I trust, therefore, the amendment will not be adopted, but that we shall leave the States to manage their domestic institutions as the people in each State may choose. The Federal Government will be stronger; there will be more satisfaction with it, and the affairs of the State will be better administered than we can do it in Congress, where it is so difficult to legislate much, and where from our not being familiar with the wants of the people of the States it is so difficult to act wisely or well concerning matters which affect them peculiarly.

Mr. WHYTE. Mr. President, Protestant though I am, and sprung from ancestors who belonged to the straightest sect of Irish Presbyterians, and imbibing the prejudices which I must confess attach to such surroundings, nevertheless I fail not to remember that I was born in a State colonized by Roman Catholics, in whose soil the banner of religious toleration was first planted on this American continent. For the obtension of religious as well as civil liberty the Roman Catholics of Maryland, represented by the patriotic Carroll of Carrollton, pledged their lives, their fortunes, and their sacred honors in the revolutionary struggle. Should I, as a representative of Maryland, vote for this amendment, I should deem myself faithless to the spirit of the history of my native State. In my judgment the danger is not present which this article, proposed in response to an ephemeral popular demand, is designed to avert; and it seems to me, to use plain words, nearly an accusation against a large body of fellow-citizens as loyal to republican liberty as we proclaim ourselves to be.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. WHYTE. I am going to speak but three minutes by the watch, and I beg my friends not to interrupt me. I will yield, however, for a question if the Senator desires to put one.

Mr. EDMUNDS. The question I wished to ask was precisely in point to what the Senator was saying, that there was no present danger of the kind to which he alludes, whether he had read the mandate ordinarily called the encyclical letter and the syllabus of errors promulgated by the holy Pontiff in 1864 on this very subject?

Mr. WHYTE. Yes; but 1864 is not 1876 by a long shot.

Mr. EDMUNDS. It lacks twelve years of it.

Mr. WHYTE. And a good many things which people did in 1864 they do not do to-day, I am happy to add.

Mr. EDMUNDS. Does the Senator mean to say that he understands that the principles or declarations of this letter have been changed, or withdrawn, or modified?

Mr. WHYTE. Yes, sir.

Mr. EDMUNDS. I should like to see the proof of it.

Mr. WHYTE. Has the Senator read Archbishop Purcell's recent letter on this very subject?

Mr. EDMUNDS. Archbishop Purcell is not the Pope.

Mr. WHYTE. But Archbishop Purcell, I suppose, would not speak in opposition to the desires of the Pope——

Mr. EDMUNDS. I do not know.

Mr. WHYTE. Any more than some gentlemen here speak in opposition to the will of the republican party.

I was about to say that the first amendment to the Constitution prevents the establishment of religion by congressional enactment; it prohibits the interference of Congress with the free exercise thereof, and leaves the whole power for the propagation of it with the States exclusively; and so far as I am concerned I propose to leave it there also.

Called away from this Chamber, Mr. President, to discharge other duties for my State, and fearing that I may be absent when the vote on this amendment is taken, I desire thus publicly to record my opposition to the passage of any such amendment, whether coming from the House of Representatives or emanating from the Judiciary Committee of the Senate.

Mr. CHRISTIANCY. Mr. President, I have already once called attention to the resolution as it came from the House. That resolution proposed to amend the Constitution of the United States so as to prevent any moneys raised for public schools, or lands dedicated for public-school purposes, from being under the control of any religious sect or denomination, or from being divided among them, and that is all there is of it. It did not propose to prohibit any State or the United States from raising any amount of money by taxation, or from voting any amount of property for the support of any religious sect or denomination, or for any sectarian or denominational school, but the division of money already raised for public schools or the diversion of property already dedicated to the support of public schools is in the most solemn manner by this resolution of the House declared by the House and every man who voted for it a great public evil; not only an evil, but an evil of such magnitude and of such imminence as to call for a constitutional prohibition. Such is the clear declaration which the House have made to us, and every man who voted for that resolution has made to us, of the evil to be guarded against. What is this evil? In what does the evil consist? Certainly it is no greater evil to do this wrong, for the resolution admits it to be a wrong, indirectly than it would be to do it directly. What then is the evil, and what are the principles which would be violated without this constitutional provision? I take it to be this: In a country situated like ours, where the conscience is left free, where religious toleration is universal, where the people are divided into a great number of churches and sects, with a very large proportion, if not a majority, of the population belonging to no church or sect, and where our public schools could never be maintained unless placed upon a footing of substantial equality among all people who may choose to send to them, it would be wrong to raise money by taxation or to appropriate property belonging to the whole people for the support of any one of those denominations. That I take it is the real

principle upon which it becomes wrong to do this very thing which the House proposes to prohibit. The principles, it will be seen therefore, are much broader than the resolution; and what has been an enigma to me is that those who can go so far as to admit the evil stop so far short of a remedy.

Now, Mr. President, is the thing itself any worse when done indirectly, by first raising the money or devoting the property to public schools and then dividing it among the various sects for the support of their sectarian schools, than if the same result were accomplished directly by raising the tax or appropriating the money or property directly for the purpose of supporting the same sectarian or denominational schools? If there be any difference, is not the latter the more obvious and manifest, and the one which would naturally first occur to the mind of any man seeking by a constitutional amendment to provide a remedy? What would be thought of the lawmakers who should provide carefully for the punishment of aiders and abettors in a crime, but leave the principal offenders to go free and unpunished? Able and honest minds, in attempting to provide an enactment against a direct wrong, or one committed by direct means, do sometimes from a failure to foresee the various methods by which the same wrong may be indirectly committed fail to make sufficient provision against it when committed by indirect means. But this is the most notable instance which has ever come under my observation where the author of an important prohibitory provision has so clearly seen and provided against the wrong when attempted *indirectly* and has yet been utterly oblivious of, and made no provision against, the same wrong when done or attempted *directly*. But such is the fact. While this resolution prohibits the division among sects or for sectarian schools of any money first raised by taxation for or property which may have been devoted to *public* schools, it leaves both the national and State governments at perfect liberty to raise by taxation any amount of money and to appropriate any amount of money or property *directly* to or for the use of any such religious sects or denominations and for any schools or institutions under their control or direction, though the main or entire purpose of such schools may be instruction in and the propagation of the peculiar denominational or sectarian system of religion or religious belief or catechism of such sect or denomination. It does not prohibit even the diversion or division to or among such sects or sectarian schools of any money or public property unless raised by taxation for or devoted to *public* schools. Now we all know that as a general thing and in most of the States the various church or denominational schools are private schools and not properly included under the designation of "public schools" at all.

I will not charge upon the authors or supporters of this House resolution any wrong motive and am confident that many, if not most, who gave it their support entertained no sinister purpose; but I am compelled to say that if I had been the warmest advocate for sectarian or denominational schools and for taxation and the donation of public property to their support, and could have been base enough to wish to deceive Congress or the nation by a mere sham which should pretend to discountenance or prohibit taxation or the donation of public property for such purposes, but which should leave the power completely intact to continue or perpetuate the same wrong directly which it professes, and only professes, to prohibit being done indirectly, I should not only have given the House resolution a silent but an active support. But I confess I should have felt not a little tremulous lest the trick might be discovered, and lest the figure which I had presented as a veritable lion in the combat against sectarian influence in the schools should, by the ears and hoofs protruding, stand exposed as a very different animal dressed in the lion's skin.

But, Mr. President, believing that neither any church nor any denominational school should be supported or aided by taxation or by appropriation of public property, I have from my youth up steadily advocated this view. It is a principle essential to the success of any system of public education in this country, and is, or at least should be, far above all mere party politics, and I am as intensely desirous as any man can be to place it entirely beyond and outside of the field of party politics, where it may always be safe whatever party may be in power. This is a favorable time to accomplish this desirable end, and I hope we shall avail ourselves of it and ward off at once and forever all the threatened dangers to arise from the violation of this great principle. All this will be accomplished if the resolution reported by the committee shall pass and become a part of the Federal Constitution.

I can see no possible reason, resting upon any true or just principle, why all men who are in favor of an entire separation of church and state, in favor of full religious toleration and freedom of conscience and of perfectly equal rights among all churches, sects, and societies should not support this substitute offered by the committee.

The only ground on which the House resolution can be justified at all rests upon a fundamental principle which justifies and requires all the provisions of this substitute; and the principle itself can only be effectually secured by such a constitutional amendment as this substitute proposes. When this is done the question is taken out of politics, but not before.

Mr. President, I certainly did not think, and I am not yet convinced, notwithstanding the able argument of the Senator from New York, [Mr. KERNAN,] that the meaning of this substitute is such as he has attributed to it in reference to hospitals and institutions of that kind. I certainly had seen no difficulty of that kind, and I am quite satisfied that the fair construction of the substitute proposed by the committee will not justify the remarks made by the Senator from New York; but on that point the chairman of the committee who presented the amendment will undoubtedly answer for himself.

Mr. MORTON. Mr. President, the resolution as it came from the House embodied every objection upon principle which it seems to me can be raised to the amended resolution as reported by the committee, but it was imperfect. I presume by inadvertence, I assume not by intendment, it was imperfect, and would have amounted to but very little. It simply prohibited a State from diverting a fund raised for public schools, set apart for public schools, to the support of sectarian schools. It prohibited a State from diverting a fund raised by the sale of land or by taxation or from any other source, avowedly and originally a school fund, from being afterward changed from this original purpose to the support of sectarian schools, but it did not prevent a State from levying a tax directly for the support of sectarian schools. It would not prevent a State from appropriating money out of the general treasury for a sectarian school; it simply protected a fund already made and set apart originally as a school fund from being afterward diverted to the support of sectarian educational institutions.

Now, does it require argument to prove that that resolution is imperfect and will amount to scarcely anything when any State in the Union without violating it can lay a tax of five mills or ten mills for the support of sectarian institutions? The principle contended for by the Senator from New York is that all such matters should be left exclusively to the State. If it is proper to interfere and prevent States from diverting school funds created for that purpose to the support of sectarian schools, if it is proper to interfere with a State in that respect, is it not equally proper to prevent a State from levying an original tax for the support of sectarian schools? I think the argument of my friend from New York upon that point was imperfect, for he admits that it is proper to prevent a State from taking an original school fund and diverting it, but the House amendment allows a State to levy a tax for the same purpose.

Then the amendment as it came from the House violated every general objection that can be offered. The Senator from New York took the ground that the Constitution of the United States should not interfere with a State upon the question of schools or religion, and my friend's argument amounts to this—and if I do not state him correctly I wish he would correct me—that the States should be left free if they see proper to establish sectarian schools by public taxation, and that if the State of New York desires to levy a tax and collect money of the people to establish, if you please, Protestant schools on the one hand or Catholic schools on the other, should be left free to do that, and we should not interfere by a constitutional amendment to prevent her. That is my friend's argument, that the States should be left free to establish a religion or to establish sectarian schools; in other words, to give the power to give a particular religious sect the advantage of the government and support by public taxation. That is my friend's argument I think, and if I do not state it correctly I want him to correct me, because it is a very important point.

Mr. EATON. In other words——

Mr. EDMUNDS (To Mr. MORTON.) That is not the friend you called for.

Mr. MORTON. No, it is not.

Mr. EATON. I hope the honorable Senator from Vermont will call on me by and by.

Mr. EDMUNDS. I never shall, you may be sure.

Mr. KERNAN. I said that it was violating what I believed to be the true principle to put in the Constitution restrictions on the States in reference to schools. Now, having answered frankly, permit me to say another thing. I am and always have been entirely opposed to favoring one sect rather than another by any appropriation. Hence, even as to these charities, I argued in our constitutional convention of 1866 that I was in favor as to these institutions in the State, if the people found there was any abuse, of having a provision which would require when they gave to these hospitals, orphan asylums, and things of that kind, that they should either give each *pro rata* according to the number they supported or cut them all off. My principal point is that I do not think it is wise as a principle, though I was willing to waive that for the purpose I stated, to put in the Federal Constitution restrictions on States in reference to these domestic institutions.

Mr. MORTON. I am glad then to find that I was right. My friend says that he would be opposed to having a State legislate for the benefit of a particular sect. I certainly understand that to be his feeling; but that is not the point. It is not a question of what his preference is or my own might be. The point I make is that my friend insists that each State shall be left free, if she sees proper, to establish and support at the public expense denominational schools, Catholic schools if you please, or Protestant schools; that the State shall not be deprived of the power to establish that kind of a school if a majority of her people are in favor of it. That is the important point upon which I am glad to find that my friend admits that I stated him correctly.

Mr. KERNAN. You do not understand me to say that I favor that?

Mr. MORTON. O, no; my friend does not favor it; he is opposed

to that kind of legislation certainly, but he does favor this: he favors the idea that New York should be left free whenever such a thing occurs, if she sees proper, to establish Catholic schools and have them supported by public taxation, or to establish Protestant schools and have them supported by public taxation. There is where the great danger comes in. This admission made by my friend covers the whole ground of this proposed constitutional amendment.

My friend says there is no danger. Well, Mr. President, in my judgment there is danger. That cloud is looming above the horizon; it is larger than it was a few years ago; and I might ask my friend if there is not danger in his own State; I might ask him if there have not been abuses in his own State.

Mr. KERNAN. There never has been the least danger in that State, and I do not think there has ever been any abuse of any serious character.

Mr. MORTON. I ask my friend if there have not been large amounts of money given for the support of denominational institutions in his own State, given out of the public treasury or raised by public taxation?

Mr. KERNAN. Money has been given to institutions of this character, hospitals, orphan asylums, conducted by various denominations; but never in my judgment was there any serious abuse. I believe there has been a good deal of fairness in the division among the various sects.

Mr. MORTON. I shall not go into a history of the legislation of the State of New York. I have been reading and hearing very much on that subject for some years past. It is in my opinion an essential principle of American liberty and one upon which the perpetuity of our Government depends that we shall have perfect freedom of religious worship, that there shall be no established church, no religion established by law that is taught by law, and that so far from the States being left free to establish a church if they see proper, or to establish denominational schools at public expense, I believe that the safety of this nation in the far future depends upon their being deprived of any such power. I believe that the example of one State establishing a religion, or doing what amounts to the same thing in principle, establishing denominational schools to be supported at public expense, endangers the perpetuity of the nation. The support of a school by public taxation is the same thing in principle as an established church. If we can appropriate money to establish, if you please, a Catholic school, it involves the whole principle of supporting the Catholic Church at public expense, or if you please a Protestant school and the support of a Protestant Church at public expense. The power to educate children in a particular faith at the public expense involves the same principle as the support of that church at public expense, and the one inevitably leads to the other.

Now, sir, that there should be perfect freedom of religious opinion in our country is essential to our life as a nation, and we cannot have that and we cannot have perfect equality except upon the condition that religion shall not be maintained at public expense and that denominational schools of religion shall not be maintained at public expense. Every sect is left free. The Catholics may have as many schools as they see proper and teach their religion, and so may Protestants—no abridgment of their freedom. They have the largest liberty; but when it is done at public expense and all are taxed for their support, then the principle of equality is gone.

Mr. President, I have heard some talk to-night about hospitals and orphan asylums. My friend from New York has said something on that subject. I do not intend, so far as I am concerned, to be diverted from this great question by what is said in regard to orphan asylums and hospitals. There is a great principle underlying this amendment, and it seems to me it is one that should receive the support of all parties. It may not be perfect in its phraseology; perhaps it is susceptible of improvement in that particular; but I am speaking of the general and broad principle. If the phraseology does not suit my friend, let him offer to improve it, let him suggest where it can be corrected, but his objection goes to the whole amendment. That brings me back to the great admission made by my friend that each State should be left free, if she sees proper, to establish a church and to establish denominational schools and support them by public taxation, and that there should be no interdiction of such a thing in the Constitution of the United States. There is the broad principle on which we separate. I regard that doctrine as being fatal, if carried out, to the liberties of my country.

My friend from Maryland spoke about the history of Maryland, that Maryland was colonized by Catholics who established religious toleration, and that, as I understood, he would insult them if he voted for this amendment. Perhaps I did not understand my friend correctly

Mr. WHYTE. I said I should be voting against the spirit of its history.

Mr. MORTON. Why against the spirit of its history? Are not the Catholics left free as ever in Maryland? Are they interfered with more than Protestants? Certainly not. How then is it against the spirit of Catholic sentiment and toleration in Maryland? If Maryland is prohibited from establishing Catholic schools and supporting them at public expense, and if Protestants are prohibited from doing the same thing, are they not still on an equality, and I ask how the spirit of Catholic toleration can be violated? If there is that spirit prevailing among all denominations in Maryland, should they not embrace the great doctrine that religion shall be left to the individual? They may support it, they may teach it, but they shall not force it upon their neighbors through the schools or in the church. The principle is precisely the same; the right to establish a denominational school and support it at public expense as the establishment of religion and paying the officiating clergyman out of the public treasury. The fact is the first would be the most effective in the accomplishment of the purpose.

Now, Mr. President, if there are objections to this phraseology, I hope our friends will point it out. If this amendment can be improved in its language, let us have it done. Do not let us stand criticising phraseology to-night. The question is too great, it is too far-reaching. I hope my friends will object to the phraseology, if they do not like that; but my friend from New York did not put it on that ground; he put it on the broad, great principle that every State should be left free, if she sees proper, to establish a church or establish denominational schools and support them at public expense. There is a principle we can all understand. We can all be on the one side or the other side of that question. I am glad to have it brought here to-night. If this resolution is broken down or if it shall fail to receive the two-thirds majority, the country ought to know the ground upon which it is placed.

It is very important to have this resolution specific. In framing constitutional amendments the objection is that they are too general in their character. The fourteenth and fifteenth amendments which we supposed broad, ample, and specific, have, I fear, been very much impaired by construction, and one of them in some respects almost destroyed by construction. Therefore I would leave as little as possible to construction. I would make them so specific and so strong that they cannot be construed away and destroyed by courts.

This is not a new idea. The idea of free schools not denominational but general, the idea of a free church not supported by the government or maintained by the government is an original one in American liberty. It has always prevailed in this country. Now it is proposed to give it form and put it in the Constitution. It has been in the minds of our people for one hundred years; but circumstances have occurred in the last fifteen or twenty years proving that there is danger and that the time has come when this idea which has been somewhat nebulous in its character should receive distinct form and enunciation and go into the fundamental law. There can be no danger in putting it into the Constitution, in saying that no State shall establish a church or establish a religious school supported at public expense. What danger is there in it? Why should any man oppose it, unless he wants the State to do that in a particular case? If any one believes that a particular church ought to be established by law or that children ought to be educated in peculiar doctrines at public expense, then he ought to oppose this amendment. But if he thinks that all such education should be at private expense and that that given by the public should be general in its character, if he believes that no church should be established, why oppose this amendment? It is no more for Protestants than it is for Catholics. It is no more against Catholics than it is against Protestants; it puts all on the same level precisely, takes from one church precisely what it takes from the other. It is not a measure of favoritism. Let my friend bear it in mind that this is offered in a country where to-day the majority in every State are Protestants. It is offered in what may be called a Protestant country. But I trust that men of all parties, of all religions, and of every kind of education recognize the importance of maintaining this as a free country in which there shall be no established religion, and religion shall not be taught by law at public expense.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. EATON. My friend from Indiana used this language, if I have him down right: "Circumstances have shown that there is danger." I use his own words. Will he be kind enough to say to the Senate in what the danger consists?

Mr. MORTON. Well, Mr. President, my friend perhaps would like me to go into some particular history of the last fifteen or twenty years; but my friend knows perfectly well, without giving names here to-night, that there is a large body of people in this country, sincere, earnest, and pious, I have no doubt, who believe that our public schools in which religion is not taught are infidel and wicked, and who are not in favor of any school that does not teach religion. Does he not know that the public-school system of this country has been condemned and has been interdicted? I am not arraigning the sincerity of any man or any class of men in this country; I believe in the general sincerity of all men, and I am a believer in the goodness of men. My friend cannot be ignorant of the fact that there is a large and growing class of people in this country who are utterly opposed to our present system of common schools, and who are opposed to any school that does not teach their religion. I ask my friend if that is not a danger.

Mr. KERNAN. Allow me to say that I assure my friend in entire sincerity that those people who believe that it is their duty either in the family or in the school to have their secular education accompanied with instruction in their faith, yet do not want that done at other people's expense, not any of them in my judgment, and certainly not myself or those I represent. All they say is if our Protestant friends prefer to have schools where there is no religion taught,

it is their right; we concede it to them; we would not take it from them; but we feel it our duty to bring our children up in our own faith. I state it as clearly and as fairly as I can, and I assure my friend that when he expresses the idea that those to whom he alludes would take from Protestants the right to have their children educated just as they see fit, he does them great wrong. We hold it to be their right and their duty to have their children educated in the way they think right and the way they think best, and we only ask that we should be allowed to educate ours as we think best, in all kindness, without the slightest unkind feeling or dissent about it.

Mr. MORTON. I do not call in question the sincerity of my friend or his liberality; but he admits in his statement the main point, that there is a large body who are opposed to schools in which religion is not taught.

Mr. KERNAN. No; they are opposed to such schools for their children, not that they would interfere with their neighbors.

Mr. MORTON. My friend will see——

Mr. KERNAN. Free education we want.

Mr. MORTON. My friend says they are opposed to schools for their children in which religion is not taught; therefore they are opposed to the present system of free schools because religion is not taught in them, because that is not made the primary purpose, that which gives color and direction to all the education that we give. That is the point. Therefore my friend would have no schools at all unless religion is taught. He would have the school fund divided.

Mr. KERNAN. No.

Mr. MORTON. If you raise a school fund say of a million dollars, then he would have an enumeration of the children made, so many of one denomination, so many of another, and divide the fund. But he is opposed to general taxation for the support of schools in which religion is not taught. Am I not correct about that?

Mr. KERNAN. No. We recognize what is practical. In a country like ours we cannot have all our children taught irrespective of creeds. Where free public schools are taught for all, there they must be free from any religious teaching at all. They must be when at the public expense just like a school to teach mechanics, where we all send, and then we say that those who cannot adapt themselves to that must go elsewhere because it cannot be done practically, teaching the children there any creed. We believe—I certainly do, and in our own State I have often talked of it—that the public schools must be, as they are by our Constitution, schools to which every child in the State can go and get secular learning without there being anything offensive to the creed of any one. Those who cannot get along with them must educate their children in private schools. We have not made any attack to overthrow the system.

Mr. MORTON. If that is the position of my friend from New York and of those whom he represents, we have no difference whatever. That is precisely what we are for, that there shall be public schools at public expense in which there shall be no particular creed taught. That is just what this amendment is intended for. But that does not change the great fact that whatever my friend's views may be, there is a large, powerful body of men in this country, increasing in number, who are opposed to being taxed for that kind of school at all. They will not send their children to it because they believe that religion should be a part of education from the very beginning, and when those people get the power in any particular State or in any particular city human nature perhaps would have to undergo some change——

Mr. KERNAN. Will not my friend allow me? I can assure him that if those to whom he refers of the people in this country, prizing all the justice and mercy which they enjoy, if they should get the power, would never attempt out of public funds, if there was one person who did not want it done, to support their own schools. The thing is not practicable at all, and they would not seek to wrest public moneys for such a purpose out of those who might not believe with them, no matter how small the number, and attempt to say "We will have schools where our children can be taught according to our notions, and yours you cannot send conscientiously." But, on the contrary, in the public schools practically the only way is not to teach any particular creed, and then have that which is distasteful to the conscience of the Hebrews or others, though it is no particular creed. To make them really just, as I have said, they must be like schools where you send your boy to learn mechanics, and those who want him taught anything but mechanics must have him taught at their own expense, and not out of the public treasury.

Mr. MORTON. I can only say that if I understand the spirit and the purpose and the sincerity of the people that I allude to, where they have the power they would never tax themselves one cent to establish a school to which they would not send their children. That I understand to be the ground of the objection now, that they are taxed for the support of schools to which they will not send their children. They will not send their children to the public schools because they are non-sectarian, simply because they are not sectarian, and do not teach the religion that they believe in. There comes the point. I do not question their sincerity at all; but their doctrine is that they must not send their children to a school in which their religion is not taught from the first, and is not made the primary object. That idea carried out is fatal to our common schools, as everybody knows. It requires no argument to prove that.

Mr. President, I have been drawn into saying more than I intended to say.

Mr. EDMUNDS. Mr. President, the fundamental question which has been opened by the honorable Senator from New York [Mr. KERNAN] is one which he surrenders himself. He says that he is opposed to any interference with State-rights respecting schools, but he is in favor of the amendment of the Constitution proposed by the House of Representatives. That is the attitude, the singular position which seems to be taken by the whole body of our brethren on the other side of the Chamber. At every stage of this proposition which was sent to us by the House after a long period of consideration and reflection, while our friends on the other side here are to a man opposed to the principle of any amendment at all, they are in favor of the practice of adopting the proposition of the House of Representatives.

Mr. RANDOLPH. I beg to correct the Senator from Vermont. I stated very distinctly on Friday night last in this Chamber that I had anxiously worked for the amendment adopted by the House of Representatives. And yet the Senator says that all on this side of the House, without exception, are opposed to any amendment.

Mr. EDMUNDS. Mr. President, I am very glad to be corrected. I will except my honorable friend; and if any other Senator has been unduly treated in this respect, I should be glad to have him stand up and "swear off," as the saying is.

Now, let me take my friend from New Jersey for a moment. He is in favor of the House proposition and not in favor of the Senate proposition. He is in favor of the principle, then, of not having public money that is raised for free schools, devoted to sectarian instruction; but he is not in favor, if he speaks to the House amendment, of having any other public money that is not specifically raised for that purpose kept from being used in exactly the same way.

Mr. RANDOLPH. I do not think the Senator from Vermont has any right to put into my mouth words that I have not uttered, or to try to extract from my head ideas that he perhaps knows nothing about. I do not propose that the Senator from Vermont shall undertake to state my proposition; I am quite capable of doing it myself.

Mr. EDMUNDS. Now, if my friend is through, I will agree with him again. Mr. President, I shall never attempt to extract ideas from my friend's head. I shall never attempt to put words in his mouth. He is the sole master of his individual liberty in both those particulars, and I should be presumptuous in applying in either of these respects. Now, I repeat that if my honorable friend is logical and consistent, as we all know he is—I took that for granted before—when he says he is in favor of the House proposition, which declares that—

> No money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

When he is in favor of that and nothing more, being logical and intelligent, while he is willing to protect the particular money that is raised for a particular purpose in a particular way, which I can demonstrate in a moment to be the sheerest moonshine that was ever brought to a man's attention, he is still in favor of leaving the same State to raise money by general taxation and put it into its treasury, and then give it to any sectarian school that it likes.

Mr. RANDOLPH. By what authority does the Senator state that?

Mr. EDMUNDS. I state it by the authority that I must impute to the Senator some little degree of logic and consistency in his proposition.

Mr. RANDOLPH. If the Senator from Vermont will allow me——

Mr. EDMUNDS. Certainly.

Mr. RANDOLPH. I will say, first, that whether I am logical or not is not for him to determine; and, next, that inasmuch as the House amendment did not treat of that particular phase of the subject I was not called upon to make any expression of opinion one way or the other about it. I will say further that if the House amendment had contained the very provision of which he speaks, I should have voted for the amendment just as cheerfully as the Senator from Vermont. And now, if he will permit me to interrupt him a moment further, I have felt from the beginning, whether right or wrong, that the whole purpose of the Judiciary Committee was to delay, to thwart, to stop, and not to permit to pass that amendment to the Constitution, which most men believe is effective and quite good enough.

Mr. EDMUNDS. I am very much obliged to my honorable friend for that. He has shown the same amount of consistency in that opinion as he has in supporting the House amendment as it stands. Now I come back again to the point.

Mr. RANDOLPH rose.

Mr. EDMUNDS. The Senator will permit me to have my opinion about his logic, though he may not think it to be good. If he can sit still and bear that we can both go on in peace.

Now, Mr. President, I repeat that the inevitable logic, that no man has denied or attempted to deny, of this House proposition is, simply treating of this particular subject, to say that special moneys raised for a special purpose shall not be diverted from that purpose to a religious control; and it stops right there. It leaves you to appropri-

ate the general revenues of a State to the support of a sectarian private school or a sectarian public school, and only professes to protect what the House is supposed to believe ought to be protected, public schools supported by the general revenues of a State, from sectarian doctrines, denominational control; and yet the Senator says if a little more had been put into this amendment he would have gone for it with equal pleasure.

What is the duty of a Senator? I had always supposed it was that according to his belief and his faith he would contribute his opinions and his motions to improve and perfect legislation either in the form of amendments or laws that are brought before him for his action.

Mr. RANDOLPH. Any attempt to amend will defeat the whole matter.

Mr. EDMUNDS. Exactly. If you alter a letter of this delusive and deceptive performance that was sent to us, it would defeat the whole matter, because it would expose the extreme shallowness of the performance. That is it. The Senate, then, must go on the idea that the thing that was sent to us was almost intended to be a delusion, or, if not, it was so inadequate, and coming from a body itself that was so inadequate to the occasion, that it would not do for any member of this body to propose to correct it in any particular. That is rather an extraordinary idea to legislate here. I give to the honorable Senator from New Jersey the benefit of the invention.

Now if I can be allowed to come back to this extraordinary thing again for a moment, I will do so. This House proposition involves the principle that it is unfit that public revenue, that all men and all creeds are obliged to contribute to according to property, shall be devoted to promoting the religious creed or tenets of any denomination to which it may or may not belong; in other words, that this is a land of equal rights, and that it is not consistent with republican liberty, as our fathers even in Maryland understood it, that any aid in any form, whether by established churches or schools or hospitals or asylums, should be given to the doctrines of any church, or that any man should be made to pay for supporting the conscience of some other man, except so far as the conscience of some other man might say that he would not suffer himself to be taxed to build a public highway unless images of the Holy Virgin should be set up once a mile to mark the length of it or unless a Protestant church with its Episcopal spire and cross should be built at every cross-roads. The liberty of conscience does not go quite so far as that. We must have public institutions; we must conserve the public interest by instructing the youth of this country in those things essential to the preservation of the Government itself, essential to understanding the true principles of liberty and individual conscience and freedom of opinion, upon which alone a republican government can rest. But when any man undertakes to set up his conscience between his paying taxes to support a public highway or a public asylum or a public school, on the ground that his conscience does not permit him to believe in highways or asylums or schools, then he is asking too much of others upon his conscience.

The liberty of conscience, while it is universal in every church but one, is not a liberty of conscience to stand in the way of these great and necessary acts to which I have referred; but it does stand in the way (and the security of the Republic is bound up in it) of imposing upon any man or set of men public burdens to promote the religious opinions particular to sects and denominations of any other set of men. That is the proposition that the Judiciary Committee has reported, and that is the proposition that every democrat in this body opposes in every step in its progress. It gives me great grief to say it. I had hoped, I had believed that, for once in this Chamber, an amendment so catholic, in the highest and best sense of that term, so democratic, in the highest and best sense of that term, so republican, in the highest and best sense of that term, would have met with universal approbation in respect of the principle upon which it was founded, and, if the phraseology reported by the committee should have been found to be the subject of just criticism, that we should have had the friendly propositions and observations of gentlemen upon it in order that this great and fundamental principle might go into the organic law with the prayerful good-will of all men of all parties. But for some reason we find that this mere delusion, this scrap of moonshine that has been sent to us, is hugged as if it were the very heart of love by all our friends, and one and every proposition to embody the principle in an effective form is resisted in every way possible.

Mr. President, the public schools of this country are dear to the hearts of almost all American citizens. They have seen in them for a hundred years the very life-blood of intelligent and progressive republicanism. I do not mean party republicanism, as it is now called; I mean that republicanism that gave the name of a republic to this nation. They have seen in that system the fountain-spring of the wonderful and marvelous material prosperity of this country. They have seen in it the growth of manufactories, the growth of farms, the enterprises of railways, the telegraph, and the steamboat. They have seen in it, too, more, and, better than all, the tolerance of opinion that grows from a respect for equal rights; and, so seeing its great fruits, they will not consent to see it ridden down by any hierarchy or by any party; and the moment they feel the whiff of danger they will, as they have done in State constitutions and otherwise, defend this fundamental ground-work of the Republic, and no amount of the dialectics of sophistry can beat them out of it.

But, Mr. President, my honorable friend from Maryland [Mr. WHYTE] has said—which is rather apart from this discussion, but still we ought to do something for the truth of history—that Maryland, founded by the adherents of the hierarchy to which I have referred, was the first to plant religious toleration on this continent. Mr. President, with all deference to the distinguished citizen of that State, I beg to suggest that he is mistaken. The religious toleration that began with the beginning of Maryland was a toleration that was inaugurated as well by Protestants as by Catholics. There were immigrants and settlements in that State of both denominations; and in the face of a common danger, and far away from any common support or fountain of aid, like wise and true men they agreed on all hands that each should be at liberty—as everybody else should who should come to them—to worship God and to teach His religion according to the dictates of their own consciences. There is no special right, therefore, in the Catholics of Maryland to claim that they are the authors of religious toleration in that State. I am sorry that my friend from Maryland has left the Chamber; because I am sure if he were here I could recall to his mind the early events in that State, which would convince me, if he meant to be understood otherwise, that I am correct.

But, Mr. President, the fundamental difference shown in the discussion between the Senator from New York and the Senator from Indiana is that there is a feeling well grounded, as far as any feeling can be well grounded, in its present attitude, that there is a particular sect that believes, in all sincerity undoubtedly, that the public schools of this country as at present conducted, non-sectarian, or if sectarian, if there are any such—if there are I do not know it—by other sects than one, are not justified by the principles of religion; that they are wrong, and that it is the duty of a well-ordered state to teach in its public institutions the particular tenets of a particular denomination. If they believe that to be the duty of the state, if they are consistent and true men, when they get the power in a state the particular tenets of that denomination will be taught, and ought to be taught in the logical sense. There is no escape from it. If I believed it was the business of a free state to teach episcopacy, the particular creed to which I happen to adhere, if I had the power of the state, I should not be honest if I did not put that power in motion to teach episcopacy. So, if there be any power in this world that reaches into this matter or exists in it that believes it to be the duty of the state to teach catholicism when that power controls that state, it necessarily follows that catholicism must be taught, and that public schools will be compelled to teach that particular doctrine.

Mr. President, to convince you that I am right in what precisely this issue is, I beg the Secretary to read some extracts which I have made from the encyclical letter of the Holy Father, dated the 8th of December, 1864, and the syllabus of errors which he condemns, which follow.

The Secretary read as follows:

The encyclical letter of Pope Pius IX.

To our venerable brothers, the patriarchs, primates, archbishops, and bishops of the universal church having grace and communion of the apostolic see.

Pius P. P. IX. Health and apostolic benediction.

* * * * * * * *

And those our predecessors, who were the assertors and champions of the august Catholic religion, truth and justice, being as they were chiefly solicitous for the salvation of souls, held nothing to be of so great importance as the duty of exposing and condemning, in their most wise letters and constitutions, all heresies and errors which are hostile to moral honesty and to the eternal salvation of mankind, and which have frequently stirred up terrible commotions and have damaged both the Christian and civil commonwealths in a disastrous manner. Therefore those our predecessors have with apostolic fortitude continually resisted the nefarious attempts of unjust men, of those who like raging waves of the sea foaming forth their own confusion and promising liberty while they are the slaves of corruption, endeavored by their false opinions and most pernicious writings to overthrow the foundations of the Catholic religion and of civil society, to abolish all virtue and justice, to deprave the souls and mind, of all men, and especially to pervert inexperienced youth from uprightness of morals, to corrupt them miserably, to lead them into snares of error, and finally to tear them from the bosom of the Catholic Church.

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Now, although hitherto we have not omitted to denounce and reprove the chief errors of this kind, yet the cause of the Catholic Church and the salvation of souls committed to us by God, and even the interest of human society, absolutely demand that once again we should stir up your pastoral solicitude to drive away other erroneous opinions which flow from those errors above specified, as their source.

These false and perverse opinions are so much the more detestable by how much they have chiefly for their object to hinder and banish that salutary influence which the Catholic Church, by the institution and command of her divine Author, ought freely to exercise, even to the consummation of the world, not over individual men, but nations, peoples, and sovereigns, and to abolish that mutual co-operation and agreement of counsels between the priesthood and governments which has always been propitious and conducive to the welfare both of church and state—Gregory XVI, *Encycical*, 13th August, 1832.)

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Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the Government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor Gregory XVI (lately quoted) the insanity, (encyclical, 13th August, 1832) (*deliramentum*,) namely, that "liberty of conscience and of worship is the right of every man: and that this right ought, in every well-governed state, to be proclaimed and asserted by law; and that the citizens possess the right of being unrestrained in the exercise of every kind of liberty, by any law, ecclesiastical or civil, so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of per-

dition. (St. Augustine, Epistle 105, al. 166,) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth, and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christian wisdom ought to avoid this most mischievous vanity. (St. Leo, Epistle 164, al. 133, section 2, Boll. edition.)

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Amid so great perversity of depraved opinions, we, remembering our apostolic duty, and solicitous before all things for our most holy religion, for sound doctrine, for the salvation of the souls confided to us, and for the welfare of human society itself, have considered the moment opportune to raise anew our apostolic voice. Therefore do we by our apostolic authority reprobate, renounce, and condemn generally and particularly all the evil opinions and doctrines specially mentioned in this letter, and we wish that they may be held as reprobated, denounced, and condemned by all the children of the Catholic Church.

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PIUS PP. IX.

Given at Rome from St. Peter's this 8th of December, 1864, the tenth anniversary of the dogmatic definition of the immaculate conception of the Virgin Mary, mother of God, in the nineteenth year of our pontificate.

* * * * * * *

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical, and other apostolic letters of our most holy father Pope Pius IX.

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45. The entire direction of public schools in which the youth of Christian states are educated, except (to a certain extent) in the case of episcopal seminaries, may and must appertain to the civil power, and belong to it so far that no other authority whatsoever shall be recognized as having any right to interfere in the discipline of the schools, the arrangement of the studies, the taking of degrees, or the choice and approval of the teachers. (Allocution in consistoriali, 1st November, 1850. Allocution quibus luctuosissimis, 5th September, 1851.

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47. The best theory of civil society requires that popular schools open to the children of all classes, and generally all public institutes intended for instructing in letters and philosophy, and for conducting the education of the young, should be free from all ecclesiastical authority, government, and interference and should be fully subject to the civil and political power, in conformity with the will of rulers and the prevailing opinions of the age. (Letter to the Archbishop of Fribourg, Juum non sine, 14th July, 1864.)

48. This system of instructing youth which consists in seperating it from the Catholic faith and from the power of the church, and in teaching exclusively or at least primarily the knowledge of natural things and the earthly ends of social life alone, may be approved by Catholics. (Id., ibid.)

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77. In the present day it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship.—*Allocution nemo vestrum*, 26th July, 1855.

78. Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.—*Allocution acerbissimum*, 27th September, 1852.

79. Moreover it is false that the civil liberty of every mode of worship, and the full power given to all of overtly and publicly manifesting their opinions and their ideas, of all kinds whatsoever, conduce more easily to corrupt the morals and minds of the people, and to the propagation of the past of indifferentism.—*Allocution unquam fore*, 15th December, 1856.

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—*Pastoral letter of Archbishop Spaulding &c., &c.*

Mr. EDMUNDS. You will perceive, Mr. President, that in this letter of the Holy Father he points out in general the principles upon which the doctrines of that church proceed, and he then appends a syllabus of the errors of our own time, among which are stated to be the precise proposition that the House amendment advances; and that is that public schools so far as public money goes should not be the subject of sectarian control, and in many other respects that I will not take up your time to refer to.

The Senator from Maryland said that this had been changed; that it was eleven or twelve years old. I should be glad, more than glad, to have any Senator stand up and show the Senate that this is not now the official doctrine of the Roman hierachy; and I pause for a reply. The supposed infallibility of the Holy Father would be a sufficient refutation of the suggestion of the honorable Senator from Maryland, for it is the greatest maxim of executive affairs in that hierarchy, *semper eadem*—it never changes; and, so far as Iam informed, as a fact these dogmas and commands put forth in 1864 are at this moment the earnest, effective, active dogmas of the most powerful religious sect that the world has ever known, or probably ever will know—a church that is universal, ubiquitons, aggressive, restless, and untiring. I do not speak of it as impugning the right of any man to believe all this; it is just as much his right to believe it as it is mine to believe in the duty of preserving public schools from that sort of domination; but as any other man believing this believes it to be his duty to entirely revolutionize our systemsof public instruction, it is also, by the same sign, my duty and yours to resist it by every constitutional amendment and by every law in our power. It is a broad issue and one which cannot by any party device or moonshiny trick of ineffective constitutional amendments be kept out of the sight of the intelligent people of this country; and if we in all our State constitutions, in the Constitution of the United States, and in our practice of a hundred years, have been right in supposing that the very foundation of republican liberty and republican progress was in freedom from just such control as this demands, then, I take it, it is a part of our duty to take every step possible to preserve that freedom. And yet we find here by a strange coincidence of accidents, or something else, that the great body of a party whose very name implies the opposition to notions of this kind persistently resists any step in respect of preserving the fundamental principles upon which the Republic was founded. I do not know why it is. As I have said, I am amazed and sorry that it is so; but I cannot at this late stage occupy your time in dilating upon that branch of the topic.

I now will come to some of the criticisms made by the honorable Senator from New York upon the substance of this amendment itself. He did not criticise, neither have any of our friends upon the other side criticised, the form in which the House of Representatives sent us this resolution, which was this—

That the following be proposed to the several States of the Union as an amendment to the Constitution, namely—

when the Constitution itself declares that every amendment of this character shall be specifically submitted either to the Legislatures of the several States or to conventions to be called in the several States to act upon it. Therefore, if we had taken the blind adoration that our friends on the other side have seemed to have for this House proposition and put it through, we should have had an amendment that would have been absolutely void upon its face, not submitted to any tribunal that the Constitution of the United States authorizes to act upon it; for, as I have said, the Constitution in this particular is absolutely specific. The fifth article says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The House of Representatives proposed to send this amendment to the States without proposing either mode of ratification. I have no doubt that this departure from the constant form of the Constitution, which from the first amendment adopted to the last one has been used, following the form named in the Constitution, was purely an oversight, one of those accidents which of course will happen. But I pass from that.

Now, I come to some criticisms which the Senator from New York has made upon this phraseology. He says that we cannot teach the particular tenets or creed of a religious denomination in an orphan asylum. That is perfectly true. Why should we? If the principle that we stand upon is right, why should we teach congregationalism or episcopacy at his expense in the orphan asylum in the town where my honorable friend lives, if he does not believe that that kind of religious teaching is the true one? If the principle is right that one man shall not be taxed for another man's religion, why are you to except orphan asylums from that great principle? The Senator gave us no reason except that they were orphan asylums and that orphans ought to be taught. So they ought. They ought to be taught religion. So they ought; and let me say to my honorable friend that orphans and prisoners and everybody can be taught religion without being taught the particular tenets or creed of some denomination. There is an old saying, perhaps it puts it too broadly but it is a very good saying for the practical operations of this world, that somebody has put into the form of a verse that, I have no doubt, my friend, as I did, learned when he was very young:

O, brother-man, fold to thy heart thy brother;
Where pity is, the peace of God is there;
The noblest worship is to love each other;
Each smile a hymn, each kindly deed a prayer.

That sort of religion can be taught in an orphan asylum, I take it, without violating either the Senator's creed or mine. The duty of man to man, the obligation to truth and personal purity, charity, virtue, intelligence, cleanliness, honor, all those can go into the orphan asylum. The great and golden rule that is in his creed and mine, that you shall do unto others as, under similar circumstances, you would wish them to do to you, and that charity covers a multitude of sins, can enter the open door of the prison or the asylum still. I do not think that the good of the young is very largely bound up while they are in the asylum, in being compelled to decide between contending priests whether the true theory and doctrine of the gospel is that of a trinity or a unitarian doctrine, or whether in the holy sacrament the elements show the real presence or only the symbolic and the memorial one. There can be still taught the homely virtues and the right-minded truth and purity that belong to the personal teaching of all creeds, can there not? Why, Mr. President, it seems almost a mockery and an insult to your understanding to stand up here and undertake to counteract the criticisms of that character which were made on this amendment. In the prisons in the State of Vermont as well I have no doubt as in those of the State of New York, some clergyman of some denomination, no matter what, conduct. services every Sabbath or every day; and yet he teaches no creed Do we not here, in this public Council Chamber of the nation, whose members probably represent all Christian creeds, daily from your desk hear prayer to Almighty God, not the prayer of creed but the prayer of man imploring the beneficent protection of his Creator. Yet the Senator, with a species of dialectics which I should characterize, if I characterized it with the happiest phrase that would come to me, in a way that might be thought to be offensive, and I will not do it, but with a species of dialectics which is worthy of the Middle Ages and the school men, undertook to convince you and the people of this country that this prohibition against organized sectarian institutional teaching of denominations and creeds is to shut out from the dying prisoner the last offices of his own church. This amendment bears no such construction. Ingenuity cannot push into it any such construction. Ingenuity may skillfully discuss words and plaster over the simple truth and plainness of this proposition with a convenient varnish that will deceive some man's eyes in the country perhaps and

frighten him out of his faith in the great principle that lies in this. No, Mr. President, this sort of opposition will not succeed. The real substance of the question is whether the people of this country desire to protect themselves and each other for all time to come against the factions of partisan creeds in the several States by declaring that there shall be an absolute and universal equality, and that no man's religion shall be promoted at the expense of his fellow-man who does not believe in it. That is the proposition, whether it be in school or in prison or asylum, wherever it be, where an institution is carried on, borne by the general burdens and supported for the general benefit of the body of the people. That is the proposition and the only proposition upon which Senators are called to vote. Let those who do not believe that to be a sound proposition vote against it. Let those who do vote for it.

Mr. STEVENSON. Mr. President, I was one of the Committee on the Judiciary who did not concur in this amendment. I should not have voted for it if I had been present in the Chamber when it was adopted. I have seen no necessity for it. While I impugn no man's motives here, a religious discussion, appealing to passions which do not in my judgment belong to a deliberative body, at the end of a long session of Congress, seems to be out of taste and to be accompanied by no practical good.

I am not a Catholic; I am a Protestant from head to foot; but I will tell the honorable Senator from Vermont what the doctrine of the democratic party is on this subject. Long before this Constitution was formed, Mr. Jefferson, who more than any other man deserves the credit of being the father of the democratic party, was the author of that act of religious freedom in the State of Virginia adopted in 1785. He would have indorsed all that the Senator from Vermont has said, but he would have accomplished it by a different mode. Friend as he was of religious freedom, he would never have consented that the States, which brought the Constitution into existence, upon whose sovereignty this instrument rests, which keep it within its expressly limited powers, should be degraded and that the Government of the United States, a Government of limited authority, the mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their religion; and had the speech of the honorable Senator from Vermont been uttered before Mr. Jefferson, he would have told him that he did not know what free government was.

No, sir; this power is not in the Federal Government. Kentucky does not want New England and other States to dictate to her what her schools shall be or what her taxes shall be, and least of all what her religion shall be; and whenever any religious denomination undertakes to interfere with this great right of religious freedom the free people of every State will find themselves potential enough and willing enough and able enough to crush it. There is our safety. But when you undertake to bring to the Federal Government the power of making the States hewers of wood and drawers of water you destroy the whole foundation-stone upon which this Government was reared and upon which only it can be preserved.

No man can mistake the object of this debate. We all see where it tends. But I hope the great issues of this campaign will not be covered up, however, in such system as this, of in this nineteenth century attempting to go to the Pope of Rome to scare the people of the free thirty-seven States of this confederacy that they cannot manage their schools and their religion and their various instrumentalities within their States and which was reserved to themselves when the Constitution was formed of managing in their own way.

Mr. BOGY. Mr. President, it was not my intention to have said a word in this debate; but I find myself drawn by a current which is irresistible, and I feel it to be my duty to say something in reply to the speeches which have been made by several Senators on this floor. The subject discussed is a most singular one for the American Senate, and I have doubted whether we were in the Senate of the United States or whether we had not been carried by some mysterious power to the ancient city of Rome, and there by that same mysterious agency placed in the Vatican council, presided over by the Pope himself, and with all the cardinals discussing those great religious subjects that were discussed there some years ago. I fancied that my distinguished friend from Vermont [Mr. EDMUNDS] could well play the part of an infallible Pope, for if there be a member of this body who does play that part with more self-complacency than my friend from Vermont I really do not know him. Infallibility is a part of his nature; and of this fact he appears to be profoundly convinced. Hence, sir, upon all subjects which may be brought before this body, local or general, constitutional or statutory, private or public, reports of conference committees or the reports of other committees, the infallible Senator from Vermont puts in his infallible opposition; and this has been continued from day to day in this body for nine long months. Now, if he did not believe honestly that he knew a little better than all of us together, he certainly would not have undertaken to amend and improve and change and modify every law that has been proposed by any member of this body or comes from any committee of the body. If he were not convinced of his own infallibility, certainly he would not have the courage to do a thing of that kind. Hence I have fancied that I have been carried, myself and all of us, by some mysterious power back to the old city of Rome, standing upon those old seven hills made immortal by the great men who have written about them, and that we were all members of an ecumenical council and also all cardinals. [Laughter.]

Mr. President, seriously I think this discussion is much to be deplored. I think I know the motive and the animus which have prompted all this thing. I do not believe it is because of a great devotion to the principles of religious liberty. That great idea which is now moving the modern world is used merely as a cloak for the most unworthy partisan motives. The African race has played its part in this country; the negro is for party purposes in a manner dead; and these gentlemen, knowing that this thing is played out, and that "the bloody shirt" can no longer call out the mad bull, another animal has to be brought forth by these matadores to engage the attention of the people in this great arena in which we are soon all to be combatants. The Pope, the old Pope of Rome, is to be the great bull that we are all to attack.

My friend from Nebraska [Mr. PADDOCK] gives me an idea. I think he is unjust to my friend from Vermont. He alludes to him as a cardinal. Now, I wish to look upon my friend from Vermont as the Pope, because I imagine he thinks of himself in that light, and I am not willing to think less of him than he does himself. He certainly has been the Pope of this body for nine months, doing what he pleases, opposing what he pleases, reporting from his committee what and when he pleases, and what does not please him he does not report. This is the Pope; who is infallible! And if in the course of events my friend had been a Roman Catholic, and placed in the papal chair, he would have been the most tyrannical and arbitrary Pope that ever swayed the mighty scepter of the Roman Church. This spirit is in him, [laughter,] and I say this in all kindness and truth, believing that I speak the common voice of this Chamber.

Mr. President, as I said a while ago, it was not my intention to have participated in this debate, and I regret that I am compelled to abandon my first intention. We have heard much about religious freedom, and freedom of conscience, and separation of church and state. Who in this day and in this country would oppose either or any or all of these great ideas? Who in this country is in favor of uniting church and state? Who in this country or in this age of the world is opposed to religious freedom? Who is opposed to those great principles that are now moving the modern world with a power which human language cannot describe? There would be no civil liberty without religious liberty. There would be no liberty, according to modern ideas, without entire separation of church and state. And when the gentleman from Vermont places before the mind of this nation what is called the syllabus of the Pope and his encyclical letter, he does it with the intention of arousing a feeling of opposition to the principles therein contained, believing that those principles are in opposition to religious liberty and to the separation of church and state, when in point of truth and of fact when well understood they are the very corner-stone of those great principles. The Pope of Rome is a religious officer, if I may use the term, and in that capacity he proclaims the truth to the church of which he is the head; and what minister of the gospel does not do the same thing even in this country? What minister, high or low, connected with any church, Jew or Gentile, but what does the same thing, if he be an honest minister? But does he speak as a temporal king? Does the Pope of Rome speak to the Catholic world as the king of Rome? He speaks to the Catholic world as the bishop of that church, speaking to them alone in the religious aspect, and in that aspect he has laid down the great principles of human government, telling all people that human government cannot exist without acknowledging the fact that as man springs from God, human society is of God, man himself is the creature of God, and that all human governments must understand that they move and exist and perform their high functions in this world for the good of mankind, subordinated to the great Being who created this world and all the other worlds; that there is a great divine Power superintending all creation to which all human governments, like all men, are responsible. Sir, to deny these great truths is to go back to the days of paganism; and indeed the tendency of to-day is to deny these truths and retrograde again to the paganism of the time when Jupiter from high Olympus governed the world, as believed by the men of that period.

Mr. President, so far from these amendments in my estimation at all affecting what some gentlemen think on this floor to be the views of the Catholics of this country, according to my understanding of them, they are in exact accordance, every line of them, not only with the convictions of the members of that church, but with the true interests of the Catholic body; and they carry out the view expressed by them upon the subject of education throughout the United States. I will read:

> No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof.

Who will take the negative of that? Who is in favor of a State establishing a religion or prohibiting the free exercise thereof? Protestant or Catholic? No; not one in this broad land of any sect or denomination, or whether he has any religion at all or not.

I will read further, namely:

> And no religious test shall ever be required as a qualification to any office or public trust under any State.

Who will take the other side of that question? Has it ever been applied? Yes. It does exist in the State of New Hampshire at this

day, where no Catholic can hold office; but with the exception of New Hampshire there is no test of any description whatever existing in any State, and I would ask who is in favor of a religious test?

Again, I will further read:

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught.

I do not know that I exactly approve of this thing, and I doubt very much if there be a man in this Chamber who does, because there are so many disjunctive and conjunctive conjunctions and verbs and adverbs and passive cases and objective cases, all mixed promiscuously together, that although I know my friend from Vermont is a great deal better grammarian than myself, yet I doubt if he was brought now before us as a class, to parse this sentence, whether he could do it successfully. I doubt it very much, and I believe it would be worth trying now to bring the Senator out and let him parse it for our instruction. [Laughter.] I am speaking seriously. There is an idea in this thing, I presume; but when you start with the words, "*No public property, and no public revenue of, nor any loan of credit by, or under the authority of,*" by the time you have got through with it the idea that you had at the start has left you, vanished like a dream, and by the time you get down to the period, and pass over all the colons and semicolons and dashes in this long sentence, there is no idea left on the mind, all is lost in words; I cannot make it out. I do not know that it could be enforced; for indeed I do not think it could be parsed by any grammarian. But let us try; let us make an effort in good faith.

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State—

I am lost already. [Laughter.]—

Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect—

If a sect is not religious is it correct to say it is anti-religious?—

organization, or denomination, or wherein the particular creed or tenets of any—

Creed or tenets. I think one of these terms is a little broader than the other, and are not exactly synonymous—

creed or tenets of any religious or anti-religious—

This is simply verbiage and ought not to be incorporated in the Constitution.

Now the term "*creed of an anti-religious sect*" or the tenet of an anti-religious sect I do not understand. While I do not know that my friend from Vermont has ever been a schoolmaster, I am satisfied he has been at school, and I furthermore well know that he is a good grammarian, which I do not profess to be. But, Mr. President, I would not object to this thing as far as I can understand it. Admitting I do not understand it very well, I am not in favor of appropriating property, public or private, nor any loan of credit for, on, or, by,—these cases are mightily mixed. [Laughter.] The explanation is plain. This thing was drawn by my friend after dinner. [Laughter.]

Mr. EDMUNDS. It is quite evident that this thing is drawn after dinner. [Laughter.]

Mr. BOGY. Mr. President, my friend from Vermont put his pen to paper, he admits, [laughter,] after a good dinner. This is, indeed, very plain; yet it is not in accordance with the old maxim *in vino veritas;* but let that be as it may, it is ambiguous, and wordy, and full of verbiage, and I think ought to be recommitted to the committee, and if it should be, from my experience we shall not get a report back for a good while. [Laughter.] I know very well that we submitted to that committee a bill months ago for the establishment of an additional circuit court of the United States in my State, I think five months ago, and we have never heard a word of it from that day to this, although it had passed the House. The committee or my friend has squelched it. [Laughter.] Now, Mr. President, I seriously do not object to this; in other words, I am not in favor of voting public property in that way.

But this has been argued particularly by the gentleman from Vermont as if the Catholics, who, as he says, believed in the syllabus of the Pope, were opposed to the principles laid down in this amendment. I tell him that he is mistaken. He is as much mistaken about this as he is mistaken with regard to the history of Maryland, and as he was mistaken some time ago with regard to the history of his own section. I heard him proclaim here with all the assurance of an infallible Pope that the battle of Plattsburgh was fought in September, 1812. Yet the history of his own section will tell him it took place in 1814. This gentleman, infallible as he may be in his own estimation, yet committed this mistake.

Mr. EDMUNDS. But Plattsburgh, let me tell my friend, is not in the State of Vermont.

Mr. BOGY. Plattsburgh is not in his own State, but he was speaking of the troops that went from his State and were present at the battle of Plattsburgh, in the State of New York.

Mr. LOGAN. From Otter Creek.

Mr. BOGY. Otter Creek, I will let my friend from Illinois know, was a part of the discussion in relation to the river and harbor bill. I remember that discussion very well, and I think he of Vermont showed a great deal of infallibility on that subject. [Laughter.] Well, he was mistaken with regard to that little historical incident. He is mistaken with regard also to the history of Maryland. No man ought to deny at this day that the Catholics of the old colony of Maryland were the first men in the New World to unfurl the great banner of liberty and of religious freedom; and history sustains what I here say. The gentleman may say what he pleases about it, they were the first in the New World to proclaim it; not as a compromise and a concession, as he says, but in accordance with their honest convictions. This is the history of Maryland, and as written it will go down the ages. My friend from Maryland [Mr. WHYTE] was right when he spoke of it awhile ago. But, sir, this subject has been argued by certain gentlemen upon the idea that in this country the Catholics were opposed to religious freedom because they perhaps were opposed to this amendment. I say it is not correct. In this country and in other countries too at the present day they are in favor of perfect religious freedom; and, what is more, a proper understanding of the syllabus, as it is called, will show that it contains nothing inimical to the great principles of liberty founded on what all enlightened men should acknowledge, "the divine law." All governments must have that broad foundation to exist at all, and he who denies that saps and destroys the very principle that sustains liberty and all good government among men. So far from these amendments being inimical to the Catholic Church in the United States, I as an unworthy member of that church say now what I believe from the first day I read these propositions, that they are protective of that church in every line and word as far as they can be understood.

The Catholics of the United States have been opposed to free schools, as stated by my friend from Indiana, as organized some years ago. And why? For the reason that they were sectarian. Even the very Bible which was used in the schools was a sectarian book, without going into a discussion whether the Protestant or Catholic Bible be the correct one. These schools were more or less sectarian, and, this being so, there is nothing strange or astounding or very remarkable that those who believed in their religion should not willingly sanction their children going where their religion was not only untaught but where they were really taught to believe it was not correct. There is nothing strange in that. Hence the Catholics have opposed throughout the United States the levying of public taxes for the purpose of maintaining public schools organized on sectarian principles, because they could not participate in the education conferred by them; not that they were opposed to education, not that they were opposed to free schools, but only because they were opposed to paying taxes for sectarian schools.

Now, Mr. President, the principles laid down in this proposition are in exact accordance with the view of the Catholics in the United States and with the position of the archbishop of Cincinnati as published a few days ago, and the effect of this would be in exact accordance with their wishes; that is, that no public tax shall be collected to maintain any school or any institution to which they themselves cannot send their own children. It is the very thing they want and what they have asked from the beginning. How far a thing of this kind can be carried out, I do not know. What is, strictly and logically speaking, sectarian teaching, I am not able to tell. What is religious teaching, it is very hard to say. To tell a child that there is a God is religion. To tell him that the Son of God was born and, as God, was crucified for the redemption of a fallen world, is religion. Yet the Unitarian would tell you that it is not true, as he does not believe in the Trinity. We have prayer here every morning; and no one listens to it with more reverence than I do; for I believe in prayer. I believe in expressing our wants and our wishes and our dependence upon the great Sovereign Creator of us all, and I pray with as much humility and reverence as my nature allows me every day. But is that sectarian teaching or not? Who can draw the distinction? What and where is it? We know that the gentleman who prays for us does belong to and is the minister of a church. He is sectarian, as a necessity which cannot be avoided. But where are you to draw the line? To tell the child that there is a God, the Creator of the universe, and that he must be obedient to that God, and that he will be responsible to Him when he dies, and that he will rise from the dead, are all great truths that have their foundation in religion and revelation. Where will you stop? Sir, you have got to go back to the days of pure paganism or teach the Christian religion which is necessarily divided into many sects.

The attempt is made to arouse feeling against the democratic party, and make it appear that it is dependent upon the support of the Catholics for success. I would ask where will the members of that church go after such sentiments as have been proclaimed on this floor? The puritan sentiment, enlightened and educated as it is, will not only not brook opposition, but will incessantly struggle for supremacy.

To oppose it is to bring about the conflict now going on in this country upon all questions, religious, political, social, and educational.

When this Government was formed it found States existing perfect in every respect. The autonomy of each was complete; and each one, the smallest as well as the largest, was as complete and as perfect in every respect as is the mighty government of Britain to-day. The Federal Government was formed from States thus pre-existing, where all the relations that necessarily exist in organized communi-

ties between the individual man and the government were known and regulated, and the object of the formation of the Federal Government was only to make from these pre-existing States a confederation, an indissoluble Union, and leaving the individual relations between man and government to be regulated by the States. And among the most sacred of these rights, lying at the very foundation of all liberty, was that of freedom of conscience and the right to worship God according to the dictates of each one's individual conviction. That was left to the States, and was not placed in the hands or under the control of the Federal Government. The attempt here to exercise this power takes from the States that right and gives it to the Federal Government. If the Federal Government has a right by amendment to say you shall not do a particular thing, it has the same right to say you shall do it. If you give the right here to the Federal Government to say you shall not establish a State religion, the same power that can prohibit can also create, and the day may come when a majority in the Federal Government may provide for one. The extent of power is the same. It was not intended by the framers of the Constitution that that power should ever be exercised by the common Government.

I will say to my friends who profess to be so much astonished at the position of the democratic party on this subject that it is owing to these well-understood fundamental ideas that the democratic party, true to them and to the rights of the States, cannot vote for this proposition, which is a concession of power denied by all its members. I for one am as much opposed to the proposition which passed the House a few days ago as I am to this amendment, for the reasons just given. For one hundred years the States have existed; and for all this time they have had the power of legislation on this subject; and who can rise in this Chamber and say that within that long period of time any one of them has in any way whatsoever attempted in the most distant manner to trample upon the rights of conscience?

Sir, the States will cease to have control of the subject if this amendment is adopted, and the Federal Government will be able to say you shall establish this or that religion, as the majority here may decide.

Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

Under this clause there is no telling what might be done and what power might be exercised.

Mr. President, the safety of this Government is in the denial of all such powers to the Federal Government. Keep it where the fathers placed it, in the States, and maintain it there. As a State power it never has been abused in one hundred years, and, relying upon the patriotism and the intelligence of those who will come after us, I cannot believe it will be less safe hereafter than it has been heretofore.

Mr. President, it was not my intention in the beginning of this discussion to have said a word, and what I have said now has been without any preparation whatever. I have given expression to my views and long convictions. I am opposed to this amendment because, as I said, it takes from the State that which belongs to it, and for no other reason. I am opposed to it as a public man, as a citizen, and as an American Senator.

Mr. MORTON. Mr. President, I desire to occupy the attention of the Senate for a very few minutes. I have been greatly entertained, as we all have, by the wit and humor of the distinguished Senator from Missouri; but the Senator made several statements and made a declaration here which is of very great importance in elucidating the spirit of the opposition to this amendment. The Senator stated very frankly that he indorsed fully the Pope's encyclical to which reference was made by the Senator from Vermont. He said it contained the true foundation of religious liberty. Now, Mr. President, without intending to enter into any argument as to the merit of the Pope's encyclical, I desire to call the attention of the Senate to a passage from it. In fact the whole of it is of the same character. I shall read this extract without making comment upon it. This encyclical was uttered in 1864. He says:

Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons (schismatics and others) do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government, they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor, Gregory XVI. (lately quoted,) the insanity, (Encyclical, 13 August, 1832,) (*deliramentum*,) namely, that "liberty of conscience and of worship is the right of every man; and that this right ought, in every well-governed state, to be proclaimed and asserted by the law; and that the citizens possess the right of being unrestrained, in the exercise of every kind of liberty, by any law, ecclesiastical or civil; so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of perdition, (St. Augustine, epistle 105, al. 166,) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christain wisdom ought to avoid this most mischievous vanity.

I have no comment to make upon that passage. If the opposition to this amendment is to be found in the spirit and letter of that passage, comment is not required. At the end of this encyclical the syllabus of errors was published; it belongs to it:

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical and other apostolic letters of our most holy father Pope Pius IX.

These errors are stated and numbered, beginning one and running down to eighty. I have not time to read many of them, but I will call attention to one or two things that are denounced as errors and are under anathema:

Every man is free to embrace and profess the religion he shall believe true, guided by the light of reason.

That is pronounced an error under anathema. I might read many more. I will read another, numbered 77 in the list:

In the present day, it is no longer expedient that the Catholic religion shall be held as the only religion of the state, to the exclusion of all other modes of worship

That is the seventy-seventh error. Now I read the seventy-eighth:

Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.

That is the seventy-eighth error. There are others of the same character, and it is all in the same spirit.

Mr. BOGY. Only one word, if the Senator will allow me. Although I said a while ago we might have been transported by some mysterious agency to Rome and to the Vatican council, yet I think we have got back and are now in the Senate of the United States. I do not rise to vindicate or explain. This is not the occasion, nor is this the place. Many of those things referred to there are what logicians call fundamental errors, and my friend from Indiana is too well versed in philosophy not to know that problems of that kind are not to be discussed in a question of this character. It is very hard to explain, very hard to vindicate these things, which when well understood have received the approbation of the enlightened Catholics of the world as not being subversive of the rights of conscience, as not being subversive of the true liberty of man, but they must be understood in the sense in which they emanated from the Pope, who is the head of the church. He goes no further there than the Queen of England would go; he goes no further there than the head of any church would go in proclaiming what he believes to be the essential truth of that church. It is hard to explain; I do not rise to do it myself. I will only say that this is not the occasion to explain it. But many of those enunciations have received the sanction and approbation of the enlightened lovers of liberty, enlightened Catholics all over the world.

Mr. MORTON. The language that I have quoted is not susceptible of any explanation; that is to say, it is clear and explicit. It is not enigmatical and it does not require construction to get at the meaning. It is just as plain as the English language can be made. I do not wish, of course, to place my friend from Missouri in any delicate or false position; but my friend has indorsed in the Senate of the United States the doctrine of the encyclical letter on the subject of religious liberty. It is right for the world to know what that doctrine is. My friend asked in the course of his speech, "Who are opposed to religious liberty?" I will answer that in general terms those are opposed to religious liberty who are opposed to securing or giving to religious liberty constitutional guarantees.

Mr. BOGY. I say we have that guarantee in the States; and this is subversive of liberty.

Mr. MORTON. That brings me right back to the point made by the distinguished Senator from New York. He says we have that guarantee in the States. What guarantee have we in the States? A majority of the people of a State can change the Constitution of that State and according to the doctrines we have heard here to-night, doctrines I think that will startle this nation, we are told that the States must be left free, if they desire to do so, to establish a church, to establish denominational schools, and maintain them at public expense. Although the distinguished Senators say they are opposed to it, as I have no doubt they are, yet the fatal proposition is that the States shall be left free to do this. We are told that, if we do not leave the States free to do this, we are interfering with religious freedom, just as if religious freedom required that a State should have the power to establish a particular church, and to exclude all others, and to have the doctrines of that church taught in schools that are maintained at public expense. That is the whole doctrine of the opposition to this amendment in a nut-shell; it cannot be explained away; and I must say that it is in striking harmony with the Pope's encyclical.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution.

Mr. EATON. Mr. President, I have a word or two to say on this matter. I propose to correct some errors that my honorable friend from Indiana [Mr. MORTON] has fallen into. The opinion of the honorable Senator from Indiana appears to be that unless a certain amendment to the Constitution, which he believes to be right, is adopted, the converse of that is to be done by the States. Sir, there never was anything more absurd or nonsensical uttered on the floor of this Senate. Let us look at this for one moment:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

Who doubts that? No man. There is not a man living within the limits of this broad land who doubts it. Is that any reason why it should be placed within the Constitution of the United States? Let me make another suggestion. Suppose the honorable Senator from Vermont should say that no man hereafter should pick a pocket or commit burglary, who here disputes the propriety of that sentiment? Nobody. But would you put it into an amendment to the Constitu-

tion of the United States? It is an absurdity to talk about it. There are five thousand things that my honorable friend can draw in the shape of an amendment to the Constitution of the United States, the principles of which no man would object to; but that is no reason why they should become a part of the Constitution of the United States. My view is this: I would not amend in any particular the organic law of this land unless there was an absolute necessity for doing it; and I hope my friend from Indiana will understand me when I say so. After the results of the late terrible civil conflict it became necessary in the opinion of those holding power that there should be certain amendments to the Constitution of the United States. Previous to that war slavery existed. By the logic of the war it was destroyed, and therefore it seemed to be proper that there should be certain amendments to the Constitution. They were adopted and have become a part of the organic law of the land.

What is the necessity here for this amendment? No man yet has given any reason for it. I ask for a reason. No reason has been given and no reason can be given. My honorable friend from Indiana says the man who does not vote for this amendment is opposed to the principle. That is not so; it is not logical. The difference between the honorable Senator from Indiana and myself is this: The States possess this power to-day, and he knows it. He knows that no public money can be taken and that no State can pass any law respecting religion or prohibiting the free exercise thereof. He knows it in his own heart.

Mr. MORTON. If my friend will permit me?

Mr. EATON. Certainly, with a great deal of pleasure.

Mr. MORTON. The Senator says I know the States cannot do this thing. What is the reason the States cannot do it? He will say that in most of the constitutions there are provisions preventing them; but my friend knows very well that the majority who made those constitutions can unmake them. Therefore he leaves it in the power of any State by a change in its organic law to make an established church.

Mr. EATON. Majorities do not make constitution in my State; it takes more than a majority.

Mr. MORTON. I do not think that the Senator's State, perhaps, can be considered as a standard.

Mr. EATON. Nor yours.

Mr. MORTON. O, yes, the majority makes the constitution in my State.

Mr. EATON. I am sorry for your State; it ought not to be so.

Mr. MORTON. Perhaps it ought to require something more than a majority in my friend's State to make the constitution; but in other States I imagine the constitution is made by a majority of the people. I never heard of a two-thirds vote being required in a State to amend its constitution. Does my friend insist then that in his State constitution that is required?

Mr. EATON. A two-thirds majority? My dear sir, you could not get through with a short session of my Legislature without a two-thirds majority twice.

Mr. MORTON. If my friend will permit me, he asserts that the majority of the people of a State cannot change the Constitution of that State. He says they cannot in his State.

Mr. EATON. I have not said that.

Mr. MORTON. I understood my friend to say so a few minutes ago, and I think the record will show that he did.

Mr. EATON. Is my friend through?

Mr. MORTON. For the present.

Mr. EATON. My friend says, Can they not do it? I might as well say, Why cannot my friend from Indiana commit burglary or murder or robbery? Because it is against his character, his reason, and his sense. When you tell me that the State of Indiana can legalize murder, can legalize robbery, can legalize a system of religion, I say it is as absurd as it would be for me to say that my friend from Indiana can commit murder. Of course he can; but will he? Will any reasoning man in a community do a thing of that sort? This whole business is absurd. Let us go a step further.

> No public property, and no public revenue of nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation shall be appropriated to, or made or used for, the support of any school, educational or other institution.

For one moment look at this. The State of Connecticut, small I agree, representing her humbly, as I agree I do—and I hope I shall not injure my friend's feelings when I say the sovereign State of Connecticut is not to be permitted to give a thousand dollars to an educational institution unless my friend from Indiana and the honorable Senator from Vermont say she may do it. I have no patience with such an argument. In my city of 50,000 people, small I agree it is, there are two asylums for children, one a Catholic asylum and the other a Protestant asylum. There are in those two asylums five hundred children, and the city of Hartford, my city, by this amendment cannot give a thousand dollars a year to each of those two asylums although by doing it they should save $20,000 a year. It is absurd. I have great confidence in the intelligence of my honorable friends from Indiana and Vermont, but I beg to say to them both that Connecticut can take care of its own schools and its own religions without their assistance. We do not require it, and in my judgment it will be a good many years before we shall. That is my opinion.

I am glad of one thing. My friend from Missouri [Mr. BOGY] said that the negro was about played out. It looks to me as though there was to be another new thing; that there was to be injected into the coming presidential election this question of whether Connecticut, and Indiana, and New York, and Vermont, and South Carolina, and Arkansas should take care of their own schools, of their own prisons, of their own reformatory institutions. Let it come; the quicker the better. This report of the Judiciary Committee is the particular act I am talking about; I am not now speaking about any other amendment. When any other one comes up I will talk about that. I have not said that I shall vote for any. I would cut my arm off before I would vote for this, because I would disgrace my manhood and my State if I should vote for it. When we come to any other amendment I will talk about that. Has it come to this, that there is to be a new issue in the next Presidential election whether Indiana and Vermont shall govern New York and Connecticut; whether New Jersey, Florida, the Carolinas, Tennessee, Kentucky, and Massachusetts shall govern themselves? Is that to be the question? If it is, let us meet it here, anywhere, at all times, and in all places.

My friend from Missouri said what I shall not say or admit. He said that there was left to the States this right. I do not use that language? I say this right belongs to the States. It was not left to them; it belongs to them, and they have not given it to any other government. That is the way I put it. It is a State right for Connecticut to determine what she shall do with regard to this matter. She has not given it to the Federal Government. It is hers, one of her sovereign rights. I represent in part the State which was represented in the federal convention by Roger Sherman and Oliver Ellsworth. They said in that convention that the State of Connecticut was sovereign, and I shall not myself, to use a modern but common phrase, "go back" upon what they said. The argument is a false one. I do not use the term "false," as my friend from Indiana well knows, for the purpose of irritation; but the argument is a false one when any Senator asserts that a Senator who is not in favor of this proposition is in favor of the opposite of the proposition. "That won't do," as my friend from Ohio [Mr. THURMAN] says; that won't hold water; there are "too many holes in that skimmer."

I simply say with regard to this proposed amendment that I am opposed to it because it interferes with the rights of the States; that is all. The States will determine when they come to legislate upon this matter. When any man says that I am in favor of the converse of this proposition because I will not vote for it he says what is not true. It will not do for any Senator to say it in my presence, because I am opposed to any State making a law respecting an establishment of religion. In my State I will take care that they do not make any such law; and I do not want the honorable Senator from Indiana to take care of Connecticut. I will take care of that myself. Let him take care of his own State. I think he will have as much as he can do to take care of it during the coming election.

Next, no State is to make any law prohibiting the free exercise of religion. Where is the Senator who dares to stand on this floor and say to me, or any other Senator, that because I oppose this proposition and oppose the giving of this power to the Federal Government I am in favor of the States doing that? It will not do. I am opposed to any State making a law establishing religion; I am opposed to any State prohibiting the free exercise of any religion; and I do not require the Senate or the Congress of the United States to assist me in taking care of the State of Connecticut in that regard. We have got on for a hundred years without it, and I beg leave to say that we shall get along for another hundred years without it. I am very much inclined to the opinion, and therefore being inclined to the opinion I must express it—I hope I am wrong about it—that this whole matter is brought up as an election dodge.

Mr. HARVEY. Will the Senator permit me to ask him where this question comes from?

Mr. EATON. I do not know, nor care.

Mr. HARVEY. Did it not come from the House of Representatives?

Mr. EATON. It came from James G. Blaine. Did you ever hear of him?

Mr. HARVEY. Did it not also come from the democratic House of Representatives?

Mr. EATON. Not this "creetur." This whole business originated with Hon. James G. Blaine. Did you ever hear of him? It was one of his dodges to get a nomination, and I wish he had got it. I have been sorry ever since that he did not; and you have been glad ever since.

Mr. HARVEY. Was he able to dictate to the democratic House of Representatives?

Mr. EATON. I am not able to say what Mr. Blaine could or could not do. He has done a great many things in this world that I do not want to talk about.

Mr. HARVEY. This measure comes to us with the sanction of the House of Representatives.

Mr. EATON. No; I beg your pardon. This comes to us from the honorable Senator from Vermont. I am not talking about anything else. I will come to that by and by. I am talking about what the honorable Senator from Vermont has brought into the Senate.

Mr. HARVEY. The very language on which the Senator has just been commenting is in the original resolution.

Mr. EATON. Is it possible! Very likely. I have not read it; I am glad my friend has.

Mr. HARVEY. I had the impression that the Senator had not read it.

Mr. EATON. This came from my friend from Vermont. It is very good reading, but I have not got through with it yet.

And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect—

we have not any of those in my State—

organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution.

I should like to ask which Bible; whether it is the Bible of James I or what is called the Douay Bible? This whole business is a partisan trick put upon the Senate of the United States. There is not a single member of the Senate—I do not except my friend from Kansas, I do not except my friend from Indiana, I do not except my friend from Vermont—there is not one single Senator on this floor who entertains the slightest idea that any State in this Union has any intention to originate a system of religion. No Senator dare rise in his place on his personal responsibility as a Senator and say so. If he will, I should like to hear him. Is there any danger that Indiana will do it? Is there any danger that Vermont will do it? Is there any danger that Massachusetts will do it? Is there any danger that North Carolina, or Delaware, or Tennessee, or Florida, or New York, or New Jersey will do it? Not one single Senator dare rise in his place and say any such thing. If there is one, I would be very glad to have him do it now, and I will yield the floor. No such gentleman has presented himself on this floor; and if he does hereafter, hereafter we can talk about it. Nobody has yet; and therefore as no one has, I will assume that I am right; and if I am right, then why is this thing here? It is here to do a little political business that it cannot accomplish. I am very glad to see it for one; I am very happy to see it. My honorable friend the Senator from Alabama [Mr. SPENCER] will be very apt to go with me on this question. As he will not be able to get telegrams from the two republican chairmen of committees in the State of Alabama, I think he will vote with me on this question.

My friend from Vermont says that every democrat opposes this proposition. Why should not every democrat oppose a proposition of this character? No reason has yet been given for supporting it. When one is given I will try to answer it. No reason has yet been given by the honorable Senator from Vermont, who is the putative father of this child, why it should be adopted. If any Senator can give a reason I should like to hear it. Every democrat certainly will oppose it, because he opposes it on democratic grounds, and those grounds are that this whole business belongs not to the Federal Government but to the States of the Union. Whenever any Senator gives a reason for this, I will try, if nobody else does, to answer that reason.

One word and only a word more. My honorable from Vermont is out of his seat. He asserted a certain fact. That fact which he asserted has been denied. I desire to re-assert that fact, that the first proposition which was ever made on this continent for the free exercise of religion was made by Charles Calvert in the colony of Maryland, and Charles Calvert was what I am not, a Catholic. That is the truth, and that is the history of the country. I came from Connecticut, what is called a puritan State, and that is no particular reason so far as I know why I should not tell the truth.

I did not rise here to-night to talk about the respective views of and differences between the Protestant and Catholic religions. Permit me to say, Mr. President, what you as a Michigan man know better than I, that the religion of our Lord was carried all through the Northwest by Catholics. Starting from Quebec and Montreal, all through the Indian tribes one hundred and fifty years ago the religion of Jesus was taught by the disciples of Rome. The puritan taught the religion of God as he understood it in New England; the Catholic as he understood it in Maryland; another class in New York; and another still in New Jersey, and the Catholic again in Louisiana. God forbid that I should rise here in my place as an American Senator to talk about the differences between the religious denominations and the religious creeds. I scorn to do it. No good has come to the people of the world by doing that. I shall never forget, whatever the errors of the Catholic Church are or may have been, that for fifteen hundred years it was the only form of the Christian religion known to man; and, right or wrong—I do not speak of it in that way; I should scorn myself to make an argument about it—upon it depends the salvation of many hundreds of millions of human beings. It will not do for the Senator from Vermont to tell me or to tell anybody else that the Catholic religion is to be stamped under foot by the people of the United States. I am not a Catholic; my ancestors were not such; but I thank God for one thing, and that is this: I recognize the great good that the Catholic people have done in my own town, in my own State, and therefore I stand here, a representative of puritan Connecticut, to defend the action of the Catholic religionists in my State. They have done well. I have nothing to do with their religion. They will take care of that, and I will take care of mine. I do not ask them to support me; they do not ask me to support them. Let us not have any quarrel on this subject; and therefore I would hope almost to a man that we should vote down this amendment of the honorable Senator from Vermont; and when we come to another amendment it will be time enough to talk about that.

Mr. MORTON. Mr. President, if anybody has attacked the Catholic religion here to-night I have not heard it. The Senator's defense of it I think was entirely gratuitous, and I doubt whether he will get many thanks for it even from them. But it is a little extraordinary to hear my friend from Connecticut charging the presence of this proposition here to-night as a republican trick, a partisan trick, a thing that we have brought in here, lugged in by the heels, for the purpose of making a new issue. How did this get here? A resolution came from the House of Representatives, which has nearly a two-thirds democratic majority, and it received in that body 166 out of 171 votes.

Mr. EATON. I beg to suggest to my honorable friend that I know that fact; but that he is not entitled to speak of the action of the House of Representatives here.

Mr. MORTON. I am entitled to speak of it. I am entitled to speak of the fact that this resolution came here from the House of Representatives, having passed nearly unanimously, and that we were bound to consider it. We could not lay it upon our table and say we would not consider it. It was our duty to consider it whether we wanted to do it or not, and if we were bound to consider it, the question was whether we should consider it with a view to perfect it, if it required perfecting in our opinion. We have amended it; and notwithstanding this comes here now in this way my friend forgets all about it; he slaps his friends in the House in the face and says the whole thing is wrong from beginning to end, and lays the responsibility upon us.

Mr. EATON. I have not said one word about that, and I think the gentleman ought not to misrepresent me. I will take care of the other when I come to it. What I said was this: That I was now dealing with what the Senator from Vermont has offered us. I will take care of the other matter when I come to it.

Mr. MORTON. I have come to the other matter.

Mr. EATON. This is not the House resolution at all.

Mr. MORTON. It is not the House resolution, but it is an amendment of it.

Mr. EATON. O, no; not an amendment.

Mr. MORTON. I will yield to my friend from Connecticut if he has any thing to say. When it has been brought here in this way my friend forgets even that there is a House. In his great anxiety to assault the republican party he says we are responsible for the whole thing; and he says he bases his opposition to it upon democratic grounds; that the whole business belongs to the States; that we have not anything to do with it; right in the face of the fact that nearly every democrat in the House voted for the resolution, denying the States the power to take the school fund and give it to sectarian schools.

Mr. EATON. One moment. They have done no such thing. The States have done no such thing, and the Senator from Indiana knows it.

Mr. MORTON. I did not say the States.

Mr. EATON. The House has advised that a certain amendment to the Constitution should be made; that is all, and that it should be submitted to the States.

Mr. CHRISTIANCY. That is just what we have done.

Mr. MORTON. That is about all. We have shown what the House had done. I did not say that the States had done it. My friend is slightly mixed in his assertions.

Mr. EATON. Not much; he is not.

Mr. MORTON. The House sent us a resolution denying to the States the power to take the school fund and appropriate it to sectarian purposes. We have amended it, and say they have not only no right to do that, but that they shall not levy a tax for that purpose and shall not make an appropriation.

Mr. EATON. Will the Senator allow me once more?

Mr. MORTON. Certainly.

Mr. EATON. The House have denied no such power to the States. The Senator from Indiana is a lawyer, and the Senator knows they have not denied it. They have simply submitted to the States that they should adopt a certain thing; they have denied nothing.

Mr. MORTON. I suppose my friend is about right. We have not denied it to the States and we shall not until it comes to be adopted; but we have proposed to the States an amendment to the Constitution which does deny to them these powers. The House says that the States shall not have the power to take the school-fund and use it. We propose to extend it and say neither shall they have the power to levy a tax for that purpose, and go into some further detail, perfecting it and carrying out the same idea. My friend from Connecticut says it is all wrong; that the whole business belongs to the States; that it is a mere republican trick which has been brought here for partisan purposes. My friend says we want to make a new issue. He ought to have said that his democratic friends want to make a new issue. It stands just about this way: that for the purpose of meeting a strong feeling throughout the nation, for the purpose of allaying a great fear, a proposition is made to amend the Constitution which, at first glance, seems to accomplish the purpose, but on examination it is found not to accomplish the purpose, but is in effect a fraud and a sham, and when we try to amend it and make it a thing of substance and to cover the whole ground we are told that it is all wrong; that the whole matter belongs to the States.

Mr. RANDOLPH. May I ask the Senator a question?

Mr. MORTON. Yes, sir.

Mr. RANDOLPH. Who decides that the amendment offered by the House is a fraud and a sham?

Mr. MORTON. Does my friend want an answer?

Mr. RANDOLPH. Yes, sir.

Mr. MORTON. For one I will undertake to decide it, so far as I am concerned. That is to say, I give my opinion that the effect of it is a mere sham; that while professing to protect the public against sectarian schools or the appropriation of public money to carry them on it simply prevents the application of a school fund raised for that purpose and leaves each State at liberty to levy a tax for that purpose. In that respect it is a sham.

Mr. EATON. If my friend will allow me, I agree with him. I think that is a sham and all the others frauds.

Mr. MORTON. The Senator agrees that it is a sham?

Mr. EATON. And all the rest are frauds.

Mr. MORTON. The Senator from Connecticut has brought me to it, and now let me state this thing very fully. This resolution as it came to us is for political purposes. There is not a doubt about it. It is to meet a strong feeling existing throughout the United States, but it is to meet it by false pretenses. While pretending to guard the nation against this great danger it does not in effect do it. It simply keeps the States from taking an established school fund, but leaves them to tax the people from year to year for the purpose of supporting sectarian schools. We might as well understand this thing. I did not intend to say so much, but my friend has been so persistent in saying that it is a republican trick, a sham, that I prefer now to state the matter very fully and strongly. It was manufactured and sent here for a political purpose, and that was to make the impression that our democratic friends were in favor of free schools and of protecting them in their public character. It was intended to make that impression, but when it is shown that it does not have that effect and we bring it out in its true character and expose this attempt which has been made, then we are told that the whole thing belongs to the States; that we have no business with it; that we are robbing the States of their rights. How robbing the States? This cannot become a part of the fundamental law unless three-fourths of the States agree to it. We cannot take the power from the States by passing it here. Three-fourths of the States have to agree to it, and when they do it, it becomes the law. Our Constitution provided that we might amend the Constitution by the consent or approbation of three-fourths of the States, and this is simply following the line prescribed by the Constitution itself. If the States agree to it and give up this power it is all right. They have nobody to blame but themselves. If three-fourths of them agree to it, then it becomes the law of the land, just like any other constitutional amendment. Why talk about robbing the States? Robbing them of what? Robbing them of the power to tax the people of the State for the support of sectarian schools? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. Robbing them of the power to establish a church? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. My friend said we wanted to do it.

Mr. EATON. If the gentleman will permit me, he ought not to misrepresent me. Will he permit me to set him right?

Mr. MORTON. O, certainly.

Mr. EATON. I have said this over and over again: that the States shall determine, not that you are to determine it; not that the States will or will not be robbed, but that it is not your business as one of the Senators from Indiana to talk about this matter at all. While I am up, as the Senator gave me the floor, I beg to ask him if every one of the republican Representatives did not vote for the very amendment that he is now talking about.

Mr. MORTON. I presume they did. They voted for it in the shape in which a democratic committee presented it to the House; but the Senator himself, in his desire to hit the republicans, is hitting his own political friends. This is in keeping with the practice of the democratic party throughout the country. Here is a proposition that comes to us by the action of the democratic House. We are bound to consider it; but when it comes here it is thrown up to us that we brought it here, that it is a republican trick. It is just like the talk about the debt and about taxation. These things were brought about by the rebellion; they are the consequences of the action of the democratic party; but they are held up as being a crime and the consequence of republican action.

Mr. EATON. I do wish the Senator would not mix up the rebellion with this matter.

Mr. MORTON. My friend said we wanted a new issue. My friend from Missouri [Mr. BOGY] said the nigger was killed. I think that was his language.

Mr. EATON. Dead.

Mr. MORTON. No; he said he was killed. Well, they have killed a good many of them, but they have not killed them all.

Mr. EATON. No matter; he came pretty near it; but he said dead. It is the same as killed.

Mr. MORTON. I think the desire to change the issue perhaps belongs more to the other side. Allow me to state what I understand to be the whole question. The House sends a resolution here which if it becomes a part of the law prohibits the States from taking a school fund, already dedicated and set apart, and appropriating it to the support of sectarian schools. We amended that by also prohibiting the States from levying a tax for that purpose or from appropriating money out of the general Treasury for the same purpose, and going into some details for the purpose of perfecting it. We are trying just as we would upon any other measure to perfect a proposition. We assume that it came here in good faith. We wanted to make it better and cover the ground. My friend admits, and he cannot help admitting, that as it came here it is grossly imperfect; it amounts to but very little. We have tried to improve it, but now the opposition to-night comes upon the broad ground that the whole matter belongs to the States, coming as strongly against the House proposition as against the amendment of the Judiciary Committee. My friend from Missouri announces a doctrine here to-night in good faith and full of intelligence which strikes at the very basis and existence of the principles of the nation. There can be but one reason that I can understand for opposing this amendment, and that is that the States shall be left with power if they see proper to establish a church and tax the people for the support of sectarian schools. The amendment only prohibits them from doing that thing. Is it right, is it good policy, is it consistent with American liberty to prohibit the States from doing that thing? I think that it is. Those who oppose it must do it upon the ground that the States ought to have that liberty, that it may be their interest, it may be their feeling, some time, to exercise that power. I feel that in this matter we are entirely right, and that our opponents, as they have been upon every one of these constitutional amendments, are entirely wrong.

My friend said a while ago that the logic of the war was to destroy slavery, and then it was natural and proper that we should put an amendment to the Constitution abolishing slavery. So it was; but that was opposed by the democratic party from the hour of its introduction here up to this very time. It was right; it was proper; but it was opposed, just as this thing is opposed; and so was the fourteenth amendment, and so the fifteenth. This is just as clearly right as either of those three amendments, and there can be no argument or debate against the justice of this amendment. It simply places religious liberty in this country and education upon impregnable grounds. It is no blow upon the Catholic Church. The idea seems to be to appeal to the sympathy of the country as though it were an attack upon catholicism. It protects catholicism as it protects protestantism. It is just as much for the one as for the other; just as much against the one as against the other, and it is perfectly idle to talk about this thing being an attack upon the Catholic Church. It seems to me that the opposition to this thing gets down to a very small proportion when it is charged with being simply a republican trick, just as if it was devised here and gotten up for the occasion.

Mr. SAULSBURY. Mr. President, I desire to occupy the attention of the Senate not more than three minutes. I do not intend to discuss this question. I am sorry the discussion has taken the turn that it has; but what I rose to say particularly was that my friend from Indiana seeks in his closing remarks upon this debate to make the impression that the democratic party is responsible for any agitation that may arise in the country from a discussion of this character. That Senator knows, and every other Senator knows, that at the very commencement of this session the President of the United States, the head of the republican party, brought this question here in his annual message. They know, and know full well, that prior to that time the head of the republican party, in the city of Des Moines, opened the campaign last fall upon this very issue. They know full well that one of the leading republican candidates for the nomination for the Presidency at the commencement of the session of Congress introduced almost the precise resolution which the House of Representatives sent to the Senate.

I do not express any opinion either in favor or against the proposition, for I do not mean to discuss the resolution as it came from the House, or the resolution as it has been amended by the Senate; but I wish to say this: that the democratic House of Representatives, actuated doubtless by the highest motives that could govern a deliberative body, when they saw a deliberate purpose and intention on the part of one of the great parties of this country to bring into the presidential campaign this year, evidenced by the action of the President of the United States himself, the chief of his party, evidenced too by the action of a prominent aspirant for the presidential honors in introducing this very resolution—when the House of Representatives knew that that animus actuated the republican party they did wisely to adopt a measure to eliminate from the political discussions of the present campaign a question of such fearful import. When I listened to-day to the debates upon this question, when I heard the appeals that were made by Senators to the religious prejudices and passions of mankind, I trembled for the future of my country. Has not history a voice? Does it not speak with an eloquence that ought to appeal in living language to the heart of every Senator? Have not religious persecutions and appeals to religious prejudices stained the earth with blood and wrung from the hearts of millions the deepest agonies? Yet I see springing up in my own country for the base purpose of party, to promote a presidential election, a disposition to drag down the sacred cross itself and make it subservient to party ends. I appeal to Heaven to thwart the purpose of all such partisans! While the Christian world is to-day praying for the peace of Jerusa-

lem, there are men in this country caring nothing for religion who would subserve their party ends if they could by crucifying the Son of God afresh if he were on earth, or what is little better, who attempt to disturb the peace of the church and to array the Christian brotherhood in deadliest hate against each other.

I appeal to the American people, standing here in my place, to be deaf to all such appeals. Let not the worst passions of mankind be invoked in this campaign; but let the peace of the church flow on as it has in the past, and the great mission of Christianity accomplish that good for which it was sent. Let not politicians make the cause of the Redeemer subservient to base party ends. I protest against it in the interest of Christianity and the peace and happiness of mankind.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when Mr. BARNUM's name was called.) I wish to state that my colleague [Mr. BARNUM] is paired with the Senator from Massachusetts, [Mr. DAWES.] One would vote one way and the other the other. [Laughter.]

Mr. EDMUNDS, (when Mr. HAMILTON'S name was called.) The Senator from Texas [Mr. HAMILTON] is detained at his rooms by illness. He is paired with the Senator from Virginia, [Mr. WITHERS.] The Senator from Texas would have voted in favor of this amendment, and the Senator from Virginia, as I understand, would have voted against it.

Mr. HITCHCOCK, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. WHYTE.] He would have voted "nay," and I should have voted "yea."

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Wisconsin [Mr. HOWE] and the Senator from Kansas, [Mr. INGALLS.] They would vote "yea," and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired on political questions with the Senator from Pennsylvania, [Mr. CAMERON.] I did not think at the time I made the pair of this question, and I presume he was not expecting it. In his absence I do not feel at liberty to vote. I would vote against the proposition.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If present the Senator from Delaware would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. GORDON. I wish to state that the Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from South Carolina, [Mr. ROBERTSON.] If they were here the Senator from Pennsylvania would vote "nay," and the Senator from South Carolina would vote "yea."

Mr. ALLISON. I desire to state that my colleague [Mr. WRIGHT] is paired with the Senator from Maryland, [Mr. DENNIS.] My colleague would vote "yea," and the Senator from Maryland would vote "nay."

Mr. PADDOCK. Without a very strong stomach for this sort of legislation, I vote "yea."

The result was announced—yeas 28, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—28.

NAYS—Messrs. Boxy Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Randolph, and Stevenson—16.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Merrimon, Ransom, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—27.

The PRESIDENT *pro tempore*. Two-thirds of the Senators present not having voted to agree to the resolution, the same is not passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing; and

A bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

REPORTS OF COMMITTEES.

Mr. WINDOM. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, which takes precedence.

Mr. WADLEIGH. I wish to make some reports.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire making reports?

The Chair hears none.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (S. No. 147) to refund to William Watts, of the county of Boone, and State of Kentucky, the sum of $5,610, illegally taken and received from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth Kentucky district, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of manufactured tobacco, on the 28th day of June, 1864, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 355) for the relief of James Millinger, of New Jersey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. JONES, of Nevada. I desire to offer a resolution.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nevada offering a resolution, the Senator from Rhode Island having moved that the Senate proceed to the consideration of executive business? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved, That the Committee to Audit and control the Contingent Expenses of the Senate have leave to sit during the recess of Congress.

Mr. LOGAN. I ask the Senator from Rhode Island if he will give way for a moment that I may call up a bill of very great importance, which will not cause any delay in his executive business.

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the consideration of the resolution?

Mr. DAVIS. Let it be read.

The Chief Clerk read the resolution of Mr. JONES, of Nevada.

Mr. DAVIS. I believe that is usual.

Mr. MORRILL. That is always usual.

The resolution was considered by unanimous consent, agreed to.

ORDER OF BUSINESS.

Mr. LOGAN. Now I appeal to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. Will the Senator from Rhode Island yield to the Senator from Illinois?

Mr. WINDOM. I hope the Chair will put the question on the motion of the Senator from Rhode Island or else on the motion which I made.

The PRESIDENT *pro tempore*. The Chair is entertaining business by unanimous consent. The request of the Senator from Minnesota is in the nature of an objection.

Mr. LOGAN. If the Senator from Minnesota will allow me to explain, I will state the reason why I ask him to give way. It seems to me that through courtesy I should be allowed to explain.

Mr. WINDOM. I suppose the business before the Senate is the motion pending made by the Senator from Rhode Island. I do not know that an appeal can be made to me at present on that subject.

Mr. CONKLING. I hope I may be allowed to make a suggestion. It is now one o'clock. The Indian bill is a voluminous bill, so that it will take a long time to enroll it. I can see in the case of that bill a reason why we should stay here and pass it. I cannot see in the case of any private bill, especially one to which no objection will be made, why we should punish ourselves by staying here all night when we are going to be here to-morrow in any event. I suggest to Senators, without meaning to interfere with anybody, that therefore the Senator from Minnesota has an obvious reason for wanting the Indian bill to be acted on to-night, so that the clerks may have an opportunity to enroll it. That reason does not apply to any other bill that occurs to me now, none that is proposed. Therefore I suggest that the Senator from Minnesota be allowed to take up the conference report and have action upon it, and then we adjourn till morning and not wear ourselves out by sitting here all night.

Mr. WINDOM. I hope the Senator from Rhode Island will allow me to present the conference report.

Mr. ANTHONY. In consideration of the fact stated by the Senator from New York and the Senator from Minnesota, the necessity of enrolling this voluminous bill, I withdraw the motion to proceed to the consideration of executive business; but I must state that after that matter is disposed of I shall renew the motion, and if it does not prevail then, I shall renew it as soon as we meet to-morrow morning, and I shall keep on renewing it with the same persistency as my friend from Illinois insists on his bounty bill, and I hope with more success; for unless we shall transact some business in executive session, we shall be called together after the adjournment of Congress.

Mr. SARGENT. We must have an executive session.

Mr. LOGAN. May I be permitted to say just one word, and it is very hard to get an opportunity to say anything? It is not necessary for the Senator from Rhode Island to allude to the bounty bill. If he was as willing to get up the bounty bill as sometimes he pretends to be, there would not be so much trouble about it. I rose, however, to state that a bill has just come from the House in reference to the organization of troops in the Indian country, which I think is about as important as any matter before this Congress. I

desired to have an opportunity to say that much, and to ask that the bill be taken up for immediate action.

Mr. CONKLING. May I ask my friend from Illinois a question?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. I ask does it make any difference practically whether that bill passes now or waits until eleven o'clock to-morrow?

Mr. LOGAN. I think it makes a great deal of difference for this reason: I do not think the bill which the House have sent to us will pass; I propose to offer a substitute for it so that there must be a conference between the Houses to settle the question, if the Senate agree with my views. If not, the bill as the House passed it can be agreed to.

Mr. EDMUNDS. Will the Senator allow me to suggest that we can do both in fifteen minutes?

Mr. MORTON. Let us go right on.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist on his motion?

Mr. HITCHCOCK. I ask unanimous consent to make a single remark. I ask that the chairman of the Committee on Military Affairs be allowed first to present the report of his committee upon the bill to which he refers. It will certainly take no time.

Mr. WINDOM. I have no sort of objection to allowing the Senator from Illinois to present his report.

Mr. HARVEY. I join in that request. It is certainly of great importance.

Mr. HITCHCOCK. It will not delay the business.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Minnesota does not object.

Mr. LOGAN. I beg to say to the Senator from Nebraska that I have no report from the committee. I was going to ask the Senate to take the House bill up, and I have a substitute which I propose to offer myself upon my own responsibility.

Mr. PADDOCK. That is the most important measure which we can consider to-night.

Mr. HITCHCOCK. If the honorable Senator will offer his substitute we can treat it as the report of the Committee on Military Affairs.

Mr. WINDOM. I yield to the Senator from Illinois to take up his measure provided it does not lead to debate. If it does I shall ask the Senate to proceed to the consideration of the conference report on the Indian bill.

Mr. LOGAN. If I can have the floor after the Senator is through with his conference report I have no objection, but I do not want the Senate to adjourn without action on this proposition. ["All right."]

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Minnesota, who now moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 16, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 56, 58, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of $100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokee and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, $250," and in line 16 strike out "nine" and insert "six," and at the end of line 3, page 6 of the bill, add the following: "and for gilling-twine for nets, $1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, $400;" at the end of line 15, page 7, add "and for gilling-twine for nets, $400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 24, page 20 of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people," in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 21, after the word "designate," insert the following: "And the further sum of $20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty-five," and after the word "dollars," in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty," and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"*Provided*, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and $300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "*Provided*" down to and including the word "but" in line 8, and insert the word "That;" and in line 10 strike out the word "and" where it first occurs, and strike out the words "and others," and in line 11 strike out the word "and" where it first occurs, and strike out "and for no other purposes" and insert "and for paying employés: *And provided further*, That amounts now due employés for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

"SEC. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: *Provided*, That the purchase of supplies for sixty days may be made in open market: *And provided further*, That to meet any exigency of the service purchases may be made in open market to an extent not to exceed $2,000 at any one time."

And the Senate agree to the same.

WM. WINDOM,
JOHN A. LOGAN,
FRANCIS KERNAN,
Managers on the part of the Senate.
SAML. J. RANDALL,
A. M. SCALES,
S. A. HURLBUT,
Managers on the part of the House.

The report was concurred in.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. LOGAN. I ask now that the Senate consider the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

The PRESIDENT *pro tempore*. The Chair will lay the bill before the Senate.

The bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities was by unanimous consent read twice, and considered as in Committee of the Whole.

Mr. LOGAN. I move to strike out all after the enacting clause of the bill, and to insert in lieu thereof the following:

That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as in his opinion may require the same. *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the twenty-five thousand authorized by the act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877," and the following sums are hereby appropriated for recruiting and maintaining the same:

Recruiting 2,500 cavalrymen	$50,000
Pay per annum	390,000
Subsistence	200,400
Clothing	206,000
Regular supplies	216,000
Purchase of horses	337,500
Transportation, (wagons, &c.)	84,800
Transportation by rail, &c.	150,000
Making in all	1,634,700

Mr. MORTON. What is the appropriation in this amendment?

Mr. LOGAN. It is $1,634,700.

Mr. STEVENSON. How much is it in the House bill?

Mr. LOGAN. "One million dollars, or so much thereof as may be necessary." I desire to say to the Senate that it is impossible to execute the House bill. I can demonstrate in five minutes its utter impracticability and show that preference ought to be given to the proposition suggested by the President and heretofore adopted by the Senate. The President's suggestion to the Senate was to recruit twenty-five hundred cavalrymen, that is, twenty-five hundred privates. Their pay would be $13 per month. The pay of twenty-five hundred men for one year at $13 per month would be $390,000. The pay of five thousand under the bill as agreed to by the House would be the same, because they are recruited for six months. That applies to the private soldiers. The twenty-five hundred men can be recruited and absorbed in the existing companies without appointing

a solitary officer to command them; but the commissioned officers alone in the bill from the House will cost $314,615 at the pay fixed by the law as it now stands. There is, then, an addition of $314,615 made by the House. The necessary clothing for the five thousand would be just double, because the clothing is necessary, no matter whether they are to serve for six months or twelve months.

Mr. EDMUNDS. It is just the same.

Mr. LOGAN. It is just the same. I will show in two minutes that it will cost over $1,000,000 to execute the bill as passed by the House, and that there is not half money enough appropriated by it. The pay for cavalrymen, as I stated, for one year is $390,000. That is exactly as I figure it, and I made the calculation here myself and I know it is correct. The subsistence of twenty-five hundred men would be $200,400. Subsistence of twenty-five hundred men then for one year and for five thousand for six months would be just equal, so that there is no difference in that item. The clothing for twenty-five hundred men would be $206,000. For five thousand men it is just double; any one can make the calculation. Regular supplies, that is, the rations for these cavalrymen for twelve months for twenty-five hundred or five thousand for six months would be exactly the same. The number of horses for the five thousand of course would be double the number required for the twenty-five hundred. The horses for the twenty-five hundred will cost $337,500, and you have to double that number to supply five thousand, which doubles the calculation. Transportation, wagons, &c., for twenty-five hundred private soldiers would cost $84,000, and you have to double that to supply five thousand men. The forage for the horses is just the same precisely, twenty-five hundred for a year and five thousand for six months. It makes no difference and it is not necessary to calculate that. Now as to the commutation allowed volunteer cavalrymen, forty cents a day, it is $730,000 for commutation.

Mr. OGLESBY. That is for the use of the man's horse.

Mr. LOGAN. Yes, sir. Just add these items up and you will see the difference between the two measures. There is a difference in the cost of $2,500,000 for six months; and yet the appropriation in this bill is only $1,000,000. The $1,000,000 appropriated in the House bill will not organize the five regiments. You cannot organize them with the money, cannot get the horses, the rations, and the clothing to save your souls for the amount of money that is appropriated. So the House, without speaking in disrespect, have either acted without due consideration in reference to this thing or do not intend that any proposition shall pass for the purpose of organizing troops for fighting the Indians, one or the other. The twenty-five hundred cavalrymen can be organized very soon; it only requires the enlistment of private soldiers to fill up the companies already officered and provided for in every way, and all that is necessary is to feed them and clothe them and give them their sabres and guns, and they are ready to mount their horses and go; but in organizing these regiments they must be officered, must be clothed, must be rationed; they must have transportation, and everything provided for an army, and besides that they have to be drilled. The idea of taking five regiments of raw men of cavalry to go in now and fight Indians without drill, no man but a crazy man would attempt any such thing. I leave it to any one, I leave it to my friend from Texas, [Mr. MAXEY,] who is a soldier and has been a soldier for a long time, and he will agree with me that the proposition is perfectly absurd.

Nor is there economy in it. I have tried, as far as I was concerned, and I have insisted on raising troops to fight these Indians on the most economical plan. I want to fight them with good men, and with men who will understand it. Any man who has ever been a soldier knows that if you take raw recruits and raw officers you must drill the men, drill the horses, drill everything connected with them; but if you take a trained company that has its officers and has a portion of its men, and raw recruits are distributed among them, they will be drilled in a week so that they can fight. Take men in that way, distribute them in regiments, and they are soldiers in a very short time; but when you take a whole regiment of raw men it takes a long time to make them good soldiers. This is the advantage of the amendment.

I have tried to defend this from a proper stand-point, from the stand-point that will make good soldiers, and from the stand-point that will raise them on the most economical plan; but this proposition is demagogery, and nothing else, let it come from House or Senate or where it will. When we have plenty of regular troops, plenty of organized force, all that you have to do is to fill up with men. No man but one who is a demagogue or desires to be extravagant will wait for a time when the Indians have a chance to massacre as many as they choose, to make any such proposition as this.

Some of my friends have complained of me because I did not insist on having volunteers. I did not insist on it, for the reason that I know the expense attached to raising troops and organizing them and preparing them and fitting them for going into battle. I do not wish to do it merely to make people think that I want to give them a chance to volunteer. My desire is to have it put on a fair basis, a proper, soldierly basis, and an economical plan.

Mr. CLAYTON. May I ask the Senator whether he is aware of the fact that during the war many of our volunteer regiments furnished their horses?

Mr. LOGAN. I am aware of that.

Mr. CLAYTON. If he is, can he state the amount paid them per month for the use of their horses?

Mr. LOGAN. Forty cents a day.

Mr. CLAYTON. Twelve dollars a month.

Mr. ALLISON. Seventy-two dollars for six months.

Mr. CLAYTON. What price did the Senator put on the horses in his estimate?

Mr. LOGAN. I estimated them at $100 apiece. They cost more than that.

Mr. CLAYTON. You must estimate more than that, because I see you make the amount over $300,000.

Mr. LOGAN. That was the estimate of the War Department, $337,000 for twenty-five hundred horses, and double that for five thousand.

Mr. CLAYTON. They cannot be purchased for $100.

Mr. LOGAN. I offer the substitute.

Mr. PADDOCK. I should like to inquire of the chairman of the Committee on Military Affairs if this substitute he has now offered is not the same measure that was passed by the Senate and sent to the House and by the House rejected.

Mr. LOGAN. *Verbatim et literatim.*

Mr. EDMUNDS. They did not reject it.

Mr. LOGAN. No.

Mr. PADDOCK. As a practical question it seems to me that the offering of it here the second time is an absurdity.

Mr. LOGAN. Very well, we shall see whether it is or not.

Mr. SARGENT. It brings us to a conference between the two Houses, the only possible way of reaching a result.

Mr. PADDOCK. I do not want to consume time, but I disagree *in toto* to the sentiments expressed by the chairman of the committee.

Mr. MAXEY. I will say, in response to the question put me by the Senator from Illinois, that it is the experience of the Mexican war, as it was of the last war in both armies, that the enlistment of volunteers for a short period of time is bad policy. We have only to look at the history to see that that is the fact. The cavalry is now disposed of at the proper points according to the best judgment of the General of the Army. The recruits that are obtained for cavalry service are sent on at once, so soon as gathered, to their proper points of destination and assigned their companies and their regiments. They are there mixed up with the companies already organized and already drilled, and therefore become effective far more readily than they would if you attempted to get an entirely new cavalry force. My candid judgment is that you cannot organize this cavalry force of five thousand men, volunteers, drill them, put them into the field, and make them effective in the six months. I therefore think the amendment is proper.

Mr. HITCHCOCK. I suppose the object sought is to put down the Indian rebellion. Now, what the Senator says in regard to the organization of military force, in regard to the advantage of organizing a military force for service in ordinary military operations, is entirely correct; but to fight Indians I want to tell the Senator that that theory will not apply.

Mr. MAXEY. Will the Senator from Nebraska permit me to add one word which I omitted? I only want to add that in my judgment, from observation and experience, this is going to be one of the worst Indian wars ever fought in this country, and, therefore, we must be active, ready, and prompt in what we do.

Mr. HITCHCOCK. I want to tell the honorable Senator that the men to fight Indians are the men who know the Indian habits and the Indian character, the men who are on the ground; and there are plenty in the immediate vicinity of these Indians who not only are acquainted with the Indian habits and character, but have had military service in the field heretofore.

Mr. LOGAN. I will say to the Senator that the twenty-five hundred we propose can be taken from that class of men.

Mr. HITCHCOCK. No, sir. I want to say to the honorable Senator that that class of men are not the class of men to enlist as privates in the regular Army. You cannot enlist those men as privates, because they are not the class of men.

Mr. LOGAN. Perhaps they would prefer to enlist as officers.

Mr. HITCHCOCK. Recruits for your regular Army are enlisted in the streets of our great cities; they are men who have never seen Indians; they are men unaccustomed to ride; they are men who have to be trained; but in the immediate vicinity of these Indians, five thousand men, if necessary, can be enlisted, who can furnish their own horses, and we can enlist those five thousand men, I venture the assertion, if the necessity arises, in one-half the time that twenty-five hundred men can be enlisted in the regular Army.

Mr. LOGAN. And I suppose, after we had enlisted them with their own horses, for the next fifteen years we should be passing bills to pay for the loss of horses? That would be about the result. That is the experience everybody has had in matters of that kind.

Mr. HITCHCOCK. I do not know about that. I do not think any measure of this kind has ever been passed by the American Congress. The trouble is, and will be in this instance if we pass no bill, that if a disaster comes to General Crook, if we have to organize in our own way without the forms of law, as we may have to do, then the Congress of the United States in the years to come will be called upon very naturally to pay, and we shall expect them to pay, and they

will have to pay, very much for the irregularities which will be consequent upon such a measure. But what I seek, and what we of the Northwest seek, is some practical safeguard against the peril which threatens us if Congress adjourns without giving us some measure of protection. I believe if the Senate fails to pass the bill which the House has sent to us, nothing will be done. If such a calamity should happen, I want to wash my hands of any responsibility. I hope that we shall have a vote of the Senate on the adoption of the substitute. While I should be quite willing that the twenty-five hundred regular troops should be given, I very much doubt whether we can obtain that. I very much prefer, because I think it is much safer, that the bill as received from the House should be adopted, and I shall call for a yea and nay vote on that question.

Mr. HARVEY. There is a great deal of truth in what the Senator from Nebraska [Mr. HITCHCOCK] has said and in what the Senator from Texas [Mr. MAXEY] has said. There is a great Indian war impending; and it is well that we should resort to the most efficient means to put it down. It is due to the citizens of the United States living in the Territories adjacent to where the hostilities are now taking place that the most efficient and rapid means of putting an end to this war should be taken, and I should like to ask the chairman of the Committee on Military Affairs if it is known that in case his substitute should be passed the men could be enlisted to fill up these regiments?

Mr. LOGAN. I have never seen the time when you could not enlist as many cavalry as you wanted. I would take the contract to enlist all these men in forty days, if it was left to me.

Mr. HARVEY. If the raising of volunteers is provided for, there are a great many men in the vicinity who would take the contract to raise the regiments at the shortest notice, and, as the Senator from Nebraska [Mr. HITCHCOCK] says, very efficient men too, good soldiers, good for Indian service or any other kind of service. But so far as I am concerned I do not care which way is taken, so that it is the most efficient.

Mr. LOGAN. I want to say to the Senator from Kansas—I did not wish to say it before, but I will say it now—that the eagerness of some on the border to raise volunteers I do not have any objection to; but I say now that if you pass this House bill to-night you will not get a solitary regiment, for there are regiments enough in the great cities now already raised and organized that will supplant you, the very kind of men you are talking about.

Mr. HARVEY. I do not know anything about the eagerness of the people of the border States to volunteer. The people of the border States are generally ready to take part in the defense of their fellow-citizens, whether on the border or anywhere else, in the interior or in a foreign country, if it be necessary to go there.

Mr. LOGAN. That is true.

Mr. HARVEY. What does the chairman of the Military Committee mean?

Mr. LOGAN. I mean that in the cities where they have these organizations they would be offered sooner than your people could raise the regiments.

Mr. HARVEY. I do not care where they come from if they are where they are needed at the earliest possible moment.

Mr. LOGAN. If you do not care where they come from, very well; but the object is to get the officers of these regiments, which will cost nearly $500,000 at first.

Mr. HARVEY. It is for the protection of our people. There is no other object that we have in view. We have no feeling about this matter at all; we only desire to see the best method taken. So far as I am concerned, I am sure I have no feeling in the matter any more than to see that the people to whom we owe protection have it.

Mr. SPENCER. I appeal to Senators to let us vote.

Mr. HARVEY. I am ready to vote.

Mr. CLAYTON. I do not think we quite understand this question yet. I think the Senator from Illinois [Mr. LOGAN] has not made correct estimates in this respect; he calculates that it will cost double to clothe volunteers for six months that it will take to clothe one-half that number for a year. That is a mistake, I think. My recollection is that clothing is issued twice a year to soldiers. Therefore it would cost just the same, because you issue one suit of clothing to the volunteer for six months to the five thousand, and you would issue two suits to the twenty-five hundred for one year; so you just equalize it.

Mr. LOGAN. I will say to the Senator that in the calculation I made I made no estimate for accouterments; I made no estimate for saddles, no estimate for sabers, no estimate for a great many things that he as a soldier knows have to be used. The thing is perfectly patent.

Mr. CLAYTON. I am not speaking about those points now, but about this particular thing. In addition to that, you pay a premium of $2 for every enlisted man that is brought to a recruiting agency. That of course is a small matter, but it is something. I do not regard this question of pay as one of so much importance as the question of efficiency. I think the Senator is mistaken when he says you cannot get a volunteer force that will be as efficient as an enlisted force. I believe you can get these five thousand volunteers from men who are trained soldiers. I believe nearly every man of them will be a trained soldier, some of the best soldiers of the world, the men who have passed through the late war; and I believe when you send those men into the field to operate against Indians the results that will be obtained from that class of soldiery will so far outweigh the results that will be obtained from enlisted men gathered in the slums of the cities that it will far overbalance the difference of cost and expense. There is no question that it will cost more to organize a force of that kind.

Mr. LOGAN. I could add a million dollars to the estimate I made, and in five minutes show the necessity for it.

Mr. CLAYTON. I will concede the point of cost.

Mr. LOGAN. Each company has to have a wagon. There are ten wagons to a regiment. There are fifty wagons to start with, with the harness and mules. Those I did not put into the estimate at all. If you absorb these troops into the companies that already have wagons, you save all that expense.

Mr. CLAYTON. You must make some allowance for the value of these horses at the close of the operations. It is not to be supposed that all the horses are going to be killed. A horse is good for a number of years.

Mr. WEST. The Senator from Illinois made his calculation on the basis of the volunteers owning their own horses and the Government buying theirs.

Mr. CLAYTON. I admit the volunteers will cost more; there is no doubt about that, although I think the increase of cost is not so large in proportion as the Senator from Illinois indicated, but in that I may be mistaken. I do honestly believe that what we want in dealing with these Indians is to make the war short and decisive. That is the most humane way, it is the cheapest way. We want to adopt a policy that will be quick and certain, and I believe in order to secure that policy you had better take a different class of men from what you can gather together in the ordinary recruiting stations in this country.

Mr. HITCHCOCK. There is one point that I want to call attention to. This bill leaves it entirely to the discretion of the President whether he will call for any volunteers. Now he may call for one regiment or he may call for none. I hope General Crook will be successful and that we shall need none.

Mr. LOGAN. The other is as discretionary.

Mr. HITCHCOCK. He may call for but one regiment, and may need it but a month or two.

Mr. WEST. The substitute providing for enlisting regulars——

Mr. HITCHCOCK. It provides for regular enlistment into the regular Army.

Mr. WEST. Not to exceed twenty-five hundred men.

Mr. HITCHCOCK. But this provides that in case of disaster there, in case the President finds it necessary that the force there should be increased, he may, at his discretion, call out volunteers, not to exceed five thousand, to serve not longer than six months. I think it is safe for our friends here to trust the President with that discretion. I do not think this is necessarily such an expensive matter that the Senate of the United States should hesitate at this time, just on the eve of adjournment.

Mr. MORTON. I should like to make a suggestion to my friend from Nebraska. As I understand the bill of the House, it is for volunteers for six months. That time runs from the date when they are mustered in. If you undertake to organize new independent regiments of cavalry, you cannot get those regiments fit to go to the field much before the 1st day of December, and then the weather will be so cold in the mountain where they are expected to operate that man can hardly live there. Hence those men cannot commence active operations until next spring and by that time their time will be nearly out.

Mr. HITCHCOCK. The very time when General Crook hopes to strike his decisive blow against the Indians is during this winter.

Mr. CLAYTON. The enlistment of enlisted men would be still more slow. We know that it takes a long while to fill up the companies by enlistment. It is a very slow and tedious process to wait for individual enlistments day after day; one man comes in to-day and another to morrow. They straggle in. It is a very slow and tedious process to fill up companies and regiments by enlistment.

Mr. MORTON. I have understood that men could readily be enlisted for the cavalry.

Mr. HITCHCOCK. Take the hardy men of that section of country, familiar with the country, familiar with Indians, accustomed to the climate, and they will make short work of these hostile Sioux.

Mr. BURNSIDE. Mr. President, I think we should adopt the plan that is recommended by the men who are in the field and the men who are in communication with the officers in the field; and that is the plan which is proposed by the Senator from Illinois. The generals in command in the field recommend that plan. The Lieutenant-General of the Army recommends it, and the General of the Army recommends it. It must be patent to every man that five regiments of cavalry cannot be raised this fall and made efficient for field service certainly till long after Christmas. I know the fact that our country is filled with trained soldiers; they are in all parts of the country: but I also know the fact that frontiersmen are not what frontiersmen were twenty years ago. The State which the honorable Senator from Nebraska represents is made up of emigrants from foreign lands and emigrants from the East, and they are not the well-trained frontiersmen that the Kentucky hunters of the last century were.

Mr. PADDOCK. If my friend will allow me to make a statement,

I will say to him that in the State which my colleague and myself have the honor to represent here there are at least to-day 15,000 ex-soldiers of the Union Army who served throughout the war, and who are ready at any time to protect those frontiers or any other frontiers of the country.

Mr. BURNSIDE. I am quite sure of that, but the regular Army seems to be necessary to protect the frontiers of that very State.

Mr. PADDOCK. If the Senator will allow me still further, speaking of the recommendation of General Sheridan and General Sherman and others, I will say that within a day we have received from General Sheridan a telegram in which he advises, in the event of a failure to authorize enlistments in the regular Army, the calling out of volunteers.

Mr. BURNSIDE. Certainly we must either authorize enlistments in the regular Army or the calling out of volunteers; but, if we authorize volunteers, the bill should be remodeled. It is very crude in all its parts. The appropriation for raising these volunteers should be increased. We should proceed with it in a judicious, fair way, and not attempt to impress the people with the idea that these five regiments can be raised and supported for six months on a million dollars. It cannot be done. The Senator from Illinois has demonstrated that to my satisfaction, and I should think to the satisfaction of every Senator here. He has knowledge in these matters. I say myself very plainly, without going through the figures, that he has gone over with so much care, that I saw at once the folly of talking of raising these regiments, and subsisting them, and drilling them, and equiping them with that amount of money. I say, as General Sheridan says, if you cannot increase the regular force by enlisting twenty-five hundred men and putting them where they will be immediately under the command of skilled officers, then let the President have authority to call out volunteers. We should certainly do something; but the wise way, in my opinion, is to give the President authority to enlist twenty-five hundred men, to be shoved out at once to the frontier, put under the command of skilled officers, mixed with well-drilled soldiers already in the field and in the presence of the enemy; and they will be soldiers in a very short time, as the Senator from Illinois and the Senator from Texas have remarked. To me it seems very unwise indeed to attempt at this late day of the season to organize five regiments of cavalry volunteers for service against the Sioux, no matter how many skilled soldiers there may be in the State of Nebraska.

Mr. PADDOCK. I say to my friend that they can be oganized in ten days.

Mr. BURNSIDE. That is an impossibility. It cannot be done. I know it cannot be done.

Mr. MORTON. If we are to take volunteers, the time ought to be increased to a year unless sooner discharged, or until the end of the war, some phrase which would give the President the right to discharge them sooner if their services are not required. I have had some experience in raising troops. I do not believe that a cavalry regiment can be raised and put into a condition to go into the field in four or five months, and by that time the period will have nearly expired.

Mr. FRELINGHUYSEN. If we just pass this bill, this whole subject will be before a conference committee covering both sides of it, and they will dispose of it better than we can. I hope we may have a vote.

Mr. PADDOCK. Let us have a vote on the House bill.

Mr. EATON. Mr. President, I regret that my friend, the Senator from Ohio, [Mr. SHERMAN,] is not in his place. A day or two ago I had the honor to say that the democratic candidate for the office of President of the United States was entirely right in his statement that during the last eleven years $4,500,000,000 had been taken from the people of the United States in the way of Federal taxes. Gentlemen are inclined to laugh.

Mr. PADDOCK. We cannot hear the Senator from Connecticut.

Mr. EATON. I will try to make them hear. All I care to have hear me is the reporter. [Laughter.]

I showed by taking the table of expenditures that the people of the United States had been taxed $4,607,574,202.23. The honorable Senator from Ohio objected because he said that the figures should not be taken from the table of expenditures and from the table of taxation. He introduced certain tables, a copy of which I hold in my hand from him, in which he says that the entire amount of taxation for the eleven years spoken of by Mr. Tilden was $4,192,633,801.34. I showed by my table that the Senator from Ohio was mistaken more than $200,000,000. He insisted that I was wrong; that I had taken the tables of expenditures, and not the tables of taxation. Now I have got those, and nobody knew it better than the Senator from Ohio. I desire the attention of the Senate, and I only regret that the Senator from Ohio, the chairman of the Finance Committe of the Senate of the United States, is not here. He said that I was wrong in my figures. Now let me show how he has been wrong.

The amount of customs duties paid in gold for eleven years, from 1866 to 1876, both inclusive, was $1,973,589,621.26. These tables are from the Treasury Department of the United States. Now, I take the amount of the difference in value between gold and paper in the customs collected for the eleven years from and including the years 1866 and 1876, $431,596,327.78. From that sum I deduct what is to be found in the table introduced by the honorable Senator from Ohio as premiums on loans and sales of gold coin, $167,037,384.39. I take that because in his tables that amount of premiums on gold is allowed. Therefore it does not belong to my estimate. That leaves $264,558,943.39. The Senate will understand that I have deducted the entire amount which is in the table of the Senator from Ohio as premiums on loans and on gold sold, of over $167,000,000, calling it a premium on gold when it is not a premium on gold. It is partly a premium on loans. I deduct the whole, and the result is that the taxes paid by the people of the United States in those eleven years were $4,457,192,744.73. That may be laughable to my friends here. It is not laughable to the men who pay the taxes. The question is this, the honorable gentleman—I say honorable gentleman—who has been nominated as the candidate for the Presidency by the democratic party said that the taxation of the people for the last eleven years had been $4,500,000,000. I now show by exactly the tables of the Government that the amount which the people have paid for these eleven years is $4,457,192,744.73. In order that I may not be unfair, I take the premium on loans and sales of gold coin and deduct the whole of it, $167,037,384.39. How much of it was for premiums on loans I know not, and therefore I give the adversaries of Mr. Tilden this advantage of this entire amount as premium on gold.

Mr. LOGAN. Do you think Sitting Bull will understand these figures? [Laughter.]

Mr. EATON. No. I will indulge my laughable friend by and by. If it was a premium on loans it ought not to be deducted at all. I call it a premium on gold and deduct the whole; but in my judgment if I could get at it it would be only a small portion; but I cannot get at the amount of gold premiums precisely. From this standpoint Mr. Tilden varies $42,907,256.27. With the other item not deducted he is $125,930,028.12 below the actual truth in his statement. I put this before the people and let it go for what it is worth.

Mr. CONKLING. Now, Mr. President, on that state of facts can we not vote?

Mr. PADDOCK. I hope the amendment of the Senator from Illinois will not prevail. I think it is a mistake decidedly to undertake to pass it. The House has already passed upon it, and it will be utterly hopeless.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

Mr. HITCHCOCK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Eaton, Edmunds, Ferry, Frelinghuysen, Jones of Florida, Kernan, Logan, McMillan, Maxey, Mitchell, Morrill, Morton, Oglesby, Patterson, Sargent, Spencer, Stevenson, Wadleigh, West, and Windom—29.

NAYS—Messrs. Bogy, Claytor, Cockrell, Cooper, Davis, Gordon, Harvey, Hitchcock, Paddock, Ransom, and Saulsbury—11.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Jones of Nevada, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Randolph, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—31.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to increase the cavalry force."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the resolution of the Senate to appoint a joint select committee to prepare a suitable form of government for the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 897) granting a pension to Andrew Evarts;

A bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 4085) to repeal part of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

CLERKS TO COMMITTEES.

Mr. SPENCER. I desire to offer the customary and usual resolution on the last day of the session:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the clerks of the several standing committees of the Senate their usual per diem compensation for the month of August instant.

Mr. SARGENT. I object. It is contrary to law. The law expressly says the pay shall be during the session.

Mr. SPENCER. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

PAY OF PAGES.

Mr. CONKLING. I move that the Senate do now adjourn until twelve o'clock to-morrow.

Mr. WEST. I ask the Senator to withdraw that motion for a moment that I may offer a resolution.

Mr. CONKLING. Offer it to-morrow.

Mr. WEST. One objection will carry it over then.

Mr. CONKLING. Very well.

Mr. WEST. I offer the following resolution:

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to retain in the employ of the Senate until the 1st day of September, 1876, all pages now employed, and that the usual per diem compensation be paid to them until that date.

Mr. DAVIS. Let that go to the committee.

Mr. CONKLING. Very well. One objection carries it over. It will be in order to-morrow. I move that the Senate adjourn until twelve o'clock to-morrow.

Mr. LOGAN. I move that the Senate take up House bill No. 58, so as to have it the order for to-morrow morning. Then I shall be willing to adjourn.

Mr. CONKLING. What has become of my motion?

Mr. LOGAN. I hope the bill will be taken up and then I shall not object.

Mr. EDMUNDS. Debate is not in order.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. The hour having been fixed for eleven o'clock, it will require a separate motion to change the time.

Mr. CONKLING. I move that when we adjourn it be to meet at twelve o'clock to-morrow. We must have some sleep.

The PRESIDENT *pro tempore*. The Senator from New York moves that when the Senate adjourn it be to meet at twelve o'clock to-morrow.

The motion was agreed to.

Mr. LOGAN. I now make my motion.

Mr. CONKLING. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the bounty bill, pending which the Senator from New York moves to adjourn.

Mr. CONKLING. It is not very important, but I moved to adjourn without any reference to taking up any bill and before any such motion was made. I do not want to antagonize any bill, but I want to go home and get some sleep, so that we may come here and do some business to-morrow.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate adjourn.

Mr. LOGAN and Mr. PATTERSON called for the yeas and nays; and they were ordered and taken.

Mr. PATTERSON. I ask permission to offer a resolution.

Mr. EDMUNDS. You cannot offer any resolution now.

Mr. PADDOCK. I hope the bill——

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

The result was announced—yeas 16, nays 17; as follows:

YEAS—Messrs. Anthony, Bogy, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Gordon, Jones of Florida, Jones of Nevada, Kernan, Maxey, Saulsbury, Stevenson, and Windom—16.

NAYS—Messrs. Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Ferry, Harvey, Hitchcock, Logan, McMillan, Morton, Oglesby, Paddock, Patterson, and Spencer—17.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaithe, Hamilton, Hamlin, Howe, Ingalls, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Mitchell, Morrill, Norwood, Randolph, Ransom, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Wallace, West, Whyte, Withers, and Wright—38.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, but there is no quorum voting.

Mr. LOGAN. Now, I move——

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. DAVIS. I believe it is in order to adjourn.

Mr. LOGAN. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois moves a call of the Senate.

Mr. PADDOCK. I am sure we ought to take up this bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 21, noes 14; and (at two o'clock and ten minutes a. m., Tuesday, August 15,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 14, 1876.

The House met at twelve o'clock m. Prayer by Rev. JOSEPH L. TUCKER, rector of Christ church, Rochester, New York.

The Journal of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2260) providing for the sale of saline lands.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1591) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent as follows:

To Mr. HURLBUT for the remainder of the session, on account of serious illness in his family; and

To Mr. CASWELL indefinitely.

WITHDRAWAL OF PAPERS.

Mr. VANCE, of North Carolina, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of J. R. Harrington.

POST-OFFICE DEPARTMENT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the acting Postmaster-General, transmitting certain papers referred to the Post-Office Department; which was referred to the Committee on the Post-Office and Post-Roads.

SOUTH PASS OF THE MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the 29th ultimo, a communication from the Superintendent of the Coast Survey, together with a map of surveys of the South Pass of the Mississippi River; which was referred to the Committee on Commerce.

NATIONAL SAVINGS-BANK OF THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* also laid before the House a letter from the treasurer of the National Savings Bank of the District, transmitting the annual statement of that institution in conformity with the requirements of section 8 of the act of May 24, 1870; which was referred to the Committee on Banking and Currency.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Monday, the first business in order after the reading of the Journal is the call of States and Territories for the introduction of bills and joint resolutions on leave for reference only to their appropriate committees, without debate, and not to be brought back by motion to reconsider; during which call joint resolutions of State and territorial Legislatures may be introduced for reference and printing. The morning hour begins at twelve o'clock and thirty minutes.

Mr. RANDALL. Does the Chair rule that a report from a committee of conference could not interrupt the morning hour on Monday?

The SPEAKER *pro tempore*. The Chair has not so ruled.

Mr. RANDALL. I have a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Indian appropriation bill.

The SPEAKER *pro tempore*. On the contrary, the Chair would rule that a report of a committee of conference may interrupt or precede the morning hour of Monday.

Mr. RANDALL. I will wait until the call of States has been concluded.

Mr. SPRINGER. It is evident that no bills introduced at this time of the session can be acted upon before the close of the session. I therefore ask unanimous consent that the morning hour be dispensed with.

Mr. HOLMAN. I would suggest that, instead of the regular call of States for bills for reference, gentlemen be allowed to introduce for reference such bills as they may desire to introduce.

The SPEAKER *pro tempore*. The Chair does not like to entertain any proposition that will interfere with the morning hour on Monday.

Mr. COOK. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin, and the call rests with the State of Virginia.

Mr. RANDALL. Under that ruling of the Chair I would prefer to come in ahead of the morning hour with the report of the committee of conference on the Indian appropriation bill, in order that that bill may be sent to the Senate. And I will ask consent that the report be acted upon at once and sent to the Senate before I submit a few remarks which I desire to make. This is the last of the general appropriation bills, and I desire to make some general remarks upon the subject of appropriations.

Mr. HOLMAN. I would suggest to the gentleman from Pennsylvania [Mr. RANDALL] that it will take but a short time to enable such gentlemen as have bills to introduce them for reference.

Mr. RANDALL. I have no objection to accommodate myself to the desire of the House.

The SPEAKER *pro tempore*. The Chair will certainly recognize the gentleman from Pennsylvania to submit a conference report; but he will rule against any other business interfering with the call of

States in the morning hour of Monday. The regular order this morning is the call of States, as the Chair has announced, and the call rests with the State of Virginia, where it rested at the close of the morning hour on Monday last.

SAMUEL GARDNER.

Mr. FOSTER (by request) introduced a bill (H. R. No. 4096) for the relief of Samuel Gardner, of the District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EMILY BEALL.

Mr. FOSTER also (by request) introduced a bill (H. R. No. 4097) for the relief of Mrs. Emily Beall, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HERRON.

Mr. McMAHON introduced a bill (H. R. No. 4098) granting a pension to William Herron, First and Ninth Light Batteries, (Massachusetts;) which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS NUGENT.

Mr. McMAHON also introduced a bill (H. R. No. 4099) for the relief of Lieutenant Thomas Nugent, Company H, Twenty-seventh Indiana Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUCINDA E. HUMPHREYS.

Mr. DIBRELL introduced a bill (H. R. No. 4100) for the relief of Lucinda E. Humphreys, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. STIVERS.

Mr. HOLMAN introduced a bill (H. R. No. 4101) restoring the name of John W. Stivers, a soldier of the Mexican War, to the pension-rolls; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF PHILIP LAWALL.

Mr. JAMES B. REILLY introduced a bill (H. R. No. 4102) for the relief of the legal representatives of Philip Lawall, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE FORBES.

Mr. HENKLE introduced a bill (H. R. No. 4103) for the relief of George Forbes, sr., Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. SOPER.

Mr. HENKLE also introduced a bill (H. R. No. 4104) for the relief of Mary E. Soper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY H. TOLSON.

Mr. HENKLE also introduced a bill (H. R. No. 4105) for the relief of Mary H. Tolson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by U. S. GRANT, jr., one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory;

An act (H. R. No. 629) for the relief of Jonathan White;

An act (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

An act (H. R. No. 2161) for the relief of R. H. Buckner;

An act (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

An act (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California;

An act (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

An act (H. R. No. 3392) for the relief of John R. Harrington;

An act (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; and

An act (H. R. No. 4087) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I desire to make a report from the committee of conference on the Indian appropriation bill; and I ask unanimous consent that after the report is acted on I may have the same privilege of speaking which I would have under the rules while the report is pending. I desire to hasten final action on the bill, and not delay sending it to the Senate until the conclusion of my remarks, which will have relation to that bill and generally to the appropriation bills of this session.

Mr. FOSTER. I make no objection; but I would like to have the privilege of making some remarks after the gentleman from Pennsylvania [Mr. RANDALL] shall have concluded. I do not intend to obtrude myself upon the House to the prejudice of any important business. I have already been granted the right to print remarks, but I would much prefer to deliver them.

The SPEAKER *pro tempore*. By general consent it may now be understood that after the report upon the Indian appropriation bill has been acted upon, the gentleman from Pennsylvania [Mr. RANDALL] shall occupy the floor for such time as he may desire and that afterward it shall be occupied by the gentleman from Ohio, [Mr. FOSTER.]

Mr. HOAR. Does not the request of the gentleman from Pennsylvania imply that his speech would have no effect whatever upon the House with reference to this bill?

Mr. RANDALL. I do not expect it to have any effect with reference to the Indian appropriation bill, because I propose to speak upon the twelve regular appropriation bills of the repu blican party generally. [Laughter.]

The SPEAKER *pro tempore*. The Chair hears no objection to the arrangement which has just been stated.

Mr. RANDALL. I present the report of the committee of conference on the Indian appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 16, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 15, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37,56, 58, 59, 60, 62, and 63, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of $100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokees and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, $250," and in like 16 strike out "nine" and insert "six," and at the end of line 3, page 6, of the bill, add the following: "and for gilling-twine for nets, $1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, $400;" at the end of line 15, page 7, add "and for gilling-twine for nets, $400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 23, page 20, of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people," in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 26, after the word "designate," insert the following: "And the further sum of $20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and insert "twenty five," and after the word "dollars," in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"*Provided*, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and $300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State, under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "*Provided*" down to and including the word "but" in line 8, and insert the word "That;" and in line 10, strike out the word "and," where it first occurs, and strike out the words "and others," and in line 11 strike

out the word "and" where it first occurs, and strike out "and for no other purposes," and insert "and for paying employés: *And provided further*, That amounts now due employés for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

"SEC. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: *Provided*, That the purchase of supplies for sixty days may be made in open market: *And provided further*, That to meet any exigency of the service purchases may be made in open market to an extent not to exceed $2,000 at any one time."

And the Senate agree to the same.

SAML. J. RANDALL,
A. M. SCALES,
S. A. HURLBUT,
Managers on the part of the House.

WM. WINDOM,
JOHN A. LOGAN,
FRANCIS KERNAN,
Managers on the part of the Senate.

Mr. SPRINGER. I desire, Mr. Speaker, to state before this conference report is concurred in, that I recognize the fact that our conferees have exerted themselves to the utmost of their abilities in order to secure the transfer of the Indian Bureau from the Interior to the War Department. They have been met in this effort by the persistent opposition of the conferees on the part of the Senate. The alternative was presented to the House of a defeat of the bill or a yielding to the demands of the Senate. The transfer of the management of Indian affairs from the Interior to the War Department was one of the most important measures of reform inaugurated by this House. It was estimated by our Committee on Appropriations that this reform would result in a saving to the Government of from three millions to five millions annually. For the failure of this important measure the Senate is alone responsible, and the republican majority of that body have assumed this responsibility. The House has been compelled to yield this point, as it has many others in the interest of economy, at the demand of the Senate. The people will understand this fact and will not fail to hold their public servants to a strict accountability for the defeat of this transfer. This failure will serve to inform the people that they can look for measures of economy and reform only to their immediate representatives. If the people desire a thorough reform in all the Departments of the Government, they must reconstruct the United States Senate through their State Legislatures. Until that is done a severe retrenchment and genuine reform in all Departments of the Government cannot be secured.

Mr. RANDALL. I call for the previous question on agreeing to this report.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. EDEN. I ask unanimous consent to have printed in the RECORD remarks on the motion to reconsider the vote by which the President's message on the sundry civil appropriation bill was referred.

There being no objection, leave was granted. [See Appendix.]

Mr. RANDALL. Mr. Speaker, before the final adjournment of a protracted and laborious session, it is proper to review our action concerning appropriations from the public Treasury to carry on the Government for the fiscal year ending June 30, 1877. In the discharge of this task I am sensible of no other motive than that there shall be a complete and impartial exhibit of the work in behalf of retrenchment and reform which we set out to do, and the difficulties and opposition which met us at every step in the interest of those who saw in any reduction of public expenditure loss to them of salary or place, notwithstanding there was consequent advantage to the tax-payers and the efficiency of the governmental administration was in no degree impaired.

We were met at the very threshold by the inexorable alternative of reducing expenditures to a just and economical basis, or, by allowing appropriations to be made at the same figures of previous years, with increased taxation; and this latter it was our plighted faith and solemn duty to prevent in behalf of the great body of the people borne down by a heavy load of taxation, and who were further distressed beyond measure by derangement and misfortune in every avenue of agricultural, manufacturing, mechanical, and commercial activity. To this end every item of public expense, whether large or small, was subjected to the severest scrutiny, and an inspection of every Bureau and Department of the Government undertaken, without parallel, I believe, for a quarter of a century.

The Committee on Appropriations gave to this work their most earnest attention. It required incessant labor and much patience. Arrayed against us were all those whose favorite selfish schemes were to be frustrated for the public good; eager and greedy corporations who sought to fatten from the public purse, place-hunters and place-holders, and the friends and partisans of all, high or low, who were in any way to be affected by reduction, and especially by the marked unwillingness on all hands by chiefs of Bureaus and heads of Departments to agree to any withdrawal of their official patronage. But we had the comforting assurance that we had behind us the people who demanded that their burdens should be lightened by practical and necessary reductions, and this consoled us oftentimes in the discharge of an imperative public duty when we found ourselves compelled to deny appropriations to the extent desired for objects dearly cherished by our constituents.

The majority of this House of Representatives was elected to reform manifold abuses of administration. And when we assembled in December last that reform element assumed full authority in this Hall, and obtained partial control over public expenditures. The first difficulty which presented itself to the execution of the trust confided to us was the existence of a rule of the House which prevented the repeal or even modification of any law as to appropriations upon an appropriation bill unless two-thirds of the members assented thereto, which number the majority did not have.

The construction which had been given to that rule allowed amendments to increase compensation to officers, clerks, and employés, but adroitly prevented as out of order any reduction whatever. To overcome this obstruction a proposition was submitted to so change the rule as to allow the incorporation into appropriation bills of such legislation, which, being germane, retrenched expenditures, thus making a complete revolution in the operation of the rule and turning legislative action in this House from extravagance into the better and safer direction of economy. That change, for the purpose I have indicated, was vigorously resisted by the republican side of the House for the reason that, composing as they did and do more than one-third of its members, no amendments changing existing law could be made or put upon an appropriation bill except when such amendments increased salaries, as under the old practice two-thirds were required to suspend the rules to allow the majority to vote even on such amendments; and that two-thirds, as I have already stated, the minority in this House could at any time refuse.

Without such a change any and all efforts on the part of the House to reduce the expenditures of the Government would have been as the idle wind. Here stood the republican members of more than one-third to prevent and obstruct any such reduction, with a Senate, as we afterward found, even more determined in its purpose. Finally, through the agency of the Committee on Rules, we secured a report of the alteration so much desired, and the House adopted it by a majority composed exclusively of democrats. Almost all the reductions we have accomplished have followed as the result of that first step, for it opened the way.

It must not be forgotten that when Congress assembled the country was prostrated in all the essentials which go to make a people prosperous, contented, and happy. Many of our manufacturing establishments were closed and most of those still running were working only a portion of the time. Commerce languished, agriculture went unrewarded, and a feeling of distrust widely prevailed, causing capital to be unusually cautious. Almost all new enterprises were abandoned, and labor, then as now seeking employment, was to the extent of its activity inadequately remunerated.

Our duty in such a condition of affairs was too plain to be mistaken. It was to lop off at once, and resolutely, every extravagant and unnecessary expense. This we have partially accomplished, and in a manner which will in no degree cripple the Administration in its legitimate functions. But to secure even this partial result without producing friction has required long and patient examination, investigation, and study. A further plan of procedure adopted was to reduce 10 per cent. all salaries over $1,200 and provide a reduction in the force of clerks and employés of 20 per cent. These two provisions, if fully adopted, would have secured a much larger reduction of appropriations and the discharge of all supernumerary clerks and employés, of which there are still a large number.

It is well known that all over the land private establishments of every sort and description have reduced the rates of compensation to their employés. A signal instance of this is shown at Lowell, Massachusetts, which is the guide in a measure for all New England. The working people there have themselves consented to a reduction of 10 per cent. as just and fair, not the first either to which they have recently been subjected. The House considered this not an unreasonable reduction in amount under the circumstances. But this reduction has almost wholly failed because of the obstinacy of the Senate and the Senate conferees in relation thereto. A reduction in the number of clerks and employés has been only partially realized, as the House conferees were forced to yield a part of their recommendations. It will surprise many when they learn the fact that as many as one hundred thousand persons receive pay from the Federal Treasury.

In order that no harm should possibly come from reduction of force, we directed the attention of the executive officers of the Government to the existing law in reference to the hours of labor required for the clerks and the employés. It is to be found in section 162 of the Revised Statutes, as follows:

SEC. 162. From the 1st day of October until the 1st day of April, in each year, all the Bureaus and Offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land Office, shall be open for the transaction of the public business at least eight hours in each day; and from the 1st day of April until the 1st day of October, in each year, at least ten hours in each day, except Sundays and days declared public holidays by law.

Heretofore clerks have only been required to devote six hours a day to the service of the Government. Recently, on the coming in of the democratic House, by orders to the Bureaus that time has been

extended to seven hours. If, however, the terms of the law are adhered to, more actual hours of service will be secured under the reduced number of clerks and employés agreed upon than we have now with the present excessive force.

Great complaint has been made against our change of laws upon appropriation bills, as though it were at this time a novel and unheard-of thing and never before attempted in the legislation of the Government. Let us see how that is. I append herewith a list of changes of laws which have been incorporated into appropriation bills during all the years from 1865 down to and including 1875. The extent to which such legislation has been carried on will, I have no doubt, surprise many; and I regret to say that during those years of undisputed republican rule in both branches of Congress the change has almost always been in the direction of increased appropriation and expenditure.

I will here mention a few notable instances of such legislation. They embrace changes in the staff and line both of the Army and Navy.

The Pacific Mail steamship subsidy found its place on such act.

The re-organization of the Post-Office Department.

The re-organization of the diplomatic and consular service.

The partial re-organization of the subtreasury system.

The prohibiting the pardon or amnesty of any claimant in the Court of Claims being admissible to establish his standing in court.

The re-organization of the civil service in the Treasury Department.

Legislation as to the enforcement act.

The manner of settlement of judgments by the Court of Claims and the Supreme Court as to capture of cotton.

The section declaring that the General of the Army shall be permanently stationed in Washington and only removed by the advice and consent of the Senate, and directing all Army orders to go through the General of the Army, whether issued by the President of the United States or by the Secretary of War.

On the appropriation bill last year the rates on newspapers were doubled, to the great injury of those in the rural sections especially, and the rates on third-class matter were so increased as to take it from the mails and drive it to the express companies.

I mention these few to show the general character and wide scope of the legislation which has been put into appropriation bills, and beg to refer to the appendix hereto annexed, which will show the enormous mass of legislation of greater or less importance which has been from time to time during the past ten years fastened on such acts, relating as it does to almost every conceivable subject.

Again, Mr. Speaker, as a natural result of the prostration of all business, the revenues of the Government have diminished to an alarming extent, and the warning held out to us was one not to be disregarded, as it might turn out in the coming fiscal year, the reduction would be so great that the revenues would fall below the amount required to meet the expenditures of the Government. In this emergency it was absolutely essential to provide for reduction of expenses rather than entail any increase of our interest-bearing debt or any addition to our present taxation. Nay, more; if the full measure of reductions recommended had been acceded to by the republican minority in this House and the majority in the Senate, then, even with a falling revenue, the internal and other taxes could have been reduced to an extent of say $10,000,000, with comparative safety.

Before I leave the general discussion of these subjects and go to a detailed examination of the respective appropriation acts, I wish to direct public attention to what I deem some abuses in reference to expenditure which have gradually accumulated until they have become of dangerous proportions. Under existing laws we have a system of what is known as "permanent specific" and "permanent indefinite" appropriations. They embrace among others the sum necessary to pay the interest on the public debt, the sum necessary to pay the interest on the bonds of the various Pacific railroads, and guaranteed by the United States, and the amount necessary to be paid in obedience to law to the sinking fund on account of the liquidation of the principal of the public debt.

In so far as the foregoing objects are concerned I do not raise serious objections. Their provisions go to make easy the mind of the public creditor by the certainty of no hitch in the prompt and regular payment of our public interest. But the laws go further and include others which in my judgment should pass under the annual supervision of Congress, among which are the sum necessary to collect the revenues from customs, which is only limited as to amount of expenditures by the discretion of the Secretary of the Treasury, a power too great for permanent safety; for arming and equipping the militia of the several States; the salaries and expenses of the southern claims commission; the return of the proceeds from the sale of captured and abandoned property to owners thereof; the commission to be paid to persons negotiating the refunding of the national debt ¼ of 1 per cent.; the salaries and expenses of the steamboat inspectors; the refunding of money due to owners or reputed owners of cotton improperly seized after the 30th of June, 1865; allowances and drawbacks in the Internal-Revenue Bureau; the refunding of illegal internal taxes; the repayment of duties levied in excess from customs as well as debentures, drawbacks, bounties, and allowances in the customs service. Most if not all of the latter character should have the frequent inspection of Congress and the people. I would suggest, therefore, at our next session legislation to remedy these dangers. About $18,000,000 pass each year out of the Treasury under these heads, in excess of the amount paid on account of interest on the public debt and the sinking fund, which is an enormous sum to be under the control of executive officers without check.

I shall now proceed to an examination of the several appropriation bills, in order of date as they were enacted into law.

PENSIONS.

Appropriations last year, $30,000,000; Department estimates for year ending June 30, 1877, $29,533,500; recommendation of House Committee on Appropriations, $29,533,500; House passed $29,533,500; Senate committee recommended $29,533,500; Senate passed $29,533,500; law as finally enacted, $29,533,500.

The respective committees of the two Houses and both Houses of Congress agreed in the amount to be appropriated for pensions, which was in full as indicated by the estimate.

A pleasant incident in connection with this appropriation was the fact of its being in committee and in the House in charge of a member of the committee [Mr. ATKINS, of Tennessee] formerly an officer in the confederate army and a member of the confederate congress. Such exhibitions give the denial to the political charge that the leading men of the South still bear any hostility to the Union, for he was scrupulous in seeing that no pensioner of the Union suffered in the least degree.

Many reforms are imperatively needed in connection with the distribution of pensions.

The Committee on Pensions recommended the transfer of the Pension Bureau from the Interior Department to the War Department, where it formerly was, as appears by their report, for reasons, among others, as follows: Pension agencies which now cost annually $448,000, the Committee on Pensions report could be dispensed with and twenty efficient clerks divided equally among the four classes of clerks known to the law, at a cost of $30,000, could do the work as efficiently and with less delay than now occurs.

The work, if under the War Department, could be done in the main by the retired officers of the Army, with one-half pay in addition to present retired pay of such officers, and the amount of pay saved would be quite one-half. At present more than one-half is done at the Surgeon-General's and Adjutant-General's Offices. Both these Bureaus now employ one hundred and sixteen persons on this work and an equal number of additional clerks, if duties were transferred to War Department, to wit, two hundred and thirty-two clerks in all would be ample; whereas the present force in the Pension Bureau is over four hundred; near three hundred over what economy and necessity require. The character of the work is in a measure judicial, requiring legal knowledge; and yet last year one hundred and twenty-eight employés were discharged and ninety-six new appointments made—putting out experienced clerks and substituting for such men ignorant and inefficient persons in their stead. This was done mainly for political considerations. The truth is, as the evidences establishes, the Bureau is run as a political machine. Two clerks of the national republican congressional committees of last year were entered on the pension-roll and paid from pension funds.

The War and Pension Departments being separate, there was required last year 56,000 duplicates of rolls from these two offices, requiring transmission by mail and messenger, which might all have been done in the same office. The fact is, the delays now incident to applications for pensions or increase of pensions, arise almost entirely from these separations of duty, causing years of delay to those least able to bear procrastination and those, too, who never ought to be subjected to such annoyances and privations.

I will allude to another abuse and then leave this branch of my subject. The finance division of the Pension Bureau can be dispensed with altogether, employing forty-eight clerks. This is set forth in Mr. Clark's testimony. In reply to a question whether that division ought not to be lopped off, he said:

> If the work in the Auditor's Office was up to date, the work in the finance division would be useless.

There cannot therefore be a reasonable doubt as to the economy to be gained and the general propriety of the transfer.

DEFICIENCIES.

Appropriations last year, $4,703,699.18; Department estimates for year ending June 30, 1877, $2,723,471.70; recommended by House Committee on Appropriations, $662,315.07; House passed $671,486.74; Senate committee recommended $840,831.27; Senate passed $840,831.27; the law as finally enacted, $816,723.56.

I believe these deficiencies are less than usual and heretofore, because of the knowledge by the Departments that a democratic House was to be in authority this year, notice having been given last year by the then democratic minority of the Forty-third Congress that the practice of allowing large deficiencies would not be countenanced. The Departments are, however, entitled to partial credit, for their estimates of deficiencies this year were considerably less than heretofore. The same rigid rule will be again applied, and the Departments must govern themselves accordingly.

FORTIFICATIONS.

Appropriations last year, $850,000; Department estimates for year ending June 30, 1877, $3,406,000; recommendations of House Committee on Appropriations, $315,000; House passed $315,000; Senate com-

mittee recommended $315,000; Senate passed $315,000; the law as finally enacted, $315,000.

This was a large comparative reduction, but I believe no material interests will suffer therefrom, either in respect to our fortifications or as to experiments to be made in the trial of armament or torpedoes. The largest-size guns of our recent war are now considered ineffective. Earth-works experience has shown to be the best protection against artillery on land or iron-clads on water. The sums so lavishly expended since the war have not brought any adequate return in these respects. In the past ten years, up to and including this year ending June 30, 1876, we appropriated for these purposes more than $13,000,000, a large amount of which could as well have been saved by the same character of reductions which we have made this year.

NAVY.

Naval service appropriation last year, $17,001,006.40. Department estimates for year ending June 30, 1877, $20,871,666.40. Recommendations of House Committee on Appropriations, $12,808,655.40. House passed $12,432,855.40. Senate committee recommended $16,167,855.40. Senate passed $14,857,855.40. The law as finally enacted, $12,740,355.40.

The appropriations for the naval establishment are largely reduced. It is a branch of the service where large savings can be prudently made. I need not allude at length to the sums heretofore expended and the manner of their expenditure. The Department in its management has been thoroughly examined into by a committee of this House, and their findings are in print, which render a further criticism in this connection unnecessary. These reduced appropriations come up to the full measure of recommendations by the Naval Committee.

POST-OFFICE.

Post-office appropriations last year, $8,376,205; Department estimate for year ending June 30, 1877, $8,431,602.99; amount recommended by House Committee on Appropriations, $2,680,906; amount passed the House, $4,230,906; amount recommended by Senate Committee on Appropriations, $7,586,647; amount passed Senate, $7,288,647; the law as finally enacted, $5,967,498.

The reductions in this act arise mainly from the cutting off of the salaries of the higher class of postmasters, which have been confessedly too high, and the reduction of 10 per cent. on the amounts to be paid to the railroads for the transportation of mails, among which is what is known as the "fast mail." An erroneous impression prevails as to this latter service.

The fast mails were not provided for by law. Speed was not taken into consideration in determining the compensation. Weight and the number of postal cars were and are the elements in fixing the pay to railroads.

This extra line was first established less than a year ago by throwing an increase in the quantity of mail matter on these principal roads, thus increasing the number of postal cars, and with additional weight, causing an increased amount of payment to special roads. The compensation as fixed by act of March, 1873, was a very great increase over former rates. Prior to that time $375 per mile on all lines was the maximum rate. Under that act the pay on some lines was increased to $705 per mile per year, and on the fast lines as high as $1,016 per mile per year.

This Congress has reduced the rates for railroad service generally 10 per cent., which is a moderate reduction. The compensation on star lines and steamboat service has been reduced far more than 10 per cent. since March, 1873; in fact, from 10 to 30 per cent. The amount paid before the passage of the act of March, 1873, was considered high even for that period. The reduced price of every commodity which goes into the cost of running a railroad is far greater than 10 per cent. These roads have reduced the compensation to their employés, and together with a general shrinkage of values, it goes to show that the amount now fixed is comparatively higher than it was at the time the former rate was agreed to. I am indebted to the gentleman from Indiana [Mr. HOLMAN] for these facts and conclusions; and any one who knows his care and accuracy in such matters will at once accept them as true and correct.

After all that can be said, the benefits of the fast mail are divided between the railroads receiving the increased pay and the newspapers of our great cities in the quick transit of their papers. In this day of telegraphing the newspapers of the various cities of the Union are more on an equality in furnishing promptly the important news of the day, which renders continuance of these high rates unnecessary even for the people in receiving prompt public information.

The post-office appropriation act for the year ending June 30, 1876, raised the rates of postage on third-class mail matter, so as to take it from the mails and give the monopoly of its transportation to the express companies, while at the same time the postage on newspapers was doubled.

The latter imposition has been removed by the legislation of this year, but the first still remains a burden upon the people in behalf of the express companies, and is estimated as worth to those companies half a million dollars per annum in increased receipts from transportation of merchandise, &c. The House at every opportunity sought to accomplish full repeal of both provisions, but the Senate was obdurate, and refused to concede the repeal of the merchandise portion of the act.

ARMY.

Appropriation last year, $27,933,830; Department estimate for year ending June 30, 1877, $33,348,748.50; recommendation of House Committee on Appropriations $23,155,077.12; House passed $23,179,819.52; Senate committee recommended $27,715,877.20; Senate passed $27,715,877.20; the law as finally enacted, $25,987,167.90.

The Army appropriation act does not show that extent of reduction which we intended and had reason to hope we should obtain at the opening of the session because of our Indian troubles, and because of the determination of the Administration to keep a large force in the South. The House bill fixed the Army at 22,000 soldiers, relatively divided between the three arms of the service, and sought in addition to reduce the compensations of certain officers which were deemed disproportionate and too high. The manner of payment of these compensations is in some respects highly objectionable, rendering it almost impossible to compute with accuracy the pay received by officers in the Army. The Senate was resolute against all these changes, and the House was compelled to yield, and only succeeded in securing the following legislation:

SEC. 24. That the whole subject-matter of reform and re-organization of the Army of the United States shall be referred to the commission hereinafter provided for, who shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms, and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and the capacity for rapid and effective increase in time of actual war. The commission hereby created shall consist of two members of the Senate and two members of the House of Representatives to be appointed by the presiding officers of each House, respectively, of the Secretary of War, and two officers of the Army, one from the line and one from the staff corps, to be selected by the President with special reference to their knowledge of the organization and experience in service. Such commission shall assemble as soon as practicable and proceed to the consideration of the matters with which they are charged, and make report to Congress by the first day of the next session through the President of the United States, with all the evidence, record or otherwise, which they shall have received and considered. And the sum of $1,000 is hereby appropriated from the contingent fund of the War Department to defray the expenses of such commission, to be expended under the direction of the president of said commission.

The result of the foregoing, it is believed, will ultimately remedy some defects. We felt that they were so glaring as to demand immediate change.

SUNDRY CIVIL BILL.

Appropriation last year, $26,644,350.09; Department estimates for year ending June 30, 1877, $32,560,475.29; amount recommended by House Committee on Appropriations, $14,626,981,74; amount passed the House $14,857,326.54; Senate committee recommended $18,501,601.24; Senate passed 19,956,496.99; the law as finally enacted, $16,357,905.47.

This act which covers the sundry civil expenses of the Government, is that upon which it is attempted to ingraft all doubtful schemes and unnecessary expenses, which to any other general appropriation bill would be ruled out of order as not germane.

In reference to this particular act, the President of the United States saw fit, although approving the same, to send a message condemning the character of our reductions. I propose now, and here, with due respect to the Chief Magistrate, to inquire into the justice of his criticisms.

In the first place, he says:

Notably among the first class is the reduction in the ordinary annual appropriations for the revenue-cutter service, to the prejudice of the customs revenue.

This criticism is completely refuted by a plain statement of the facts which show that the amount appropriated is in excess of the amount expended in the revenue-cutter service during the last fiscal year. The expenditures for the year ending June 30, 1876, were $842,000, and the appropriations for the year ending June 30, 1877, $874,891, the latter exceeding the former more than $30,000.

Next as to the amount given to continue the Signal Service. This service cost last year nearly a million dollars. It has grown to be an immense Bureau in its workings, and we think is extravagantly conducted. It draws its resources from three appropriation bills, the legislative, the army, and the sundry civil, and aggregates, as stated, $1,000,000. We are advised that the Western Union Telegraph Company can perform the same service with equal satisfaction to the public for one-half the money, and that the company is willing to undertake it at that reduction. This we understand is also the opinion of many officers heretofore in charge of the War Department. Our reductions, in view of this statement, have been very moderate, amounting to $100,000 in the general expense provided for in the sundry civil bill and of only fifty enlisted men in the Army for this corps. At some of the stations the employés numbered as high as seven, and by careful revision of the force at the several stations this reduction of fifty men will hardly be felt.

The criticism as to the mints evidently arose from want of knowledge of the amounts appropriated in the several bills. It would have been seen by examination that the amount appropriated for running the mints and assay offices was fully up to the necessities of the country, even taking into consideration the increased expense for coining subsidiary silver recently authorized by law in substitution of fractional currency.

Now as to the objection urged to reductions of appropriations for

the construction of public buildings throughout the country and the building for the State, War, and Navy Departments in the city of Washington. The policy which guided the House was to make appropriations this year for no building the construction of which had not yet been commenced, and in making appropriations for those already begun to give a sufficient sum to finish and furnish those of smaller size, such as the custom-house at New Orleans; the custom-house and post-office at Raleigh, North Carolina; the custom-house and post-office at Trenton, New Jersey; the custom-house and post-office at Port Huron, Michigan; the custom-house and post-office at Parkersburgh, West Virginia; the court-house and post-office at Lincoln, Nebraska, and the custom-house and post-office at Rockland, Maine, giving the balance which we deemed wise to appropriate in a moderate degree to the larger structures, so as to go on with the work slowly. The appropriation is two millions less than last year, when the appropriations for public buildings, new and old, were unusually extravagant.

As to the appropriation for new structure for the State, War, and Navy Departments in the city of Washington, it was under the same rule. The expenditures for this structure are made an exception, all the others being under the Supervising Architect of the Treasury Department, while this is under an engineer of the Army, General O. E. Babcock.

For the repairs and preservation of the navy-yards we gave $100,000 against $500,000 last year. We deemed that for the legitimate purposes of repairs proper at the different navy-yards and stations and the preservation of the same $100,000 is adequate, and believed the half million heretofore given was diverted to other purposes not properly chargeable to this particular service.

In reference to armories and arsenals the reductions, except in one or two instances of no small amount, were those recommended by the late Secretary of War, Mr. Taft, in his communication to Congress revising the estimates of his predecessor.

In regard to the judicial expenses of the Government, reduction was made upon the recommendation of the Committee on Expenditures in the Department of Justice, and justified after thorough investigation by exposure of the most outrageous frauds upon the Government, perpetrated by marshals and other United States officers, the most flagrant of which were in the States of Arkansas and North Carolina. The justice and propriety of this reduction are undoubted.

The action of the committee concerning surveys of the public lands was taken after full conference with members on both sides of the House, representing western districts, as well as with Delegates from the Territories. The gentleman from Minnesota, [Mr. DUNNELL,] when the bill came up first for consideration, used the following language:

> There are many things in this appropriation bill referring to the public lands which meet my approval. I believe that we have appropriated a much larger sum of money in years past for the survey of the public lands than was needed, and I have said to members of the Committee on Appropriations that I believed there could be retrenchment and a saving of money in this direction at the present time, and while I represent a western land State, I am very free to say that we may appropriate no more than is in this bill with a very good reason for the present year. I do not believe that a single State or a single Territory will suffer practically by this reduction.

It is only necessary for me to add the further fact, that there are now 160,000,000 acres of the public domain surveyed and undisposed of.

The President further complained that we had impaired the efficiency of the light-house service. Reference to figures shows the complaint to be without foundation. The appropriation last year was $1,999,000 and for this year $2,018,600, the appropriation for this year being nearly $20,000 over that of last year.

Appropriations for light-houses, beacons, and fog-lights were made after consultation with the proper officer having that service in charge and we gave a sum sufficient, as we were advised, for all that was absolutely necessary during the fiscal year. There were some which were desirable for which we did not make appropriation, but they were not such as we thought to be demanded now.

Appropriations for the District of Columbia are generally included in this act, and I need not stop to give the reasons why we sought to be cautious in whatever we did. Past experience has shown such profligacy in the management of the affairs of this District that common justice to the people required we should surround all our appropriations with every possible safeguard.

We authorized an advance from the Treasury of the United States of the money necessary to meet the interest on the public debt of the District for the entire fiscal year; thus preventing any default of prompt payment like that which has heretofore occurred, although a portion of the debt had been reported by a committee of this House to have been illegally contracted.

We also appropriated for the various charities and charitable institutions within the District; authorized the repaving of Pennsylvania avenue, a proportionate share of the expense to be borne by the Government; provided for the payment of one-half of the expense of the police and board of health; and, besides, allowed the government of the District to increase the temporary debt to the extent of over $400,000, so that no embarrassment should or is likely to occur. The appropriations for the year ending June 30, 1875, amounted to $2,962,251.11, almost all of which was exclusively for the benefit of the people of the District. The amount appropriated for the year ending June 30, 1876, was $1,865,136.43.

The implied statement by the President that the aggregate appropriations of the sundry civil bill are in amount not more than 65 per cent. of those heretofore made should command approbation rather than censure.

For life-saving and life-boat stations our appropriations are in excess of those made last year. We gave this year $237,460, while the amount appropriated last year was $231,580. Surely we cannot be charged with injuring this humane service of the Government when we have in this democratic House appropriated more than was appropriated by the previous republican House.

The appropriation for public printing and binding we reduce largely on the recommendation of the Committee on Printing of this House, which established the fact of gross abuse and extravagance in the administration of that Office. The amount asked for the current year was $2,296,056.56. The amount given last year was $1,665,507.66. The amount allowed this year, under advice of the Committee on Printing, is $1,133,737.50, about half a million dollars less than the appropriation last year. The report of this committee, to which I have alluded, clearly establishes the fact that this sum should have been sufficient to have done the work last year if the proper prices had been paid for material and the running expense had been rightfully adjusted.

For the support of the National Home for Disabled Volunteer Soldiers we gave the exact amount asked, $668,733.44.

The appropriations for the sundry civil expenses of the Government for the year ending June 30, 1868, were $5,307,191.38. In 1870 they had crept up to $9,976,228.81. In 1872 they further advanced to $24,161,773.86. Finally, in 1874, they reached the enormous amount of $32,186,129. In 1875, when the distress in the country became so prevalent it could no longer pass unheeded, even in a republican House of Representatives, we find there was a small reduction from $32,186,129 to $27,009,744.81; in 1876, to $26,644,350. We have reduced the sundry civil expenses this year below the appropriation of last year $10,441,780.01 appropriating only about one-half the amount appropriated in 1874, being a reduction of about $46,000,000.

MILITARY ACADEMY.

Appropriations last year, $364,740; Department estimates for year ending June 30, 1877, $437,470; amount recommended by House Committee on Appropriations, $231,241; amount passed the House, $259,231; Senate committee recommended $308,841; Senate passed $308,841; the law as finally enacted, $290,065.

There was in controversy between the two Houses the question of compensation to professors at West Point. The House deemed that in some instances, being over $6,000 per annum, they were higher than for similar services in civil life, especially when we take into consideration the fact that these professors without encountering any of the privations, hardships, and dangers of Army life are when they reach a condition of impaired usefulness placed upon the retired list, and receive three-quarters of their pay at the time they are retired. The Senate demanded the question of this reduction should be remitted to the commission created to inquire into the re-organization of the Army, and the House was compelled to accede thereto.

RIVER AND HARBOR BILL.

River and harbor appropriations last year, $6,643,517.50; Department estimates for year ending June 30, 1877, $14,301,100; amount recommended by House Committee on Appropriations, $5,872,850; amount passed the House, $5,872,850; Senate committee recommended $4,993,000; Senate passed $5,000,000; the law as finally enacted, $5,000,000.

This bill was not made up by the Committee on Appropriations, and therefore I have not that full knowledge which would warrant me in speaking of its details in comparison with previous bills with the same certainty that I am able to do concerning the eleven other appropriation bills. It is, however, a large reduction upon the amount appropriated last year for the same purposes, and an immense reduction, as will be seen by the foregoing figures, upon the estimates of the Department.

INDIAN BILL.

Appropriations last year, $5,360,554.55; Department estimates for year ending June 30, 1877, $5,787,995.60; amount recommended by House Committee on Appropriations, $3,905,771.27; amount passed the House, $3,979,602.11; Senate committee recommended $5,206,861.27; Senate passed $4,958,361.27; the law as finally enacted, $4,670,117.02.

The principal disagreement between the two Houses related to the transfer of the Indian Bureau from the Interior to the War Department. The House believed that the management of Indian affairs could be more economically and efficiently administered by Army officers already under pay than by civil officers, under whom had grown up a wide-spread system of peculation upon the Indian, as well as upon the Government. One of the grounds which induced the Indian to go to war against the white man was that treaty stipulations in reference to the delivery of subsistence and other supplies were not faithfully fulfilled. An Army officer holding a life position dependent upon integrity and good behavior, and with a strong desire for promotion, which can only occur upon the active and faithful discharge of his duties, is more likely to execute the promises of the Government toward the Indian than the civil officer who comes in and goes out with every change of Administration. And the present double-headed system of dispensing subsistence and supplies to the Indians through the agency of civil officers, while restraining and

keeping them at peace by the military arm, has been proved by long experience to be not only enormously expensive, but without any adequate beneficial results either to the Indians or to the Government. The hand that feeds should be the hand to punish in case of wrong-doing. Viewed as an economic question, we have General Sheridan for authority, and almost all of the officers who have come into collision with the Indians, to show that the opinion I here express is the just one.

There is a misconception as to the Army officer. He does not desire constant warfare with the Indians, for, while he has to undergo great privation and hardship, he at the same time endangers his life in battle with the Indians without that honor which attaches to warfare between civilized nations. Indeed, of all the people in the world, the Army officer has less to gain and more to lose by Indian hostilities than any other of our citizens.

The House authorized the transfer in the Indian appropriation bill, having previously passed a separate proposition on the same subject, which was transmitted to the Senate on the 25th of April last, but which the Senate never took up for consideration or discussion. Incidentally, however, they did discuss the clause in the Indian bill, and voted it down, upon the ground that it was a change of law upon an appropriation bill. We think the country had a right to expect from the Senate more consideration of this subject, and the House only yielded at last, when longer persistence would result in unlimited extension of the session without corresponding good.

The mismanagement now existing, although unfortunate, is well illustrated by the fact that the hostile Sioux are armed with better weapons than the troops put into the field against them. At this very session we have been compelled to pass a law prohibiting the Indian agents from further supplying to these hostile Indians improved arms and ammunition. I doubt neither the propriety nor the absolute necessity of the proposed transfer, and only regret to say the proposition has been defeated in the Senate more by indirection than by open opposition.

Let me pause for a moment to state a fact which carries with it its own commentary. While there are in the Army 26,000 men, 15,000 of them in the Military Division of the Missouri, embracing the whole Black Hills country where the recent fights and massacres occurred, General Terry and General Crook have been left until lately to resist the combined hostile Indians under Sitting Bull with a force of less than three thousand men. We are now asked to add to the Army twenty-five hundred cavalry, when it must be apparent to the most casual observer that such addition is entirely unnecessary if the force was taken from where it is of no service whatever and transferred to where it is needed to win success to our arms.

I yet hope for the transfer at the next session. We have made reductions, even under its present inefficient management, of $700,000 or thereabouts.

CONSULAR AND DIPLOMATIC BILL.

Appropriations last year, $1,374,985; Department estimates for year ending June 30, 1877, $1,352,485; amount recommended by House Committee on Appropriations, $922,847.50; amount passed the House, $912,747.50; Senate committee recommended $1,341,647.50; Senate passed $1,341,647.50; the law as finally enacted, $1,158,579.50.

The House held that our diplomatic service was conducted with unnecessary expense and that the salaries paid to foreign ministers were excessive when contrasted with the salaries paid to other governmental officials, while at the same time officers of the highest diplomatic rank were accredited to governments where chargés d'affaires with greatly reduced salaries would be equally efficient. The truth is that all important matters in controversy between this and foreign governments are to-day directly negotiated and adjusted through by the State Department at Washington, and therefore in many cases the position of foreign minister is little more than a costly sinecure. Under what is known as the Orth bill, the salaries of these officers were increased, and that increase in a measure we have taken off.

It must not be forgotten that our ministers abroad are not valuable for any service they render to our commerce, but that, on the contrary, it is our consular system which is brought into direct contact with the American shipping, and therefore we would like to see that thorough revision of the consular system which will secure its improvement and greater efficiency.

The claim because the consular system is not only self-supporting, but has an excess over receipts from the payment of fees, that therefore all the money received should be expended in the service, is about as just as to claim that the customsrevenue and the internal revenue because of receipts beyond expenditures should likewise be administered with extravagance.

We have not secured the reductions we sought, and which we believed to be proper, but we have at least accomplished enough to reward us for the effort.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Appropriations last year, $18,902,236.99; Department estimates for year ending June 30, 1877, $20,836,307; amount recommended by House Committee on Appropriations, $13,009,807.61; amount passed the House, $12,998,815.61; Senate committee recommended, $16,606,858; Senate passed, $16,635,338; the law as finally enacted, $15,373,960.

The great struggle of the session took place on this bill. I have already spoken of our plan of reduction, both as to the force and the salary of Government employés. The House sought to reduce both, while the Senate, with equal tenacity, resisted reduction either of force or salary. The result of the controversy is that while we recommended twelve hundred and twelve reduction of clerks and employés, they have yielded but seven hundred and sixty-five, who are to go out of office on the 10th day of October. We agreed to make this reduction gradual, one-third on the 10th of September, one-third on the 10th of October, and one-third on the 10th of November; but the Secretary of Treasury requested we should change it in the manner in which it has been finally agreed to, to wit, that the entire reduction shall take place on the 10th of October.

The House incorporated in this bill a clause repealing the increase of the salary of the President from $25,000 to $50,000 a year, providing that on and after the 4th day of March, 1877, the salary of the President of the United States should be $25,000 per annum. The House saw nothing wrong in this, since both Houses of Congress at this session had passed a bill on the same subject to the same effect. The bill originated in the Senate and was returned to that body vetoed by the President. This salary was doubled when the salaries of Senators and Representatives were increased, and it was equally condemned by the people. The salaries of Senators and Representatives were restored to $5,000, but the Constitution intervened to prevent any reduction of the President's salary from $50,000 a year during his term of office. Therefore it was that, in obedience to the will of the people, we provided for the restoration of the salary of the President to $25,000, beginning with the expiration of the present presidential term. The Senate struck this clause out of the House bill, and the House conferees, unwilling to yield on this point, referred the subject to the two Houses. The Senate still adhered, and finally the House was compelled to yield.

This increase of the President's salary was originally made upon an appropriation bill which the President signed without demur, and the House saw a fitness therefore that the repeal of the obnoxious increase which the people so unmistakably condemned should be passed in a bill of a like character. When salaries are increased upon appropriation bills, there is no hesitation, no impropriety, no injustice, but everything is right and just and lawful; but when an effort is made to decrease salaries, and lighten the burden upon the tax-payers, then it is all wrong, and to be fought to the last extremity. I have the sincere conviction that the people will see this matter in its true light, and if we have gained nothing else in our retrenchment efforts we have made a great step in advance in favor of economical administration when we have attracted public attention to these crying evils.

The next point of difference was as to the compensation of Senators and Representatives. The House applied the general rule of 10 per cent. reduction, because it seemed only fair when starting out to reduce all other salaries we should first begin with our own. The Senate refused to yield, and the House conferees were equally firm, and the question finally was remitted to the House, and the decision was similar to that in the case of the President's salary.

It was urged on the part of the Senate that when the salary was reduced to $5,000 the franking privilege had been abolished, and therefore the charge upon Senators and Representatives for postage was about equal to the proposed 10 per cent. decrease. This at the time seemed proper to take into consideration; but since the House was compelled to yield the Senate has restored the franking privilege so far as that body could. This action on their part certainly will not escape criticism.

The Senate refused to reduce in any respect the salaries of the higher departmental and bureau officers. They were willing to reduce the intermediate salaries—that is, of those between the higher positions and the three classes of clerks receiving $1,400, $1,600, and $1,800 per annum—and on those changed only consented to a reduction of 5 per cent., so that these intermediate salaries are the only ones which have been reduced in the Departments, under the operation of the bill as it was enacted into law.

Another effort in favor of reduction of expenditures was made by the House in reference to the employés and attachés of the two Houses. These expenses have gradually grown to very large sums, and are altogether disproportionate to what is fairly required by the needs of the service. Last year the Senate expenditures were $282,276.80. The House recommended a reduction to $170,840. The Senate committee increased this to $245,648. The bill as passed appropriates $273,520.80. The House expenditures last year were $378,975.70. The House committee recommended a reduction to $295,948, which the Senate increased to $345,511.20. The bill as passed appropriates $312,028. The Senate claimed the right, which has been heretofore conceded, to have the exclusive control of the number and pay of their employés. The reduction therefore in the expenses of the Senate between this and last year is only a little over $8,000, while the House have reduced their expenses $67,000. The House were compelled to raise their expenses somewhat from the original recommendation because of the great disparity which the Senate insisted upon in favor of the salaries of their employés.

As an illustration of how the number and salaries in the Senate and House have increased in a few years, I herewith submit a statement, originally reported from the Committee on Appropriations of the House:

Comparative exhibit showing relative force and compensation of the two Houses of Congress.

Estimates for 1876–'77.		Appropriations for 1865.	
Officers and employés, Senate.	*Salaries.*		
Secretary of the Senate	$4,320 00		$3,600 00
Officers charged with the disbursements.	576 00		480 00
Chief Clerk	3,000 00		2,500 00
Additional to Chief Clerk (while said office is held by present incumbent.)	1,000 00		
Principal clerk	3,000 00		2,160 00
Principal executive clerk	3,000 00		2,160 00
Minute and journal clerk	3,000 00		
Financial clerk	3,000 00		
Librarian	2,220 00		
Seven clerks, at $2,220 each	15,540 00	Eight at $1,850 each	14,800 00
Clerk of printing records	2,220 00		1,850 00
Five clerks, at $2,100 each	10,500 00		
Keeper of stationery	2,102 40		1,750 00
Assistant keeper of stationery	1,800 00		
Messenger	1,296 00	2 messengers $1,800 each	2,160 00
Special policeman	1,296 00	1 policeman	480 00
		1 page	500 00
Chaplain	900 00		750 00
Secretary to the Vice-President	2,102 40		1,700 00
Clerk to Committee on Finance	2,220 00		1,850 00
Clerk to Committee on Claims	2,220 00		1,850 00
Clerk to Committee on Appropriations.	2,220 00		
Clerk to Committee on Commerce, 1874.	2,220 00		
Clerk to Committee on the Judiciary, 1875.	2,220 00		
Clerk to Committee on Private Land Claims, S. C., 1875.	2,220 00		
Telegraph operator, at the rate of $100 per month during session of Congress.	500 00		
Sergeant-at-Arms and Doorkeeper	4,320 00		2,000 00
Assistant doorkeeper	2,592 00		1,700 00
Acting assistant doorkeeper	2,592 00		
Postmaster	2,100 00		1,750 00
Assistant postmaster	2,088 00	And mail carrier	1,440 00
Two mail carriers, at $1,200 each	2,400 00	$900 each	1,800 00
Superintendent of document-room	2,160 00		1,500 00
Two assistants in document-room, at $1,440 each.	2,880 00	$1,200 each	2,400 00
Superintendent of folding-room	2,160 00		1,500 00
Three messengers, acting as assistant doorkeepers, at $1,800 each.	5,400 00	Two messengers, $1,500 each.	3,000 00
Twenty messengers, at $1,440 each	28,800 00	Seventeen messengers, at $1,200 each	20,400 00
Laborer in charge of private passage.	864 00		600 00
Laborer in charge of ladies' room	720 00		
Chief engineer	2,100 00	Superintendent in charge of furnace	1,200 00
Four assistant engineers, at $1,440 each	5,760 00	Assistant	600 00
Two firemen, at $1,095 each	2,190 00		
Three laborers, at $730 each	2,190 00	Two laborers, at $600 each.	1,200 00
Total	146,068 80	Total	79,682 00
Officers and employés House of Representatives.			
Clerk of the House	$4,320 00		3,600 00
Officer charged with disbursing the contingent fund.	576 00		
Chief clerk and journal clerk, at $3,600 each.	7,200 00	And one assistant, at $2,160 each	4,320 00
Two reading clerks, assistant journal clerk, and tally clerk, at $3,000 each.	12,000 00		
Four assistant clerks, at $2,592 each	10,368 00	Eleven clerks, at $1,800 each	19,800 00
One assistant clerk	2,220 00		
Eight assistant clerks, including librarian and assistant librarian, at $2,160 each.	17,280 00		
Four assistant clerks, at $1,800 each	7,200 00		1,752 00
Chief messenger in office of Clerk of the House, at $5.76 per day.	2,102 40	Three messengers, at $1,200 each	3,600 00
Superintendent of document-room of Clerk of the House.	1,800 00	Messenger to the Speaker.	1,752 00
Three messengers, including messenger in library, at $1,440 each.	4,320 00		
One engineer	1,800 00		
Three assistant engineers, at $1,440 each.	4,320 00		
Six firemen, at $1,095 each	6,570 00		
Clerk to Committee of Ways and Means.	2,592 00		
Messenger to Committee of Ways and Means.	1,314 00		1,800 00
Clerk to Committee on Appropriations.	2,592 00		
Messenger to Committee on Appropriations.	1,314 00		
Clerk to Committee of Claims	2,160 00		1,800 00
Clerk to Committee on War Claims	2,160 00		
Clerk to Committee on Public Lands	2,160 00		1,800 00
Clerk at Speaker's table, at $5.76 per day.	2,102 40		

Comparative exhibit showing relative force and compensation of the two Houses of Congress—Continued.

Estimates for 1876–'77.		Appropriations for 1865.	
Officers and employés House—Continued	*Salaries.*		
Private secretary to Speaker	$2,102 40		
Sergeant-at-Arms of the House of Representatives.	4,320 00		$2,160 00
Clerk to Sergeant-at-Arms	2,500 00		1,800 00
Paying teller to Sergeant-at-Arms	1,800 00		
Messenger to Sergeant-at-Arms	1,440 00		1,200 00
Doorkeeper of the House of Representatives.	2,592 00		2,160 00
Assistant doorkeeper	2,592 00		
Postmaster of the House of Representatives.	2,592 00		2,160 00
Assistant postmaster	1,800 00	Two mail-boys, at $900 each, and four messengers, at $1,440	1,740 00
Fourteen messengers, seven at $1,500 each, and seven at $1,200 each.	18,900 00		7,560 00
Chaplain of the House of Representatives.	900 00		750 00
Two stenographers, at $4,200 each	8,400 00		
Superintendent of the folding-room	2,160 00		1,800 00
Superintendent and assistant of document-room, at $2,160 each.	4,320 00		
Document file clerk	1,800 00		
Five messengers, at $1,800 each	9,000 00	Two messengers, at $1,752 each.	3,504 00
Six messengers, at $1,440 each	8,640 00	One messenger, at $1,740.	1,740 00
Twelve messengers, during session of Congress, (seven months,) at $1,440 each per annum.	10,080 00	Five messengers, at $1,500 each.	7,500 00
Fifteen laborers, at $720 each	10,800 00	Six messengers, at $1,200 each.	7,200 00
Seven laborers, during session of Congress, (seven months,) at $720 each per annum.	2,940 00	Twelve messengers, during the session, at $1,200 each per annum.	4,800 00
Two laborers, one at $820 and one at $917.50.	1,737 50	For fuel, lights, pay of engineers, firemen, and laborers, repairs, &c.	12,000 00
One woman for attending in ladies' retiring-room.	600 00		
Total	200,786 70	Total	84,498 00

One other valuable result accomplished is the enactment of a clause in the direction of civil-service reform, prohibiting all officers or employés of the Government not appointed by the President and confirmed by the Senate from requiring or requesting, giving to or receiving from, any other officer or employé of the same, or other person, directly or indirectly, any money, property, or other thing of value for political purposes; and any such officer or employé doing so shall be dismissed at once from the service of the United States, and also be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not more than $500.

I now append in tabular form a comparative recapitulation, from which it will be seen that between the appropriations of this year and last year we have made a reduction within a fraction of $30,000,000.

Mr. SPRINGER. I have made an estimate of the amount of money to each congressional district, and find that it would be $102,555.65. And I have also estimated the amount which this would save annually to the State of Illinois, the State which I have the honor in part to represent, and I find it would be $1,948,557.35, and my friend from New York [Mr. COX] suggests that this would amount to an annual saving of $3,384,336.45 to the State of New York. Every gentleman can make the computation for his own State. This is a most important result, and when brought home to the people of each district they will not fail to appreciate the fact. By the action of this House, through the efficient services of the Committee on Appropriations, an annual burden of $102,555.65 has been lifted from the shoulders of the tax-payers of each congressional district.

Mr. FOSTER. Is that the reduction on the estimates?

Mr. SPRINGER. That is the amount of reduction for each congressional district.

Mr. RANDALL. The amount is $102,555.65.

Mr. FOSTER. On the estimates or appropriations?

Mr. SPRINGER. On the appropriations actually made.

Mr. FOSTER. As against the estimates or appropriations?

Mr. RANDALL. I cannot yield further.

The re-appropriations in Army and sundry civil bills are added in our aggregates.

Early in the session, under provocation in debate, but after careful examination and close study, I stated it as my belief that the expenditures of the Government could be reduced from $30,000,000 to $40,000,000 without being prejudical in any degree to an efficient administration of all governmental functions. At the time this was considered to be an exaggeration. Events, however, have demonstrated the correctness of the statement. And I regret to say that in our struggle with the Senate we have been compelled to yield to that body to the extent of $10,500,000 from the reduction proposed by the House committee. In another year, we hope and believe, the Senate,

by the verdict of the people, will concur with us in that regard. And I here assert that, with a Chief Magistrate acting in harmony with the purpose of the present House, a further reduction can readily be made of $10,000,000, bringing with it no difficulties in the administration of the Government.

These facts and figures, Mr. Speaker, speak for themselves, and need no elaboration at my hands. Upon the result which they demonstrate we rest our claim of having earnestly and faithfully discharged our duty to the people in the way which they required when they sent us here. We have not reduced expenditures as much as they expected; but that we have not done so is no fault of ours.

One more suggestion and I will close. I believe the real, natural, safe, and permanent way to the resumption of specie payments is in the reduction of the expenditures of the Government to what is needed by an economical administration. Human foresight, in my judgment, cannot fix the exact hour or day when it shall take place. But, the truth is self-evident, if we save $20,000,000 or $30,000,000 or $40,000,000 a year, we not only provide the means for a speedy resumption by the establishment of a rigid economy and just expenditure, but we establish that confidence which must inevitably precede the desired result. [Loud applause.]

The following are the tables referred to:

COMPARATIVE RECAPITULATION.

Objects.	Estimates of the Departments for 1877.	House Committee on Appropriations recommend for 1877.	Amount as passed House for 1877.	Amount as passed Senate committee for 1877.	Amount as passed Senate.	Law for the year 1877.	Law for the year 1876.
Pensions	$29,533,500 00	$29,533,500 00	$29,533,500 00	$29,533,500 00	$29,533,500 00	$29,533,500 00	$30,000,000 00
Military Academy	437,470 00	231,241 00	259,231 00	308,841 00	308,841 00	290,065 00	364,740 00
Consular and diplomatic	1,352,485 00	922,847 50	912,747 50	1,341,647 50	1,341,647 50	1,158,579 50	1,374,985 00
Fortifications, &c	3,406,000 00	315,000 00	315,000 00	315,000 00	315,000 00	315,000 00	850,000 00
Legislative, executive, and judicial	20,836,307 00	13,009,807 61	12,298,815 61	16,606,858 00	16,635,338 00	15,373,960 00	18,902,236 09
River and harbor	14,301,100 00	5,872,850 00	5,872,850 00	4,993,000 00	5,000,000 00	5,000,000 00	6,643,517 50
Deficiency	2,723,471 70	662,315 07	671,486 74	840,831 27	840,831 27	816,723 56	4,703,699 18
Post-office	37,939,805 99	32,189,109 00	33,739,109 00	37,094,850 00	36,796,850 00	35,475,701 00	37,524,361 00
Naval service	20,871,666 40	12,808,655 40	12,432,855 40	16,167,855 40	14,857,855 40	12,740,355 40	17,001,006 40
Indian	5,787,995 60	3,905,771 27	3,979,602 11	5,206,861 27	4,958,361 27	4,670,117 02	5,360,554 55
Army	33,348,748 50	23,155,077 12	23,179,819 52	27,715,877 20	27,715,877 20	25,987,167 90	27,933,830 00
Sundry civil	32,560,475 29	14,626,981 74	14,857,326 54	18,501,601 24	19,956,496 99	16,357,905 47	26,644,350 09
Total	203,099,025 48	137,233,155 71	138,752,343 42	158,626,722 88	158,260,598 63	147,719,074 85	177,663,327 71

Reductions in Appropriations.

Object.	From estimates.	From last year's law.
HOUSE COMMITTEE REDUCTIONS.		
Pensions		$466,500 00
Military Academy	$206,229 00	133,499 00
Consular and diplomatic	429,637 50	452,137 50
Fortifications	3,091,000 00	535,000 00
Legislative, executive, and judicial	7,826,499 39	5,692,429 38
River and harbor	8,428,250 00	770,667 50
Deficiencies	2,061,156 63	4,041,384 11
Post-office	5,750,696 99	5,335,252 00
Naval service	8,063,011 00	4,192,351 00
Indian	1,882,224 33	1,454,783 28
Army	10,193,671 38	4,778,752 88
Sundry civil	17,933,493 55	12,017,368 35
Total	65,865,869 77	40,430,172 00

Object.	From estimates.	From last year.
HOUSE REDUCTIONS.		
Pensions		$466,500 00
Military Academy	$178,239 00	105,509 00
Consular and diplomatic	439,737 50	462,237 50
Fortifications	3,091,000 00	535,000 00
Legislative, executive, and judicial	7,837,491 39	5,903,421 38
River and harbor	8,428,250 00	770,667 50
Deficiencies	2,051,984 96	4,032,212 44
Post-office	4,200,696 99	4,145,299 00
Naval service	8,438,811 00	4,568,151 00
Indian	1,808,393 49	1,389,952 44
Army	10,168,928 98	4,754,010 48
Sundry civil	17,703,148 75	11,787,023 55
Total	64,346,682 06	38,910,984 29

Object.	From estimates.	From last year.
THIS YEAR'S LAW REDUCTIONS		
Pensions		$466,500 00
Military Academy	$147,405 00	74,675 00
Consular and diplomatic	123,905 50	216,405 50
Fortifications	3,091,000 00	535,000 00
Legislative, executive, and judicial	5,402,347 00	3,528,276 99
River and harbor	9,301,100 00	1,643,517 50
Deficiencies	1,906,748 14	3,886,975 62
Post-office	2,464,104 99	2,408,707 00
Naval service	8,131,311 00	4,260,651 00
Indian	1,117,878 58	690,437 53
Army	7,361,580 60	1,946,662 10
Sundry civil	16,903,569 82	10,286,444 62
Total	55,379,950 63	29,944,252 86

APPENDIX.

Statement showing in brief synopsis instances of independent legislation upon appropriation laws during the last ten years, referred to by date and title of law.

1866.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Directing the manner of disbursement of the unexpended balance of $250,000 appropriated by act of March, 1865, for compensation of temporary clerks and for additional compensation to clerks in the Treasury Department.

2. Fixes the number and pay of force in the office of the assistant treasurer in Boston.

3. Authorizes the Secretary of the Treasury to remove the whole or any portion of the machinery at the branch mints at New Orleans, Charlotte, and Dahlonega to such other branch mints as may require the same, or to discontinue the said mints and dispose of the property belonging thereto.

4. Sections 2 and 3 increase the salary of the Treasurer of the United States to $6,500, and that of the Commissioner of Public Buildings, &c., to $2,500.

5. Section 4 increases and re-organizes the force in the executive offices, authorizing as follows: Private Secretary, $3,500; assistant secretary, $2,500; short-hand writer, $2,500; clerk of pardons, $2,000; three clerks of fourth class and a steward, at $2,000, the latter to have the custody of all the public property in the President's House, and give a bond in such sum as the Secretary of the Interior may deem sufficient.

6. Section 6 increases the pay of female clerks and counters from $720 to $900.

7. Section 7 continues in force the provisions of the legislative act appropriating, for the year ending June 30, 1865, 20 per cent. additional to the pay of certain employés.

8. Section 8 authorizes the Secretary of the Navy to appoint in the different Bureaus of his Department forty three clerks of various classes.

9. Section 9 provides for a continuance of increased compensation of inspectors of customs in certain ports, in conformity to act of April 29, 1864.

10. Section 10 prescribes the manner of adjustment of accounts of Stewart Gwynn, under and by the authority of the legislative act providing for the year ending June 30, 1866.

11. Section 12 provides for payment of the proper informers' moieties, &c., in cases where moneys accruing to the United States from fines, &c., have been erroneously received and covered in the Treasury before said payment.

ARMY.

1. Section 4 provides for manner of obtaining supplies for the Quartermaster's Department, and conditionally prescribes preference for articles of American manufacture and produced on the Pacific coast.

2. Section 5 repeals section 17 of the act of July 17, 1862, and a resolution of April 4, 1862, in regard to assignment of command of troops and pay and emoluments of certain officers, and provides that no officer in the military or naval service in time of peace shall be dismissed except in pursuance of sentence of court-martial or in commutation thereof.

3. Section 6 provides that the Superintendent and officers of the Military Academy may be selected and detailed from any arm of the service, and its charge and supervision shall be under the War Department, under such officers as the Secretary of War may assign.

4. Section 7 provides for extra pay for soldiers employed as artificers or laborers in constant labor of not less than ten days, &c.

Section 8 increases mileage of officers traveling under orders to ten cents per mile.

NAVY.

1. Directions to Secretary of Navy in connection of purchase of Seavey's Island.

2. Section 2 amends act of May 21, 1864, appropriating bounties for destruction of enemy's vessel.

3. Section 3 provides that no payment of the appropriations made by this act shall be made in violation of the act of July 2, 1862, to prescribe an oath of office.

4. Section 4 repeals the act prohibiting allowance to officers in the service for rent of quarters, &c., and all acts or parts of acts authorizing the appointment of Navy agents.
5. Section 5 provides that the Secretary of the Navy may direct the time of examination of candidates for admission to the Naval Academy.
6. Section 6 abolishes office of assistant in Bureau of Ordnance.
7. Section 7 prohibits vacancy in the grade of professor of mathematics.
8. Section 8 revives the act of August 31, 1852, for surveys and reconnaissances of such parts of Behring's Straits, North Pacific Ocean, as are frequented by American ships, and directs the Secretary of the Navy to recommence surveys, &c., and continue in the Pacific Ocean, and to use officers, vessels, &c.
9. Section 9 authorizes transfer of appropriations for the pay of the Navy to the uses of the contingent fund.

CONSULAR AND DIPLOMATIC.

1. Section 2 provides for the appointment of a Second Assistant Secretary of State and an examiner of claims.
2. Section 3 provides as to the accounting for and disposition of fees collected by certain consuls and commercial agents.
3. Section 4 provides that the salary of an envoy extraordinary shall be only that of a minister resident, except when appointed to a post where the United States are now represented by an envoy extraordinary.

RIVER AND HARBOR.

1. Sections 2 and 3 instruct Secretary of War as to application of appropriations, as to making contracts, manner and matter of reports to Congress, as to proposals, disbursing officers, and forbidding the latter to receive commissions, (they being United States officers,) and places the appropriations at the disposal of the Secretary of War.

MILITARY ACADEMY.

1. Section 2 prohibits persons who have served in the military or naval service in the Confederate States from receiving an appointment as cadet in the Military or Naval Academy.

POST-OFFICE.

1. Section 3 authorizes the Postmaster-General to employ sailing-vessels for the transportation of the mails between the United States and any foreign port, to facilitate the service.
2. Section 4 requires the Postmaster-General to report his estimates annually to the Secretary of the Treasury prior to the 1st day of November.
3. Section 6 provides for manner of advertising notices and proposals for contracts for all the Executive Departments required by law to be published in the city of Washington, and the amount of charge to be paid for such.

INDIAN.

1. Section 2 prohibits funds belonging to any Indian tribes under treaty relations to be applied in any manner not authorized by such treaty, &c.
2. Section 3 provides for payment, and the manner thereof, of $500,000 for supplies for the destitute Indians of the southern superintendency, and authorizes the Comptroller of the Treasury to take testimony as to amount due certain contractors upon principles of equity.
3. Section 4 provides who and under what conditions may be Indian traders.

SUNDRY CIVIL.

1. Section 2 partially organizes the independent treasury; also prescribes the manner and conditions under which payment of the commutation-fund (act of February 24, 1864) may be made.
2. Section 3 repeals so much of act of April 7, 1866, as provides for compensation of revenue agent at New York.
3. Section 4 supplies deficiency for the mail service, to the amount of $925,000, out of the revenues of the Post-Office Department for the year ending June 30, 1866.
4. Section 5 increases pay of certain watchmen to $900 per annum.
5. Section 6 increases pay of Metropolitan police force $20 per month, and prescribes the manner of providing such increase.
6. Section 7 authorizes the Secretary of the Navy to dispose of the property saved from the rebel steamer Florida, and to distribute the proceeds as other prize-money.
7. Section 8 gives midshipmen and acting midshipmen one ration, or comutation therefor. An increase.
8. Section 9 repeals so much of act appropriating salary for minister resident in Greece.
9. Section 10 provides for traveling expenses of First Michigan Cavalry in the year 1866, and subsistence at the time of muster out from the service of the United States.
10. Section 11 extends provisions of the act of June 22, 1860, to carry into effect treaties between the United States and China, Japan, and other countries.
11. Sections 12, 13, 14, 15, and 16 provide for payment of bounties to soldiers who enlisted after the 19th of April, 1861, and after the 14th of April, 1861, or their widows, minor children, or parents, the manner of payment, and provide conditions of circumstance under which paid, and prescribe the duty of Paymaster-General in the reception, examination, settlement, and payment of said bounty to said soldiers, or to their widows or heirs.
12. Section 17 increases compensation of Senators, Representatives, and Delegates in Congress to $5,000, and fixes mileage at twenty cents per mile, and that of the Speaker of the House at $8,000 per year.
13. Section 18 increases the compensation of all employés of the Senate and House 20 per cent., to commence with the present Congress.
14. Section 19 provides for board of officers, to be appointed by Secretary of War, to supervise the expenditure of $5,000 for the preservation of the harbor of Provincetown, Massachusetts.

DEFICIENCIES.

1. Section 4 construes the meaning of the fourth section of the act of March 3, 1865, and authorizes the disbursement of certain money through certain agents referred to in said section.
2. Section 7 directs Secretary of War to report estimates for the erection of suitable fire-proof buildings for the War Department.
3. Section 8 amends the fourth section of the act of March 3, 1849, being "an act to provide for the payment of horses and other property lost in the service of the ted States," by striking out all after the enacting clause and substituting, "that the said [Third] Auditor shall in all cases transmit his adjustment, with all the papers relating thereto, to the Second Comptroller, for his revision and decision thereon, the same in all respects as is provided in the act of September 2, 1789," the same being "an act to establish the Treasury Department."

1867.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Section 2 declares the scope of the proviso contained in the third section of act July 2, 1864, to embrace all suits to which the United States shall be a party in the Court of Claims.
2. Section 3 authorizes the Secretary of War to direct a geological and topographical exploration of the Territory between the Rocky Mountains and the Sierra Nevada.

ARMY.

1. Proviso in reference to the ownership, payment for keeping in repair, and manner of using the Rock Island bridge.
2. Section 2 requires the headquarters of the General of the Army of the United States to be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate, &c.
3. Section 3 repeals the joint resolution relative to the appointments to the Military Academy of June 16, 1866.
4. Section 5 prohibits whipping or maiming as a punishment by any pretended civil or military authority lately in rebellion until the civil government of such State shall have been restored and recognized.
5. Section 6 disbands all militia forces now organized in certain rebel States, and forbids further organization, arming, or calling into the service of the same.

NAVY.

1. Section 2. Secretary of the Navy authorized to negotiate with the city of Brooklyn for an exchange of lands in Wallabout Bay.
2. Section 3 prohibits Government officers or employés in navy-yards from requesting of workingmen money for political purposes, and forbids removal on account of political opinion.

RIVERS AND HARBORS.

1. Section 2 revives previous unexpended appropriation, provides for the manner of its expenditure, and that the Michigan City Harbor Company shall contribute $100,000 for the same purpose, to wit, a harbor at that place, and provides for the manner in which contracts shall be made and the work shall be done, &c.
2. Section 3 instructs Secretary of War as to manner of inviting proposals for any work, any material or labor, and as to security from disbursing officers.

INDIAN.

Sections 2, 3, and 4 provide for the manner of paying moneys or annuities to Indian tribes; as to the duty of the Indian Bureau to report tabular statement at commencement of each December session, showing in detail expenditure, and to whom paid, and for what objects, and provide for vacancies in particular cases of Indian subagents.

SUNDRY CIVIL.

1. Section 2 abolishes office of Commissioner of Public Buildings, and devolves the duties upon the Chief of Engineers of the United States Army, including all the public works of the Government in the District of Columbia not otherwise provided for by law, and places appointment of Capitol police under the respective Sergeants-at-Arms.
2. Sections 3 and 4 authorize Light-House Board to use unexpended balances of appropriations for the Pacific coast for similar works upon the same coast, and to purchase necessary lands in certain cases and under certain conditions, and forbids certain superintendents of lights whose compensation as collectors of customs exceeds $3,000 per annum from receiving compensation as disbursing agents, &c.
Section 5 fixes salary of general appraiser and assistant appraisers.
3. Section 6 grants relief to clerk of pardons, State Department.
4. Section 7 directs Clerk of House of Representatives to select newspapers in each of the ten rebel States in which laws, &c., shall be published, and the manner and rates.
5. Section 8 authorizes Secretary of Treasury to sell at public auction certain buildings and grounds belonging to the United States.
6. Section 9 directs the Secretary of the Interior to examine condition of public buildings in New Mexico and report, &c.
7. Section 10 directs as to advertisements, &c., to be printed in newspapers in the District of Columbia, and as to other printing.
8. Section 12 directs Secretary of War to increase the pay of clerks in Springfield armory.
SEC. 13. That the laws relating to the Army, Navy, militia, and the Marine Corps be published in the Army and Navy Journal at such rates as are fixed by the Secretary of State.

DEFICIENCIES.

1. Section 2 transfers unexpended balance of appropriation for legislative expenses of Nebraska for a geological survey of said Territory.
2. Sections 3 and 4 fix tax on gaugeable goods withdrawn from bonded warehouse for export, and fix pay of gaugers at port of New York after April 1, 1867.
3. Section 5 construes portion of act of April 2, 1866, to authorize and require the Secretary of the Treasury to pay certain contractors.
4. Sections 7, 8, 9, fix salaries of certain surveyors, clerks, and judges.
5. Section 11 gives notice of annulment of contract for publication of debates in Congress.
6. Section 12 authorizes Secretary of Interior to appoint in the Pension Office eighty clerks for two years.

1868.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Re-organizes partially the office force of the Department of State, and repeals the act of 1856.
2. Makes special Commissioner of Revenue Chief of Bureau of Statistics.
3. Section 2 extends provisions of section 10 of sundry civil law of 1867, concerning proposals for contracts for printing for all the Executive Departments, and printing the laws and treaties, providing place, number of newspapers in which, and time of advertisements.
4. Section 3 repeals the act authorizing the publication of debates in Congress, and directs the Joint Committee on Printing to invite proposals for the same.
5. Section 4 directs the manner of advertisements, &c., in the District of Columbia, Maryland, and Virginia.
6. Section 5 fixes the pay of each night-watchman in the Treasury Department at $900 per year.
7. Section 6 excludes statuary, &c., property of private individuals, from the Capitol building.

NAVY BILL.

1. Section 2 establishes number of enlisted persons in the Navy at 8,500.
2. Section 3 covers in unexpended appropriations existing on the 1st of July next.
3. Section 4 directs Secretary of Treasury to state in his next Book of Estimates balances of appropriations made prior to present session of Congress for each branch of the public service and unexpended on the 1st day of July next, stating the amount necessary to execute contracts and pay expenses properly chargeable to such balances.

SUNDRY CIVIL BILL.

1. Section 7 covers in the moneys standing to the credit of patent fund, and requiring hereafter detailed statement of expenditures.
2. Section 8 authorizes special tax for schools in Washington and Georgetown.
3. Section 9 repeals law regulating price of labor in Government Printing Office, and making it the duty of the Government Printer to contract for such labor at just rates.

4. Section 10 provides for payments to Maine and Massachusetts under the fourth article of treaty of Washington, 9th of August, 1842.

DEFICIENCY.

1. To pay for services of the First Regiment of the Colorado Mounted Militia.
2. Section 2, to re-imburse the city of Washington for improving the property of the General Government, and repealing certain acts.
3. Section 3 makes it a misdemeanor for any officer of the Government to contract for the erection, repair, or furnishing of any public building, or improvement in excess of any specific appropriation.
4. Section 4 repeals laws appropriating for the solicitor, assistant solicitor, and deputy solicitor of the Court of Claims, and of the Assistant Attorney-General for fiscal year ending June 30, 1869, and appropriates for two Assistant Attorneys-General, one clerk, and two clerks of class four, for said year.

CONSULAR AND DIPLOMATIC.

1. Section 2 forbids pay to diplomatic or consular officers while absent beyond the term of sixty days in any one year.
2. Section 3 provides fee for verification of invoices, penalty for illegal charges, &c., and conditionally abolishes tonnage or clearance fees.
3. Section 4 provides for inspection of consular offices.
4. Section 5 provides against willful neglect of consular officers to render accounts.
5. Section 6 provides that the consuls-general, respectively, shall hold but one office, limits expense to stationery, &c.
6. Section 7 fixes salary of consul at Bangkok, in Siam, at $3,000, and reduces others.

INDIAN BILL FOR 1868.

1. Section 2 prescribes the mode of delivery of goods to Indians.
2. Section 5 directs Committees on Indian Affairs of each House to examine the Choctaw and Chickasaw claim and report next session.
3. Section 6 restores the Mendocino reservation to the public lands, provides for its survey and sale, &c.

1869.

ARMY BILL.

1. Authorizes Secretary of War to have prepared and published the results of the exploration of the fortieth parallel.
2. Sections 2 to 7, both inclusive. Partial reduction of the Army.

NAVY BILL.

1. Section 2. Thirty-three and one-third per cent. a day additional to ordinary seamen employed as firemen or coal-heavers.
2. Section 3 fixes salary of secretary of Naval Academy.
3. Section 4 repeals the act that authorizes the annual enlistment of ten enlisted apprentices for appointment as midshipmen to the Naval Academy.

DEFICIENCIES.

1. Re-organization of the labor force having in charge and general care the buildings occupied by the Treasury Department.

1870.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Important legislation prohibiting pardon or amnesty of any claimant in the Court of Claims from being admissible to establish his standing in court, and ordering the dismissal of cases where judgment shall have been rendered in the Court of Claims on other proof of loyalty than therein required, and setting forth what is conclusive evidence of former disloyalty.
2. Requiring the proprietors of all internal-revenue bonded warehouses to pay to the collector salaries, &c., of storekeepers or other officers in charge, and directing the Commissioner and accounting officers of the Treasury to take steps to carry law into effect, and authorizing the President in his discretion to divide States and Territories into convenient districts.
3. Section 2 makes female clerks eligible to any of the grades known to the law.
4. Section 3 fixes annual compensation of messengers, assistant messengers, laborers, and watchmen.
5. Section 4 repeals all acts or resolutions granting extra compensation; repeals various sections of various acts.
6. Sections 5 and 6 limit and cover in appropriations and unexpended balances of appropriations.
7. Section 7 prohibits expenditures for any fiscal year in excess of appropriations therefor, or any contract in excess of the same.
8. Section 9 provides for the Polaris expedition.

ARMY BILL.

1. Sections 2 to 25, inclusive, re-organization of the Army.

NAVY BILL.

1. Legislation on the Corliss Steam-Engine Company, to prevent payment.
2. Re-organization of the Navy.

INDIAN BILL.

1. Section 2 provides how annuities may be expended.
2. Section 3 instructs the Secretary of the Interior to encourage able-bodied Indians in the habits of industry and peace, and continues the peace commissioners as long as the appropriation shall last; makes it their duty to supervise all expenditures and inspect all goods.
3. Section 4 guards expenditures of Indian appropriations.
4. Section 5 repeals provisions for paying money to minor children of Pottawatomies.
5. Section 6, to discontinue one or more Indian superintendencies.
6. Section 7, as to sale of reservation of certain Indians.
7. Section 8, as to proceeds of same.
8. Sections 9 and 10, as to certain Winnebago Indians.
9. Section 11 empowers Cherokee Indians to institute suit in certain cases.
10. Section 12, removal of Great and Little Osage Indians to permanent home in the Indian Territory; sale of their present diminished reservation; payments in consideration of its relinquishment and for stock, farming utensils, &c.
11. Additional section against making treaty with Indian tribes.

CONSULAR AND DIPLOMATIC.

1. Section 2 authorizes the President to have accounts of consular officers examined.

RIVER AND HARBOR.

1. Section 5, Secretary of War to detail three engineers to examine all bridges across the Ohio River.

SUNDRY CIVIL.

1. Provisions affecting support of students in Columbian Institution for the Deaf and Dumb.
2. Forbidding advertisements, &c., of the Executive Departments being published without written authority from the head of the Department.
3. Section 3 makes provision as to Light-House Board as to revenue-cutters on the northern and northwestern lakes, repealing the law directing them to be laid up, and authorizing the sale of two of them.
4. Sections 5 and 6 authorize canal commission in the city of Washington, and provide for the re-imbursement of the cost of the same by taxes, &c., and authorize certificates of indebtedness to pay amount due by the corporation of Washington, due up to the 6th day of June, 1870.
5. Section 13 permits the extension of the Junction and Breakwater Railroad over the iron pier at or near Lewes, Delaware.

1871.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Altering the law in regard to furnishing extra documents by the Government Printing Office.
2. Modifying the law in regard to publishing laws or treaties in newspapers.
3. Section 3, increasing the salaries of the Chief Justice and associate justices and circuit judges of the United States, and prescribing duty of the latter in regard to places of holding court.

ARMY.

1. Section 2 directs President of the United States to appoint three commissioners of claims to examine, &c., and report upon the justice, &c., of claims of citizens who remained loyal during the war.
2. Sections 3, 4, 5, and 6 provide for the manner, &c., and makes an indefinite appropriation.
3. Section 7 directs Secretary of War to build and operate a telegraph line from Yankton to Fort Randall, and thence to Fort Sully; provides for the cost, rate per mile, charges for transmision of news, &c.
4. Section 8 provides an indefinite appropriation for the same.
5. Section 9 directs Secretary of Treasury to pay certain Pacific Railroad Companies one-half of the compensation due them for services rendered or to be rendered.

NAVY BILL.

1. Section 2 authorizes the Secretary of Navy to build a floating iron dock, at a cost of not more than one million, and prescribes the method of receiving bids, and that they be referred to a board of at least five officers, a majority of whom shall be constructors and engineers, and provides for faithful performance of contract.
2. Section 3 provides for manner of making contracts for the Navy for supplies for foreign stations.
3. Section 4 authorizes the President to accept the resignation of any naval officer until the number of the grade to which such officer shall belong is reduced to the legal number, allowing one year's sea-pay conditionally.
4. Section 5 re-organizes the Medical Corps, active enlisted men in the Navy.
5. Section 6 re-organizes the Pay Corps, active enlisted men in the Navy.
6. Section 7, re-organization of Engineer Corps.
7. Sections 8, 9, 10, 11, 12 provide for the re-organization of the Navy, specially as to staff-corps, and adjusting the differences between staff and line.

INDIAN BILL.

1. Providing as to right of certain mixed-blood Osages.
2. Provides that no payment shall be made for goods or supplies furnished Indians, or transportation thereon, or for buildings or machinery, beyond 50 per cent. of the amount due, until the accounts will have been submitted to the executive committee of the commissioners appointed by the President under provision of the fourth section of the act of April 10, 1869.
3. Section 3 prescribes the manner of making contracts with the Indians.

POST-OFFICE BILL.

1. Section 4 requires bidders on certain mail-routes to send certified check with bid.
2. Section 5 suspends the building of the bridge over the Ohio River, from Cincinnati to Newport, until certain requirements shall have been complied with.

SUNDRY CIVIL BILL.

1. Section 7 directs the proceeds of fines, penalties, &c., heretofore incurred or that may hereafter be incurred under the act of July 27, 1868, and the act of July 1, 1870, shall be disposed of under the act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, &c., approved March 2, 1867.
2. Section 8 authorizes Secretary of Interior to increase compensation of assistant census marshals.
3. Section 9 authorizes President to prescribe rules for the admission of persons into the civil service.

DEFICIENCY.

1. Limits publication of mail contracts to one newspaper.
2. Amends pension laws.

1872.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL.

1. Sections 2, 3, and 4, concerning printing by heads of Departments, the duty of the Congressional Printer, and the number of congressional documents printed.
2. Section 5 concerns proceeds of old materials—condemned stores—to be covered in as miscellaneous receipts.
3. Section 6 provides for the extension of the public grounds around the Capitol.
4. Sections 7, 8, 9, 10, and 11, ditto, ditto, ditto, ditto, ditto.
5. Section 12 requires the Washington and Georgetown and Metropolitan Railway Companies to remove their tracks.
6. Section 13 increases salaries of Second Comptroller, Register, Supervising Architect, and judges of Court of Claims.

ARMY BILL.

1. Section 2 prohibits branding of soldiers, &c.

NAVY BILL.

1. Provides for ranks of graduates of Military Academy.
2. Section 2 authorizes Secretary of the Navy to sell useless vessels and material, and providing for the manner of the same.

CONSULAR AND DIPLOMATIC.

1. Repeal of previous law touching payment of two salaries to one officer in said service.

INDIAN BILL.

1. Sections 5, 6, 7, 8, legislate upon appraisement of Cherokee lands, for the removal of the Winnebago Indians, and prescribe rules, &c., as to the manner for compensation for depredations committed by Indians, and instruct as to manner of evidence received, and provide also for the removal of the Chippewa Indians of Lake Superior, and provide as to manner of sale of land made vacant by their removal, and appoint certain commissioners.

POST-OFFICE.

1. Legislates upon the money-order system.
2. Provides for additional monthly mails on Pacific route.

3. Section 5 renders it unlawful for any person who shall hereafter be appointed an officer, &c., in any of the Departments to act as counsel, &c., for prosecuting any claim against the United States pending while he was said officer, &c., within two years after he had ceased to be such.
4. Section 6 legislates for mail service between San Francisco, China, and Japan.

SUNDRY CIVIL.

1. Legislation as to enforcement act, &c.
2. Legislation as to continuance of appropriations, unexpended balances, &c.
3. Legislating as to the conveyance of the real estate of the Columbian Institution for the Deaf and Dumb; also the same as to Columbia Hospital for Lying-in Women.
4. Establishing grades of the streets and avenues in the vicinity of the Capitol.
5. Discontinuing the Bureau of Freedmen, Refugees and Abandoned Lands.
6. Transferring Freedmen's Hospital, District of Columbia, to Secretary of War.
7. Instructions to Secretary of War and Postmaster-General concerning business between telegraph companies and Signal Service, and making neglect or refusal on part of such companies finable.
8. Section 6, providing for manner of settlement of judgments by the Court of Claims or the Supreme Court, in cases of cotton captured, abandoned, or seized.
9. Section 7, providing for adjustment of accounts of collector of port of Chicago in case of money destroyed by fire in that city October 9 and 10.

DEFICIENCY.

1. Section 2, directing accounting officers to pay laborers, workingmen, and mechanics employed between June 25, 1868, and the 19th day of May, 1869, without reduction on account of hours of labor, &c.
2. Section 3, constituting citizens born in the Territory of Oregon citizens of the United States in the same manner as if born elsewhere in the United States.
3. Section 5, directing Secretary of Treasury to pay lawful owners of cotton seized unlawfully by the agents of the Government after the 30th day of June, 1865, the net proceeds of the sales of said cotton, without interest, and providing for the manner thereof.

1873.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Increase of salary of the President, Vice-President, justices of Supreme Court, Cabinet officers, Assistant Secretaries, Speaker of the House, Senators, Representatives and Delegates, and officers of the Senate and House.
2. Fixing maximum pay of collectors of internal revenue at $4,500.
3. Prohibiting members or officers of territorial Legislatures from receiving other pay than that provided by the laws of the United States.
4. Limiting printing for Territories, $4,000.
5. Limiting period of session to forty days.
6. Section 2, directing Secretary of Treasury to withhold payment from certain railroad companies.
7. Section 3, increasing salary of Supervising Architect, Commissioners, Solicitors, Assistant Postmasters-General, and others.
8. Section 4, directing Attorney-General to institute suit against the Union Pacific Railroad.

ARMY BILL.

1. As to old uniforms; manner of disposal of such.
2. National military cemeteries; head-stones for same.

NAVY BILL.

1. As to rank of engineer officers graduated at the Naval Academy.
2. Section 2, as to prize cases.
3. Section 3, as to retired officers.

INDIAN BILL.

1. Authorizing Secretary of Interior to sell trust bonds of the Pottawatomie Indians.
2. Prohibiting traders from selling arms in any district occupied by hostile Indians.
3. Section 2, authorizing Secretary of Interior to sell trust bonds of the Ottawa Indians.
4. Section 3, suspending authority to sell bonds of Choctaw Indians.
5. Section 4, setting apart from funds belonging to Cherokee Nation $100,000.
6. Section 5, respecting sale of lands belonging to Kickapoo Indians of Kansas.
7. Section 6, providing for Indian inspectors and their duties, and abolishing certain superintendencies.
8. Section 7, prescribing the manner of issue of supplies.

POST-OFFICE BILL.

1. Authorizing Postmaster-General to re-adjust compensation for transportation of mails.

SUNDRY CIVIL BILL.

1. Authorizing sale of marine hospital at New Orleans, Louisiana.
2. Section 1 amends laws relating to customs, commerce, and navigation, to extend them over Alaska.
3. Authorizing Secretary of Interior to purchase squares 687 and 688 adjoining Capitol building and sell old material.
3. Sections 5, 6, 7, 8, 9, 10, providing for assistant treasurers at Chicago and Cincinnati, and other pertinent matter.

1874.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Repeals so much of the act as makes the Public Printer's election by Senate.
2. Discontinues publication of laws in newspapers.
3. Section 2 enacts that officers of the United States courts shall reside permanently at the place of official duty.
4. Section 3, restricting civil officers in receipt of compensation.
5. Section 4 re-organizes national loan force and fixes pay.
6. Section 5, provision respecting unexpended balances.

ARMY BILL.

1. Section 2, respecting balances of appropriations.

INDIAN BILL.

1. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, as to Indian management and disbursement of appropriations, making of contracts, &c.

POST-OFFICE BILL.

1. Sections 4 to 13, both inclusive, revise postal laws.

SUNDRY CIVIL BILL.

1. Guarding and directing $1,300,000 for the District, and directing the commissioners to care for the workingmen by retaining from the several contractors the sum due them.
2. Enacting as to the appropriations for charitable purposes, manner of payment, &c.
3. Declaring northern part of Woodlawn cemetery, New York, a national cemetery.
4. Construing the second section of the Army appropriation bill of 1874.
5. Legislation on public buildings.
6. Section 3 directs Secretary of Treasury to inquire as to amount due Choctaw Indians.
7. Section 4 amends sundry civil act of 1873 with respect to compensation of the census-takers of 1860.
8. Section 6 to enable Secretary of War to carry out the provisions for relief of the sufferers by the overflow of the Mississippi River.

RIVER AND HARBOR BILL.

1. Section 3 authorizes the appointment of a board of engineers, for the survey of the mouth of the Mississippi River, by the President.

1875.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

1. Sergeant-at-Arms and Doorkeeper, limiting and prescribing compensation.
2. Designated depositaries, Buffalo, New York.
3. Territory of Utah, diverting appropriation upon legislative expenses, $23,400.
4. National Military and Naval Asylum, manner of appropriation made specific.
5. Section 2 re-organizes the national-loan force and prescribes salaries.
6. Section 3, legislation upon the manner, matter, and time of submitting estimates.

ARMY BILL.

1. Changing mileage to actual traveling expenses, excepting marshals, district attorneys, clerks of United States courts, and their deputies.
2. Prohibiting payments to railroad companies for transportation in cases of such companies profiting by the aid of public-land grants, &c.
3. Section 2, giving preference in contracts to American materials and labor.
4. Section 3, concerning issue of arms and other ordnance stores to States and Territories.

INDIAN BILL.

1. Repealing provisions of law which make payment of appropriations to Northern Cheyennes and Arapahoes conditional upon their removal.
2. Providing for removal of Indians in Oregon.
3. Concerning the rights of the eastern band of Cherokee Indians in North Carolina.
4. Sections 2 to 14, both inclusive, as to manner of expenditure of Indian appropriations, reservation regulations, &c.

POST-OFFICE BILL.

1. Sections 4, 5, 6, 7, concerning manner of keeping accounts, matters to go free through mails, and looking to reductions of expenditures through instruction of Postmaster-General.

RIVER AND HARBOR BILL.

1. Sections 3 to 14, both inclusive, to construct jetties and auxiliary works to form channel between South Pass, Mississippi, and the Gulf of Mexico.

SUNDRY CIVIL BILL.

1. Secretary of War notifies Chicago, Rock Island and Pacific Railroad Company to remove piers, abutments, &c.
2. Chief Engineer of the Army to notify Washington and Georgetown Railway Company to remove track from over Aqueduct bridge, Rock Creek.
3. Forming commission to dispose of Philadelphia navy-yard.
4. Secretary of War detailing medical officer to report on the reported existence of cholera in Mexico.
5. Section 3, providing for the redistribution of the national-bank currency, as per act of June 20, 1874.
6. Section 4, authorizing President to appoint board to test iron and steel.
7. Section 5, international exhibition.
8. Section 6, modifying section 25 of the Revised Statutes, prescribing time of holding elections for members of Congress.
9. Section 7, pay of discharged clerks one month.
10. Section 8, to protect officials in their official acts.
11. Section 9, concerning the printing and distribution of the Revised Statutes.
12. Section 10, fixing maximum compensations of surveyors of customs.
13. Section 11, authorizing Secretary of Treasury and prescribing manner of obtaining bonds for the sinking fund.
14. Section 12, making it the duty of the Commissioner of Patents to furnish free of cost one copy of the bound volumes of specifications, &c., of patents to each of the Executive Departments.

DEFICIENCY.

1. Directing certain action of the board of audit of the District of Columbia.
2. Authorizing Secretary of Interior to sell United States stocks held in trust for the Kickapoo tribe of Indians.
3. Section 3, authorizing Postmaster-General to perform certain duties.
4. Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, on various subjects, three last being on Indian matters.

Mr. FOSTER obtained the floor.

Mr. WILLIS. I ask the gentleman to yield to me to submit a resolution for reference.

Mr. FOSTER. I yield to the gentleman.

SCHOOL SYSTEM OF DISTRICT OF COLUMBIA.

Mr. WILLIS, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia, and ordered to be printed in the RECORD:

Whereas it is the duty of Congress to provide for such an organization of the public schools of the District of Columbia as shall more effectually promote the cause of popular education; whereas frequent changes in the rules and management should be avoided; and whereas it is alleged that such purposes are not at present subserved: Therefore,

Resolved, That the Committee for the District of Columbia be instructed to report at the opening of the next session of Congress a bill for the permanent organization of said schools, and to prevent unnecessary changes before that time that the commissioners of the District be requested to take such measures as may be necessary to prevent any changes being made or carried into effect in the by-laws and regulations of the schools, text-books, and teachers as the same were in force or employed at the close of the schools in June last until action shall have been taken by Congress on the report of said committee, except in case of resignations of teachers or organization of new schools or when the commissioners shall be convinced from personal knowledge that changes of teachers are imperatively required.

Resolved further, That said committee inquire whether the present board of trustees is legally organized and constituted; also into the acts of said board; also into the expenditures, both as to character and amount, made or incurred in carrying the present school system into operation, and report thereupon.

INCREASE OF CAVALRY FORCE.

Mr. BANNING. I ask unanimous consent to make a report of a bill from the Committee on Military Affairs, to whom was referred the message of the President in regard to recruiting additional men for the Indian service.

The SPEAKER *pro tempore*. The Clerk will report the bill.

Mr. RANDALL. I reserve points of order until I hear the bill read.

The Clerk proceeded to read the bill, as follows:

A bill to increase the efficiency of the cavalry force in the suppression of the Sioux Indian hostilities.

Whereas war with the Sioux Indians now prevails; and whereas in the conduct of this war it is necessary to the efficiency of the cavalry regiments therein engaged that their effective force shall be increased: Therefore,

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as may be employed in the existing Indian hostilities and as in his opinion may require the same: *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the 25,000 authorized by the act approved July 24, 1876, making appropriations for the support of the Army for the fiscal year ending June 30, 1877.

Mr. COX, (interrupting the reading of the bill.) I object to that.

Mr. RANDALL. I call for the regular order.

LEAVE OF ABSENCE.

Mr. RUSK. I rise to a personal matter. I ask leave of absence for the remainder of the session, on account of sickness in my family.

There was no objection, and leave of absence was granted.

ANDREW EVARTS.

Mr. RUSK. I have charge of a bill for the present Speaker and had promised to call it up. It is to pension a soldier in his district. Before I leave I ask unanimous consent to take that bill from the Speaker's table and put it upon its passage.

Mr. COX. The gentleman from Wisconsin [Mr. RUSK] has got leave of absence during the rest of the session.

The SPEAKER *pro tempore*, (Mr. EDEN in the chair.) While the gentleman is present, he is entitled to make this request of the House.

There being no objection, the bill (S. No. 897) granting a pension to Andrew Evarts was taken from the Speaker's table and read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Andrew Evarts, private Company B, Fourth Ohio Volunteers, at the rate of $8 per month from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 516) for the relief of Floyd C. Babcock;

An act (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

An act (H. R. No. 2571) making appropriations for the executive, legislative, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; and

Joint resolution (S. No. 24) providing for the postponement of the publication of the Army Regulations.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The gentleman from Ohio [Mr. FOSTER] is entitled to the floor.

Mr. HUNTON. The gentleman from Ohio has agreed to yield to me.

Mr. FOSTER. I would be glad, if in my power, to yield to all the gentlemen who have requests to make.

The SPEAKER *pro tempore*. The gentleman from Ohio cannot parcel out the floor.

Mr. FOSTER. I am advised that if I yield further I will lose the floor.

The SPEAKER *pro tempore*. The gentleman certainly will.

APPROPRIATIONS—ECONOMY AND REFORM.

Mr. FOSTER. Some reply is needed to the ingenious misstatements made by the gentleman from Pennsylvania, the chairman of the Committee on Appropriations.

Mr. RANDALL. I will be glad to hear the gentleman do so.

Mr. FOSTER. Like the gentleman from Pennsylvania, I desire to go on without interruption.

Mr. Speaker, my purpose in addressing the House at this time is to show what has been done by the House in the line of economy and reform. So much has been falsely claimed by the democratic side as to render a fair statement necessary.

The minority of the Committee on Appropriations, supported by the minority of the House, entered upon their duties with the full determination of aiding the majority in making every possible reduction and postponement in the expenditures. We fully realized and appreciated the demand of the country for economy, and were therefore prepared to join hands with any party in Congress to provide proper measures of economy that would not cripple the Government or cause friction in the workings of the Government machinery.

While the people of the country have rightly demanded economy at the hands of their representatives, they do not ask nor will they long permit the real functions of government to be impaired or weakened either at home or abroad.

Since the culmination of expenditures in 1866 a steady, prudent, and entirely safe reduction in the expenses of the Government year by year has been the policy of the republican party. The precedent thus set should have been maintained until the expenditures had reached their lowest possible limit.

We were willing to admit that in the reduction of salaries and the number of employés an opposition House could be more thorough than one in accord with the Administration. We, therefore, recognizing this fact, determined to obtain all that might be possible from it. We believed that reductions and postponements might safely be made aggregating a sum of from fifteen to twenty millions of dollars. We now believe, after having thoroughly examined the subject, that reductions and postponements of expenditures for the present fiscal year could properly be made to the full extent of $20,000,000 without seriously impairing the administration of the Government. We have not been able to agree in many instances with the bills as reported, and have tried to indicate our objections by amendments in the House.

For myself, I believe that the appropriations as proposed by the House would have, in many cases, caused serious embarrassment to the Government and that the appropriations as finally agreed upon will have to be supplemented by increased appropriations when we meet next session. In fact I am corroborated in this statement by the chairman of the committee himself, who, in order to carry his point when all other arguments failed him, has repeatedly stated on this floor that if the amount of appropriations then pending was not sufficient we would be here next session when a further appropriation might be made if it was found necessary. He has suggested to officers charged with the administration of the Government when refusing to appropriate the sum they deemed absolutely necessary, that it would be *made right* next session. I make the prediction now that further appropriations aggregating millions of dollars will be made at the next session to defray the expenses of the Government for the present fiscal year.

FINANCIAL CONDITION OF THE TREASURY.

No great financial embarrassment of the Government was or is impending to in any degree warrant the postponement and withholding of any needful or necessary appropriation.

On the scale of expenditures of the past two years our revenues have been ample for the discharge of every liability of the Government, including the sinking fund, as the following letter from Assistant Secretary Conant fully discloses:

TREASURY DEPARTMENT, *July* 21, 1876.

MY DEAR SIR: In compliance with your verbal request I have the honor to inform you that—

The amount required for the sinking fund for the fiscal year ending June 30, 1875, was	$31,096,545 00
During that year 6 per cent. 5-20 bonds were redeemed and paid for from cash in the Treasury to the amount of	25,170,400 00
In addition to which, under the provisions of the specie-resumption act of January, 1875, $6,228,420 in legal-tenders were retired, making a total redemption of the debt on sinking-fund account during that year of	31,398,820 00
The estimated amount to be applied to the sinking fund for the fiscal year 1876 was	32,293,692 32
On this account 6 per cent. 5-20 bonds were redeemed and paid for in gold to the amount of	18,444,050 00
Fractional currency was redeemed and applied to the account, under the provisions of law, to the extent of	7,062,142 09
Legal-tender notes amounting to $5,999,296 were also retired during the year.	
These several items aggregate the sum of	31,505,488 09

It will be observed from the above statements that, during the fiscal year 1875, the redemption on the sinking-fund account was $302,265 in excess of the amount required, but that during the fiscal year 1876 they did not reach the amount necessary by the sum of $635,425.91.

I will add that during the last fiscal year (1876) the principal of the certificates of indebtedness of 1870, issued under the act of July, 1870, bearing interest at the rate of 4 per cent., amounting to $678,000, matured and were paid out of the current revenues of the Government. If this were to be taken into the account as a 1 per cent. payment of the principal on the public debt for sinking fund purposes, then the sinking fund during the past two years would more than have been provided for.

Very truly yours,

CHAS. F. CONANT.

Hon. CHARLES FOSTER,
House of Representatives, Washington, D. C.

Since the commencement of President Grant's administration more than $500,000,000 of the public debt has been paid, thus more than doubling the requirements of the sinking fund.

If a reduction of expenses to the amount of forty millions had obtained as proposed by our democratic friends, the surplus of revenue over expenditures would have been $73,000,000 for the current year.

We have the authority of the present Secretary of the Treasury that the revenues for the fiscal year ending June 30, 1877, may be safely estimated as follows:

Customs	$150,000,000
Internal revenue	122,000,000
Miscellaneous	19,000,000
Total	291,000,000
Expenditures for the year 1876	258,000,000
Surplus	33,000,000
Add proposed reduction by the democratic House	40,000,000
Surplus for year ending June 30, 1877, if reduction had been made	73,000,000

I ask our democratic friends what they proposed to do with this large surplus? Was the purpose the creation of a fund to aid Governor Tilden to resume specie payments at an earlier date than 1879? I would like a reply to this question from my soft-money friend from Indiana, [Mr. HOLMAN.]

Was the purpose to aid the schemes referred to by the gentleman from Mississippi [Mr. SINGLETON] early in the session, such as the building of the Southern Pacific Railroad and the Mississippi levees or was it to pay the many hundreds of millions of claims, bills for which have been introduced by gentlemen from the South, which would have been pressed but for the pendency of a presidential election?

If for none of these reasons, what was the purpose?

If you desired to relieve the people, why have you not proposed a reduction of taxation?

Reduction of appropriations without a corresponding reduction of taxes will not be appreciated by the people.

THE CREDIT DUE THE CHAIRMAN.

The chairman of the committee claims much credit for the industry he has shown in the preparation and passage of his bills. I concede to him great industry and faithfulness to the purpose he had in view. He has carried them through the House substantially as he has reported them. He has done this in spite of the known fact that but few members of his own party agreed with him. He has encountered the opposition of more than one-half of his political associates from time to time to very many portions of these bills. I award him full credit for his successful leadership, and trust in the future when he seeks higher honors from his party he may be better rewarded than in the past.

But, Mr. Speaker, how were the bills made up and why the untiring industry of the chairman?

Before the committee had fairly looked inside the Book of Estimates it was announced to the country by the chairman of the Committee on Appropriations that reductions would be made to the tune of $40,000,000. How did he know these reductions could be made? He did not know it then and he does not know it now. The energies of the gentleman were exerted in making good his announcement that the reductions would reach $40,000,000, and to this end his labors were directed. To make his word good he worked early and late. He was ever unmindful of what service was to be the sufferer, nor did he seem ever to care whether it was the soldier on land, the sailor at sea, or the skilled and unskilled mechanics and laborers who were to suffer.

DEPRESSION OF BUSINESS.

Times are hard, but I sometimes think much is added to the general feeling of depression in the country by the continual croakings which many of us are too apt to make. It is said that no one act of ours during the rebellion gave more hope to our friends at home and abroad and one that caused more consternation to our enemies than the completion of the Dome on our beautiful Capitol building. So now, a little more courage of this sort would encourage people to throw off the lethargy of the times and to go forward with their accustomed energy and enterprise. In times like these, when a whole people are suffering and depressed, a great government like ours should be as liberal in continuing necessary appropriations as the condition of the Treasury will permit.

ESTIMATES.

We have heard a great deal, Mr. Speaker, of the extravagance of this Administration in the matter of the estimates. Much ill-advised talk on this subject has been indulged in. This matter of estimates is greatly misunderstood. Gentlemen have stated that the estimates are the sums asked for by an extravagant administration for the working of the Government machinery. The fact is, these estimates are made in obedience to and in conformity with law.

Let me illustrate this matter. The estimates for the maintenance of the Navy are made by men belonging to no party. They are officers of the Navy. The Secretary came before the committee and said, "Gentlemen, this is your Navy, not mine." The officers in charge estimate that it will take about twenty-one millions to properly care for your Navy. This estimate is made for the legal pay of the legal number of officers and men, the maintenance of all the navy-yards of the country, to complete as far as we can in one year the iron-clads and other vessels of war authorized by Congress, and certain repairs of ships, together with the necessary incidental and contingent expenses thereof. "Now," he says, "do what you please. I will do the best I can with the money you give me."

So, too, with the Secretary of War in making estimates for the support of the Army. These estimates are all made by Army officers; all the Government buildings under control of the War Department, together with all the river and harbor improvements and all other expenses for the support of the Army, are estimated for on the basis of existing law. They estimate that the river and harbor improvements will cost fourteen and a half millions, and this, too, in obedience to the mandates of law. They do not ask Congress to expend a dollar, but their duty has been performed when they tell us the cost. Examine the river and harbor bill passed this session by this House and you will find the engineer force of the War Department is directed to make surveys of rivers and harbors and canals and to make estimates of the cost thereof, the cost of which I will venture to say will amount to more than $20,000,000, and the most of it I might add is for the South. Will gentlemen claim next session when the estimates for these works are before us that the War Department is extravagant because they have simply performed their duty as expressly required by this Congress?

Take up the estimates for public buildings. Is the Treasury Department extravagant when they send us estimates of the cost of the buildings that Congress has ordered to be built? Is this same Department extravagant when they estimate what it will cost to build light-houses in aid of commerce as required by Congress?

I have named subjects enough for the purpose of showing that our democratic friends are greatly in error when they charge extravagance upon the Departments of the Government in making up these estimates. The fact is, once for all, they simply obey the laws which they are sworn to execute when they give us in the detailed form of estimates the cost of administering the Government for another year. I will not conceal the fact that a small portion of these estimates are matters of discretion, but I have yet to find any item of discretionary expenditure upon which any serious charge of extravagance has been made or can be made.

Our friends on the other side indulge in generalities and with a great flourish of trumpets claim that the proposed appropriations are largely below the estimates. Is there anything startling or new in that? I venture to say that never in the history of the Government has Congress appropriated the full sum estimated for. Since my service here I have never known an instance where the appropriations were not largely below the estimates. The fact is the estimates are valuable as forming a basis of action by Congress. Knowing what the full cost is, Congress can then intelligently exercise its discretion as to how much of the cost may be postponed. This is the light in which intelligent men view this subject of estimates.

REDUCTIONS.

Gentlemen on the other side have had much to say of the reductions proposed by the House appropriation bills. They claim to have made reductions of $64,000,000 from the estimates, and from the appropriations of last year of $39,000,000. Now a very large proportion of these sums are not reductions at all, but are simply postponement of expenditure that must be made hereafter. In an analysis of these bills I shall give the amount of actual reductions and the amount postponed, so that it can be seen exactly how much credit is due the action of this House on the score of reduction and how much for postponement.

DEMOCRATIC FIGURES.

The table of the gentleman from Illinois [Mr. SPRINGER] shows the reduction of the appropriation bills as passed by the House over those of last year to be $39,175,000, (but correctly footed should be $38,631,511,) and the reduction on the estimates for this year at $64,362,000, which when correctly footed is $64,618,727.30. I use this table because it is generally accepted by the democratic party. I shall show that the reductions and postponements are largely overstated in this table. First, the reduction in the pension bill is $466,550. That bill was passed precisely as recommended by the Pension Office, and therefore no credit can be due to this House for this reduction. It simply shows that we have reached the maximum of expenditures, and that this year, and for the years to follow, we are on the descending scale in the amounts to be appropriated for the payment of pensions. It is also claimed in this table that there is a reduction on the deficiency bill of $4,032,212.44.

It is well known to every gentleman here that this deficiency bill is for items of expense for the year ending June 30, 1876, not provided for by appropriations made by the last republican House. It is true that the deficiency bill for the last fiscal year was about $4,000,000 less than for the year previous. If anybody is to have credit for it it is not the present democratic House of Representatives but the republican House of last session. It does not enter into the expenditures for the year ending June 30, 1877.

Then let me call attention to the fact that in nearly all the bills passed by the House there are many re-appropriations of indefinite sums once specifically appropriated, but by careful management the entire sum appropriated was not needed, and which by a wise provision of republican law would be covered back into the Treasury if not re-appropriated. Of this class of appropriations there appears in the bills some four or five million dollars. I have not had time to ascertain the precise amount, but for the present purpose will call it $4,000,000, believing that I underestimate it. For instance, take the appropriation for the maintenance of the disabled soldiers and sailors' homes. The estimated cost for the maintenance of these institutions is something less than $900,000. It was ascertained that about $550,000, being an unexpended balance of a former appropriation, was unused. The House appropriated about $300,000, which added to the $550,000 above referred to made the necessary sum for their support about $900,000, which will appear in the expenditures for

the current year, when in fact only about $300,000 appears in the footings of the bill. It is needless to go over the other items of re-appropriations. I might add, without intending to be offensive at all to the chairman of the committee, nor indeed to the committee itself, that this is a dodge, pretty sharp practice, and to the man less charitable than myself it would appear and by him be characterized as a cheat, a delusion, and a democratic trick thus to attempt to cheat the country as to the amount appropriated for the support of the Government.

Take the management of the post-office appropriation bill as another illustration of sharp democratic practice, an attempt to obtain credit where there is none. By examination you will find that in order to make the deficiency in the post-office appropriation bill appear less than the estimates of the Department, the committee estimated the receipts of the Post-Office Department for the current year at $600,000 more than the estimates of the Post-Office Department itself! We should then take this $600,000 from the total sum of proposed reductions and postponements claimed by our democratic friends. It will also be noticed that the sum of $250,000 is appropriated for postal mail-steamship service, whereas in the last post-office appropriation bill it was $500,000. This difference of $250,000 is simply the difference in the requirements of law. Last year it required $500,000, this year only $250,000 is required. No credit, therefore, is due to the action of the House for this reduction.

To gain credit for economy the House refused to appropriate a single dollar for the payment of the judgments of the Court of Claims—a direct and square repudiation of the obligations of the Government as adjudicated by the Supreme Court of the United States for the mere partisan purpose (as it must appear to every one) of "reducing expenses." These judgments must be paid. The Supreme Court of the United States have so adjudged, and there is no escape; and yet a democratic House, so far as it lies in its power, have repudiated these judgments thus adjudicated, and leave for a future republican Congress to redeem the faith of the United States thus violated. The sum estimated for by the Court of Claims to pay these judgments for this year is $2,000,000. Not a dollar has been appropriated.

Mr. SPRINGER. Then their payment will be postponed all the time.

Mr. FOSTER. I watched the gentleman from Pennsylvania [Mr. RANDALL] carefully, but not an allusion was made in his speech to the payment of these claims.

Mr. RANDALL. When the bill comes up from the Senate I will discuss it at that time.

Mr. FOSTER. Well, it is time it was discussed before the House. I would like to hear some defense of the action of the committee on the subject.

Then again in order to reduce the apparent amount of appropriations they make provision in the legislative bill for the support of the mints and assay offices out of the receipts of these offices instead of requiring the revenues from this source, as heretofore, first to be paid into the Treasury and then appropriate such amounts as may from time to time be necessary for their support. The sum total for this purpose will not be less than a half million of dollars. This sum does not appear in the footings of the bill, but will appear in the list of expenditures when the account for the year is made up. It will be found that the items to which I have called attention should be deducted from the table of reductions as presented by our democratic friends. Now, in addition to the appropriations which appear in the table must be added $1,500,000 for centennial purposes; $200,000 for the erection of forts on the Yellowstone and Missouri Rivers; $200,000 toward the completion of the Washington Monument; $227,000 for post-office at New York, and $200,000 for repaving Pennsylvania avenue. I do not pretend to enumerate the sum-total of appropriations made by this House, but simply present the larger items. The sum-total of the items to which I have referred which should be deducted from the statement of reductions made by the gentleman from Illinois [Mr. SPRINGER] is about $14,177,000, thus reducing the total sum of reductions and postponements to about $24,500,000. The following table will exhibit the exact facts in relation to this matter. It will be seen that the boast of reducing appropriations by the sum of $40,000,000 is made up of an actual reduction and postponement of $24,500,000 and the balance is wind:

Table showing what items should be deducted from the sum of reductions claimed in the Springer table.

Amount of reduction as claimed by Mr. SPRINGER		$39,175,451 10
Deduct error in addition		543,940 00
Total corrected amount		38,631,511 10
From which deduct—		
Reduction claimed on pension bill	$466,500 00	
Items in post-office bill for which no credit for reduction should be made	850,000 00	
Deficiency bill, (belongs to last year)	4,032,212 44	
Re-appropriations	4,000,000 00	
Indefinite appropriations for assay offices	500,000 00	
Judgments of Court of Claims	2,000,000 00	
Centennial appropriation	1,500,000 00	
Post-office, New York	227,000 00	
Forts in Northwest	200,000 00	
Repaving Pennsylvania avenue	200,000 00	
Washington Monument	200,000 00	
		14,175,712 44
Net reductions and postponements		24,406,899 56

Now, I do not propose to detract in any way from whatever credit is due to the gentleman from Pennsylvania [Mr. RANDALL] and the House for making these large reductions and postponement. My purpose is simply to analyze the appropriations to state just what has been done, how much is due to reductions and how much of it is due to postponements, and how much of either was unwise or improper or both, and how far the Senate has been willing to meet the House.

MILITARY ACADEMY BILL.

The reduction proposed by the House in the Military Academy bill was $133,499. This was made first by reducing the salary of each of the cadets $50 per annum and the salaries of the professors was reduced perhaps $10,000 in the aggregate. The balance of the reduction is mainly made by postponing the appropriation for the completion of important buildings at the academy, the most important and expensive of which is the hospital for the care and medical treatment of the cadets, which by law and former appropriations in accordance therewith has been commenced and its early completion is regarded by all of the officers in charge as of vital importance, and that it is now and has been for years past demanded in the interest of humanity. To swell the list of reductions the progress of this essentially important work is stopped and the cadets are denied the privilege of hospital accommodations, thus leaving to a future Congress to provide a sum sufficient to complete it, as well as the other necessary buildings at the academy.

PENSION BILL.

I have already referred to the reduction of $466,500 on account of pensions, stating that the amount appropriated was the exact sum recommended by the Commissioner of Pensions, and that the reduction was due to the fact that we are now on the descending scale on account of pensions.

CONSULAR AND DIPLOMATIC BILL.

The reductions and postponements in the consular and diplomatic bill foot up $428,437.50. This is accomplished by reductions, first, of the salaries of all the officers of the diplomatic service; and, second, by the discontinuance of forty-four consulates and the reduction of the salaries of the remaining consuls. As to the wisdom of this wholesale reduction and withdrawal of our representatives from foreign countries the future will surely give a negative answer. We levy a tax on the commerce of the country for the maintenance of our consular system, and upon last year's basis, this tax more than paid all the expenses of every kind for its support. The arguments made against these reductions by the two gentlemen from New York [Mr. WOOD and Mr. HEWITT] were not answered at the time they were delivered, nor have they been answered since. I agree with them that the present is a very inopportune time to abolish any of these commercial agencies by which our commerce may be protected and extended.

One of the results of the depressed condition of the industries of the country is that the cost of manufactured articles in this country has been very largely reduced, thus enabling our people to export many of our own manufactured products, which heretofore we have been unable to do. And now, simply to make political capital, a democratic majority of the House undertakes to economize by withdrawing consuls (who are simply acting as aids to our commerce) from forty-four important foreign stations and reducing the efficiency of those on duty by a decrease of their salaries, and this, too, at the very time when of all others in the history of our country this branch of our foreign service should have been strengthened and increased. This is a mockery of economy; besides, in taking the money exacted from the commercial interests of our people and placing it in the Treasury to be used for other purposes, no matter how worthy, is wholly wrong. The implied pledge that the funds secured by this tax should go only for the support of the consular system has been violated, and every interest connected with the extension of our commerce and the increase of our exports, now so much needed, must correspondingly suffer. If not a fraud upon our commercial interests, it is a betrayal of trust, and is wholly inexcusable.

FORTIFICATION BILL.

The reductions, compared with last year, are $535,000, and as compared with the estimates, are $3,091,000. To this reduction the minority of the committee agreed. The bill was reported to the House by Mr. WHEELER, and the House was unanimous in passing it. But for all this it cannot be called a reduction. It is simply a postponement. The estimates made by the War Department show that nearly $3,500,000 is needed to be expended on the forts of the country to make them what they ought to be. No one on the committee or in the House objected to the postponement; but no one can fail to see that it is work which sooner later must be completed; and therefore it is only a postponement which must some time in the future be provided for.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL BILL.

The reductions and postponements in this bill compared with the appropriations of last year are $5,724,417.30, and from the estimates are $7,826,499.39. Two millions of dollars of these several amounts are wiped out by the failure to appropriate the necessary payments on account of judgments of the Court of Claims, a half million more by indefinite appropriations for the mints and assay offices; another half million by re-appropriations; and the balance, $2,724,000, can fairly be ascribed to reductions. Of this sum, $300,000 apply to the reductions of the pay and salaries of members and officers of the House and Senate,

$250,000 more to the salaries of the clerks in the various Departments in Washington, and probably another hundred thousand to reductions of salaries in different parts of the country. The balance is due to the reduction of the number of the employés. Having given the subject careful attention from the beginning of the session, I have been willing to make the reduction in numbers about 20 per cent., and I believe that can be done with safety. The reduction proposed is something more than 25 per cent. I have been satisfied from the start that if the House bill had been adopted the loss in the Internal Revenue Department would have been ten times the amount which is claimed would have been saved by reduction of force. That this would have also been the case in other Departments—in the Pension Office and of all the offices directly relating thereto, such as the Second Auditor's, Adjutant-General's, and Surgeon General's Offices, the reductions as proposed by the House would have caused serious delay in the adjustment of all matters relating to pensions. This point is now conceded by gentlemen in charge of the bill.

The gentleman from Pennsylvania stated in his speech to-day, if I understood him correctly, that all of the Bureau officers of the Government refused to agree to the reduction in force; am I right?

Mr. RANDALL. They all resisted it that I came in contact with; I think every one.

Mr. FOSTER. I call the gentleman's attention to Mr. New, of the Treasurer's Office.

Mr. RANDALL. He did recommend some reductions, but not to the extent which we desired at all.

Mr. FOSTER. I call the gentleman's attention to the statements he has made heretofore upon this floor that these Bureau officers generally acceded to these reductions, but none of them acceded to the reductions to the extent made by the committee. I want to do the Bureau officers justice. While they have not agreed to the reductions proposed by the committee to that extent, they have in all cases agreed to a reduction and they have manifested a most commendable spirit, and I want to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] and the attention of the House to the fact that the greatest opposition that the Committee on Appropriations encountered was from the officers of this House, who organized a mutiny against it and one night came very near upsetting it.

The gentleman from Pennsylvania says that the retention of the salaries of members was forced upon the House. It was the most beautiful forcing I ever witnessed. The gentleman from Pennsylvania sat in his seat; I do not know where the gentleman from Indiana [Mr. HOLMAN] was. The chairman of the Committee of Ways and Means made his speech, in which he said he was satisfied that the Senate would resist these reductions. We tried to get the yeas and nays, but could not get them.

Mr. SPRINGER. Were you standing up calling for them?

Mr. FOSTER. We tried then to get tellers, but could not get them; and I do not know of anybody who was more satisfied with this forced work than my friend from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. The gentleman knows that I stood up both for tellers and the yeas and nays.

Mr. FOSTER. I do not want to be interrupted.

Mr. HOLMAN. I hope the gentleman will allow me to say I was ill and absent from the House at the time.

Mr. FOSTER. The gentleman was not here and he did not witness that beautiful scene, nor did the distinguished gentleman from New York, [Mr. COX.] But he would have enjoyed it. The forcing process gave great satisfaction to the magnates of the democratic party who were present, and they all accepted the forcing with great pleasure. I never saw anything accepted with so much pleasure as this forcing of the House by the Senate.

[Mr. COX here approached Mr. FOSTER and addressed a private remark to him.]

Mr. FOSTER. In justice to the gentleman from New York I take back the statement about him. He says he was not absent when the forcing passed the House.

RIVER AND HARBOR BILL.

This shows a reduction of $770,667.50 over the appropriations of last year, and of $8,428,250 below the estimates. As our democratic friends are claiming so much for a reduction of sixty-four millions below the estimates, I beg to inquire of them, and I will wait for an answer: Is it their purpose if they retain possession of the House to complete the works referred to in the estimates for the rivers and harbors of the country?

Mr. HOLMAN. For one I say it without hesitation.

Mr. FOSTER. Do you speak for the democracy?

Mr. HOLMAN. I speak for myself, so far as these appropriations apply to works of national importance. I am in favor of appropriating for them from year to year until the works are completed, but as to the works of purely local concern and private enterprise, which involves $2,000,000 in this bill——

Mr. FOSTER. Cannot you answer yes or no?

Mr. HOLMAN. No, sir; but I am opposed to these appropriations for local objects.

Mr. FOSTER. Do they regard this as a reduction, postponement, or an absolute abandonment? In my judgment a subsequent Congress will make the appropriations, and in no sense can it be called a reduction.

DEFICIENCY BILL.

The appropriations for deficiencies for the year last past made by this House are something more than $4,000,000 less than the appropriations made last session for the then current year. As before stated, these appropriations apply to the year that is past and in no way enter into the expenditures of the current year; and if any credit is due for this reduction it is to the Appropriation Committee of last year and to the Administration for adhering so closely to the amounts appropriated.

INDIAN BILL.

The reductions by the House bill this year over last is $1,380,952.44; over estimates, $1,808,393.53. These reductions were proposed to be accomplished by the transfer of the Indian Bureau to the War Department, no provision being made for the current and contingent expenses of the offices, amounting to three-fourths of a million of dollars. The bill assumed that the War Department could take care of the Indian service, if it was transferred to it, without any additional expenses. The difference is further accounted for by failing to appropriate for plain treaty provisions.

In the judgment of many of the best men of both Houses, among them the gentleman from New York, [Mr. COX,] there was no decrease of expenditures in this transfer, and the Speaker of the House, when ruling on this point, thought the bill did not on its face establish any such claim.

I cannot give credit for any reduction whatever in the amount appropriated for the Indian Bureau. They are simply postponements, and such ones, too, as would have resulted in Indian wars, and thus add largely to the maintenance of the Army.

ARMY BILL.

This bill proposes a reduction of $4,778,752.88 as compared with the appropriations of last year and the sum of $10,193,631.38 as compared with the estimates for the current year. A million and a quarter is due to re-appropriations of balances in the Treasury unexpended but re-appropriated by us this year, making the real reduction less by this amount. A million and a half is due to postponements of purchases of clothing, ordnance stores, and to the manufacture of arms. It has been the custom in the Army heretofore to keep one year's supply of clothing in advance. Secretary Taft, after advising with the officers of the Army, thought this was unnecessary, and having on hand a year's supply, he suggested that no money be appropriated this year for this purpose, and that hereafter the purchases be made for the current year.

The balance of the reduction is due to the postponement of the building of arsenals, barracks, &c., all of which are deemed necessary by the War Department, and to a reduction in the numerical force of the Army. Recent events have shown the folly of the attempt of the House to reduce the Army; $2,500,000 are due to this alone. There may be the sum of half a million due to the reduction of the pay of the Army officers; I have not gone closely into it, but it is probably about that amount.

SUNDRY CIVIL.

The estimates for this year were	$32,560,475 29
Appropriations for last year	26,644,350 00
House bill appropriations for this year	14,857,326 54
Less than appropriated last year	11,787,023 46
Less than estimates	17,703,148 75

The item for public printing and binding for this year is $1,130,000 in House bill, was recommended by the Committee on Public Printing. The amount appropriated last year was a little over $500,000 more than this sum. The Committee on Appropriations does not know, nor does any member of this House know, save two of the democratic members of the Printing Committee, whether this sum is sufficient or not. It is quite probable that this estimate was made by the proprietor of the old Globe office, who is desirous of recovering the printing lost to him by the action of a former Congress. The House will be called upon next session for more than a half million dollars to enable this Bureau to perform the work ordered by Congress, which was never so large. It must be borne in mind also that the cost of printing the voluminous testimony taken by the numerous committees of the House will probably add not less than $100,000 to the cost of the public printing.

ENGRAVING AND PRINTING.

Amount estimated, $1,944,875, and the amount appropriated last year $1,628,000, to which we had to add this session a deficiency of $163,000.

Now it is evident that a large reduction can be made here because of the substitution of silver coin for fractional currency, thereby obviating the necessity of printing the fractional notes; although the sum appropriated is not the sum supposed to be necessary by the officers in charge, yet it is probably approximately so. This reduction, whatever it may be, is due to the action of Congress in substituting silver for fractional currency, and not to any economy of the majority of this House.

PUBLIC BUILDINGS.

Appropriated for this year, $2,371,500. The estimate for this purpose, including the new State Department, is about $5,700,000. This is for buildings already commenced.

It must be remembered that in every locality where public buildings are being erected the Government is paying rent to the full extent of 6 per cent. on the cost of the completed building. The postponement of their completion entails a loss of a sum equal to 6 per cent. of the sum already invested; a sum aggregating in dollars and cents more than $500,000 is lost to the people besides the delay and annoyance to the public business because of the present occupation of inconvenient buildings and the endangering of the safety of valuable public records. For instance, the present buildings occupied by the War and Navy Departments are very insecure. We have expended $2,000,000 in partially building a new structure for their accommodation. One million three hundred thousand more will complete it. Its occupancy would place the valuable and precious records of these two Departments in complete safety at once.

There never was a time since the war when these works could be built so cheaply. We have the money in the Treasury to do it. The laboring interests of the country are in need of the labor.

There is no reason except one of a supposed party character under the guise of the cry of economy why these buildings should not be pushed vigorously; any private individual similarly situated would be called a fool if he acted as our democratic friends have in this matter.

The postponements on account of public buildings are $4,400,000, the appropriation for which Congress cannot escape; armories and arsenals, estimated to cost $917,000, appropriated $289,000, balance $628,000, only postponed; Light-House Board, estimates $789,000, appropriated $273,000, postponed $516,000; which must be provided for in the future.

EXPENSES OF UNITED STATES COURTS.

Appropriated $2,500,000, instead of $3,000,000 estimated. This last-named amount was appropriated last year. A deficiency is asked for by the Attorney-General, with a statement that this sum is utterly inadequate to the necessities of the service. A deficiency in this item of at least $500,000 is among the strong probabilities.

The Government has invested in navy-yards property from fifty to one hundred million dollars. Not a dollar was appropriated in House bill for their care and protection.

POST-OFFICE APPROPRIATION BILL.

Reduction by House bill below the estimates $4,200,696.99; below appropriations of last year $3,785,252.

The estimated receipts by House bill over the estimates made by the Postmaster-General is $600,000 and the reduced requirement of $250,000 for the Pacific Mail steamship service makes $850,000 which must be deducted from $4,200,696.99, the House reduction, which leaves $3,350,696.99 as the real reduction. Of this sum $500,000 is credited to the reduction of the salaries of postmasters, recommended by the Postmaster-General. Five hundred thousand dollars more is for reduction of other salaries and force by the House. The balance of reduction is due to decrease in mail facilities, such as cutting off all fast mails—one that is coming to the knowledge of gentlemen by cries from the people for its restoration—and otherwise decreasing mail facilities and reducing the maximum speed of all mail trains to twenty-five miles per hour.

NAVY APPROPRIATION BILL.

The reduction from the estimates of last year is $8,438,811, and the reduction as compared with the appropriations of last year is $4,578,451.50. To make this reduction the House has cut down the appropriation for pay of the officers and men of the Navy to the extent of $1,850,000 below the estimates and $500,000 from the appropriations of last year. To enable the Secretary of the Navy to bring the expenses for the pay of the officers of the Navy within the appropriation he will necessarily be compelled to furlough a large number of his officers, thereby decreasing the efficiency of the Navy and entailing upon these officers a vast amount of inconvenience if not absolute want and suffering. The other reductions are made simply by postponements of work on iron-clads and other vessels of war in course of construction, as witness the orders of the Secretary just issued to the several contractors who have had the work to do, and to the necessity of stopping the work on other vessels for the want of money to repair them, while other vessels are being put out of commission. The minority agreed with the committee in some of these postponements, believing that there was no immediate urgency for a portion of the work estimated for by the Navy Department; but we thought then and think now that it was not economy to make these wholesale postponements, thereby stopping most of the work at the different navy-yards and throwing some of the best skilled mechanics in the world, as well as the unskilled laborers now so much in need of something to do, out of employment. All these postponements must at some future day be provided for if we intend to maintain a navy of only moderate proportions.

RECAPITULATION.

The following tables show the reductions and postponements in a condensed form according to the details I have given:

Statement showing amount of reductions and postponements in House bills as compared with the estimates for the fiscal year ending June 30, 1877.

Name of bill.	Reduction.	Postponement.
Military Academy	$40,000 00	$166,229 00
Pension		
Consular and diplomatic	339,737 50	100,000 00
Fortification		3,091,000 00
Legislative, executive, and judicial	2,724,000 00	5,112,429 39
River and harbor		8,428,250 00
Post-office	4,200,696 99	
Navy	1,500,000 00	6,938,811 00
Indian		1,808,393 53
Army	500,000 00	2,693,631 38
Sundry civil	1,000,000 00	16,933,493 55
Total	10,304,434 49	52,262,307 85
		10,304,434 49
Total reductions and postponements		62,566,742 34
Add deficiency, (belongs to year ending June 30, 1876)		2,051,984 96
Grand total		64,618,727 30

Statement showing amount of reductions and postponements by the House bills as compared with the appropriations for the fiscal year ending June 30, 1876.

Name of bill.	Reduction.	Postponement	Remarks.
Military Academy	$40,000 00	$93,499 00	Reduction due to reduced pay of cadets and professors.
Pension	466,500 00		
Consular and diplomatic	339,637 50	68,800 00	Reduction accomplised by violation of a trust and an injury to commerce.
Fortification		535,000 00	
Legislative, executive, and judicial	2,724,000 00	3,000,417 39	All over $2,000,000 of this reduction works injury.
River and harbor		770,667 50	
Deficiency			$4,032,212.44. (Belongs to last year.)
Post-office	3,785,252 00		$1,000,000 of this is proper, the remainder decreases the mail facilities.
Navy	1,500,000 00	3,078,451 50	Reduction here does great injustice to officers of the Navy.
Indian		1,380,952 44	
Army	500,000 00	4,278,752 88	Reduction due to proposed transfer.
Sundry civil	1,000,000 00	11,017,368 35	Reduction due mainly to the substitution of silver coin for fractional notes.
Total	10,355,389 50	24,243,909 06	
		10,355,389 50	
Total reductions and postponements		34,599,298 56	
Add deficiency		4,032,212 44	
Total Springer's table		38,631,511 00	

The Senate met this demand for reduction and postponement of expenditures in a liberal spirit and in the bills as passed by the Senate they made reductions and postponements to the amount of more than $15,000,000, as will be seen by the following statement.

The Senate made reductions as compared with appropriations for year ending June 30, 1876, as follows:

Pensions	$466,500 00
Military Academy	83,889 00
Consular and diplomatic	33,338 50
Fortifications	535,000 00
Legislative, executive, and judicial	2,366,893 99
Deficiency	3,862,868 91
Post-Office	$728,011 00
Naval	2,143,151 00
Indian	402,193 28
Army	217,952 80
Sundry civil	6,687,853 90
	17,527,656 66
Deduct deficiency	3,862,868 99
	13,664,786 67
River and harbor bill	1,648,517 30
Making a total of	15,313,304 17

By this table it will be seen the difference between the two Houses is about $10,000,000.

Whenever the conference committees have met, the Senate conferees have in every instance shown an entire willingness to meet the demands of the House conferees on all matters of discretion more than half way. In fact they do not even resist the demands of the House on all matters of discretion; but, on matters of legislation that could not receive the sanction of the Senate by the ordinary methods of legislation, they declined to yield.

I have shown beyond question that the reductions are only about ten millions, instead of thirty-nine millions, and that the balance is simply postponements of appropriations that must be provided for in the future. That of the ten millions of reductions a considerable portion of it is obtained by crippling the Government machinery, entailing inconvenience and loss to the people. I have also shown that the pretended reductions of thirty-nine millions is in reality but about twenty-five millions.

Never in history have current facts been distorted as they are in this matter by our democratic friends. Never was deception practiced to such extent as now.

The reduction in Government expenses last year was more than sixteen millions when the books closed on the 30th of June, 1876. This is an actual test of the year's work.

When the present year expires and the work of this House is tested by the actual result I shall be gratified if it makes as good a showing as last, namely, an actual reduction of $16,000,000.

Having said this much on the question of appropriations I propose now to address myself to the question of economy and reform, the present watch-word of the democracy.

REFORM.

Much has been said by our democratic friends on the subject of reform. Economy and reform is the burden of their song. The word "reform" appears eighteen times in a platform adopted recently at Saint Louis. The fact is, reform is an ever-present necessity; it has been proclaimed in every platform of every party since the first one was made; until human nature approaches near perfection necessity for reform must always exist. I do not object to reform, the republican party does not object to it; and we congratulate the country when this democratic party, in this centennial year, shows any desire to reform. Let their conversion for the future be proclaimed. It certainly augurs well for the country. It was this party which is now crying reform that in 1861 plunged the nation into rebellion to destroy it. Persons are here on this floor crying economy and reform who assisted in that long-to-be-remembered but unsuccessful effort to destroy the country. A less charitable person than myself might say that the last democratic Congress undertook to destroy the country by secession and rebellion, and now the first democratic House since the rebellion undertakes to paralyze the Government by withholding necessary appropriations. These same gentlemen now have much to say about the enormous expenditures of the Government. Even the gentleman from Virginia [Mr. TUCKER] is reported to have said recently in a stump-speech that the cost of the Government before the war was about $2 *per capita* and it is now $18. Let me first correct his statement by substituting $6 for $18.

Be a little modest, gentlemen. Look into the question fairly, and if there is extravagance anywhere aid in removing it; but when you draw such comparisons as I have alluded to, you must know that your rash act of secession and treason caused these additional expenditures. Do not find fault if it does cost $3 *per capita* to maintain the interest and sinking fund of the public debt of which you were the direct, only cause. Do not complain if it does cost nearly $1 *per capita* to pay the pensions to the soldiers who saved the glorious Republic you sought to destroy.

Do not complain if it costs $2 *per capita* more to maintain other expenses occasioned by your attempt to obliterate from the Declaration of Independence the immortal words of Jefferson.

What evidence have we of reform on the part of the democratic party? The only thing that they can possibly claim as evidence is their attempt to reduce and postpone expenditures. When you claim credit for this tell the laboring men that with a full Treasury you refused to appropriate money for the payment of the necessary work on the public buildings of the country at a time when the completion of these buildings could be effected with greater cheapness than at any time since the war, and when the labor of the country would be greatly benefited thereby. Let them tell the laboring-man now in distress that the great democratic party required that they and their wives and little ones must suffer for the good of the party. Tell them, you representatives from Philadelphia, Cincinnati, Chicago, and Saint Louis, that it was not because the Government was embarrassed that this was done, but they must suffer privation, hunger, and pain because the democratic party wanted an opportunity to cry reform.

Tell the commerce of the country we have deprived it of facilities for which it is taxed; we have put out lights and refused to create new ones to aid it; all for party capital.

While you have reduced a little and postponed largely you have refused to reduce taxation. You have resolved in all your conventions for years, including the one just held at Saint Louis, that the present system of taxation was vicious, that it provided bounties for the rich at the expense of the poor. My friend from New York [Mr. COX] made the statement but a few days since that the people of this country were paying $1,000,000,000 a year as a bounty to the manufacturing interests. Nobody believes this, but he proclaims it, and the democratic party proclaims it now as they have in the past. If this is true, Mr. Speaker, why has not some attempt been made on the part of this reform House to relieve the people of their heavy burdens? Is a party fit to be intrusted with power that admits and charges grievous evils but makes no effort when it has power to relieve the country of them?

Yes, you talk of reform. What did you do when you gained possession of this House? How did you practice reform then? You knew but the one democratic motto "to the victors belong the spoils." Not less than ten thousand hungry democrats besieged these halls for the two hundred places within your gift. Virginia came five thousand strong. North Carolina, too, Georgia, Alabama, and even Texas, with her "biger man than old Grant," who was made Doorkeeper. His only known qualification was the fact that he had been doorkeeper of the confederate senate.

We all remember the scene here at the opening of this Congress with disgust. Why, in fact, Mr. Speaker, it was the first time the confederate forces ever captured Washington in an organized form. Taking that scene as a criterion, what may we expect in the way of reform if Tilden should be inaugurated on the 4th of March next? Why, Mr. Speaker, the ravages of the grasshoppers in the western country would be a fair comparison of the ravages to be inflicted upon the country by the hungry crowd of office-seekers that would come here in that event.

Men were here on that occasion claiming to be democrats of the reform order, giving as evidence thereof the fact that they had served four years in the rebel army, and therefore their democracy could not be questioned. How did this reform party act then? The officers of this House of known capacity were turned out to make room for the greedy horde who came up here from the by-ways of the South. Union soldiers were driven out of their places, to be filled by men who served in the confederate army. Our new journal clerk was compelled to resign; our Doorkeeper expelled from office. A clerk to the Ways and Means Committee was selected because he named a son after the assassin Wilkes Booth. If he had any other qualification I have not heard of it. I will acquit the honorable chairman of the committee with any knowledge of the character of this clerk.

In short, Mr. Speaker, in proportion to the number of employés, the disgrace and scandal attached to this reform House is infinitely greater than to any or all of the Departments of the Government even after putting the worst construction upon them, as is done by all of the reports of your committees. So far as practical legislation is concerned, this House has been an utter, absolute failure. You have sought to make reputation by showing up the deformities of republican officials, not for the public good, but simply in the hope of partisan benefit. In many instances they have been conducted in the most shameless manner. They have sought to bring before them persons discharged from Government employ for dishonest practices; they have hunted up from the slums of the country all the "dead-beats" they could find who would come here to testify to falsehoods for the fees they get. They have investigated in secret and without the knowledge of the accused or of the minorities of the committee. No man's reputation was safe. Even the Speaker of this House was accused of selling an office for money, with nothing but his known good character to rebut it. If the same charge had been made by the same witness against a republican of equally good standing he would have been reported a scoundrel.

While the cost of making these investigations will amount to perhaps a half million dollars and is much more than has been or will be saved to the Treasury, upon the whole I do not regret them. Upon the whole they have done good. In admitting this I remember that it was the policy of the republican party itself to investigate wrong-doers, and whenever a committee finds and points out wrongs in Government officers it has rendered a genuine service to the country.

In concluding this portion of my remarks, permit me to advert to the case of SCHUMAKER and KING, two members of this House, proven to have been in corrupt connection with the Pacific Mail steamship subsidy bill before they were members. The evidence of their corrupt connection with the passage of this bill was referred to this by the last House. No notice has been taken of it. Does any fairminded man believe that if one of these gentlemen had not been a democrat we would have had a report recommending their expulsion?

Mr. LAWRENCE. The Committee on the Judiciary did make a report in that case, saying that the House had no jurisdiction over the parties charged with crime. I did not concur in that report, but did unite in the views of the minority asserting such jurisdiction.

Mr. FOSTER. Have they reported to the House?

Mr. LAWRENCE. I suppose that the report has been made to the House.

Mr. MCCRARY. It has been made to the House.

Mr. FOSTER. I accept the correction.

If KING, the republican, had been alone he would have been expelled long ago. The vengeance of this virtuous reform House would not have permitted him to hold his seat a week after the opening of Congress.

I read from the New York Times a carefully prepared statement of the reform practices of this House. Its general accuracy cannot be questioned, while possibly there may be an occasional error of minor detail:

DEMOCRATIC REFORM.

Union soldiers removed to make room for rebels—What the democracy has already accomplished—Disabled Union soldiers turned out and confederates of various grades of incompetence put in their places—A carnival of ignorance and imbecility and a foretaste of what we may expect under Tilden.

[From our own correspondent.]

WASHINGTON, *Saturday, July 29, 1876.*

The declaration of the Saint Louis platform, made and repeated with frequent reiteration that "reform is necessary," is well illustrated and sustained by the manner in which the civil offices under control of the House of Representatives have been filled and administered during the present session. The same facts will perhaps suggest that the reform which is necessary will not be secured in the civil service by intrusting the administration to the democratic party. At least there is nothing in the record of the House in the eight months since the beginning of December last to prove conclusively that the democratic party is, as a party, devoted to a pure, high-toned, efficient, well-conducted civil service. If civil service reform, however, means the turning out of all persons now in office, the replacing of Union soldiers with soldiers of the confederacy, in putting into good places men who have failed to secure appointments in the past, and who for that reason have joined the democracy, and others who have been dismissed for cause and have naturally gone to the opposition; in giving places of responsibility, filled by trained and experienced men, to the new, inexperienced, and incompetent; in generally ignoring the requirements of efficiency and capacity in the interests of partisanship and personal services—if this is the kind of reform contemplated by the Saint Louis platform, there has been a fair display of it by the democratic House, and the country may very properly be called upon to look at it and determine whether the same thing of which the House holds up an example is desirable to be introduced throughout the administration during four years.

The House organized by electing a Speaker, Clerk, Doorkeeper, Postmaster, and Sergeant-at-Arms. The important appointments are in the Clerk's office. The largest number are with the Doorkeeper, and the smallest with the Sergeant-at-Arms. The Speaker has no patronage to dispense save that he is allowed a private clerk, appointed by the Clerk of the House, who leaves the selection to the Speaker. The clerk appointed to Mr. KEER is an ex-confederate. The Postmaster has a few, but important, assistants. Each committee has a clerk as a general rule, the exceptions this year being very few. He is appointed by vote of the committee in some cases, but oftener by the chairman, to whom the rest of the committee leave the designation as an act of courtesy. One of these clerks described his duties as requiring about twenty minutes of his time each week, for which severe labor he received about $160 per month. Many other committee clerks are less fortunate, and have harder work.

The appointments of subordinate officers to the Clerk, Doorkeeper, Postmaster, and Sergeant-at-Arms are not in reality made by those officers, who have little more agency in the matter than formally placing the names selected by the members on the rolls. There is a general scramble by the State delegations for places for their States. It is quite common for the Doorkeeper to say, I can give Pennsylvania, for example, so many places, and the delegation, or rather the Pennsylvania democratic members, get together and after grave deliberation, or a light and agile "scrimmage," or more frequently the casting of lots, the members for whom the *sortes* leap forth, not from a helmet, but from a dilapitated plug-hat, announce to the Doorkeeper the names which are to be put down for a Government stipend. The appointing officers, to fulfill schemes of their own, or to show favoritism to particular friends, are compelled to resort to all kinds of tricks and subterfuges, such, for instance, as placing on the rolls as from one State persons really residents of another. One of Fitzhugh's difficulties arose from trying to play these tricks and getting caught at it, and the Postmaster was subject to great complaint in the first part of the session because he had taken his subordinates too largely from one State.

It will be observed from this manner of making the appointments the whole democratic party, through the great body of its most freshly chosen representatives, has been displaying itself. Mistakes in the system or in the details of its administration cannot be shifted upon individuals, for the great body of the democracy has been engaged in the work.

In regard to the administration of the offices a great deal might be written. Much of the delay in getting the House in working order, by which in the first two months of the session not a solid week's work was accomplished, is attributable to the greenness and inefficiency of the officers. In no department was the work well done. Frequent blunders were made in keeping the record, so that members for the first time in many years felt compelled to listen each morning to the reading of the Journal. The assistant doorkeepers could not find the members when on the floor, and persons sending in cards sometimes had to wait hours for an answer. This trouble could have been avoided by retaining for a time some of the old doorkeepers. Members could not get a report or bill from the document-room without great trouble and delay. They were stifled and made sick by bad ventilation because of an inexperienced engineer. The Sergeant-at-Arms in one instance put a reputable citizen under arrest as a witness without authority or warrant. Blunders—not to use a harsher term—have been common in all the branches of service, and it is only a few days since one of Clerk Adams's subordinates enrolled a bill which had been passed by both Houses, an important bill on straw-bidding, in such a manner as to render the action of Congress null and void.

Thus much in relation to the general manner of "reform" appointments and administration as exhibited by the democratic party through its representatives in the House. Specific statements are always to be preferred to generalities, and the facts and records quoted below will command attention, which need not therefore be invited. They afford material for extensive generalizations, which readers will not fail to make. They afford food for thought graver and more earnest than need be expended upon a merely partisan exhibit of facts. The patriot, the honest politician, and the real reformer may well pause to consider whether any more of the same kind of "reform is necessary" or desirable, or likely to be advantageous to the country.

One of the most striking facts shown by the record is the utter abhorrence which the democratic party, through its representatives, exhibits for the Union soldier and the love of those who bore arms against the Republic. No protestations of loyalty will stand against such a record of Union soldiers dismissed and rebel soldiers appointed. On this point little need be said. The list of names shall tell their own story. The column on the left hand contains the names of employés discharged, and the column on the right those appointed. The Union soldiers discharged have their names printed in small capital letters. The names of confederates appointed are in italics. A star designates the Union soldiers who were disabled by wounds received in the service:

OFFICERS REMOVED AND APPOINTED BY THE DEMOCRATIC HOUSE.

In the Clerk's Office.

OFFICERS REMOVED.	OFFICERS APPOINTED.
E. McPherson, Clerk.	George M. Adams, Clerk.
C. Lloyd, Chief Clerk.	Green Adams, Chief Clerk.
J. M. Barclay, journal clerk.	C. H. Smith, journal clerk.
J. W. NIGHTINGALE, tally clerk.	H. H. Smith, journal clerk.
W. K. Mechaffy, reading clerk.	*N. S. Brown.*
C. W. Cilsbee, reading clerk.	*F. W. Pettit.*
J. W. Clayton, assistant journal clerk.	D. Flanagan.
J. H. BONEBRAKE, printing clerk.	*F. O. Towles.*
W. P. White.	W. French.
L. REINBURG.	*J. H. Francis.*
J. W. KRAUTH.	J. M. Brown.
A. D. Wood.	*T. H. Baker.*
A. BARNES.	*T. B. Dalton.*
Z. Moses, cashier.	F. F. King.
J. Holcombe.	E. Keightley.
H. D. WHARTON.*	J. C. Barr.
J. P. JEFFRIES.	H. M. Beadle.
E. J. CRESSY.	*D. B. Sublet.*
E. F. Minor.	*E. M. Jewell.*
J. J. Platt, Librarian.	J. D. Young.
Paul Stephens, Librarian.	W. O. Reeves.
Joseph Harris, chief messenger.	J. H. Patterson.
J. B. CLARKE, jr., superintendent documents.	*Morgan Bawles.*
G. F. Stimson, clerk.	C. H. Voorhees.
J. C. ROWLAND, clerk.	H. A. Alcott.
J. T. MILLER, engineer.	G. C. Ellison.
Levi Jones, assistant engineer.	J. W. McGlensey.
A. T. Sherman, assistant engineer.	C. A. Stewart.
David Small, assistant engineer.	J. H. Rodgers.
J. H. Barker, fireman.	E. Morris.
C. P. BURDICK, fireman.	P. M. Higgins.
E. H. Brown, fireman.	S. J. Davenport.
J. B. SIMMONS, fireman.	T. Rafferty.
Hugh Lyons, fireman.	L. J. Reilly.
F. BALLENGER.	T. McKag.
J. D. Barclay.	W. H. Scudder.
T. H. Sherman, secretary to Speaker.	*J. H. White.*
WILLIAM DEPLICH.*	
H. S. LINKER.	
GEORGE WINTERS.	
DAVID SMALL.	
A. T. SHERMAN.	

Under the Doorkeeper.

O. Buxton, Doorkeeper.	*L. H. Fitzhugh.*
JOHN BOYD, assistant doorkeeper.	J. W. Jennings.
GEORGE W. DUNN, superintendent folding-room.	A. W. Fletcher.
J. Duffield, superintendent documents.	*A. W. Reese.*
W. S. YOUNG, assistant superintendent documents.	C. C. Aleshire.
L. A. BUXTON, file clerk.	L. Fitzhugh.
J. S. SAMSON, messenger.	Eugene Durnin.
A. S. French, messenger.	*N. S. Clark.*
S. B. Wells, messenger.	S. J. Richardson.
J. W. Chandler, messenger.	William Deegan.
R. R. STEPHENS, messenger.	G. M. Lefevre.
GEORGE C. MCPHERSON, messenger.	Silas Carr.
JOHN STERLING, messenger.	E. A. Dulin.
J. W. WRIGHT, messenger.	F. M. Schell.
W. P. Lawer, messenger.	John Baxter.
H. H. REMMINGTON, messenger.	*P. H. Winston.*
W. P. ANDERSON, messenger.	*James G. Paine.*
HUDSON DECKER,* messenger.	Charles W. Combs.
M. J. BUNNELL,* messenger.	James G. Long.
J. B. EUGENE,* messenger.	W. J. McCord.
WILLIAM M. GIBSON,* messenger.	*C. C. Buckner.*
S. H. Neally.	George A. Bacon.
G. W. Pugh.	T. G. Sullivan.
E. C. Stevens.	John Baxter.
J. L. Kenea.	S. O. Hemmingway.
A. Marston.	*W. Leach.*
George W. Currier.	*Patrick Doran.*
J. E. W. THOMPSON.*	*W. W. Stringfield.*
W. HARDING.	G. J. Huston.
Robert O'Hare.	T. J. Leary.
S. S. STRACHAN.	G. E. Gittings.
J. N. Hubbard.	George K. Coleman.
B. N. G. O'Brian.	*J. S. Knight.*
A. H. Loyd.	*J. T. Blackstone.*
J. E. HAMMOND.	*W. W. Lester.*
Charles E. Brant.	*Thomas T. Dugan.*
C. H. SEWELL.*	*Frank Smythe.*
E. J. BUTT.	*George V. Hebb.*
W. G. Brower.	*N. B. Henderson.*
A. E. Ward.	*H. M. Scott.*
JOHN HUNTER.	*C. W. C. Dunnington.*
PHIL. COLEMAN.*	E. P. Schell.
Lewis Ellis.	James Hall.
J. J. G. Ball.*	J. Smith.

Sergeant-at-Arms.

N. G. Ordway, Sergeant-at-Arms.	J. G. Thompson.
E. L. Whitford, clerk to Sergeant-at-Arms.	E. Winship.
Charles Christian, Messenger.	R. W. Lennox.

Capitol Police.

Colonel GEORGE W. KIRK.	*H. T. Banks.*
W. K. TAYLOR,	Thomas Fealom.
E. S. Atkinson.	J. G. Barker.
C. J. Jones.	F. J. Jones.
J. McNeal.	J. C. Saunders.
J. W. Westfall.	J. Hill.
F. M. Colby.	J. H. Burnham.
A. M. Greene.	M. Connelly.

Post-Office.

H. M. SHERWOOD,* Postmaster.	*Joseph M. Stuart.*
JAMES F. WILSON,* assistant postmaster.	*E. Snowden, jr.*
NORMAN CRANE, messenger.	*A. W. C. Newlan.*
J. H. LYTLE, messenger.	P. S. Goodnell.
F. A. WARDELL,* messenger.	*J. R. Fisher.*
W. B. SESSIONS, messenger.	*G. W. Kennedy.*
C. Palmoni, messenger.	*Edward Este.*
D. B. BRADLEY, messenger.	*E. C. Glass.*
D. T. BISHOP, messenger.	Joseph M. Taylor.
R. S. MCMICHAEL,* messenger.	*George W. Rock.*
A. M. LEGG, messenger.	*W. Robertson.*
C. M. Thomas, messenger.	*Henry Cook.*
James L. McKee, messenger.	Thomas B. Curby.
J. D. SEVERN, messenger.	*William B. Lowry.*
R. P. BISHOP,* messenger.	*George T. Rodgers.*
JAMES H. PAINE, messenger.	*Richard Allen.*
J. R. Mertz,* mail agent.	*H. Lathrem.*

An examination of the table shows that there were discharged from the Doorkeeper's department, 23 Union soldiers; from the Clerk's office, 19 Union soldiers; from the post-office, 13 Union soldiers; from the Capitol police, 2; making 57 Union soldiers discharged by the democratic House since its organization last December. A number of these soldiers were disabled in the service.

There were appointed in their places, as far as can be ascertained, in the Doorkeeper's department, 19 confederates; in the Clerk's office, 10; in the post-office, 14; Capitol police, 1; and 3 committee clerks; making 47 confederate soldiers appointed. The names of many of the employés of the present House, such as extra messengers, folders, and extra committee clerks, cannot be ascertained, for the reason that they are paid upon vouchers instead of a regular roll. A great number of these extra employés are ex-confederates, and if the facts could be ascertained in all the cases, the number of ex-confederate soldiers appointed would be found to exceed the number of Union soldiers discharged.

The post-office rolls show the most wanton disregard by the confederate House of the obligations of the Government to its disabled soldiers, where nearly every man discharged served in the Union Army, and with two exceptions every man appointed was a confederate.

The Postmaster, Henry M. Sherwood, was an officer of Company C, Fourth Michigan Cavalry. He served with distinction in the Southwest, and lost a leg at the battle of Kenesaw Mountain. He was succeeded by Colonel Joseph M. Stewart, a confederate officer in Ashby's command of confederate cavalry.

Joseph F. Wilson, the assistant postmaster, served with distinction in the war, and was shot through the face at the battle of Fort Donelson and terribly disfigured. He still suffers severely from his wounds. He was the first one discharged to make room for E. Snowden, jr., an ex-confederate, who was not, however, in the army. He took the modified oath in qualifying for the office.

F. A. Wardell was a member of the Sixth Massachusetts Regiment, served with distinction during the entire war, and was very severly wounded at Winchester. He was discharged early in the session by Colonel Stewart to make room for an ex-confederate soldier.

R. P. Bishop, in the post-office department, belonged to a Michigan infantry regiment, served during the war, losing an arm in the service. He, too, gave place to a confederate soldier early in the present session.

R. S. McMichael was a soldier in a Wisconsin regiment, and is almost entirely blind from wounds received in the service. An ex-confederate soldier succeeded Mr. McMichael.

The Doorkeeper's department was notoriously the worst demoralized, however, by the changes made of any. Mr. O. S. Buxton, a gentleman of intelligence and character, and a most efficient officer, was succeeded by L. H. Fitzhugh, an ex-confederate and the sergeant-at-arms of the confederate congress. This man Fitzhugh has become famous by reason of letters in which he describes himself as "a *biger* man than old Grant." The same letter graphically describes the importunities of members of the reform Congress for offices for their friends, and tells how the writer is fêted by wives of distinguished members because of the offices he has at his disposal. Fitzhugh was appointed because he is supposed to have some of the blood of Patrick Henry coursing in his veins. The degenerate descendant of a famous Virginian was ignominiously turned out of office, his truthful letter being made a pretext to cover the real reason, which was a failure to distribute his patronage so as to satisfy influential and exacting members.

Under the Doorkeeper were a large number of Union soldiers, fourteen of whom were more or less disabled in the Union service from a mere gunshot wound in some cases to the loss of an arm or leg, and even both arms. All of these soldiers were marked for discharge, and nearly all of them had been given notice to quit. In a great majority of instances their places were filled by ex-confederates. There was, however, so much disturbance raised by the Northern democrats about the discharge of these crippled soldiers, that nine of them were re-instated in their places, one of whom has since been discharged, and the remainder probably will be discharged as soon as Congress shall have adjourned. Some of the most notable of the changes made are worth more consideration than will be allotted to them in this brief sketch.

Major M. J. Bunnell entered the service in 1861 in the Thirteenth Regiment New York Volunteers. He participated in many of the important battles of the war. In October, 1861, he was commissioned second lieutenant, and in January, 1862, first lieutenant. He was engaged in all the battles from the siege of Yorktown to the second battle of Bull Run, in August, 1862, where he was severely wounded, having been shot through both lungs and the left thigh. He was left on the field for dead, remaining in the hands of the enemy. While he was still ill he was commissioned a captain, remaining as such till the expiration of his regiment's term of service, when he was mustered out. He then entered the Veteran Reserve Corps, and did duty as provost-marshal till the close of the war. He was brevetted major for meritorious conduct on the field.

This brave soldier and meritorious officer was succeeded by F. M. Schell, of Indiana. Schell is a big, pompous fellow, whose business it was to clear the floor of all persons except members previous to the calling of the House to order each day. This duty he discharged in such an imposing and tremendous fashion as at first to make him a butt for ridicule. He became disagreeable by his officiousness, and grave charges were also preferred, which caused his dismissal. He is still to be seen about the floor of the House, and it is said he has been "taken care of," which probably means that he is paid upon a voucher instead of appearing on the rolls. The story of the charges against him is too indecent to print. He is, in short, known as the purveyor to members of the House of a nameless commodity, for the furnishing of which he assisted at the beginning of the session in setting up an establishment.

William M. Gibson was a private in Company C, Thirty-sixth Illinois Regiment. He enlisted on the 1st of June, 1861, and participated in all battles through the Southwest. At the battle of Pea Ridge, Arkansas, he lost his right arm.

Hudson Decker was a member of the First New York Cavalry, and served from 1861 to 1865, through nearly all the cavalry engagements of the war. At Cold Harbor he was so injured by a fall from his horse that he has lost nearly the entire use of both his hands.

J. J. G. Ball was a member of the Twenty-sixth Massachusetts Volunteers, from which he was promoted to the position of captain in the Eighty-sixth Regiment United States troops. On April 9, 1865, at Blakely, Alabama, during the engagement which took place at that point, he was shot through the right chest and lost his right arm.

William Deplitch, another of the disabled soldiers discharged by Fitzhugh, served in Company E, Third Massachusetts, and lost a leg at Goldsborough, North Carolina.

Charles H. Sewell, of Company G, Ninty-ninth New York Volunteers, was another victim of democratic reform. He was twice wounded in action and saw four years and more of hard service.

J. B. Eugene was a member of a Wisconsin regiment. He served during a large part of the war and lost an arm in the service.

J. E. W. Thompson was also discharged by Fitzhugh among the first of the Union soldiers sent off to make room for confederates. He lost a leg in one of the notable battles of the war.

Philip W. Coleman was one of the recent discharges from the Doorkeeper's department. He lost an arm while battling for the Union, and was four times severely wounded at James Island, South Carolina. He served in the Eighth Michigan Infantry.

That the House was not fortunate in the character of its appointees has been well known, but a brief summary of a few instances is worth attention. The Clerk, Mr. Adams, has been under investigation, and of the charges of corruption has been acquitted, no doubt deservedly. A committee still has before it a resolution of inquiry whether Adams has not labored to oppose the legislation of the House relative to the reduction of his own salary. This he admits, in a way, but the committee has not reported any condemnation of such action. His fault consisted chiefly in trying to secure assistance in this affair from the republican side of the House. While Adams himself escapes any condemnation, the appointees under him have been less fortunate.

The veteran journal clerk, John M. Barclay, who had held the position for thirty years, and was still a most valuable officer, was forced to resign, and his assistant, J. W. Clayton, was dismissed. One C. H. Smith, of New Hampshire, was appointed to succeed Barclay, and proved to be not only incapable, but dishonest. He was caught using his position to secure business as a claim agent in anticipation of the passage of the bill equalizing soldiers' bounties, and he was no doubt counting upon aiding the passage of the bill by using the influence of his office. He was investigated, threatened with dismissal, and resigned in disgrace.

The successor of Clinton Lloyd as Chief Clerk in the office of the Clerk of the House is Green Adams, the uncle of the Clerk Adams: a case of nepotism reversed. Green Adams was formerly Auditor of the Treasury for the Post-Office Department. While in that position the chief clerk, Sharretts, sold waste paper to the value of $5,392.76, and paid to Green Adams out of the amount $2,517.52. Neither Sharretts nor Adams ever accounted for the money till both were out of office. When the facts were partially discovered through the man who bought the paper, Sharretts refunded $2,345.24, and turned over Green Adams's receipts for the remainder to the amount stated above. Adams makes a long statement, which is in effect that he was informed by Sharretts that this money had been kept by the auditors because there was no fund into which it could be received in the Treasury Department, and Sharretts said, "If you pay it to any person, pay it to your successor in office." But Sharretts had never heard of this money being paid over except by one auditor. Adams had intended to pay the money over to his successor, but went home before his successor was appointed. These facts appear in the public records, and show that the present Chief Clerk is either not a very honest man or not a very competent officer. Adams is also an ex-member of the House.

The engineer, Ellison, is under investigation on various charges, and no report has been made. It would require more space to set forth the nature of the charges affecting his character than is warranted by the importance of his position. The greatest trouble with him is his incompetence. Mr. HEWITT, who originally recommended Ellison, withdrew his recommendation on discovering by inquiries of his own that Ellison did not know there was any difference between a high-pressure and a low-pressure engine, and could not explain what he would do if he found the water in the boiler had become too low. Ellison was afterward put through a competitive examination, and came out at the head and was appointed. It is commonly supposed that he was "crammed" for the occasion, and knew what questions to expect. That he was incompetent was shown by the condition of the air in the House, which never was so bad before, though the machinery remains unchanged. The result of the investigation is unknown.

J. J. Piatt, the Librarian of the House, a writer and scholar of some celebrity, was succeeded by John D. Young, a democratic ex-member of Congress.

John B. Clark, jr., a Union soldier, superintendent of the document-room, was succeeded by Morgan Rawles, an ex-confederate and democratic ex-member of Congress.

The committees have a larger army of clerks than ever were employed before. They are supposed to be made necessary by the numerous investigations. Many clerks to committees are not regularly appointed, but are simply employed and paid on vouchers, so their real positions will not appear in the records. The disgrace of two of the most important of the regular committee clerks is notorious.

MORRISON appointed as clerk of the Committee of Ways and Means J. P. Hambleton. This man was a cotton-claim agent and lobbyist, and, besides, was an unusually bitter and vituperative rebel. He named a son John Wilkes Booth, for the assassin of Abraham Lincoln. This charge having been made, he denied it intemperately. The charge having been proved, MORRISON was unable to stand the pressure, and Hambleton resigned.

Boughton, clerk of the Committee on Military Affairs, was charged with entering into collusion, while a revenue officer, with fraudulent whisky distillers, and sharing the profits of the frauds. The investigation was made by his own committee, which was as lenient as possible. The *ex parte* case was clear against him, but division arose in the committee about the extent of the examination, and he was finally permitted to resign, instead of being dismissed. His offense was outlawed under the statute of limitations.

Several committee-clerks were discharged employés of the Departments. Such men seemed to be preferred for committee-clerks, and in one or two notable instances they used the committees as instruments for revenge, not, however, very successfully.

The only reform in the democratic party that I know of is the reform of the chairman of the Committee on Appropriations. He has reformed, from being the leader of his side of the House in all forms of governmental extravagance, who has time and again on this floor advocated high salaries, even up to and including the closing hours of the Forty-third Congress; who once went so far as to say that a man who could not earn $7,500 as a member of Congress was not fit to be one. He has now reformed and has even become a reformer, and the democratic side of the House has reformed with him. How long this will last is quite doubtful. Like all old and hardened sinners, he and they are more than ordinarily zealous in their professions of reform. It is to be hoped that unlike this class of zealous reformers generally they will not fall by the way-side after the election.

My purpose in briefly alluding to this matter of reform is to institute a number of comparisons of the expenses of the Government between the years of democratic rule and the present republican rule.

In 1859 the expenditures of the Government were $68,984,090; in 1876 they were about $258,000,000 in round numbers; making a difference of $189,000,000 between the expenses of the Government in 1859 and 1876.

This difference can be accounted for quite easily. Three causes account for it:

First, the war and the expenses incident thereto, which entail an expense of $170,000,000, divided as follows:

Interest on the public debt about	$100,000,000
Pensions about	28,000,000
Expenses incident to the war	42,000,000
Total war expenses	170,000,000
Second, natural growth of the service with the growth of the country	10,000,000
New service, not in existence in 1859	9,000,000
Total expenses for 1876 in excess of 1859	189,000,000
Add expenses of 1859	69,000,000
Total for the service in 1876	258,000,000

Add nineteen millions to the cost of the service on account of the growth of the country to the sixty-nine millions, cost for 1859, and we have eighty-eight millions as the present cost, less war expenses. population in 1859, 31,000,000; *per capita* cost, $2.10; population in 1876, 44,000,000; *per capita* cost, $1.85. The actual *per capita* expenses to-day (less expenses caused by the war) is twenty-five cents less than in 1859.

It will be seen by this table, which is entirely accurate, that in 1860 in the First Auditor's Office there were nineteen hundred and eighty-one subjects examined, against seven thousand and sixty-five in 1875. In 1860 the amounts involved were $157,000,000, against $1,144,000,000 in 1876. The expenses in that Bureau for 1860 were $42,340; in 1875 $76,780; whereas the work performed is more than fourfold, and with this relative expense, namely, in 1860, it cost $4.10 to settle a single account, whereas in 1875 it costs but $3.06.

In the Third Auditor's Office the number of accounts settled was 2,300 in 1860 and 19,138 in 1875, amounting in 1860 to $14,591,815; in 1875 it was $53,418,828.50. The average salary of each clerk in 1860 was $1,490.82, in 1875 it was $1,312.13; showing the average salary to be in 1875 $178 less than in 1860. So that after all the talk about high salaries the average cost is $178 less than in 1860.

The cost of settling an account in 1860, in so-called good old democratic-reform times, was $35; the cost now in times of so-called republican extravagance is $12.30. An examination of all the Bureaus of all the Departments presents precisely similar results. The fact is, examination discloses the fact that the average cost of settling any given account is from 25 to 50 per cent. less now than in 1860; thus showing beyond controversy that the employés of the Treasury to-day do at least from 25 to 50 per cent. more work now than then, and that, too, at an average annual expense of $178 less for each clerk.

Comparative statement of work performed in the several Bureaus of the Treasury Department, below specified, during the years ending June 30, 1860, and June 30, 1875, respectively.

	1860.	1875.
FIRST AUDITOR'S OFFICE.		
Number of accounts for money received	1,985	7,065
Amount involved	$157,596,761 36	$1,144,320,298 80
Number of accounts for money disbursed	8,334	17,994
Amount involved	$125,630,648 78	$1,491,427,101 07
Expenses	42,340 00	76,780 00
Cost per account	4 10	3 06
SECOND AUDITOR'S OFFICE.		
Number of accounts settled	2,174	25,347
Amount involved	$9,972,757 31	$27,536,257 49
Letters, claims, &c., received	5,042	118,602
Letters written	8,003	131,321
Number of employés	94	176
Expenses	$35,540	$245,480
Number of accounts settled to each employé	99	144
Number of letters received to each employé	210	673
Number of letters written to each employé	333	746
Cost per account	$16 34	$9 68
THIRD AUDITOR'S OFFICE.		
Number of accounts settled	2,300	19,138
Amount involved	$14,591,815 00	$53,418,828 50
Number of employés	61	173
Expenses	$90,940 00	$237,000 00
Average salary of each clerk	1,490 82	1,312 13
Average amount settled by each clerk	239,210 00	308,779 30
Number of accounts settled by each clerk	39½	111 59
Average cost per account	$35 00	$12 30

Comparative statement of the work performed at the several Bureaus of the Treasury Department, &c.—Continued.

	1860.	1875.
FOURTH AUDITOR'S OFFICE.		
Number of accounts adjusted	320	1,111
Number of vouchers embraced in same	58,098	189,451
Amount involved	$17,442,757 43	$42,109,798 61
Number of prize-claims settled	.....	2,842
Amount of prize-money distributed	.....	$358,588 29
Number of general claims adjusted	346	1,552
Amount disbursed in above settlements	$74,682 15	$243,561 89
Monthly statements from paymasters received and examined	.....	1,560
Certificates of service furnished Commissioner of Pensions	.....	340
Number of pay requisitions entered	780	1,919
Amount	$11,856,201 98	$36,498,130 30
Number of refunding requisitions	115	218
Amount	$326,608 00	$4,697,428 00
Number of allotments registered	1,867	1,428
Number of letters received and registered	5,252	17,383
Number of letters written	5,673	21,859
Number of clerks employed	15	45
Expenses	$27,740 00	$78,338 25
FIFTH AUDITOR'S OFFICE.		
Number of accounts adjusted	1,347	11,697
Number of clerks employed	8	33
Expenses	$17,840 00	$52,400 00
Cost per settlement	1,324	4 48
OFFICE OF COMMISSIONER OF CUSTOMS.		
Receipts	$53,166,728 09	$159,117,443 87
Disbursements	6,542,912 67	19,746,337 81
Letters written	5,426	12,345
Letters received	3,683	10,888
Letters recorded	5,426	10,318
Returns received and examined	.....	10,824
Number of oaths registered	.....	5,841
Number of appointments registered	.....	5,600
Number of clerks employed	11	29
Expenses	$20,440 00	$45,420 07
FIRST COMPTROLLER'S OFFICE.		
Accounts revised and balances recorded	7,580	21,533
Requisitions	1,116	4,455
Warrants entered and posted	17,022	48,407
Letters written, &c	3,732	12,252
Internal-revenue tax-lists received and entered	.....	2,715
Internal-revenue reports copied, &c	.....	3,598
Powers of attorney examined and entered	68	1,527
Expenses	$28,201 00	$73,768 00
REGISTER'S OFFICE.		
Certificates of registry recorded	2,738	2,608
Emoluments recorded	7,269	7,286
Statements of tonnage published	7	26
Warrants registered	16,376	47,979
Drafts registered	13,852	40,046
Entry of accounts, journal pages	1,709	4,558
Certificates for settlements of accounts	3,494	14,972
Accounts received	14,131	23,538
Division receipts and expenditures:		
Ledger headings	1,213	3,305
Entries in ledgers	26,120	66,661
Ledger accounts, loan division	1,500	40,000
Number of employés	37	208
Average salary of each employé	$1,397	$1,176

I submit a table herewith showing the receipts and disbursements of the Government since January 1, 1834. This table also shows the receipts, losses, and ratio of losses per $1,000 to aggregate of receipts.

TREASURY DEPARTMENT, *Washington, D. C., June* 19, 1876.

Statement showing the receipts and disbursements of the Government from January 1, 1834, to June 30, 1875; exhibiting also the amount of defalcations and the ratio of losses per $1,000 to the aggregate received and disbursed, arranged in periods, as nearly as practicable, of four years each, and also in the periods prior and subsequent to June 30, 1861; prepared under the direction of the Secretary, to accompany his answer to a resolution of the United States Senate, dated February 9, 1876, calling for a detailed statement of balances due from public officers no longer in the public service which have arisen since 1830:

Receipts, losses, and ratio of loss per $1,000 to aggregate of receipts.

Period.	Customs.			Internal revenue.		
	Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$70,185,498 66	$1,211,566 25	$17 26	$20,519 41	.....	.....
January 1, 1838, to December 31, 1841	67,283,444 08	264,502 94	3 93	9,964 20	.....	.....
January 1, 1842, to June 30, 1845	78,946,436 31	254,939 03	3 23	5,892 71	.....	.....
July 1, 1845, to June 30, 1849	110,564,342 31	7,719 11	06	3,647 26	.....	.....
July 1, 1849, to June 30, 1853	194,957,446 48	215,749 08	1 10	.....	.....	.....
July 1, 1853, to June 30, 1857	245,148,753 03	131,277 05	53	.....	.....	.....
July 1, 1857, to June 30, 1861	184,125,082 85	38,776 03	21	.....	.....	.....
July 1, 1861, to June 30, 1865	305,360,453 61	31,261 99	10	356,846,137 30	$423,288 60	$1 18
July 1, 1865, to June 30, 1869	699,977,468 65	254,498 55	36	924,698,401 12	2,126,602 16	2 29
July 1, 1869, to June 30, 1873	865,268,591 96	20,935 15	02	572,369,401 98	826,265 67	1 44
July 1, 1873, to June 30, 1875	330,271,556 04	3,407 28	01	212,417,978 48	283,195 63	1 33
Total	3,082,089,003 98	2,434,632 46	78	2,066,371,242 46	3,659,352 06	1 77
January 1, 1834, to June 30, 1861	951,211,003 72	2,124,529 49	2 23	40,023 58	.....	.....
July 1, 1861, to June 30, 1875	2,130,878,000 26	310,102 97	14	2,066,331,218 88	3,659,352 06	1 77

Receipts, losses, and ratio of loss per $1,000 to aggregate of receipts—Continued.

Period.	Miscellaneous.			Net total.			Gross total.		
	Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.	Receipts.*	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$62,796,953 70	$172,230 16	$2 74	$133,002,971 77	$1,383,825 41	$10 40	$135,995,960 92	$1,383,825 41	$10 17
January 1, 1839, to December 31, 1841	26,832,178 67	127,825 40	4 76	94,125,586 95	392,328 34	4 16	129,948,548 91	392,328 34	3 01
January 1, 1842, to June 30, 1845	8,545,663 07	175,042 36	20 48	87,498,012 09	429,981 39	4 91	116,736,004 87	429,981 39	3 68
July 1, 1845, to June 30, 1849	12,019,158 04	10,390 87	86	122,587,147 61	18,109 98	14	201,857,508 45	18,109 98	08
July 1, 1849, to June 30, 1853	12,624,329 01	60,521 50	4 79	207,581,775 49	276,270 58	1 33	211,908,612 91	276,270 58	1 30
July 1, 1853, to June 30, 1857	37,024,174 26	81,724 73	2 20	282,172,927 89	213,001 78	75	282,179,829 56	213,001 78	75
July 1, 1857, to June 30, 1861	12,838,290 35	155,227 80	12 09	196,963,373 90	194,003 83	98	312,359,679 56	194,003 83	62
July 1, 1861, to June 30, 1865	67,251,745 08	53,943 01	80	729,458,335 99	508,493 60	69	4,670,460,137 61	508,493 60	10
July 1, 1865, to June 30, 1869	91,743,064 44	181,621 19	1 97	1,716,418,954 21	2,562,721 90	1 49	4,042,316,438 46	2,562,721 90	63
July 1, 1869, to June 30, 1873	79,624,848 56	107,497 86	1 35	1,457,262,842 50	954,698 68	65	2,576,645,585 22	954,698 68	37
July 1, 1873, to June 30, 1875	51,273,047 73	35,581,01	69	583,961,862 25	322,183 92	55	1,420,222,898 62	322,183 93	21
Total	462,573,453 51	1,161,634 89	2 51	5,611,033,789 95	7,255,619 41	1 29	14,100,631,205 09	7,255,619 41	51
January 1, 1834, to June 30, 1861	172,680,767 70	782,991 82	4 52	1,123,931,795 00	2,907,521 31	2 58	1,390,986,145 18	2,907,521 31	2 09
July 1, 1861, to June 30, 1875	289,892,685 81	378,643 07	1 30	4,487,101,994 95	4,348,098 10	96	12,709,645,059 91	4,348,098 10	34

* Includes receipts for loans.

Disbursements, losses, and ratio of loss per $1,000 to aggregate disbursements.

Period.	Miscellaneous.			Post-office.		
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$23,921,077 47	$300,154 05	$12 54	$11,697,884 58	$13,606 31	$1 17
January 1, 1838, to December 31, 1841	25,372,936 06	2,485,356 47	97 95	18,284,961 77	51,809 86	2 83
January 1, 1842, to June 30, 1845	21,535,282 45	4,008,452 22	46 82	18,666,750 20	2,679 46	14
July 1, 1845, to June 30, 1849	32,133,077 73	766,262 44	23 84	16,861,478 41	2,571 24	15
July 1, 1849, to June 30, 1853	68,899,995 00	899,785 74	13 05	26,582,570 74	52,946 20	1 99
July 1, 1853, to June 30, 1857	111,122,107 75	862,084 11	7 75	40,439,110 70	280,128 05	6 92
July 1, 1857, to June 30, 1861	101,502,826 81	834,731 96	8 22	56,957,922 74	172,278 46	3 02
July 1, 1861, to June 30, 1865	115,145,844 93	1,111,281 85	9 65	48,779,085 45	93,467 63	1 91
July 1, 1865, to June 30, 1869	201,926,036 61	1,040,156 82	5 34	81,016,286 91	167,236 74	2 06
July 1, 1869, to June 30, 1873	248,032,245 27	440,953 04	1 77	104,132,079 69	117,797 60	1 13
July 1, 1873, to June 30, 1875	156,212,296 59	317,248 86	2 03	65,737,724 03	34,970 63	53
Total	1,105,803,726 67	10,106,467 56	9 13	489,155,854 82	989,582 38	2 04
January 1, 1834, to June 30, 1861	384,487,303 27	7,156,826 99	18 61	189,490,678 74	576,109 78	3 04
July 1, 1861, to June 30, 1875	721,316,423 40	2,949,640 57	4 08	299,665,176 08	413,472 60	1 38

Period.	War.			Navy.			Indians.			Pensions.		
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
Jan. 1, 1834, to Dec. 31, 1837	$36,885,422 32	$502,062 83	$13 60	$20,275,832 24	$213,405 94	$10 53	$12,095,456 75	130,256 56	$10 76	$10,873,957 03	$17,906 63	$1 65
Jan. 1, 1838, to Dec. 31, 1841	37,711,097 43	206,873 89	5 48	24,498,848 64	101,256 23	4 14	12,879,740 60	4,215 61	32	10,290,804 48	101,951 64	9 90
Jan. 1, 1842, to June 30, 1845	20,483,584 91	48,359 58	2 35	24,920,331 48	54,291 93	2 17	4,573,354 42	10,585 29	2 31	6,650,769 55	11,553 38	1 74
July 1, 1845, to June 30, 1849	88,500,208 38	747,275 33	8 44	33,550,831 62	115,666 69	3 45	5,084,563 30	11,768 92	2 31	6,112,345 31	71,196 44	11 64
July 1, 1849, to June 30, 1853	40,280,994 32	373,158 05	9 26	36,771,937 67	141,493 87	3 85	11,417,463 40	69,497 61	6 08	8,318,428 22	1,257 41	15
July 1, 1853, to June 30, 1857	62,492,668 32	378,333 37	6 05	50,843,790 68	377,505 68	7 42	11,392,013 17	38,088 97	3 36	5,316,887 56	18,840 51	3 54
July 1, 1857, to June 30, 1861	88,307,575 55	287,516 48	3 25	52,645,998 89	183,510 52	3 49	14,325,403 42	982,417 05	68 58	4,577,393 06	4,649 51	1 01
July 1, 1861, to June 30, 1865	2,713,569,422 83	4,241,868 55	1 56	314,223,986 21	1,079,639 44	3 43	13,169,317 75	136,582 62	10 37	23,263,779 07	29,650 45	1 27
July 1, 1865, to June 30, 1869	583,749,510 99	542,547 09	92	120,173,925 90	98,422 02	81	19,135,153 08	73,973 97	3 86	88,810,848 02	94,540 67	1 06
July 1, 1869, to June 30, 1873	175,150,962 73	169,900 39	97	85,987,323 86	180,964 68	2 10	25,848,369 29	23,557 44	91	120,676,926 67	230,896 93	1 90
July 1, 1873, to June 30, 1875	83,434,573 20	23,742 80	28	52,430,213 69	26,670 77	50	15,077,118 91	2,676 38	17	58,494,630 88	.....	.....
Total	3,930,566,021 03	7,521,638 96	1 91	816,252,950 82	2,572,827 77	3 15	144,927,954 09	1,483,620 42	10 23	343,386,769 85	582,373 57	1 69
Jan. 1, 1834, to June 30, 1861	374,661,551 28	2,543,579 53	6 79	243,437,501 22	1,187,130 86	4 87	71,697,995 06	1,246,830 01	17 39	52,140,585 21	227,355 52	4 36
July 1, 1861, to June 30, 1875	3,555,904,460 75	4,978,059 43	1 39	572,815,449 66	1,385,696 91	2 41	73,229,959 03	236,790 41	3 23	291,246,184 64	355,018 05	1 21

Period.	Net total, exclusive of post-office.			Gross total, exclusive of post-office.			Administration.
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.*	Losses.	Loss on $1,000.	
January 1, 1834, to December 31, 1837	$104,051,745 81	$1,163,786 01	$11 18	$110,308,325 19	$1,163,786 01	$10 55	Jackson's.
January 1, 1838, to December 31, 1841	110,683,427 21	2,899,653 84	26 19	137,094,438 34	2,899,653 84	21 15	Van Buren's.
January 1, 1842, to June 30, 1845	78,163,322 81	1,133,242 40	14 49	109,187,401 24	1,133,242 40	10 37	Harrison and Tyler's.
July 1, 1845, to June 30, 1849	165,381,026 34	1,712,169 82	10 35	205,194,700 57	1,712,169 82	8 34	Polk's.
July 1, 1849, to June 30, 1853	165,688,818 66	1,485,192 68	8 96	194,370,403 14	1,485,192 68	7 64	Taylor and Fillmore's.
July 1, 1853, to June 30, 1857	241,007,397 48	1,674,852 64	6 94	285,638,875 65	1,674,852 64	5 86	Pierce's.
July 1, 1857, to June 30, 1861	261,359,197 73	2,292,825 52	8 77	328,183,268 39	2,292,825 52	6 98	Buchanan's.
July 1, 1861, to June 30, 1865	3,179,372,350 79	6,590,022 91	2 07	4,667,457,921 22	6,599,022 91	1 41	Lincoln and Johnson's.
July 1, 1865, to June 30, 1869	1,013,795,474 60	1,889,641 17	1 86	3,891,576,259 10	1,889,641 17	48	
July 1, 1869, to June 30, 1873	655,695,827 82	1,046,202 48	1 59	2,601,158,509 90	1,046,202 48	40	Grant's.
July 1, 1873, to June 30, 1875	365,648,883 27	370,338 81	1 01	1,406,699,819 31	370,338 81	26	
Total	6,340,937,422 52	22,266,928 28	3 51	13,936,870,072 05	22,266,928 28	1 59	
January 1, 1834, to June 30, 1861	1,126,434,936 04	12,361,722 91	10 97	1,369,977,502 52	12,361,722 91	9 02	
July 1, 1861, to June 30, 1875	5,214,512,486 48	9,905,205 37	1 89	12,566,892,569 53	9,905,205 37	78	

* Includes expenditures for public debt.

POSTAL MONEY-ORDERS.—Amount involved to June 30, 1875, $389,718,785.38; loss, $156,818.42; loss per $1,000, forty cents.

NOTES TO PRECEDING TABLES.

1. In cases where the accounts of defaulting officers embraced more than one period the losses, unless known to have occurred in other periods, have been charged to the periods in which the accounts were opened in this Department. In cases of defaulting banks, however, for want of other information, the losses have been charged to the periods in which they are reported on the books, though doubtless in several instances they actually occurred in previous periods. No losses of the latter kind, however, have been included unless known to have occurred within the period covered by this statement.

2. No deductions have been made for amounts which may be collected hereafter, though a large percentage of the recent losses will doubtless be yet recovered.

3. In preparing this statement the receipts and disbursements since June 30, 1843, have been classified by fiscal years as in the published official reports; the losses have in all cases been classified by calendar years, it not being practicable to separate the losses occurring in the fractional years of each period, but the periods compared being of the same length the result is substantially correct.

From customs receipts the loss during Jackson's time from 1834 to 1837 on $1,000 was $17.26; in Van Buren's time, $3.93; in Grant's administration, two cents loss on each $1,000.

From January 1, 1834, to June 30, 1861, the losses to the $1,000 was $2.23 per $1,000; from July 1, 1861, to June 30, 1875, during republican administrations, fourteen cents per $1,000. The internal-revenue system did not exist during democratic administrations. The losses per $1,000 of receipts have been $1.70; from miscellaneous sources during Jackson's term, $2.75 per $1,000; during Van Buren's service, $4.76 per $1,000; during Buchanan's time, $12.09; and now, General Grant's term, sixty-nine cents per $1,000! The average losses during democratic administrations, $4.53 per thousand; in republican administration, $1.30 per thousand.

On the total receipts from all sources the loss during democratic administrations was $2.09; during republican administrations, thirty-four cents. Now take the disbursements, the losses, and ratio of loss per $1,000. In the War Department during good old democratic times—General Jackson's term—the losses were $13.60; during Van Buren's term, $5.48; during Polk's four years as President, $8.44; during Pierce's term, $6.05; during Buchanan's term, $3.25; during Grant's administration, twenty-five cents. The total losses on disbursements of offices belonging to the War Department in democratic times, from 1834 to 1861, was $6.79 per thousand; total losses from 1861 to 1875, $1.39 per $1,000.

In the Navy Department, in the disbursements the losses during Jackson's term per $1,000 were $10.53; in Pierce's term, $7.42; during Buchanan's term, $3.49; during General Grant's term, fifty cents per $1,000. Total democratic, $4.87; total republican, $2.41. Indian Bureau: Here our democratic friends have so much to say about extravagance that this table will be read with interest. The losses during Jackson's administration per $1,000 were $10.76; in Buchanan's time, $68.58 per $1,000. (I suppose these were the reform times that our democratic friends desire to bring us back to;) during Grant's time, seventeen cents per $1,000. The total loss in democratic times, $17.39 per $1,000; during republican administrations, $3.23 per $1,000.

Losses on account of pensions during democratic administrations, $4.36 per $1,000; during republican administrations, $1.21 per $1,000.

In the Post-Office Department during democratic administrations, losses on each $1,000 were $3.04; during republican administrations, $1.38. From miscellaneous sources, losses in democratic times was $18.61 per $1,000 as against $4.08 in republican times. The total losses per $1,000 on disbursements from all sources from 1834 to 1861 during democratic administrations was $9.02, while during republican times it was only seventy-eight cents per $1,000. And it may be added here that the losses during republican administrations are recent, and it is estimated at the Departments that 25 per cent. of what is put down as losses recently will finally be recovered, so that actually the losses during republican administrations will be probably 25 per cent. less than the figures here given.

When the republicans came into power it was found that looseness and disorder in all the departments of Government were the rule and order and care were the exception.

Congress was in the habit of making appropriations in gross and in indefinite sums. The Departments were permitted the widest range and discretion.

Under republican rule all appropriations were made in the greatest possible detail and in specific sums, leaving little or nothing to the discretion of the officers of the Government.

Now the conditions that obtained in democratic times are reversed, and we find order, care, and integrity the rule, and looseness and disorder the exception.

As a sample of the way things were done in old times, I give the following:

On pages 257 and 262, finance report for 1854, in the report of Special Agent Gouge, of November 27, 1854, will be found statements showing the careful method in which public moneys were kept in the better days of the Republic, and the unique, economic method by which transfers of such moneys were made in those days.

Mr. Minor, who undertook to transfer the $100,000 from New York to New Orleans, as far as known to the Department, has not yet reached his destination.

The amount appears on the list of defaulters sent the House by the Treasury Department, charged against the City Bank of Columbus, Ohio.

This is but a sample of hundreds of others that are shown on the books of the Treasury Department and in the report sent to the House.

The system of checks and balances, instituted since the republican party came into power, renders such a transaction impossible.

The burden of the democratic song is now the cry of corruption. I admit there is corruption in Government officers; I do not expect it to be otherwise as long as human nature is what it is.

To the charge of extravagance and corruption against the Administration so often made, I desire to say that in the discharge of my duty as a member of the Appropriation Committee I have had occasion to meet many of the officers directly in charge of the expenditures of the appropriations made by Congress.

It affords me pleasure to say that they are a superior body of men in all that pertains to genuine manhood, and they will rank in intelligence and honesty and in an honest discharge of duty with any private employment in this or any other country; while private employers pay for similar service greater salaries than these men can possibly receive. It therefore is a duty and a pleasure to say this for a class of men who are constantly maligned by the opposition for the sole purpose of making party capital. There are, possibly, among these men, here and there, one who is wanting in official integrity. It is expecting too much of human nature not to find it so, as the reign of democracy for a period of a quarter of a century conclusively proves. Investigation shows that the average of this class was far greater in numbers and costs to the Government under democratic than during republican rule.

I make the statement deliberately that, in my judgment and in the judgment of all candid men having knowledge of the subject, never in the history of the country was there as much capacity and integrity exhibited by the officers in charge of the administration of the Government as there is to-day. In making this statement I make full allowance for all the disclosures made by the committees of investigation this session. My opportunity for knowing these officials has been that of an actual, personal contact with and knowledge of them such as is enjoyed by but few of the public men of the country.

I do not believe that any of the walks of society can show an equal number of men more capable, more honest, and more deserving in all respects than these men.

As an illustration of the loose manner in which the House conducts its business, I will refer to one case as a sample. A democratic member offered a resolution calling for a list of the names, places of residence, and number of shares held by each of the stockholders of the national banks, the object being to obtain the names of members of Congress who were shareholders. To answer this request it required fifty-two months of the labor of the clerks, equal to the labor of one clerk for four and a half years. The cost of answering this resolution, including the labor, stationery, and printing, was about $20,000.

This House has utterly failed to act on a proposition of the Secretary of the Treasury, agreed to by the republican Senate six months ago, relating to the refunding of the 6 per cent. bonds into a bond bearing interest at the rate of 4½ per cent., thereby saving to the country the sum of five millions annually in the payment of interest. If the House had acted promptly on this matter, by this time the refunding would probably have been an accomplished fact and the sum named above saved annually to the people.

There are lying in the committee-rooms of this House bills unacted upon, introduced by gentlemen from the South, aggregating a sum of not less than $2,000,000,000, to be warmed into actual, real life by the success of Tilden and Hendricks.

Not acted on this session; why? Because if pressed now they would injure the prospects of democratic success.

Another of the reform movements of this House was the passage of the following proviso to one of the clauses of the sundry civil bill:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections are hereby repealed.

It will be seen that the repeal would remove all restraint against dishonest voting in the great cities of the country as well as in the States where the rights of the colored men to vote are flagrantly interfered with. With this law repealed, Tammany Hall and John Morrissey could give Tilden so large a majority as to overcome the honest vote of the State, as was done in 1868, when General Grant and John A. Griswold were cheated out of the vote of the State, and that, too, under the management of the present democratic candidate for President. I make this statement on the authority of the last democratic candidate for the Presidency.

I put with it the circular letter sent to the faithful all over the State; the compliance with the suggestions therein contained enabled the present democratic candidate for the Presidency, the then chairman of the democratic State committee, to (by withholding the announcement of the count in the city of New York until he heard from the State) count enough votes in the city to give the State to Seymour and Hoffman:

[Private and strictly confidential.]

ROOMS OF DEMOCRATIC STATE COMMITTEE,
October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person in three or four principal towns and in each city of your county, and request him (expenses duly arranged for this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote.

Let the telegraph be as follows:

"This town will show a democratic gain (or loss) over last year of (number.") Or this one, if sufficiently certain: "This town will give a republican (or democratic) majority of ——."

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in the telegraphic communications over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages; and give orders to watch carefully the count.

Very truly, yours,

SAMUEL J. TILDEN, *Chairman.*

I submit that this gentleman will make an excellent reform candidate for the democracy.

As a further proof of the reform qualities of this model reformer, the democratic candidate for the Presidency, I append here a letter from the last democratic candidate for the Presidency, a witness who certainly will not be impeached.

In the New York Tribune of November 9, 1869, Mr. Greeley, in a second letter to Samuel J. Tilden, chairman of the democratic State committee, arraigns Tilden for his complicity in this gigantic villainy and holds him to a just accountability. In this letter Mr. Greeley reviews the labors of the constitutional convention of 1867; the defeat of the results of its labors, the "reform constitution," by the great champion of reform, Samuel J. Tilden, at the election of 1869; the defeat of a fair registration and the means of purging the ballot-box of its notoriously infamous frauds, and of securing to the people and State a fair election. Mr. Greeley reviews all in detail in the light of incontrovertible facts, and says:

But while honesty and law act spasmodically, villainy ever sleeps with one eye open, and plans new and more subtle devices for circumventing justice and overthrowing right. Had no illegal vote been polled in this city and Brooklyn, General Franz Siegel would now be our secretary-elect, as Grant, in the absence of fraud, would have received the electoral vote of our State by more than 20,000 majority. Let me multiply demonstrations on this point: Since your party pretends to believe our last State census erroneous and imperfect, I put that aside and appeal to official returns whereof no one can even affect to doubt the accuracy. Here follows the number of deaths in several of the lower wards of our city, where your party has swelled its vote so monstrously in the past two or three elections:

Number of deaths in the lower wards.

Wards.	1855.	1858.	1859.	1861.	1862.	1864.	1868.
Fourth	844	934	817	781	768	838	649
Sixth	1,142	874	933	1,054	928	970	697
Seventh	1,189	1,134	1,040	1,017	1,018	1,156	1,103
Fourteenth	776	913	858	806	798	1,006	736
Total	3,951	3,855	3,648	3,658	3,512	3,970	3,185

Now, Mr. Tilden, you know that those wards have not increased in aggregate population since 1855. People who live packed up in tenement houses fronting the narrowest, crookedest, worst smelling streets of our city die at least as fast as those who live in more cleanly, airy, and commodious quarters; and the increase or diminution of the population of these wards is accurately reflected in their annual return of deaths. Now look at their total vote at our several presidential elections since 1855 and at our State elections last week:

Wards.	1856.	1860.	1864.	1868.	1869.
Fourth	2,689	2,535	2,890	4,310	3,965
Sixth	2,880	2,924	3,781	5,401	5,274
Seventh	4,454	4,800	5,250	8,160	5,864
Fourteenth	3,218	3,578	5,000	5,252	4,214
Total	13,241	13,837	16,920	23,123	20,037

You know what these figures prove as well as I do. You know that every vote was drawn out that could be in the intensely contested election of 1860, and that not a few were then polled which had no right to be. You know that the population of these wards has not increased, yet they polled over 9,000 more in 1868 than they did in 1860, and over 6 000 more in 1869, when the sixth ward cast 873 more than her monstrous vote of last year, and considerably more than double her vote in 1860 or 1864.

I do not instance these cases as worse than others. Probably none of them are so bad as that of the twenty-first ward, where your sheriff bears sway. But the twenty-first is a growing ward; so I confine myself to those which the bills of mortality clearly show to be less populous to-day than they were when their aggregate vote was but 13,241 against the 23,232 they rolled up for Hoffman last fall.

Mr. Tilden, you have confederates who will chuckle over this *exposé*, as showing that "the democrats know how," and that they can never be driven from power. "What if the public judgment condemns us? Let our repeaters vote twice more all round, and we'll come out all right." But I believe in God, and feel a profound conviction that the fruits of triumph thus achieved will turn to ashes on the lips of the victors. I believe you will yet realize that an honest defeat would have been more advantageous to you in the long run than either of your fraudulent victories.

I will print here a table showing the reduced cost of Government expenditures year by year since 1866, which conclusively shows the general good management of the Administration. A constant decrease of expenses is shown in all Departments of Government except the Post-Office Department.

In making these reductions the number of clerks has been reduced in the Departments at Washington to the number of twenty-five hundred and to the number of five thousand men throughout the entire country. The Post-Office Department of course shows an annual increase in proportion to the growth of the country.

REDUCTION OF PUBLIC EXPENDITURES.

The following table shows the expenditures of the Government for the fiscal years from 1865 to 1876, inclusive, with the reduction each year from 1865:

1865	$1,297,555,224 41	maximum.	
1866	520,809,416 99	reduction	$776,745,807 42
1867	357,542,675 16	reduction	163,266,741 83
1868	377,340,284 86	increase	19,797,609 70
1869	322,865,277 80	reduction	54,475,007 06
1870	309,653,560 75	reduction	13,211,717 05
1871	292,177,188 25	reduction	17,476,372 50
1872	277,517,902 67	reduction	14,659,225 58
1873	290,345,245 33	increase	12,827,292 66
1874	287,133,873 17	reduction	3,211,372 16
1875	274,623,392 84	reduction	12,510,480 33
1876	258,500,000 00	reduction	16,123,392 84

While this constant reduction was going on Congress gradually reduced taxation, making the reduction of expenses and the reduction of taxation go hand in hand. Our present pretended reformers pretend to large reduction of expenses, but are not willing to reduce taxes.

This illustrates the difference between the policies of the two parties now contending for supremacy.

The following table shows the dates of the acts of Congress reducing taxes and of the amount of the annual reduction:

REDUCTION OF TAXES BY ACTS OF CONGRESS.

The following exhibits the estimated reduction of annual internal taxation and customs duties under the laws mentioned:

Act of July 13, 1866	$65,000,000 00
Act of March 2, 1867	40,000,000 00
Act of February 3, 1868	23,000,000 00
Acts of March 1 and July 20, 1868	45,000,000 00
Act of July 14, 1870	78,848,827 33
Acts of May 1 and June 6, 1872	51,823,761 38

Time will not permit me to go further into details.

The great republican party, besides saving the Republic whose destruction was sought not only by the rebellion but by all the crowned heads of the world, (save the Czar of Russia,) has shown itself capable of adjusting the delicate task of reconstruction, and to-day, but eleven years since the close of the war, every State is fully represented on this floor.

This great party has given freedom and citizenship to all its people. Every one of its great fundamental principles form a part of the Constitution and are the accepted principles of all parties. As a practical business-like party it has reduced the *per capita* expenses (less war expenses) twenty-five cents below what it was when it assumed governmental power.

Since this party assumed control it has reduced the average annual cost of clerks by the sum of $175 each and they do 50 per cent. more work.

The losses on the collections and disbursements of the public funds have greatly decreased.

The system of checks and balances in the keeping governmental accounts is vastly improved.

The character and capacity of Government officials are greatly bettered.

The Government credit which stood at 12 per cent. interest on its loans is now reduced to 4½ per cent.

It has gradually year by year since the war reduced expenses and taxation.

It has paid nearly $600,000,000 of the public debt in the last eleven years.

It has provided for every obligation of the Government, including the sinking fund.

It has reduced the annual interest burden by $45,000,000. It has pensioned the brave soldiers who fought to save the country.

It may not at all times have done the wisest thing, and some of its officials have been dishonest and corrupt.

But it has a glorious record, one that causes its adherents to rejoice and be glad that they share its glories.

To put against this party, the democracy propose economy and reform, when they have not shown a single characteristic that entitles them to the appellation of reformers. Under this cry they will try to have the people forget that the complete fruition of reconstruction is not yet an accomplished fact.

They want us to forget that democratic success means the practical loss of the rights of citizenship to the colored people of the South. With democratic success these rights will exist only in name.

They want the people to forget that hundreds of millions of war claims are to be paid, dependent upon their success.

They want the people to forget the many schemes of southern plunder that will be accomplished facts with their ascendency.

The people who saved the Republic are ever watchful and alert. They who have sacrificed so much to make the old flag an emblem of freedom and glory will not trust gentlemen with power who sought to trail it in the dust and substitute in its place the stars and bars, until they manifest a spirit that will assure them that the great principles fought for and won are secure in their hands.

The spectacle of a people turning over the destinies of a great country to the very men who sought to destroy it will not be witnessed for four years to come at least.

The following statement shows reductions and postponements finally agreed upon by both Houses:

Statement showing the reduction and postponements of appropriations as finally agreed upon.

Pension		$466,500 00
Military Academy		74,675 00
Consular and diplomatic		216,405 50
Fortification		535,000 00
Legislative		4,528,276 99
River and harbor		1,643,517 50
Deficiencies		3,886,975 62
Post-office		2,408,707 00
Naval		4,260,651 00
Indian		690,437 53
Army		1,946,602 10
Sundry civil		10,226,444 62
		29,944,352 86
Deduct deficiency		3,886,975 62
		26,057,377 24
Deduct Court of Claims	$2,000,000 00	
Indefinite for assay office	500,000 00	
Indefinite	500,000 00	
		3,000,000 00
		23,057,377 24
Deduct also—		
Centennial	$1,500,000 00	
Washington Monument	200,000 00	
Pennsylvania avenue	200,000 00	
Fortifications	200,000 00	
New York post-office	227,000 00	
Agricultural Reports	130,000 00	
		2,457,000 00
Actual reduction and postponement		20,600,377 24

Mr. SAVAGE. Mr. Speaker, in the time granted to me I shall not be able to elaborate any of the points upon which I propose to touch. But I cannot resist the temptation which the opportunity affords to me of indulging in a few remarks upon the testimony taken by the Committee on Expenditures in the Treasury Department. And the temptation is greatly enhanced when I consider some of the speeches made upon the opposite side of this Hall, comparing the corruption and stealing of the present Administration with the democratic Administrations before the war and with the management of the present House of Representatives, notably the speeches delivered by the gentleman from Illinois [Mr. HURLBUT] and the gentleman from Maine, [Mr. HALE.]

The first case of improper conduct (which out in the country where I was raised would be called *stealing*, but which, I suppose, out of deference to the custom which has grown up of late years I must call "an irregularity") is the case of Parkman & Brooks; and that I may do no injustice I will give you a brief statement of the case in the language of Mr. Wilson, the Solicitor of the Treasury, as contained in an official letter to Secretary Bristow, bearing date December 31, 1874. The letter of the Solicitor is printed in full, commencing on page 79 of the statements and letters relative to captured and abandoned property. The extract which I wish to read is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., December 31, 1874.

SIR: * * * It appears that in the year 1865, George L. Carleton, then United States depositary and acting surveyor of customs at Memphis, Tennessee, issued to J. W. Page, jr., president of the Commercial Bank at that place, certificates of deposit on account of subscriptions to 7.30 Government bonds to the amount of $556,945, taking therefor, instead of money, Page's individual checks.

It is alleged by Page, and the evidence tends to show, that neither the bank nor himself received any advantage from these transactions other than the difference of exchange, but that the proceeds of the sales of these bonds were all placed, as soon as received, to the credit of Parkman, Brooks & Co., and drawn out by them.

In May, 1875, the checks of Page, thus held by Carleton, were given up by him, and canceled at the solicitation of Page, on the ground that Parkman & Brooks had received the proceeds of the bonds, Carleton receiving in their place from Page the checks of Parkman, Brooks & Co. of like date and amount.

The evidence shows, however, that the checks of Parkman, Brooks & Co. were obtained by Page in April, 1865, in their absence from Memphis, from a Mr. Learned, who was claimed to be their partner, and who was authorized to draw checks in the firm-name in the ordinary course of business, and who also was accustomed to sign as partner the name of the firm.

In May, 1865, Parkman, Brooks & Co. denied the authority of Learned to sign their name to checks.

In this state of affairs the Secretary of the Treasury sent a special agent to investigate the matter. From his report it appears that Parkman, Brooks & Co. acknowledge themselves indebted to the Commercial Bank and were willing to assume and secure, as best they could, $201,003.12 of the checks held by Carleton on being discharged by the bank.

Acting upon the conclusion that the proposal of Parkman & Brooks was the best on the facts that could be had, the agent of the Treasury obtained from them, on settlement of the checks held by Carleton, five notes aggregating $201,003.12, four of them dated August 14, 1865, and one August 16, 1865.

The agent, however, did an unauthorized act himself in this matter which he was investigating. He made at the same time—August 14, 1865—in behalf of the United States, a contract with F. W. Brooks, one of the firm of Parkman, Brooks & Co., for collecting and delivering to Treasury agents certain lots of confiscable cotton and property.

The contract was made, as is alleged by the agent, for the purpose of securing the payment of Parkman & Brooks's note.

By its terms the share of Brooks in the proceeds of property delivered over and above actual expenses was to be applied to the payment of four of Parkman & Brooks's notes, amounting to $150,000. Brooks understood when the contract was made that it was subject to the approval of the Secretary of the Treasury, but, without waiting for this approval, agreed, in writing, to this application of the proceeds, and proceeded to collect the property.

The Secretary, however, refused to ratify the contrac and Brooks was notified that it terminated on the 20th of August, 1865.

In the mean time Brooks claimed that he had collected six hundred and forty-four bales of cotton under the contract, and made a claim therefor, which, on the 30th of April, 1866, evidently with some hesitation, the Secretary of the Treasury decided to allow to the extent of one quarter of the six hundred and forty-four bales in full, and to credit the amount allowed upon the notes given by Parkman & Brooks.

This credit, amounting in the whole to $24,315.75, was accordingly indorsed upon the note of $94,000, namely, May 18, 1866, $21,112.55, and June 25, 1866, $3,203.20.

This is all the money ever awarded to Parkman & Brooks by the Treasury Department for cotton collected under the Risley contract, as appears by the records.

They were allowed, however, another sum, amounting to $33,297.28, the history of which is as follows: Some time in May, 1865, a claim was made by one A. K. Shepard and Parkman & Brooks for the proceeds of 19,700 bales of cotton collected by the agents of the Treasury, on the grounds that the claimants had purchased it under proper authority from the confederate government for delivery to the Treasury Department.

The Secretary declining to consider the claim thus presented, the parties then made a claim for salvage, alleging that, having acquired an interest in the cotton, they had, through their influence with the military authorities of both armies and by the expenditure of money and personal attention, saved the same from loss and damage.

In this form the Secretary decided to allow $157,944.66, dividing this sum into three drafts, for the purpose of keeping the interest of Parkman & Brooks, which was 40 per cent., amounting to $33,297.28, separate, for the reason that at the same time he determined to apportion the share of that firm in part payment of the indebtedness due from them to the United States on their five notes.

This application was made with the knowledge and consent of Parkman & Brooks and their attorney, and the amount was afterward sent to the Treasurer of the United States, and, in point of fact, credited to the indebtedness of Carleton, which was the same thing, for what was paid on the notes of Parkman & Brooks would liquidate to that extent the indebtedness of Carleton.

Parkman & Brooks, not having paid the balance due on their notes, they were afterward, namely, June 25, 1869, put in suit by the United States attorney at Memphis, Tennessee, which suit was pending until May, 1874, when it was dismissed by direction of the Secretary of the Treasury.

The reason of the dismissal was as follows: On the 13th of December, 1873, one P. D. Roddy made an application to the Secretary of the Treasury for the $33,297.28, the history and the disposition of which I have just related, on the ground that this sum had been adjudged to Parkman & Brooks in settlement of what was known as the Shepard case, and that the interest of Parkman & Brooks in this case and in other cotton and confederate property reported by Brooks under the Risley contract had been assigned to him previous to the settlement.

It will be observed that in the first settlement with Carleton, the defaulting agent of the United States, the special agent sent to settle said claim sacrified more than one-half of the entire claim; the original claim being $556,945, and the agent accepting the notes of Parkman & Brooks for $201,003.12 on their admission that they were indebted to the Commercial Bank in that amount. During the years of 1865 and 1866 Parkman & Brooks, it will be observed, had by their dealing with the Government obtained credit upon said notes to the amount of $57,613.03, up to this time at least not claiming that they had any defense to said notes. And thus the matter runs along until 1869, when the balance due on said notes not having been paid, they were put in suit, so says the Solicitor of the Treasury; and said suits were permitted to drag along until May, 1874, when they were dismissed by direction of the Secretary of the Treasury, as will be seen by examining the following letters. I read first the letter of the Secretary of the Treasury on page 74 of the document to which I have referred:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
February 20, 1874.

SIR: It having been decided by the proper accounting officer of this Department that certain notes executed by Parkman, Brooks & Co., now in your possession, "are invalid and impose no obligation on the makers," I have to request that they may be returned to this office, and that any suits now pending in relation to said notes may be discontinued.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. E. C. BANFIELD,
Solicitor of the Treasury.

I shall examine hereafter who this "proper accounting officer" of the Treasury was to whom reference is made in this letter.

I now read the letter of Mr. Banfield, the then Solicitor of the Treasury, from the same page, and it will be observed that Mr. Banfield, the law officer of that Department, did not concur with the Secretary's "proper accounting-officer" of the Treasury.

It is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., March 6, 1874.

SIR: It has been decided by the Treasury Department that the notes of Parkman, Brooks & Co., upon which suits are pending in your district, are invalid and impose no obligation on the makers.

While I cannot agree with the decision reached by the Department in this regard, I am constrained by the terms of the Secretary's letter to me, a copy of which I inclose, to ask you to comply with the request therein contained.

Very respectfully,

E. C. BANFIELD,
Solicitor of the Treasury.

W. W. MURRAY, Esq.,
United States Attorney, Memphis, Tennessee.

Now how was this decision arrived at, and what was the occasion for it? I will explain. On the 13th of December, 1873, one P. D. Roddy filed a petition in the Treasury Department, claiming to be the owner of the interest of Parkman & Brooks, and also claiming that the original notes were void and created no obligation on the part of said firm of Parkman & Brooks, and asking the Department to pay to him the amounts which had been credited upon said notes. This petition it will be observed was filed more than seven years after the

date of the credits upon said notes; and I might say right here, as I go along, by a party who was before or about the same time mixed up with this same Brooks, of the firm of Parkman & Brooks, in a disreputable swindle of the Treasury Department with a certain seal-lock, with which they swindled the Government out of thousands and thousands of dollars, and therefore the Secretary of the Treasury should have been upon his guard, unless he was a party to the steal, for I can call it nothing less. This petition was referred to Mr. Solicitor Banfield, the only person who, in the language of the Secretary, could be called "the proper accounting officer of the Department," to give an opinion upon such a subject. Mr. Banfield gave the matter his attention and had prepared a letter giving in full his reasons for deciding against Mr. Roddy's claim, but which had not yet been forwarded to the Secretary of the Treasury, when on the 28th of January, 1874, he received the following polite note from Mr. Sawyer, the Assistant Secretary of the Treasury:

Mr. BANFIELD:

Please return the Roddy claim and papers, and oblige yours, very truly,

F. A. SAWYER.

Now, why was this claim taken out of the hands of Mr. Banfield just at that time? Plainly for the reason that it had been discovered that he was going to decide against it. There can be and there is no other reason given for the act.

It was no sooner taken out of his hands than it was referred to a Mr. William T. Haines, the Commissioner of Customs, whom the Secretary designates as "the proper accounting officer of the Department." The only reason which I can see from the testimony why he should be called that is that he had his mind made up to allow the claim before it was referred to him, as I think the testimony which I shall quote hereafter will abundantly prove; but on this particular point I desire now to read from the testimony of Mr. Joseph Burr, an employé of the Treasury Department at this time. He said:

Question. Please state to the committee, if you can, who was the proper accounting officer to pass upon the validity of these notes?

Answer. There is no accounting officer that has that power.

Q. Do you know, in fact, what officer it was that assumed to have that authority and power?

A. I know who it was that reported that they were invalid.

Q. State to the committee who it was.

A. It was William T. Haines.

Q. What was his position?

A. Commissioner of Customs.

I have read from page 38 of the testimony taken by said committee, which I think shows very satisfactorily that the reference of this matter to Haines was a mere arbitrary exercise of power on the part of the Secretary of the Treasury, and it might as well have been referred, so far as the propriety of the thing is concerned, to any other officer of the Treasury. The motive which actuated the Secretary, then, must be looked for somewhere else than in the propriety of referring it to this officer. I think, however, before I get through I shall be able to show from the testimony, in the most conclusive manner, just the motive actuating all of the parties to this most infamous transaction. I read from the testimony of Mr. Gough, at present a clerk in the Department, pages 15 and 16:

Question. Do you know anything about the cotton claim of Parkman, Brooks & Co., and about the manner in which it was paid, the amount of it, and the persons at whose instance it was paid?

Answer. Yes, sir.

Q. State now to the committee, without the necessity of more particular inquiry, all you know in reference to that matter.

A. I think it was in January, 1874, W. T. Haines, who was then Commissioner of Customs, sent for me and requested me to withdraw from the files the account of George N. Carleton, who was surveyor and special agent at Memphis, Tennessee. I find the record shows that I went down that day and withdrew the account myself, and took it to Mr. Haines. He then asked me for a receipt and papers given by H. A. Risley in the Parkman, Brooks & Co. case. Mr. Barstow, who was a clerk in the office, was in there with Mr. Haines. I found the papers, and handed them over to him, and he said that was all he wanted of me, and I left. During that week I saw this Frank Brooks and Mr. Barstow and Mr. Haines together, and I had been informed by Mr. Noerr that Parkman, Brooks & Co. were after that claim again; knowing the case to have been brought up some years previous, and that it had been allowed these parties, the same claim, but the money was not to be paid to them, but to be applied to notes held by the Government in the hands of the Solicitor of the Treasury, upon which this money was to be applied to their credit. On the 9th day of February, 1874, Mr. Lockwood, who was then chief clerk, came into my room and laid down in front of me the claim of Parkman, Brooks & Co., and requested me to examine and pass the account and enter it on my book. I told Mr. Lockwood that I would enter it on my book, but I would not examine it and pass it. In that case it required my signature, and I declined to do it. He asked me why. I gave him my reasons; I told him I thought it was a bogus claim, and I believed the claim had been paid once before. Mr. Lockwood replied, "It is ordered by the Secretary, and the Assistant Secretary, and the Commissioner of Customs; what are we to do about it?" I said, "I don't care anything about it. I will enter it on my book, but I will not examine and pass it." I entered it on my book, and passed the account in to Mr. Lockwood. Mr. Barstow was standing alongside of me at the time that I replied to Mr. Lockwood that whoever examined and passed that account should put his name to it, as I was in charge of that branch and it would reflect on me. Mr. Barstow spoke up and asked me why I didn't do it. My reply was, "Not by a damned sight. You do it if you are not ashamed of it." I left the office and went back to my desk. Mr. Mahon, the First Auditor, came in shortly after and asked me what I did with the account. Says I, "I took it in to Mr. Lockwood. I got through with it." He said he was sorry; he wished he had got hold of it. Says I, "He has got it; you can get it there." That was a claim for $30,000 and odd, and that was on the 9th day of February.

Q. What year?

A. Eighteen hundred and seventy-four; and I noticed, as I opened the account to enter it, that the warrant had been drawn on the 7th, two days before the account was brought in.

Q. Signed by whom?

A. Signed by W. T. Haines, but not signed by any other clerk as having examined and passed it, and I being in charge of that branch, I didn't like it; I thought at some future day the case might be brought up and the question asked who was in charge of that.

By Mr. STENGER:

Q. The warrant was dated the 7th?

A. The warrant was dated on the 7th of February, and the account was brought in to me to be examined and passed and entered on my book on the 9th, two days afterward.

By the CHAIRMAN:

Q. Proceed now with the history of the case.

A. About a week after that Mr. Lockwood came in and laid down on my desk another account of Parkman, Brooks & Co. I didn't know that was going through. I immediately got up from my desk and told Mr. Lockwood that I would neither examine nor pass that account, nor enter it on my book. Says I, "There is the book; you can enter it yourself." And it is entered in Mr. Lockwood's handwriting.

Q. It is entered?

A. Yes, sir; it is the only case in the book that is entered by Mr. Lockwood, or any one else but myself. I declined even to enter that account.

Q. Lockwood held what position?

A. He was then chief clerk.

Q. What was the amount of this last claim?

Q. Twenty-four thousand dollars and odd. The first was $33,000 and some odd, and I think the next was $24,000; or it may have been *vice versa;* I have forgotten now which. Those are about the two amounts.

Q. Any further facts within your knowlege about that matter?

A. No, sir; not that I know of, of my own knowledge.

By Mr. WILSON:

Q. What position did you say Lockwood held?

A. He was then chief clerk.

Q. Chief clerk of what?

A. Of the Commissioner of Customs.

Q. And he is now what?

A. Deputy commissioner of customs. Mr. Lockwood was working under the instructions of the Commissioner. He could not do otherwise.

Q. Under the instructions of Mr. Haines?

A. Yes, sir. He was authorized to do what he did; he could not help himself.

Q. Was he aware of the nature of the claim?

A. I presume he was, but his reply was that the Secretary had ordered it; the Secretary and Assistant Secretary had ordered it.

Q. The Secretary of the Treasury?

A. Yes, sir; it was approved by Richardson.

Q. And the assistant had ordered it?

A. F. A. Sawyer, the Assistant Secretary, and also the Commissioner of Customs; so he had no one to go to.

By Mr. STENGER:

Q. Could he not have done what you did, and said he could not enter it?

A. I presume he could.

Q. He was not any more bound to do it, was he, than you?

A. I don't know as he was. Neither one of the accounts were signed by any clerk.

By Mr. WILSON:

Q. The entry of it in your book was not necessary to the payment of it?

A. Not necessary to the payment; only recording.

By the CHAIRMAN:

Q. You have been speaking now of the manner and mode in which the Parkman, Brooks & Co. claim was passed?

A. Yes, sir.

Q. Do you know anything about a claim which was made as against this fund of captured and abandoned property in 1866 by Shepherd, Parkman & Co.?

A. That is pretty much the same thing—the same identical amounts. That is what I said in the first place; the claim had previously been allowed these parties.

Q. I observe in the letter of the Secretary of the Treasury that on the 11th of December, 1866, Shepherd, Parkman & Co. were allowed $157,444.66. What relation do these parties mentioned in this account bear to the firm of Parkman, Brooks & Co.?

A. Shepherd, Parkman & Co. and Parkman, Brooks & Co. are the same concern.

Q. This amount, then, had been allowed in 1866?

A. Yes, sir; I had forgotten the figures. What is the total of these two amounts, $24,000 and odd and $33,000? I didn't give you the exact amount. Will they amount to the same thing?

Q. No; this is $157,000.

A. That is a different case altogether, then. I have got a requisition-book of requisitions drawn on H. A. Risley and also on F. E. Spinner. Those amounts will all be found in those requisition-books.

Q. You know nothing of this particular claim, then, to which I call your attention?

A. I cannot explain it now. These two claims of Parkman, Brooks & Co. were ordered to be paid by the Secretary of the Treasury, I think, seven or eight years ago, to be applied to their credit on notes held by the Treasury Department against Parkman, Brooks & Co., in the hands of the Solicitor of the Treasury. That is as I understand it.

By Mr. STENGER:

Q. And you understand that those credits were so put there?

A. Yes, sir; and it is upon that ground that I objected to having anything to do with this claim.

By the CHAIRMAN:

Q. Notwithstanding that objection, these claims were allowed and the money paid again to these parties?

A. Yes, sir.

By Mr. WILSON:

Q. Have you reason to believe now that those officers who ordered this payment were aware of the identical amounts having been credited on those notes held by the Solicitor of the Treasury previously?

A. I think that W. T. Haines knew all about it.

Q. You are not positive about the other officers of the Treasury knowing it?

A. No, sir.

By the CHAIRMAN:

Q. Did you not, though, state as one of your objections to passing upon the claim and allowing it, and did you not in refusing even to enter it on the second occasion when it was presented, say to the officer who insisted upon its being entered that you would not enter it because you knew that it had been previously allowed?

A. Yes, sir; he asked me to give a statement of the particulars of the case, and I did so. In the records—I don't know where they are—but in this book there is a letter written by me, in lead pencil, with my signature to it, giving the particulars of this case, and I gave that to Mr. Lockwood. The last I saw of it the grand jury had it, and they asked me if it was my writing, and I told them it was.

The method of manipulating clerks and working up a job will be pretty well developed by a careful examination of the extracts which I have read. And let me say here that the clerks in the Department are not apt to tell more than they know to be true, especially where it reflects in the least upon their superiors. I know the gentleman from Maine [Mr. HALE] reflected severely upon the character of the witnesses who testified before our investigating committees, but you will observe thus far I have only alluded to witnesses who are at present in good standing in the Treasury Department with the exception of Mr. Banfield and Mr. Wilson, and as to them I have only referred to their official communication while in office. So that even as to them the term "sore-head" does not apply. You will see by this extract the anxiety exhibited by Mr. Haines to get possession of the papers pertaining to this matter, an anxiety which it is not possible that he could have felt in the matter if he had not an ulterior design. It was not a mere anxiety to protect the Government and to do his duty as a faithful officer, but rather a desire to assist the firm of Parkman & Brooks and Roddy to swindle the Government out of this large sum of money, as I shall show before I get through by the most incontestible evidence. Before following that line any further I desire to read an extract or two from the testimony of another witness showing the fraudulent and rotten character of this whole concern of Parkman & Brooks with P. D. Roddy thrown in. I read from pages 32 and 33 of the testimony an extract taken from the testimony of Mr. BURR, also at this time a clerk in the Treasury Department:

By Mr. WILSON:

Question. You say those papers will tell all that you can tell about it?

Answer. Those papers will tell everything that is necessary to know in regard to the claim, I think. If there are other papers in the case—and I don't know of any others—I don't think they are material.

By Mr. STENGER:

Q. Your answer was not a direct answer to Mr. WILSON's question. He asked whether those papers will tell all that you know about the case?

A. All that I know about the one hundred and fifty-seven thousand-dollar case

Q. Do the papers in regard to the subsequent claim show all that you know about that?

A. They do not show all matter to which I was called to testify before the Committee on Expenditures in the Department of Justice.

Q. How much was the last claim made for?

A. My recollection of it is that it was made for $33,000 and some fraction over.

Q. Do you know anything of the means resorted to to procure the passage of that claim which do not appear upon the papers as there filed?

A. I have knowledge of a great deal of matter which relates to the passage of the claim which does not occur upon the papers at all.

Q. Did the Committee on Expenditures in the Department of Justice take your testimony fully on that point?

A. Well, they took a good deal of testimony upon that point.

Q. Did they pump you dry on it?

A. Pretty nearly so, I am inclined to think.

Q. Did you lay before the grand jury of this District, a short time ago, the official data relating to this claim?

A. I did, sir. Ah, yes, sir; the papers were all there, and I explained them to them as fully as I could.

Q. Those are the same papers that are now on file in the Office of the Solicitor of the Treasury?

A. The same papers, other than a kind of an abstract of the case which I made out some time ago.

Q. Can you procure those papers and lay them before the committee?

A. I can procure all, with the exception of that abstract, which has been lost.

Q. There was a claim of John Duncan, December 18, 1866, for $97,224.26. Can you tell me who were the attorneys for that claim?

A. I cannot, sir.

Q. Do you know what attorney it was that finally procured the passage of the Parkman, Brooks & Co. claim?

A. The one hundred and fifty-thousand-dollar claim?

Q. Yes.

A. Mr. Logan.

Q. Who procured the passage of the subsequent Parkman, Brooks & Co. claim?

A. There was no attorney or professional claim agent in the case. The gentlemen who interested themselves to my knowledge were Senator SPENCER, and Mr. Alexander White, a member of Congress from Alabama. Those two gentlemen interested themselves in the matter, but further than that I have no knowledge of any person except themselves, Brooks and Roddy.

Q. Where did Brooks and Roddy reside?

A. I think they may have been said to have resided at that time in the State of New York more than anywhere else.

Q. Are they still living?

A. Mr. Brooks is living; Roddy is also, so far as I know. I have seen Mr. Roddy frequently; Brooks I never saw to know him.

Q. Can you give their full names and their present places of residence?

A. Mr. Roddy always signed his name P. D. Roddy, and I think it is Philip. That is the way he is indicted, as Philip. Brooks's name is Frank W. Brooks. He has been in Washington a great deal; he may be to-day for aught I know.

Q. Do you mean recently?

A. Quite recently, as I have heard; but I do not know him or about him, except as I have been told. Roddy, I am told, has been for four or five months in England.

Q. Who is Parkman?

A. He was a man who was in partnership with Brooks at Memphis, Tennessee, but I am inclined to think he has never been in Washington in regard to any of these claims; that Brooks used the firm-name, signed it; and so far as the firm's having any existence now I have no knowledge. It had existence many years ago, but I have no knowledge that it is in existence now. A great deal of the matter was mythical to my mind—a shadow. It was very hard to find anything about it that was solid.

Q. Either about the firm or the claim?

A. Anything connected with it; the whole performance. The claim which I spoke of for $33,000 was the only matter that came to the Solicitor of the Treasury and to me as a clerk there. Another amount in addition to that was allowed to these persons, being some $24,000, which they did not claim originally, which two sums made up the $57,000. The second amount was considered as due to them necessarily if the first amount was; therefore the amount that was allowed was $57,000 in the two claims which they secured. The second allowance was composed of two items, one of $24,000 and one of $33,000. That was allowed to them in February, 1874.

Q. Can you tell me if any one, and, if so, who argued the case before Mr. Tayler so as to convince him that he could exercise that power under that act?

A. I don't think any one argued the case before Mr. Tayler; but of that I have no knowledge. I know the case was argued before me by several gentlemen. It was not *argued*, because there was no argument in favor of it that could be produced; there were efforts made to induce me to recommend it.

Q. Was it presented to you with a view to having you recommend its payment?

A. Yes, sir; to the Solicitor.

Q. By whom?

A. Commissioner of Customs William T. Haines and Philip D. Roddy; no others. They had a number of personal interviews with me, and in those interviews they endeavored to present reasons to me why I should report to the Solicitor of the Treasury favorably upon the claim; in my judgment those reasons amounted to nothing. The reasons for its allowance that were given me and urged by Roddy and Haines were that the President had ordered its allowance.

Q. Did they produce you any evidence of that fact?

A. General Roddy showed me a paper to which was signed the name U. S Grant; whether the President signed it or not I don't know, for I have no knowledge of his signature at all. The paper amounted to a certificate in favor of General Roddy's veracity—that he was a man worthy of belief, and statements made by him could be relied upon. The exact words I cannot clearly call to my mind.

Q. Was there any mention of this claim in the paper?

A. Nothing at all. That is the position I took with these gentlemen—that although they might use the paper to engineer the claim through, nevertheless it did not seem to me that it would bear that construction. I said to them also that there was no use urging it even if it did, for I did not pass papers on that kind of evidence.

Nothing which I could say, Mr. Speaker, would add to the strength of this testimony and from one whom our friends on the other side dare not assail, for he is still in their employ.

Mr. Speaker, I have stated that before I was through I would show that Mr. Banfield's opinion was known, and that the knowledge of his adverse opinion was the cause of the papers being withdrawn from him before he had time to make a report, and further that they were afterward referred to Mr. Haines because it was known that he was a supple tool that could be used, and that in fact the decision was made by him in favor of Roddy's bogus claim before the papers were placed in his hands. I think the circumstances already detailed, added to the direct testimony which I have already cited, abundantly prove both propositions. But I have one more extract on this point which I will detain the House to read. This extract is from the testimony of Mr. Burr, on pages 42 and 43 of the testimony taken by the committee. This testimony shows in the most conclusive manner not only that Mr. Banfield had arrived at an adverse decision of the Roddy claim, as stated by Mr. Wilson in his letter to Mr. Secretary Bristow, but that his adverse decision had been communicated by this witness to both Haines and Roddy. The extract reads as follows:

WASHINGTON, D. C., *April* 27, 1876.

Examination of JOSEPH BURR continued.

The witness produced paper indorsed "Bluford Wilson, Solicitor, to Hon. B. H. Bristow, Secretary of the Treasury, December 31, 1874. Opinion that money fraudulently obtained by Parkman & Brooks can be recovered by the United States, and stating views in regard to criminal proceedings against the parties to the fraud."

The letter was read to the committee by Mr. STENGER.

By Mr. HOOKER:

Question. Who wrote that letter?

Answer. I wrote it, unless there are changes in it. I am the author of the paper, but it is not in my handwriting. That is a copy of the paper which I did prepare.

Q. Under whose order did you prepare it?

A. Under no one's order.

Q. Who was at that time Solicitor of the Treasury?

A. Mr. E. C. Banfield.

Q. State the whole circumstances about it.

A. The petition of Mr. Roddy for $33,297.28 was referred to the Solicitor of the Treasury, E. C. Banfield, by the Secretary of the Treasury, Mr. Richardson. When it came to the Solicitor's Office it was sent to my desk for examination. I examined the claim, and I wrote that letter without conference with the Solicitor or anybody else. I laid the letter on his desk with the papers, and it lay there in his possession for some length of time. I have a recollection that he told me that he intended to have signed the letter at the time after he read it, and he told me some two weeks ago here in this city that he intended to sign it, with, it may be, one or two immaterial alterations.

By Mr. STENGER:

Q. Did he say why he did not sign it?

A. The reason why he did not sign it was that an order was received by him from the Assistant Secretary, Mr. Sawyer, sending the paper back. I stated to William T. Haines, Commissioner of Customs, that the claim was groundless and without any foundation, and I gave him my reasons for such conclusion. I stated that also to Mr. Roddy.

Q. Was that statement to Haines and Roddy made by you prior to the order to return the papers?

A. Yes.

Q. When the papers were returned did they go back to the Secretary's Office and were they referred by him to the Commissioner of Customs, or did they go directly from your office to the Commissioner of Customs?

A. I take it for granted, without knowing the fact, that they were taken to the Secretary's Office.

Q. And by him referred to the Commissioner of Customs?

A. Yes; the papers show that. Mr. Banfield desired that this paper written by me should be kept in the office as an indication of his views in the case, and that is how it chances to have been preserved.

The witness also produces a duplicate of the paper actually sent, signed by the Commissioner of Customs himself, and a copy of which has been prepared for the committee.

The witness also presents a copy of the order from Assistant Secretary Sawyer, under which the papers were returned to the Secretary's Office.

The following is a copy:

Mr. BANFIELD: Please return the Roddy claim and papers, and oblige,

F. A. SAWYER.

JANUARY 28, 1874.

By Mr. HOOKER:

Q. In accordance with that letter, the papers were returned to the Secretary, and were by him referred to the Commissioner of Customs?

A. Yes.
Q. He had previously decided in favor of the claim?
A. Yes; the dates speak for that.
Q. And that decision is to be found in the letter addressed to Hon. Alexander White?
A. Yes.
Mr. HOOKER. If there is any fact or circumstance within your knowledge, derived either from records in your office or from conversation with the parties in interest, in reference to the allowance and the payment of this claim, you may state it.
The WITNESS. I cannot recall anything just now that I deem of particular importance in the matter. There was a good deal developed by a gentleman who had this thing in charge, more particularly with a view to having an indictment found.
Q. Who is that gentleman?
A. His name is Benson; he is the assistant of Mr. Washburn in the secret-service division.

By Mr. STENGER:

Q. Have those papers ever been laid before Secretary Bristow, or has any statement of the facts connected with this whole transaction been laid before him?
A. That letter of the 31st December, 1874, was sent to him. This has been a very notorious thing in the Treasury Department ever since the claim was first filed. Of course the warrant clerk, who has charge of all money matters, (so far as drawing the warrants is concerned,) must have had knowledge of the transaction then and since, because (although I never have talked to him) I heard of his speaking in regard to it.
Q. Who was the warrant clerk?
A. The warrant clerk was Mr. Conant. He is the present Assistant Secretary of the Treasury. The opinion of the First Auditor and the Commissioner of Customs and the First Comptroller was had upon the matter, and after that it went to the warrant clerk, Mr. Conant. The First Auditor was D. W. Mahon, the First Comptroller was R. W. Tayler, both of whom are yet in the Treasury Department. The warrant clerk records the warrants. They are signed by the Secretary of the Treasury, I think. The warrant clerk, as I understand it, is the particular clerk who has in charge the matter of drawing warrants.
Q. And signing the Secretary's name to them?
A. No; I do not think anybody but the Secretary ever signs his name to warrants.

By Mr. HOOKER:

Q. You mean that the warrant clerk draws the warrant and presents it to the Secretary for his signature, and he signs it?
A. I am not well enough acquainted with the exact duties of the warrant clerk to speak of them. I only know that the office is an exceedingly important one under the Secretary. I know that there is a record kept of every warrant, but the particular functions of the warrant clerk I am not able to state exactly.
(Mr. R. W. Tayler, First Comptroller of the Treasury, was invited to appear before the committee, and was given the privilege of making any explanation he might desire in regard to the payment of the claim about which the committee was investigating and about his action in connection with it.
Mr. Tayler replied that he had no desire of saying further than the record evidence.)

This testimony also shows that some of the officers who had at least a very intimate if not guilty knowledge are still high in authority at the Treasury Department. This transaction is traced to the very door of some of these high officials who now occupy a position where they should be the guardians of the people's Treasury, and when they had an opportunity to explain their connection with it they declined to avail themselves of it. This may not prove guilt, but it at least casts a cloud of suspicion which ought not to hang over a man who occupies a position of such vast importance to the people of this country.

I have no disposition, Mr. Speaker, in this matter to go beyond what is required of a faithful representative of those who have honored me with a seat on this floor. And I certainly have no disposition to treat it in the spirit in which my friend from Maine [Mr. HALE] treated the House of Representatives in his review of it a few days ago. But that there has been a great wrong perpetrated in this matter there cannot be a shadow of doubt, and that the wrong was winked at, if nothing more, by some of the very men who now hold the most important positions in your Treasury Department, is equally well established. I could not, with my view of the matter, suffer it to pass without at least calling the attention of the House to it, in the hope, if it did nothing more, it might at least prevent a repetition of such conduct upon the part of Government officials.

But, Mr. Speaker, there is another matter of still more importance connected with this Bureau to which I wish to call attention, as showing the utter unreliability of the reports emanating from the Treasury Department, as well as of the officers connected therewith. In the finance reports for 1874 and 1875 the total proceeds of captured and abandoned property covered into the Treasury is stated to be $20,910,656.44. To show the inaccuracy of this statement, allow me to read from the testimony of Mr. Lovell on page 60 of this report:

By Mr. STENGER:

Question. Let me understand whether the figures of twenty-six millions and odd given by you include the premium on sales of coins?
Answer. Yes, that includes the premium as stated in this executive document.
Q. I hold in my hand a letter from the Secretary of the Treasury in answer to a resolution of the House of Representatives of December 8, 1870, dated February 9, 1871, which purports to give a statement of moneys covered into the Treasury as the proceeds of captured and abandoned property; look at that aggregate amount of the payments given, and say whether in your opinion that is a correct statement of the amounts that were covered in from your knowledge of the books.
A. I should suppose it to be more nearly correct than the figures given in Executive Document No. 56 of the second session Fortieth Congress, alluded to in my previous testimony, and having been made up more fully in 1871 than in 1868, and containing as it does, the Holabird contribution to the captured and abandoned fund, would also be more accurate than my estimate made on the 4th of April, 1872. With data that I had I made up a statement for the Treasury in 1868 or 1869, where I found $26,092,460.96 as the grand total of the captured and abandoned property turned into the Treasury; this Executive Document No. 113 (report of February, 1871, they having access to all sources) proves the same to be $26,709,268.89, (page 4.)
Q. Then this letter, giving this sum of $26,709,268.89, embraces the premium of sales of coin and the Holabird sales to which you refer?
A. Yes, sir; it does. I have examined it, and I see it embraces the premium on sales of coin; and on looking at it further I find the Holabird amount.
Q. In your judgment, it gives the accurate statement of the amounts of money covered into the Treasury from the sales of captured and abandoned property?
A. I believe it does, sir.
Q. Do you know who compiled that statement?
A. I do not, sir, of my own knowledge. I had been out of the Treasury Department about a year at that time.
Q. Can you tell me whether or not there is a book in the office of the chief of the division of captured and abandoned property which shows how much was realized from the sales of captured and abandoned property by all the agents of the Government?
A. The statement is contained in Executive Document 56, which shows all the agents that I know of. The returns that were sent in were kept in that office, or manuscript copies of them.
Q. They ought to be there, or in some other department of the Treasury?
A. Yes.
Q. But was there a book in which those statements were entered?
A. Not that I know of.

You will observe that there is a difference in the two statements emanating from the Treasury Department of $5,798,612.45. A few days ago, when the gentleman from Maine [Mr. HALE] was arraigning this side of the House for their extravagant investigations, which he alleged would cost $1,000,000, (but which, by the way, is an extravagant estimate,) he had no word of condemnation against this deficiency of over $5,000,000, which it seems has occurred right under the nose of one of his personal and party friends, as will be abundantly established by the following from the testimony of Mr. Brown, of Kentucky, page 76:

Question. Do you know anything about the former positions held by Noerr or Fessenden?
Answer. Of Noerr's antecedents I know nothing. Fessenden was a paymaster in the Army, and was dismissed from the Army on account of embezzlement. I know that from an examination of the record in the Adjutant-General's Office.
Q. Do you know whether that fact was ever brought to the attention of the present Secretary of the Treasury?
A. It was brought to his attention by myself in 1874.
Q. Under what circumstances?
A. I did it chiefly at Dr. Hamilton's request, believing, from his statement to me, that these people would not do him justice. He called my attention to the matter, and I got an official copy of Fessenden's case from the Adjutant-General's Office.
Q. Do your politics and those of the Secretary of the Treasury agree?
A. Yes, sir; except that I am a republican of the extreme type. I went to Mr. Bristow with the papers in Fessenden's case. Mr. Bristow said to me that Mr. HAMLIN of Maine, Mr. Blaine of Maine, and Mr. EUGENE HALE of Maine had vouched to him for Fessenden's integrity and good character, and that under these circumstances he did not feel called upon to take notice of it.
Q. When did this conversation occur?
A. In the fall of 1874. I only called his attention to the matter, and handed him a copy of the papers from the Adjutant-General's Office. He expressed surprise that Fessenden had been guilty of anything of that kind.
Q. When was Fessenden dismissed from the Army?
A. In 1862 or 1863, and he was appointed in the Treasury in about 1864.
Q. Do you know whether Fessenden's account in which he was a defaulter to the Government was ever settled?
A. The only information I have on that subject is from a printed report of a committee of the Senate of the last Congress on the claim of a man named Colby, to whom Fessenden had furnished about $18,000 of the funds for which he was a defaulter. In that report the committee stated that this money had never been reimbursed to the United States Government.

It is not to be wondered at, Mr. Speaker, that deficiencies should occur in a Department that is controlled and managed by confessed embezzlers of the public funds. But what shall be thought of the party which in the face of such a record will still continue a man of that character in places of such trust and responsibility? Would not the sincerity of my friend from Maine have been less questionable, if instead of exhausting his vials of wrath upon the unfortunate employés of this House, whom we have dismissed from office, he had expended some of his genius in unearthing and bringing to punishment some of the scoundrels and thieves who now infest the Treasury Department, and many of whom revel in ill-gotten wealth? But I have not time to further discuss this matter. There is one other extract from this same witness, which I must crave the indulgence of the House while I read. It shows the method adopted by the Government agents to make a good thing out of the work of collecting this captured and abandoned property. It is as follows. I read from pages 77 and 78 of the testimony:

Question. Can you inform the committee of any cases where fraudulent charges were made?
Answer. [Referring to the document.] In case of Hamilton & Obenchain there were one hundred and sixty bales of cotton shipped from Sevier County, Arkansas, to New Orleans, by R. G. Curtiss. The cotton was collected by T. Magtunis. The expenses of freight to New Orleans were $6,384.12; the expenses of freight to New York, $991, and the expenses at New York, $371.73; making the total expenses of the one hundred and sixty bales $7,746.85. The cotton was sold for $20,796.87. Another case was that of H. C. Boyd. The cotton was collected in La Fayette County, Arkansas, by H. A. Miller, and was shipped by A. B. Miller, eighty-three bales. The gross proceeds were $6,249.99, and the expenses to and at New Orleans, $4,763.70.

By Mr. WILSON:

Q. What were those expenses for?
A. It was simple stealing; that was all. The expense of getting that cotton from La Fayette County, Arkansas, to the city of New Orleans, ought not, at the very outside, to have exceeded $20 a bale. In legitimate commerce $5 a bale would have been a very good price.
Q. Were not the Government agents paid a percentage for collecting this cotton, and would not that be included in the expenses?
A. They were paid 25 per cent. commission. Ordinarily when the cotton was seized, the collecting agent got his portion in cash.

By Mr. HOOKER:

Q. Do you know of their route from La Fayette, County, to New Orleans, and where water carriage would be struck?

A. Water carriage would be struck at Shreveport, Louisiana, which would be four or five days' journey from New Orleans. In that case of Boyd's the expenses were $6,108.50, and the cotton was sold for $6,949.99, so that only $141.40 passed into the Treasury of the United States. Mr. Boyd is now living in Lynchburgh, Virginia.

Q. What was the date of that shipment?

A. The cotton was received at New Orleans January 6, 1865, and was sold in New York, September 12, 1865. There was a case of forty-five bales of cotton that were seized in La Fayette County, Arkansas, taken from Thomas B. Triggs, and shipped by the same agent, A. B. Miller. The gross proceeds were $3,388.55; the net proceeds nothing.

A position in this Bureau for the collection and management of captured and abandoned property was, it seems, a perfect God-send to individuals who had no other views of office than those which embraced the emoluments attached and which they could attach to it. The old farmers and honest yeomanry of my district will agree with this witness when he says, "it was simple stealing;" for, as a class, the people of my district of all parties call things by their right names, and they neither indorse nor approve of stealing, whether it be by republicans or democrats. Neither do I think that the cry raised by Senator MORTON in his speech in Indiana, that the democrats have expended a half million of dollars through their investigations, will avail them; for who can read the extracts from the testimony taken by the Committee on Expenditures in the Treasury Department, which I have quoted, and say that the money expended in unearthing the fraud and corruption that is there brought to light has been misapplied? We expected opposition from the leaders of the party in power; we expected to hear them howl over the waste of money, especially if the testimony taken should be damaging to their party friends. If nothing had been proved, as many of them claim, we should not have heard such a howl raised, but, on the contrary, the result of our investigations would have been paraded before the country by every radical stump-speaker from MORTON down to the smallest cross-roads politician of the party.

But the fact that almost every one of our investigations, like the one I have just been examining, has produced such startling evidence of fraud and corruption that even the party leaders of the great republican party quail before the storm which they feel that it must create, and instead of meeting it in a manly way they resort to the most violent vituperation and abuse of all the witnesses who have dared as became men to testify before our committees to the truth as it actually existed. The fact that the witnesses have in many instances been high in authority and respected and honored by their own party has not availed anything to protect them from the envenomed tongue of their former political associates. High and low, rich and poor, republicans and democrats, have all alike been indiscriminately heaped together and charged with being scoundrels and perjurers. This has been the only means which the republican leaders felt were open to them in order to break the force of the startling revelations which the last six months have brought to light, except in the case of Belknap. I see Senator MORTON says that *he* was a democrat. That is decidedly rich. The idea of a democrat having a seat in President Grant's cabinet is certainly original with MORTON, and I do not think he would ever have discovered it if the late Secretary of War had not been caught in some of his "irregularities." Besides, I do not think the democrats have been treated fairly in this matter by allowing them to be in possession of the War Department all of this time and never letting them know it.

But how about Richardson, Sawyer, Tayler, Haines, Noerr, Fessenden, Miller, and the hosts of others referred to in this testimony, who are if possible more guilty than Belknap? Are they all democrats too? And if they are, why do my friends on the republican side of this House hug them so closely to their bosoms and so industriously labor to ward off every blow which we strike at them? If they belong to us, why do you endeavor to prevent us from exposing and punishing our own thieves? Ah, gentlemen, you know such claims are all bosh, and if you are not, you ought to be ashamed to use it.

I have now said all that I desired to say upon this subject. I had intended to say a few words upon the "irregularities" in the currency department, but I find that I have already extended my remarks too far, and I shall reserve what I have to say upon the other subject for another opportunity if such should offer.

ENROLLED BILLS SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania;

An act (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap; and

An act (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands; signed on the 30th day of January, 1875.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed the following resolution; in which he was directed to ask the concurrence of the House:

A resolution concerning the joint rules, in response to the resolution of the House on the subject.

RIVER AND HARBOR BILL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

In affixing my signature to the river and harbor bill, No. 3922, I deem it my duty to announce to the House of Representatives my objections to some features of the bill, and the reason I sign it. If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections, notwithstanding the great inconvenience to the public interests resulting therefrom, and the loss of expenditures from previous Congresses upon incompleted works. Without enumerating, many appropriations are made for works of purely private or local interest, in no sense national. I cannot give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

There is very great necessity for economy of expenditures at this time growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same. The reduction of revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow expenditures upon works not clearly national.

U. S. GRANT.

EXECUTIVE MANSION, *August* 14, 1876.

Mr. REAGAN. I desire to move that this message just read be referred to the Committee on Commerce and printed, and before the question is taken on that motion I desire to say a few words.

The President in his message announces that he is under no obligation to expend the whole of this money, and that he will in the exercise of his discretion allow the expenditure of only such portion of it as may be for objects which in his judgment are of a national character. I desire to call the attention of the House to the bill about which this observation is made. The first clause of that bill is as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, for the repair, preservation, construction, and completion of the following public works hereinafter named.

This bill, under the forms prescribed by the Constitution, has been passed by the House of Representatives and by the Senate of the United States, and has been approved by the President of the United States. It appropriates money for objects deemed proper by the Congress of the United States, with the assent of the President of the United States. Had the President believed this bill to be unconstitutional, he might in the exercise of his constitutional functions have vetoed it.

That to which I desire to call special attention at this time, for the purpose of marking this message, is that in it the President assumes that, in reference to a bill making appropriations for objects usually in such bills, his personal judgment is to determine how far these appropriations are to be applied to the objects specified by the law. It is essentially an assumption by the President of the right to exercise an act of personal government, instead of obedience to the laws. It is an assumption that the money appropriated in that bill is to be expended, not under the direction of the Secretary of War, but at the discretion of the Secretary of War. The bill gives no such discretion.

The bill properly provides that the money shall be expended under the direction of the Secretary of War, because the corps of officers by whom these appropriations are to be expended are under his general supervision. The President has constitutionally and legally no more right to assume that he will defeat the objects of this law by refusing to permit the appropriations to be expended as provided by it than he has to assume the right to refuse to have expended appropriations that have been made for the Army, for the Navy, or for any other branch of the public service.

I desire simply to call attention to this matter, because it seems to me that a document so remarkable in its character, with all respect to the President, announcing so great a departure from the Constitution, and containing so singular an avowal in advance that he will not obey the law of the land, should not be permitted by the Representatives of the people to go before the country without at least calling attention to it and expressing some dissent.

The President has called attention to other matters which have been met by the gentleman from Pennsylvania [Mr. RANDALL] in regard to an anticipated deficiency in the revenue for the reasons to which he alludes. I do not propose to discuss that portion of the message, and will simply move that this message be referred to the Committee on Commerce.

Mr. HOAR. And printed.

The SPEAKER *pro tempore*. That will be included in the motion.

Mr. HEREFORD. Mr. Speaker, I must confess that when I heard the message of the President read I was very much surprised; not so much, perhaps, as some other gentlemen on this floor were when within the last year and a half, or perhaps two years, the same Executive sent to this House and to the Senate a message in which he told us that the Constitution of the United States, republican in form and I hope always to be republican in fact, was very similar to the constitution of the empire of Germany. I suppose that in his construction of the Constitution of the United States, believing it to be similar to the constitution of the German Empire, he has come to the conclusion that he is clothed with that same power that the Emperor of Germany possesses. That is, when a Congress of the United States

shall have made an appropriation of money for various specific objects, it is in his power to say whether that money shall be so expended or not.

Have we in the history of our Government arrived at the point where the Chief Executive may say to the Congress of the United States that notwithstanding they have made an appropriation of money for specific objects, he will allow only that portion of the money to be expended and upon such objects as in his judgment should receive the appropriation.

As was said by my friend from Texas, [Mr. REAGAN,] my colleague on the Committee on Commerce, this bill makes distinct appropriations both as to certain objects and the amounts for those objects; yet the Executive tells us in this message that he will see to it that no money shall be expended except for such objects as he in his superior judgment may think right and proper! I ask the American Congress to-day whether they believe that the Executive is endowed with any such imperial power; and, if so, whence he derives it? After Congress has made an appropriation of money, and he has signed the bill, and it has become a law, has he authority to say that the money shall not be expended?

But look at some of his reasons. One of them is that "the reduction of revenue districts, the diminution of special agents, and the total abolition of supervisors may result in a great falling off of the revenues." This is one of the reasons why he says he may feel compelled to forbid the expenditure of this money as Congress in its wisdom has directed. Because Congress has not appropriated enough for one purpose he will withhold appropriations for other purposes. In other words, because this House of Representatives of the Forty-fourth Congress, during a tedious session of eight months, has seen fit to act in the line of retrenchment, reform, and economy, he chooses in this message to rebuke both Houses of Congress, and says that the revenues, as he thinks, will not be sufficient. We have not cut down *revenues*, but stopped extravagance. If the revenues should not prove sufficient, and if the money for these purposes should not be in the Treasury, then of course it will not be expended. But under the provisions of this bill, if the money should be in the Treasury, it is the duty of the President, in accordance with the oath he has taken to protect the Constitution and execute the laws, to expend this money as we have directed.

In this bill we have appropriated moneys for various rivers and harbors *by name;* appropriated to each a *specific* amount. What right has the Executive to say as to any of those rivers or harbors, "I do not believe that this is a proper object for the expenditure of money." That is a prerogative of the legislative department. The American Congress has said, "We appropriate so much money for a certain object." The President has signed the bill; it has become a law; yet he now tells us that he will not execute it, although the money may be in the Treasury. In other words, the Executive announces to this House to-day that he intends to set at nought and *nullify* the laws of the American Congress.

We passed a law, which the President vetoed, declaring that that officer should, after the 4th of March next, receive only $25,000 a year. In that act we spoke our views in tones unmistakable; yet he vetoed that bill, though it was in the line of retrenchment and reform. But when we come to appropriate money to improve the rivers of the United States so that the farmers may be able to get their wheat, their corn, and their cattle to market at less rates than they now have to pay, the President says, "If I do not find it to meet my views I will not allow this money to be expended." How is he going to stop it? We have directed the money to be expended under the direction of the Secretary of War. Is the President going to issue his command, his mandamus *pronunciamento* to the Secretary of War saying, "I do not believe this river should receive the amount appropriated by Congress; and therefore you shall not expend a dollar upon it." Have we arrived at that?

If the President had seen proper, it was in his power to veto the bill as a *whole*. But he has no authority to override the Constitution and veto part of this law by *non-action*. In signing this bill, he comes in here and assumes the prerogative to lecture both branches of the American Congress. This measure has been discussed fully—certainly in the Senate; it has met the approval of committees of both Houses; it has been reported from the conference committee, and has received the vote of two-thirds of each branch of Congress; yet the President comes here to-day and in his message says, "I will not allow this or that money to be expended, although it is the law of the land, if it does not meet my approbation." If the President can prevent the expenditure of one dollar of these appropriations, he can prevent the expenditure of every dollar. He can say that the amount appropriated for the improvement of Hell Gate shall not be expended. He can go into Texas or Michigan or any other State and say, "Although the American Congress has passed a bill appropriating so much money and directing it to be expended in a designated manner, and notwithstanding I have signed the bill, yet I, as President of the United States, will issue my mandate in some form or another to a subordinate officer directing that this money shall not be expended," and the law of Congress is nullified. If he can do so with one appropriation bill, he can do so with each and all.

I heartily approve of the motion made by my colleague upon the Committee on Commerce for the reference of this message to that committee. What right has the President to say that this or that object is not national? What is the nature of a river and harbor bill? I may be permitted to refer in no spirit of criticism, but simply to illustrate my argument, to what occurred the other night when the appropriation for Hell Gate was under consideration. One of the Senators from New York objected to that appropriation, because in his opinion the amount was insufficient; and the Senator from Connecticut [Mr. EATON] opposed it on the same ground.

Mr. HOAR. I rise to a question of order. The gentleman from West Virginia, [Mr. HEREFORD,] in undertaking to repeat the debates in the other branch of Congress, is transgressing the rules of the House.

Mr. HEREFORD. I have endeavored to confine myself within proper limits and I do not desire to transcend the rules of the House. What was the reason given.

Mr. HOAR. I ask for the ruling of the Chair on my point of order.

The SPEAKER *pro tempore*. The gentleman will again state his point.

Mr. HOAR. My point is that the gentleman from West Virginia, in designating by name members in the other branch and stating what they uttered in debate, is transgressing the rules.

The SPEAKER *pro tempore*. Such references are out of order. The gentleman will proceed in order.

Mr. HEREFORD. I will do so. It has been said *elsewhere* (I suppose that is in order) that the appropriation for Hell Gate was not sufficient; and for what reason? Because for want of the completion of the work at that point the people of the New England States are obliged to pay a greater rate of insurance in order to get their products to the markets of New York. In other words, (and this is all there is in a river and harbor bill; this is its length, breadth, its height, and depth,) the reason assigned elsewhere why an appropriation was too small was because the obstructions at Hell Gate increased the rate of freight paid by the people of New England in getting their products to market.

If you make an appropriation for Hell Gate, which they say is a great national work, in order to let the people of New England and elsewhere get their produce to market, why is it you cannot make an appropriation so that the people along the Tennessee, the Cumberland, the Kanawha, the Kaskaskia, Wabash, the Illinois, the Fox, and Wisconsin, shall also have the same facilities for the transportation of their products to market at a less cost? Why shall not the French Broad River be improved and those living along it furnished cheap transportation to market? Why shall we not make likewise an appropriation in the same bill to enable the farmers along all these streams in the interior to get what they raise cheaply to market and to develop the hidden wealth of our mountains and valleys?

And that, Mr. Speaker, is all there is in these river and harbor appropriation bills. Bills exactly like this have been signed by all the Presidents of the United States; by Adams, by Jackson, by Van Buren, by all of them. Such bills as this have been signed session after session by the present Executive. Bills have been signed by him making appropriations for nearly every single object contained in this bill to-day, except a few which may happen to be in the down-trodden South.

Last year an appropriation bill similar to this for precisely similar works, for almost the same works, appropriated $6,600,000, and the President of the United States, this same President of the United States, signed that bill without accompanying it with a lecture to Congress, while the present bill, which only appropriates $5,000,000, he accompanies with a lecture, a criticism, which we have now before us. He signs without hesitation and without deeming it necessary to accompany it with a word of remark a bill last year on the same subject, for the same objects, appropriating $6,600,000, and yet he comes here to-day, when we appropriate in a similar bill only $5,000,000, saying that it is too much. When did the light break upon the Executive that it was too much? Is it because a few dollars have been given to the down-trodden South for the improvement of the Cumberland, the Tennessee, and other streams throughout the South and the North, where appropriations for the improvement of those rivers are very much needed?

The Executive says that certain works are of a national character and others are not of a national character. Now, what does he mean by works of a national character? Is it for the Executive to decide? Both branches of Congress have already decided that all the appropriations embraced in this bill are within the purview of the Constitution. The President, by signing the bill, has said that all these appropriations are within the purview of the Constitution, or else he would not have signed it. He has decided the bill to be constitutional, in his judgment, by putting his signature of approval to it.

But he comes to Congress with a lecture and says that he thinks we should not have made certain appropriations because they are not national. Wherein are the appropriations in this bill not national? Is not the Mississippi with all its tributaries national? Is not the Ohio River with all its tributaries national? Is not the improvement of Hell Gate in New York harbor a national work? Why, sir, the commerce of the Ohio River alone, which gets by this bill only $170,000, is more than the whole foreign commerce of the United States. Is not that a national work? Are the people of the interior to be called upon year after year, for a long series of years, to make appropriations for rivers and harbors upon the Atlantic coast and upon the

Pacific coast; to improve the harbors of Boston, of New York, of Baltimore, of New Orleans, of San Francisco, of Toledo, and of Cleveland, and is the great Mississippi Valley not to have its rivers improved, so the farmers living there can get their grain, their wheat, their corn, their coal, and all the products of their industry to market at a cheap rate? Is the President and his party opposed to cheap transportation? That is what this bill proposes to accomplish. It is to secure the improvement of our navigable streams, so that the farmers shall be enabled to transport to market their wheat, and their corn, and their other produce at a cheap rate. Shall this people be refused this transportation, and shall they be bound hand and foot to the railroad monopolies of the country? Is that what the President means?

How is the President to decide which are national and which are not? Can he say that Hell Gate is not a national work? Has he the power to say the improvement of the Mississippi River is not a national work and that he will not give it a dollar of this appropriation?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HEREFORD. The President in his message says it may be a question to consider whether any expenditure can well be authorized under a river and harbor appropriation bill further than to provide for works already begun and paid for. Under no circumstances, he says, will he allow expenditures on works not clearly national. What right has this great Cæsar to decide what are and what are not national, when the American Congress has decided the question by making these appropriations?

On what meat hath this our Cæsar fed?

What right has he to say, when this Congress, representing the people of the United States under the Constitution, have made these appropriations and he has signed the bill, that he will not allow one dollar of this money to be spent except to preserve works already begun? Why, sir, there are works which have already received from first to last four or five million dollars, and because they have received so much are they and they only to receive additional appropriations? Are these works only to be kept up? Is it true that to those who have to them shall be given; that those who have received in the past to them shall be given more, while to those who have received nothing to them nothing shall be given? The spirit of his message is, I do not believe a dollar of this money should be expended upon certain rivers and harbors because nothing has been expended upon them heretofore. The money should be expended because the improvements are needed. There is not an appropriation in this bill not recommended by the Secretary of the Treasury. There is not a dollar not recommended by the Chief of Engineers. We have acted on the reports of the executive officers, and they have said these works are necessary. They are appointed for this purpose: to examine these works, to examine the practicability of them, to examine the cost of them, to examine the resources of the country, to examine and report to this Congress how much by these works the commerce of the country will be developed. The Committee on Appropriations of the Senate and the Committee on Commerce of the House have read all these reports diligently and carefully, and have talked to all the members of both Houses.

I say to-day, that as chairman of the Committee on Commerce I have prepared a just and fair and equitable bill, a bill fair to all parts of the country, north, south, east, and west, and all the members of the committee will give me credit for so doing. There is no political significance in the framing of this bill. We have read all these reports, and I have myself talked to no fewer than two hundred members on this floor in order to get additional information about these rivers and harbors. And after doing all that we have made as economical a bill as would do justice to all parts of the country, north, south, east, and west. And yet the President says he will not allow money to be expended except where he—he, the Chief Executive—may think it is a national work.

What right, I ask again, in conclusion, after this has become a law, has he to say to us, as he does to-day, "I will not carry out the law; I notify you in advance I will nullify and set at nought a law of Congress passed by both branches and signed by myself. I notify you I will not carry it out unless in so far as it may suit my views." I will put it "where it will do the most good." I tell you, Mr. Speaker, it is high time we should come back to the simplicity of the olden times, and stand by the Constitution of our fathers and the laws, and see that the Executive set neither at nought, shall set neither at defiance. Such a message as this sent to the British Parliament would cost Queen Victoria her crown. And, therefore, Mr. Speaker, I hope that this message will take the direction indicated by my friend from Texas [Mr. REAGAN] and be referred to the Committee on Commerce, where the full measure and magnitude of its monstrous proposition may receive full consideration.

Mr. CONGER. I have listened with very great surprise to the remarks of my distinguished friend from Texas, [Mr. REAGAN,] a good lawyer, careful generally in his statements and in his conclusions; and I have listened with still greater surprise to the chairman of the Committee on Commerce, the gentleman from West Virginia. Sir, the President in approving a bill which was passed hastily, with very many changes, through both Houses, on the report of a conference committee, has seen fit while approving the bill to send a message to Congress suggesting that there may be some imperfections in the bill, that there may be some appropriations which are not warranted in the present state of the finances of the country, and perhaps some danger of money being spent on works of such inferior necessity that they may be postponed. And he asserts in his message that inasmuch as Congress has left under his direction, or that of an executive officer in his Cabinet, the expenditure of the whole of this $5,000,000 of money, he does not feel disposed to veto the bill, to return it with his objections to Congress; but he does desire, exercising the discretion which the bill itself specially commits to him and to his direction, to join the great army of the reformers that come up here in their panoply of strength to prevent any appropriations from being made for an improper purpose. He announces in a very modest way that he desires to join this army of southern reformers and northern reformers in looking over these appropriations; and inasmuch as Congress confides in his discretion, he announces to the House he will exercise that discretion under the Constitution, and under the very orders and direction of this bill, for the welfare of the country; so that the money shall not be squandered on trout streams, so that the money shall not be squandered to enlarge cracks in the clay banks on the shores of our lakes and oceans to make harbors on mere possibilities of harbors, but that it shall be expended for valuable purposes; that it shall be expended as far as in his judgment and discretion it can be for the purpose of promoting the national benefit, the benefit of the American people at large.

What is there in that message that calls up the antagonism of the genial gentleman from Texas? What is there, except an assertion of the Chief Executive, communicated to the House of Representatives and to the Congress of the United States, that inasmuch as they have left the expenditure of $5,000,000 to his direction and to his discretion, he will not be behind all these other gentlemen in economy, in reform, in retrenchment, and that he, so far as lies in his power, will see to it that the Republic receives no detriment, and that this money is not expended for unworthy purposes.

Now, Mr. Speaker, I ask the gentleman from Texas to rise in his place and tell this House whether any appropriation for his State in that bill is for an unworthy purpose; whether any appropriation for all Texas of the thousands of dollars that are appropriated to be expended there is not to promote our national commerce? If not, why does he fear for Texas?

Mr. REAGAN. I will answer the gentleman.

Mr. CONGER. The gentleman can wait until I am through, and then answer. I am asking these questions that the gentlemen out of their own time and in their own manner may reply to them.

I ask the chairman of the Committee on Commerce what appropriation for West Virginia, and, as he is chairman of the Committee on Commerce for the whole land, what appropriation in that bill for the whole land is not national in its character? He argues that all these waters upon which commerce flows, whether in great quantities or in small quantities, are the rills, the rivers, the streams, the lakes, and the oceans—that all go together to make up the grand national commerce of the country. If he is right in his argument, the President is right in his message. And if the President is right in his message, the gentleman is wrong in condemning it. But why is he afraid of the message? Can it be possible—I have heard no objection from this side of the House—that any of my friends on the other side who have come up here from their wanderings in the wilderness to their father's house and "have come here to stay" could possibly have imposed upon the chairman of the Committee on Commerce with the improvement of an unnational work?

Mr. HEREFORD. Will the gentleman allow me to answer his question?

Mr. CONGER. I decline to be interrupted. I am thrown off the track very easily, and I cannot be interrupted. I want an answer from the gentleman in his own time when he takes the floor again. Now I ask if any of my friends who have come up from their wanderings to stay, as the gentleman from Georgia says "to dwell in their father's house," and who seem to have come here, and come here for the sole purpose of taking their father's business out of his hands and managing the household themselves while they stay here, gentlemen who come here blazing and glowing and sparkling with retrenchment and reform—can it be possible that any of these gentlemen have crowded into this river and harbor bill an appropriation for a work that is not national? I trust not, sir. I trust when the wanderers come here with reform on their tongues and the glory of retrenchment like a halo around their heads, who have come back here whether the master of the household was willing or unwilling for them to stay, have come back to turn the master out and take the control of the household; I trust that not one of my friends has come and imposed upon the gentleman from Texas, and imposed upon the chairman of the Committee on Commerce, and imposed upon my friend from Massachusetts, [Mr. PIERCE,] the careful and cautious man, in regard to these appropriations, and has secured appropriations for works that are not at all national, and are, therefore, subject to the censure of this message. Why in the world should

it be that my friends are so excessively sensitive when their whole souls are glowing, burning, and yearning for reform and retrenchment; when they are so exceedingly active and earnest that every officer of this Government shall not only know his duty but shall perform it; shall scan closely every law; shall scan closely every proposition of every law, and not even by any possibility wander a hair's breadth from its strict construction. Why is it that they blame our President when he announces to the House his determination to scan this law and see if all these appropriations are really for national works? When retrenchment is the great peace-cry of my brethren, why is it that they raise such a tumult in this House because the President says that on account of changes of law, and failures of appropriations, and the cutting off of revenue officers, it is more than probable that there will be such a diminution of the revenues received this year that he cannot carry on all the works of the Government, that he cannot find the money in the Treasury that is unappropriated to fulfill all the demands of the law, and says that if that shall happen he would withhold the money from those works which are not national, from those for which there is no immediate and pressing necessity for this expenditure, and he will thus save the Treasury.

O, sir, I have thought for some time that if these gentlemen who have instituted thirty-three investigating committees to watch every officer of the Government and see whether they stepped a hair's breath aside from the strict construction of the law and have been ready upon a violation by a high officer to impeach that officer and upon a slight violation to condemn, (for the reports of the majorities of the committees are full of these things,) I had hoped that they would not have complained of the President when he, in his message to the House, announced his conviction that it is his duty to comply strictly with the law and expend the money directly in the discretion the House has given him for national objects and for the preservation of works on which money has already been expended. Why did not gentlemen, if they had secured appropriations for such works, repent and ask that the appropriation be withdrawn? Why did not the work of reform then commence? Why does each individual gentleman of the House, when talking so loudly for reform for everybody but himself, if he has got into this bill appropriations of this kind, work out some reform within himself? But, sir, the reports of this House will show that the reformation demanded by the majority is continually the reformation for somebody else besides themselves.

Why, sir, the example of their standard-bearer should have taught them a different lesson. There has been no more pathetic episode in the political history of this year than that exhibited by their own standard-bearer when, in the society of a few friends at his own home, he received the first intimation that he had been selected as the democratic candidate for the Presidency. His friends sat by his side, like the friends of Job, and spoke no more until his own heart, his own judgment, could work out in their own volition his true inwardness, and, at last, I ask the gentlemen to remember what their leader said about himself. He was not looking to everybody else for reform. What did he say about himself? He said in a whispered tone, "I know what the American people want; they want reform," and thinking a moment or two longer, reflecting upon it, he said, with spasmodic violence, pointing directly to his own heart, "they shall find it here." [Laughter.] How little, Mr. Speaker, has that example been followed by his followers here? They all want reform; they all know that the people mean it; they want reform, but, unlike their shrewd, sagacious leader, they do not take the precaution to interpret to the people, as he did, how it was to be in their own heart. O, no; ever since that tender expression of your leader of the campaign I have sat here with extreme impatience for some one of the gentlemen, the followers of your candidate, in a modest manner, in a feeble way to intimate that reform had commenced in their own hearts, because, sir, after the standard-bearer of the democratic party had struck his hand upon his heart and announced that the people could find reform *there*, I solemnly believe that not one of these faithful followers who sat around him listening with bated breath his penitential utterances but had some reason to believe that the work of regeneration had already commenced in that immortal soul. [Laughter.]

I commend that example of the chieftain to his followers. I would say that they have followed that example if my conscience would permit.

Now, sir, I again ask any gentleman of this House, the gentleman from Texas, [Mr. REAGAN,] the gentleman from West Virginia, [Mr. HEREFORD,] or any other gentleman, when he has the opportunity to reply to me, any gentleman who finds fault with this message of the President, to tell this House which one item in this bill which the President signs is for a work which they condemn as not desirable for national commerce and national prosperity? When they will tell that, then I guarantee that every other man in this House will say that the message of the President is just and righteous, and that that particular work which they condemn as not national ought not to receive the appropriation made for it.

Mr. HOUSE. Which one does the President condemn as not national?

Mr. CONGER. I will tell the gentleman. The great Congress that the gentleman from West Virginia alludes to, composed of two Houses, and each House composed of an almost innumerable number of great men, the great Congress of the United States told the President that this money was to be expended under his direction and within his discretion. In old times all the money for this purpose was appropriated in mass. Until six years ago there had been but one or two river and harbor bills ever passed specifying the objects of the appropriation. The appropriation was made in a gross sum, to be expended entirely at the discretion and under the direction of the Secretary of War. It is a new thing for Congress to take from the President that power to direct the Secretary of War and the Engineer Department how much and where they shall expend this money. This has been done within the last six or eight years. I think before that time there never had been but two, or at the most three, of these bills passed specifying where the appropriation should be expended. The President, therefore, is returning to the old democratic way, and in so far as he does that he has my most hearty condemnation. [Laughter.]

Up to 1871 there had been expended for the purpose of improving the rivers and harbors of the country $27,863,000. Since that time there have been expended in 1871 one and a half millions in, 1872 two and a half millions, in 1873 three and a half millions, in 1874 five millions, and in 1875 five million six or eight hundred thousand dollars.

Mr. DOUGLAS. Who did it?

Mr. CONGER. A republican Congress of the United States.

Mr. DOUGLAS. Then you introduced the novelty.

Mr. CONGER. Mr. Polk vetoed every river and harbor bill ever presented to him; and in the last part of his term the Congress of the United States passed over his veto a river and harbor bill appropriating one and three quarters millions of dollars. Under President Buchanan not one dollar was ever appropriated for the improvement of any river, North or South, except to the extent of $30,000 in all in some bills to repair particular works.

The democratic policy never was in favor of the improvement of rivers and harbors. Since I have been a member of this House, and while I was a member of the Committee on Commerce, southern Representatives came by scores before that committee asking for appropriations for their rivers and harbors, as my friend from Indiana [Mr. HOLMAN] very well knows. They were asked if they would vote for the bill if their appropriations, such as the committee thought should be put in, were embraced in the bill, or whether their constitutional scruples would prevent their so doing. And they told the committee that their constitutional scruples were of more importance than the improvements of their rivers and harbors. That is the reason why the South heretofore has not had all their rivers and harbors improved that they should have had, because their Representatives have been opposed to that policy.

It seems that they have changed their views, and I am gratified that they have done so. I believe that such means of improvement of water transportation is one of the most effectual for keeping transportation cheap and free throughout the land and preventing monopoly in the means of communication and freightage.

To my mind the message of the President was an appropriate one to make to this House. When I remember that in almost every annual message of the President he has directly called the attention of this House to the importance of legislating in favor of cheap modes of transportation by water and by land, when I recollect that he has called the attention of this House to three plans of water-communication from the Ohio River to the Atlantic and to the Gulf, and when I remember that in all his messages he has urged upon Congress the importance of improving the national water-courses and highways of the country, I cannot condemn his objections to appropriations which, in his judgment, may be for objects purely local and entirely unnecessary.

In view of the President's uniform recommendations in all his messages where he has referred to that subject, encouraging and inciting Congress to make proper appropriations to secure cheap transportation for the whole country, I think these strictures from the gentlemen who have spoken are unjust and unworthy of the occasion. But the habit of making these strictures is so strong, my friends on the other side of the House in their caucuses and in their own hearts have become so accustomed to condemn everything that is done by the President or by the republicans that I think they can hardly avoid it. When the President sent a message to this House, as it was his duty to do, to inform us that our legislation would prevent sufficient revenue being received for the ordinary expenditures of the Government, that message was criticised even more harshly than this has been; and so it is through all the legislation of this House.

Sir, I have no objection to gentlemen wearing out their lives in shouting for reform and retrenchment. I know they are wasting valuable time; I know they are exhausting their stalwart frames; I know they are running their minds into a series of charges and accusations unworthy of the American citizen; but it is their privilege and their right. The people will hear them for a moment and then turn them aside, and still let the father of the household manage his own affairs.

Mr. HOAR and Mr. RANDALL addressed the Chair.

Mr. CONGER. Mr. Speaker, I have not relinquished the floor.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman to have the floor except for his own remarks. The Chair

will gladly recognize the gentleman from Massachusetts [Mr. HOAR] for a moment. His endeavor is to parcel out the floor fairly.

Mr. CONGER. There was no limit to my time except the hour rule.

Mr. HOAR. I rise to a question of order. Under the rules of the House when any member takes the floor he is entitled to it for one hour, unless he is speaking under some special limitation; and the Speaker cannot deprive him of this right. And under the rule, as it has been administered for many years, he has the right to yield any portion of his hour to any other member.

The SPEAKER *pro tempore*. The Chair recognizes that rule; and he is inclined to be entirely fair toward both sides of the House; but the right to one hour for each speaker has not been claimed at all in this debate; and if the rule is resorted to, the Chair must decide that the gentleman from Texas [Mr. REAGAN] is entitled to the floor, as he did not exhaust his time.

Mr. RANDALL. I think there need be no controversy between the gentleman from Massachusetts, [Mr. HOAR,] the gentleman from Michigan, [Mr. CONGER,] and myself as to the occupancy of the floor.

Mr. HOAR. I think there can be no controversy between us; but I cannot assent to the idea that the Chair has a right to take a member off the floor before his hour has expired. The gentleman from Texas yielded the floor and sat down; the Chair recognized another gentleman in his own right; and now under what rule can the Chair deprive him of the right to give part of his hour to another member?

Mr. RANDALL. The gentleman from Texas had the right to the floor to call the previous question at the end of his hour, but by a sort of general consent had allowed the debate to run on.

Mr. HOAR. He yielded the floor.

The SPEAKER *pro tempore*. The gentleman from Texas has sent word to the Chair that he desires to move the previous question, and regards himself as holding the floor. Under these circumstances the Chair does not feel inclined to take the floor from him. Although he recognizes fully the rule as stated by the gentleman from Massachusetts, he cannot see how the gentleman from Michigan can take from the gentleman from Texas during his hour the right to control the floor upon his own motion.

Mr. CONGER. I submit to the Chair that a member obtaining the floor has a right to it for one hour. I obtained the floor in my own right without any limitation from anybody; I asked nobody's consent; but the Chair recognized me.

Mr. HOAR. I will remind the Chair that much more than an hour has elapsed since the gentleman from Texas took the floor.

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. HOAR. Since the gentleman from Texas took the floor and spoke, the gentleman from West Virginia [Mr. HEREFORD] and the gentleman from Michigan [Mr. CONGER] have spoken. More than an hour and a quarter must have elapsed.

Mr. REAGAN. I did not expect any extended debate on this motion. I only desired to state my opinion upon the question, and as soon as other members who might desire it had briefly expressed their views, I proposed to call the previous question.

Mr. CONGER. I hope that this may not come out of my hour. I either wish to go on myself or to yield to another gentleman.

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman as entitled to an hour within the hour of the gentleman from Texas.

Mr. CONGER. That hour had terminated or nearly terminated when I took the floor

Mr. RANDALL. It was extended by common consent.

The SPEAKER *pro tempore*. All gentlemen know that debates of this kind frequently proceed by common consent, and when there is no objection the Chair is not inclined to interfere; but if it becomes a question of right, the Chair must hold that the gentleman from Texas is entitled to the floor.

Mr. REAGAN. I will yield a moment to the gentleman from Pennsylvania [Mr. RANDALL] and then I will ask to yield a moment to the gentleman from Iowa.

The SPEAKER *pro tempore*. That can be done by common consent. The time of the gentleman from Texas has expired; but if there is no objection the Chair will first recognize the gentleman from Pennsylvania [Mr. RANDALL] and then the gentleman from Massachusetts, [Mr. HOAR.]

Mr. RANDALL. Mr. Speaker, I have the highest respect for the Chief Magistrate of the Union, and hence I feel very great regret when I find him falling into errors. In one portion of this message he distinctly implies, if he does not directly state, that by our legislation the collection of the revenues has been crippled, and that therefore the revenues may fall off during the coming year.

Now I want to state the fact that more than one-half of the revenue comes by receipts from customs, which in no wise whatever passes under the control of Congress so far as to make appropriations necessary for their collection.

Mr. KASSON. Yes, there is one to which the President alludes.

Mr. RANDALL. So far as that part of the revenue is concerned appropriation by Congress has nothing whatever to do with it, and therefore the President's complaint in that respect is entirely unfounded.

There is, however, in the appropriation bill something to do with the collection of internal revenue. In regard to the internal revenue the House recommended that the collection districts should be reduced to one hundred and five; the Senate raised the number to one hundred and thirty-one, but lest the Government should be embarrassed in the collection of the internal revenue the House receded from the number they had fixed at one hundred and five and conceded the number asked by the Department, one hundred and thirty-one, which the Senate insisted upon.

The House conferees also consented to a very considerable addition to the amount as fixed by the House committee and the House in connection with the pay of collectors and deputy collectors of internal revenue, and further as to pay of storekeepers, gaugers, and other officers employed in the other branch. Therefore I wish to say to this House that I do not believe any of the conferees on this or the other side of the House or of the Senate will consider that we have embarrassed in any degree whatever the collection of the internal revenue.

Mr. REAGAN. My colleague on the Committee on Commerce from Massachusetts [Mr. PIERCE] desires a few minutes, and I therefore yield to him.

Mr. PIERCE. Mr. Speaker, I cordially approve of the position which the President assumes in his message just laid before the House, and admire the manliness and courage which induced him to send it to the House. He only occupies the position uniformly taken heretofore by previous Administrations in reference to appropriations for river and harbor improvements.

Now, sir, the only authority controlling his action is to be found in the first section, which provides that "the following sums of money be, and are hereby, appropriated to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the *direction* of the Secretary of War, for the repair, preservation, construction, and completion of the following public works hereinafter named." There is nothing mandatory in that provision. It does not say that he *shall* spend a single dollar upon any one of the works provided for in the bill. If in his judgment any appropriation is wasteful, extravagant, or a useless expenditure of the public money, then he need not expend it. Indeed, if he expended any of the amount appropriated for any work deemed by him to be wasteful, extravagant, or useless, he would be guilty of wrong-doing, and I will say to my democratic friends he would then deserve condemnation.

He is only doing his duty when he says that he will not spend a single dollar of this money, when he is satisfied such expenditure will result in no good whatever. Nor does he claim in his message the right to divert any of this money appropriated for a given object to any other object. He simply says that if he believes the object for which it has been appropriated is not a fit object then he will not expend the money, but will let it lie in the Treasury for the future action of Congress.

I remember in the examination of this river and harbor bill in the Committee on Commerce various instances in which the Engineer Department reported that the sum appropriated could not be used to advantage, and therefore they did not use it at all, and that the money was permitted to remain in the Treasury. The President has simply announced to Congress that he will follow what has always heretofore been the practice of the Engineer Department.

I may be permitted to say here that the preparation of a river and harbor bill is one of the most difficult pieces of work which can be confided to any number of members of this House. The Committee on Commerce is constantly approached by perhaps two hundred members of this House, urging upon them appropriations for various localities in the country, and it has sometimes seemed to me, Mr. Speaker, as though they left their consciences outside of the committee-room. [Laughter.] It is, therefore, with the greatest difficulty such an appropriation bill is framed, and I do not believe there has ever been passed by this House any bill which did not contain some items which ought not to have been included. I believe there are some such items in this bill, but, on the whole, it is a better bill than most of those which have been heretofore passed through this House. When I consider how this bill was made up, how the committee was importuned by members of the House to make appropriations for this little river and that little harbor, I feel that it is of the utmost importance to sustain the President in the position he has assumed, which is simply the position the Engineer Department has always held and acted upon, that if there are any appropriations useless and extravagant, and which will accomplish no good whatever, he will not authorize the expenditure of the public money for that purpose, but will allow it to remain in the Treasury so that Congress may review their action at the next session. We ought not to forget that we are to meet here again in less than four months, and that no harm can be done by any such action, but that, on the contrary, a considerable sum of money may be saved if the President fearlessly carries out the policy which he has indicated in his message.

Mr. REAGAN. Before calling the previous question I desire to occupy just a single minute in responding to the gentleman from Michigan.

The SPEAKER *pro tempore*. The Chair will state that the time of the gentleman from Texas expired several minutes ago. Objection not having been made, the Chair supposed the debate was proceeding by unanimous consent; but unanimous consent has only been given to the two gentlemen who have now spoken; and, unless by unanimous consent, the gentleman from Texas cannot longer retain the floor.

Mr. REAGAN. I ask unanimous consent to occupy not more than one minute in responding to the gentleman from Michigan.

There was no objection.

Mr. REAGAN. I wish to say that if the President had made the objections to the bill which the gentleman from Michigan made he had a perfect right to do so. It was not complained that he objected to items in the bill that ought not to be appropriated. The complaint was that he declared that a law passed by both Houses of Congress and signed by himself would be just so far executed as to his private judgment it seemed fit it should be executed.

The gentleman from Michigan asked me a question to which he desired an answer, whether there was any appropriation in Texas that would be affected? I am very glad to be able to say, as the gentleman from Michigan also knows, that we have no appropriation there except for works which are confessedly national, unless it be for Cypress Bayou, which is a work for which appropriations have heretofore been made by the Government under the sanction of the gentleman from Michigan [Mr. CONGER] as chairman of the Committee on Commerce. The others are all works on tide-water, and confessedly national. It was because there are no works in my State that are at all affected that I felt free to call attention to the assumption by the President of a right to regard or disregard at his pleasure an act of Congress approved by himself.

I now ask the previous question.

Mr. KASSON. Allow me to say that I think the Speaker misunderstood the gentleman from Texas, [Mr. REAGAN.] That gentleman said he would yield a few moments to one other gentleman, and then he would yield to the gentleman from Iowa. The Speaker said: "The gentleman from Massachusetts;" and I was not disposed to interfere with the gentleman from Massachusetts proceeding. I desire, however, five minutes to speak to a single point.

The SPEAKER *pro tempore*. The Chair did not understand that that was the arrangement; but he will willingly recognize the gentleman from Iowa if it was arranged that he should have unanimous consent to speak.

Mr. KASSON. Five minutes are probably enough.

The single point to which I wish to call attention is the charge made by the gentleman from West Virginia, the chairman of the Committee on Commerce, that the President has assumed an unconstitutional authority in the message which he has sent. If gentlemen will observe the careful language of the President, any such impression I am sure will disappear, and even the gentleman from West Virginia will regret the illustration with which he commenced his address to the House when he made the comparison between the President and a person exercising imperial authority.

Mr. HEREFORD. Did the President not say in one of his messages that our Constitution was similar to that of the German Empire? Does the gentleman deny that?

Mr. KASSON. The gentleman from West Virginia compared the President to an officer exercising the authority of the Emperor of Germany. Let us see. The President says in his message:

> If it was obligatory on the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections.

Thus the President assumes that it is not obligatory on him to spend all the money appropriated, and, resting upon that hypothesis, he declares that he will exercise his authority as an executive officer of the Government, directing the Secretary of War so to disburse these moneys that no part of them shall be expended on objects of private or local interest, or, in other words, which are unconstitutional. Now, sir, does this bill compel the President by force of law, *ex vi termini*, to expend each of these sums on each of these places? If it does, and if such an act is constitutional, then the President has proposed to violate the Constitution. But, sir, the entire precedents of this Government, to which my honorable friend from Massachusetts referred, are against this proposition. In most instances the year expires with a balance in the Treasury. In some cases the expenditure is found to be a mere waste and is stopped; and more than that, the language of the bill is not mandatory on the President, but simply appropriates for various purposes a maximum sum of money and nowhere tells the President that he must spend it on each one or spend all of it; so that on the bill, without the Constitution, there is nothing which prevents the President from taking that position. But let us see further. Suppose the gentleman from West Virginia was right and the President violates the Constitution by not spending the money, we will say for example, for a survey of "Towne Creek, Monroe County, Mississippi," or for the improvement of the "Etowah River near Thompson's bridge," Georgia, or of "Murder Kill Creek," or of "Mispillion Creek." We will take Mispillion Creek, as for that there is some money to be expended. Suppose the President should not spend it all; for what will the gentleman impeach him? He will come next session, if he is here, and impeach the President of high crimes and misdemeanors, and he will specify what the high crimes and misdemeanors are, to wit, that whereas he might have expended $15,000 on this Mispillion Creek he only expended $5,000 on it, and left $10,000 in the Treasury; and therefore he will present articles of impeachment against him to the Senate of the United States for high crimes and misdemeanors!

Mr. DURHAM. Will the gentleman look at the paragraph of the bill beginning at line 544, in regard to the duty of the President and Secretary of War under this bill?

Mr. KASSON. I have not so many lines in my copy of the bill. Does the gentleman have Laurel Creek, Kentucky, in his bill?

Mr. DURHAM. No, sir; that was stricken out. I again ask the gentleman to look at line 544 of the bill, where the duty of the Secretary of War in the expenditure of these moneys is prescribed.

Mr. KASSON. I will answer the gentleman. Where the work can be done by contract, the Secretary is required to cause it to be done by contract; that relates to the mode of doing the work.

Mr. DURHAM. But the whole power is given to the Secretary of War, and the President has no power to control it.

Mr. KASSON. And the work is to be given to the lowest bidder under that section. The gentleman says that the Secretary of War must do it, because wherever it is required by law that the work shall be done by contract he is required to let it. I will say that President Grant, in case the Secretary failed in his duty, would stand where President Jackson stood, and will say, "I took the oath to support the Constitution as I understand it, and if the Secretary of War stands in the way of the observance of the Constitution I will turn him out as Jackson did Duane, when he put Taney in the Treasury, and will appoint some man who will observe the Constitution."

These are the points touching which I wanted to show, first, that there is nothing in the bill that requires the President to spend all the money appropriated for any one place or for all the places; and second, that under the Constitution he is not compelled to spend money for an unconstitutional purpose simply because a certain sum is appropriated for it. We have just appropriated $60,000 for extra clerical service in our Executive Departments. Suppose they do not spend it all; will you impeach the Executive for not spending the whole of it?

[Here the hammer fell.]

Mr. REAGAN. I demand the previous question.

Mr. HOLMAN. I ask the gentleman from Texas to allow me a single word.

The SPEAKER *pro tempore*. The gentleman from Texas has no longer a right to the floor.

Mr. HOLMAN. I merely wish to protest against the assumption that the Executive is bound to expend the money appropriated by Congress, and especially in a bill of this character.

The SPEAKER *pro tempore*. The Chair must insist that the gentleman is not entitled to the floor.

Mr. HOLMAN. I ask unanimous consent for one moment

No objection was made.

Mr. HOLMAN. It is clear that if the Executive or the Engineer Department of the Army discovers that an appropriation of money has been made for an object purely local; having no national importance whatever; not designed to promote the national commerce of the country, that that money ought not to be expended.

Mr. REAGAN. That question is not in debate here. Nobody is insisting on any such thing. The gentleman is discussing an abstract proposition, and not the bill.

Mr. HOLMAN. It is clear that money cannot be appropriated constitutionally for purely local objects; it can only be appropriated and applied to the promotion of the general commerce of the country.

Mr. KASSON. Then you stand by the President?

Mr. HOLMAN. I stand by that doctrine.

Mr. KASSON. And by the President.

Mr. HOLMAN. That has been the doctrine of the dominant party in this House in all its past history.

Mr. KASSON. It is the doctrine of the President now.

Mr. HOLMAN. Under the Constitution we have no right to appropriate a single dollar for local purposes.

Mr. HEREFORD. I say to the gentleman that if that was the doctrine of the party I would uphold it nowhere. [Loud cries of "Order!" and "Regular order!"]

Mr. HOLMAN. I want to have my own time, and I will occupy the balance of it. [Cries of "Time is up!" and "Regular order!"] I only wish to say that this bill is of the same class of bills making appropriations for the improvement of rivers and harbors that have passed during the last five years. I have been here all that time protesting against appropriations of money for purely local purposes, and during that period I have voted, I believe, for but a single one of that class of bills.

Mr. HEREFORD. The gentleman sustains the imperial power of the President. [Loud cries of "Order," "Regular order."]

Mr. REAGAN. I insist on the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the message of the President was referred to the Committee on Commerce, and ordered to be printed.

Mr. REAGAN moved to reconsider the vote by which the message was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House take a recess until eight o'clock.

The question was taken; and on a division there were—ayes 131, noes 36.

Mr. BANNING called for tellers.

Tellers were not ordered.

So the motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House resumed its session at eight o'clock.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had agreed to the concurrent resolution of the House to print additional copies of the report of the Superintendent of the Coast Survey.

The message further announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) relating to the petition of real-estate owners in the District of Columbia.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others.

The message further announced that the Senate had passed without amendment the bill to repeal part of section 5 of an act authorizing the repavement of Pennsylvania avenue, approved July 19, 1876.

ORDER OF BUSINESS.

Mr. RANDALL. Is there a quorum present?

The SPEAKER *pro tempore*. The Chair has not inquired, and no vote has been taken which shows that fact.

Mr. RANDALL. I object to proceeding with business unless a quorum is present, and for the purpose of testing the question I move that the House take a recess until nine o'clock to-morrow morning.

Mr. BANNING. I would like to offer a bill in the first place.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, in order to ascertain if there is a quorum present, may either move to take a recess or demand a count of the House.

Mr. RANDALL. I ask a count on my motion to take a recess until to-morrow.

Mr. THORNBURGH. I ask for tellers.

Mr. EAMES. Pending that motion I move to suspend the rules.

Mr. RANDALL. I want to state a fact in reference to legislation. In the Senate to-day an objection has been made under their rules to the consideration of the Indian appropriation bill, which compels it to go over until to-morrow, as I understand. [Cries of "What of that?"] It is better perhaps that I should modify my motion and propose that we should take a recess until nine o'clock this evening.

Mr. BANNING. I would like to state a fact with reference to legislation. I have in my hand a bill asked for by the President providing for an addition of twenty-five hundred men to the Army, in order to aid in the Indian war.

The SPEAKER *pro tempore*. The Chair cannot hear that at this time.

Mr. PAGE. I am credibly informed that the Senate will be ready to adjourn at twelve o'clock to-night.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will modify his motion so as to make it a recess until nine o'clock this evening.

Mr. RANDALL. I have already modified my motion so as to make the recess until nine o'clock to-night.

Mr. HOAR. I hope the gentleman from Pennsylvania will be permitted to inform the House of the condition of the public business and as to when we shall probably be able to adjourn.

The SPEAKER *pro tempore*. If there is no objection the gentleman from Pennsylvania will make the statement.

No objection was made.

Mr. RANDALL. From the information which I gather from Senators I do not believe it is possible that the Senate will be ready to adjourn before to-morrow at twelve o'clock; but out of abundant caution I have modified my proposition so that we shall take the recess until nine o'clock this evening that we may learn with more certainty whether an early adjournment on the part of the Senate can be arrived at. I therefore insist on my motion for a recess.

Mr. PAGE. And I hope it will be voted down.

Mr. THORNBURGH. I call for tellers.

Mr. PAGE. I do not see why the gentleman from Pennsylvania should undertake to clog the progress of public business.

The question was taken on Mr. RANDALL'S motion; and on a division there were—ayes 62, noes 59; no quorum voting.

Mr. PAGE. I call for tellers.

Tellers were ordered; and Mr. PAGE and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 54, noes 49; no quorum voting.

Mr. BANNING. I call for the yeas and nays.

The yeas and nays were ordered, 27 members voting therefor, (being more than one-fifth of the last vote.)

The question was taken; and there were—yeas 58, nays 83, not voting 145; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Bradford, Bright, John B. Clarke of Kentucky, Cochrane, Cook, Cowan, Dibrell, Durham, Eden, Forney, Gause, Gunter, Andrew H. Hamilton, Hardenbergh, Hartzell, Haymond, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Holman, House, Joyce, Kehr, Levy, Lewis, Mackey, Magoon, Maish, McMahon, Morrison, New, Payne, Poppleton, Randall, Reagan, Riddle, John Robbins, Miles Ross, Savage, Siemons, A. Herr Smith, Teese, Terry, Thomas, Thompson, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Whitthorne, Willard, James Williams, and Jeremiah N. Williams—58.

NAYS—Messrs. Ashe, John H. Baker, Banks, Banning, Boone, Bradley, Cannon, Cason, Cate, Caulfield, Chittenden, Clymer, Conger, Crapo, Crounse, Cutler, Davy, Douglas, Durand, Eames, Felton, Finley, Franklin, Goode, Goodin, Henderson, Henkle, Hereford, Hopkins, Hunton, Hyman, Thomas L. Jones, Kasson, Kimball, Franklin Landers, Lane, Lapham, Lawrence, Lord, Luttrell, Lynch, McCrary, McDill, Money, Monroe, Mutchler, O'Neill, Packer, Page, Pierce, Piper, Potter, John Reilly, James B. Reilly, Rice, Roberts, Sampson, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Spencer, Springer, Strait, Stevenson, Stone, Tarbox, Thornburgh, Throckmorton, Washington Townsend, Tufts, Van Vorhes, Erastus Wells, White, Whiting, Wigginton, Alpheus S. Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Young—83.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Chapin, John B. Clark, jr., of Missouri, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Jenks, Frank Jones, Kelley, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lynde, MacDougall, McFarland, Meade, Metcalfe, Miller, Milliken, Mills, Morgan, Nash, Neal, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, William A. Phillips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, William M. Robbins, Robinson, Sobieski Ross, Rusk, Sayler, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Stenger, Stowell, Swann, Martin I. Townsend, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—145.

During the call of the roll the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is confined to his room by indisposition.

Mr. COOK. My colleague from Georgia, Mr. SMITH, is detained at his room by severe illness.

Mr. STEVENSON. My colleagues, General ANDERSON and Judge CAMPBELL, are absent by leave of the House.

Upon the announcement of the vote as above recorded

Mr. RANDALL said: No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, no business is in order except to adjourn or a motion that there be a call of the House.

Mr. BANNING. I move that there be a call of the House.

Mr. BANKS. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio [Mr. BANNING] that there be a call of the House.

The motion was agreed to upon a division—ayes 88, noes 35.

Mr. WILSON, of Iowa. I understand that the gentleman from Massachusetts [Mr. BANKS] has the floor on the unfinished business. I suppose there will be no objection to his proceeding with his remarks even if there be no quorum present. I ask unanimous consent that the order for the call of the House be withdrawn, and that the gentleman from Massachusetts [Mr. BANKS] be allowed to proceed.

Mr. RANDALL. I object.

The clerk proceeded to call the roll; when the following members failed to respond to their names:

Messrs. Adams, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Chapin, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Freeman, Frye, Fuller, Gibson, Glover, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurlbut, Jenks, Frank Jones, Kelley, King, Knott, George M. Landers, Leavenworth, Le Moyne, Lynde, MacDougall, McFarland, Meade, Miller, Milliken, Money, Nash, Neal, O'Brien, Odell, Oliver, Phelps, John F. Philips, Plaisted, Platt, Poppleton, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Stenger, Stowell, Swann, Martin I. Townsend, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—126.

The SPEAKER *pro tempore*. The Clerk reports that one hundred and sixty members have responded to their names; more than a quorum.

Mr. SPRINGER. I move that all proceedings under the call be dispensed with.

The motion was agreed to.

Mr. BANKS. I call for the regular order.

Mr. HOLMAN. I move that the House now take a recess for a half an hour.

Mr. LAWRENCE. I rise to make a report from a committee of conference.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Ohio [Mr. LAWRENCE] to submit a report from a committee of conference.

PARTITION OF REAL ESTATE IN DISTRICT OF COLUMBIA.

Mr. LAWRENCE submitted the following report; which was read by the Clerk:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 3168 entitled "An act relating to partition of real estate in the District of Columbia," respectfully report that

they have met, and after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate; and agree to the same, with the following amendment:

Strike out all after the word "may," in line 3 of said amendment, and insert "in the discretion of the court be compelled in any court of competent jurisdiction to make or suffer partition of such estate or estates. In proceedings for partition all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction. And in proceedings for partition under this act the court may, in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court."

"SEC. 2. That the court in all cases in decreeing partition, may, if it satisfactorily appears that said lands, tenements, or any estate or interest cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale among the parties according to their respective rights and interests.

"SEC. 3. That in all such sales, unless the court shall, by special order, direct or require, for good cause shown, that the sale be made for cash, the purchase-money shall be payable, one-third on the day of sale, one-third in one year, and one-third in two years thereafter, with interest; the deferred payments to be secured to the parties according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court."

And that the Senate agree to the same.

WILLIAM LAWRENCE,
SCOTT LORD,
GEORGE F. HOAR,
Managers on the part of the House.

FRED. T. FRELINGHUYSEN,
J. W. STEVENSON,
T. O. HOWE,
Managers on the part of the Senate.

Mr. RANDALL. I would like to hear some explanation of this report.

Mr. LAWRENCE. I presume it is not necessary to make any extended statement in regard to this report. The original bill providing for the partition of real estate in the District of Columbia was passed by the House and sent to the Senate, where it was amended in matters not very material except the addition of a prvoision that sales in partition proceedings, unless otherwise ordered, should be for one-third cash in hand and the balance in deferred payments of one and two years, with interest.

The bill coming back to the House, the House disagreed to the amendment of the Senate and asked for a committee of conference. The committee of conference has unanimously agreed upon this report, there having been no objection to the report as it stands from any member of the committee. It has been agreed to by the Senate. It has been submitted to members of the bar of the District of Columbia and meets their approval. I suppose there is no objection to it from any quarter. I hope the House will agree to the report.

The report was adopted.

Mr. LAWRENCE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BANKS. I call for the regular order.

Mr. PAGE. What is the regular order?

The SPEAKER *pro tempore*. As the Chair understands, the gentleman from Massachusetts [Mr. BANKS] has the floor on the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the President's message in regard to the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. PAGE. Was not that laid on the table to-day.

The SPEAKER *pro tempore*. It was not.

[Mr. BANKS addressed the House on the bill to utilize the products of gold and silver mines. His speech will appear in the Appendix.]

Mr. KASSON and Mr. SPRINGER addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] served notice that he would during the session of to-day, if he could obtain the floor, move to lay the motion to reconsider on the table, and the Chair, therefore, recognizes him to test the sense of the House upon that question.

Mr. SPRINGER. I do not wish to deprive any gentleman who desires to discuss this question of the opportunity of doing so, but I did intend to move to lay the motion to reconsider on the table for the purpose of getting the motion out of the House.

Mr. RANDALL. We shall probably be compelled to remain here until to-morrow, and there is one gentleman I know of who desires to speak on this question, and if the gentleman from Illinois would postpone his motion that gentleman might be enabled to go on.

Mr. SPRINGER. If the gentleman from New York [Mr. HEWITT] desires to discuss the question, I will yield to him.

Mr. KASSON. I believe I am next in order.

The SPEAKER *pro tempore*. Does the gentleman from Illinois withdraw his motion?

Mr. SPRINGER. I do; and I yield to the gentleman from New York, [Mr. HEWITT.]

Mr. DURHAM. I make the point of order that the gentleman from Illinois has not the floor to parcel it out.

The SPEAKER *pro tempore*. That is perfectly correct, and the point of order is well taken; he must either occupy the floor with his motion or not at all.

Mr. WADDELL. I move that the House do now adjourn.

The question was put; and on a division there were—ayes 84, noes 45.

LEAVE OF ABSENCE.

Before the announcement of the vote, Mr. REA was granted an indefinite leave of absence from to-morrow.

WITHDRAWAL OF PAPERS.

On motion of Mr. A. S. WILLIAMS, leave was granted for the withdrawal from the files of the House, of the papers in the case of Peter D. Rank, no adverse report having been made.

On motion of Mr. WELLS, of Missouri, leave was granted for the withdrawal from the files of the House of the papers in the case of M. S. Mephum, W. Mephum, and A. H. Shaw, of Saint Louis, Missouri, asking compensation for the loss of the steamboat Jimmie.

ENROLLED BILLS.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 897) granting a pension to Andrew Evarts; and

An act (H. R. No. 4085) to repeal part of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

ORDER OF BUSINESS.

Mr. KASSON. I wish to inquire——

[Loud cries of "Regular order!"]

The SPEAKER *pro tempore* then announced the result of the vote on the motion to adjourn.

Mr. KASSON. I call for tellers if gentlemen will not hear the request I have to make, which is simply that instead of an adjournment a recess be taken.

Mr. MORRISON. I object.

Mr. RANDALL. We are tired of waiting the convenience of the Senate.

Mr. BANNING and Mr. HANCOCK called for the yeas and nays on the motion to adjourn.

Mr. BANNING. Before the question is put on the yeas and nays——

Mr. DURHAM. I object.

The SPEAKER *pro tempore*. The Chair cannot entertain anything but the regular order.

Mr. BANNING. I think there will be no objection.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is now demanded, and that is objection sufficient.

The yeas and nays were not ordered; only 20 members voting therefor.

Mr. FORT. I call for tellers on the motion to adjourn.

Tellers were ordered; and Mr. WADDELL and Mr. BANNING were appointed.

The House divided; and the tellers reported—ayes 50, noes 55.

So the House refused to adjourn.

Mr. PAGE. Is it not in order to move to suspend the rules?

Mr. RANDALL. Was that a quorum?

The SPEAKER *pro tempore*. It does not require a quorum to adjourn or refuse to adjourn, [cries of "Regular order!"] so the Chair will recognize on the regular order the gentleman from Iowa, [Mr. KASSON,] who claims the floor.

Mr. BANNING. Will the gentleman from Iowa yield to me.

Mr. ATKINS. I object.

The SPEAKER *pro tempore*. The gentleman from Iowa cannot parcel out the floor to any one.

Mr. ATKINS. I shall object to the gentleman from Iowa yielding to any one at all.

The SPEAKER *pro tempore*. The Chair has already so objected.

Mr. KASSON. Mr. Speaker, I desire now to inquire whether there will be objection if I yield the floor for a motion to adjourn or to the gentleman from Ohio [Mr. BANNING] to report a bill for the protection of the frontier?

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. BRADFORD. I object.

Mr. KASSON. Then I will proceed with what I have to say, and will endeavor to dispose of this motion, so that the gentleman from Ohio may be in order. I regret to introduce what I have to say in the presence of the fact of an objection coming from that side of the House which is detrimental to the public interest, as the objection to the reporting of the bill from the Military Committee of this House designing to save the Army from further destruction and our frontier settlements from pillage and plunder and slaughter by the Indians.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. PAGE. Is it not in order for the gentleman from Ohio [Mr. BANNING] to move to suspend the rules and pass his bill? This is Monday.

The SPEAKER *pro tempore*. That motion is not in order while the gentleman from Iowa [Mr. KASSON] holds the floor.

Mr. PAGE. But if that gentleman yields the floor would it not be in order for the gentleman from Ohio to move to suspend the rules and put his bill on its passage?

The SPEAKER *pro tempore*. Unquestionably if the gentleman from Iowa [Mr. KASSON] chooses to yield the floor he can do so, and the Chair will then recognize whom he may see fit. But the Chair does

not propose that the gentleman from Iowa or any other gentleman shall assign the floor, that being the province of the Chair.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. ATKINS. My parliamentary inquiry is, Has the gentleman from Iowa [Mr. KASSON] the right to discuss military matters at this time? There is no question of that sort now before the House.

The SPEAKER *pro tempore*. The Chair regards that as scarcely a parliamentary inquiry.

Mr. ATKINS. I make the inquiry, and with all due deference to the Chair I think it is a proper parliamentary inquiry.

The SPEAKER *pro tempore*. The motion to reconsider, upon which the gentleman from Iowa [Mr. KASSON] holds the floor, opens up the subject to a wide range of debate. The gentleman from Tennessee [Mr. ATKINS] knows as well as the Chair knows that on such motions there is always wide latitude of debate. The gentleman from Iowa certainly cannot trespass upon any rights of members. But the Chair cannot determine what shall be the line of his remarks.

Mr. KASSON. Mr. Speaker, if all the parliamentary inquiries of gentlemen have been answered, I will once more endeavor to proceed with what I have to say.

My honorable friend from Pennsylvania [Mr. RANDALL] made an elaborate speech to-day, embracing many tables, many figures, and a great deal of mathematics. He was followed by my able and honorable friend from Ohio [Mr. FOSTER] with counter-tables of correct figures and better mathematics. I do not propose to go into the mathematical questions which were debated by those two gentlemen. I will say, however, that my friend from Pennsylvania in his figures often reminded me of a remark once made in my hearing. One said that no doubt the old maxim that "two and two make four" was absolutely true. But said he, two and two also make twenty-two; and that was what he could not understand. Now it depends upon the manner in which you arrange your figures as to what they will make. I think I may say, without doing any injustice to the gentleman, that one 2 was put after the other 2, instead of under it, in many places by my honorable friend from Pennsylvania.

In the course of that gentleman's remarks he expressed his desire that ere long we might have an Executive who would be in harmony with his side of the House, and he promised great things in the way of reform should such an Executive be elected. Availing myself of the accustomed liberty of debate on a motion of this kind, I propose now, as briefly as I may, to inquire which of the two parties have offered a candidate for Chief Executive of the country who, if elected, would be most likely to gratify the people in their aspirations for an honest and loyal Government and reform.

I will first ask whether the candidate supported by my honorable friend from Pennsylvania is that Executive by whom the people may expect their honest aspirations to be realized? Who is Samuel J. Tilden, and what is his record?

"THE CANDIDATE IS THE PLATFORM."

Prior to his nomination at Saint Louis we often heard the phrase that "the candidate will be the platform." Is the democracy of this House and of the country willing to accept that maxim and apply it to their candidate?

I need not say that during the last few years, since 1860, this Government has been partially remodeled. The masses of the northern people have become possessed of new desires and new principles; and those principles yet remain deeply ingrained in their hearts, as deeply, I trust, as they were at the time Ohio gave 100,000 majority against a colleague of Mr. Tilden in the convention at Chicago in 1864—Mr. Vallandigham, of Ohio.

What, then, has been the record of Mr. Tilden in respect to the issues which will be presented to the people of this country in the course of the pending canvass? What was his position in 1860 touching the fundamental doctrine upon which the battles for the Union were fought, the perpetual unity of the nation, for which on our side so many hundred thousands of men shed their blood or laid down their lives? Was Mr. Tilden in harmony with the Union sentiment of the country? Was he in harmony with the sentiment of the country which sustained the war? Did he urge the people to sustain the Union? Did he urge the filling of our armies? Did he censure the secession movement out of which the war grew? Is he anywhere or anyhow upon the record as the strong friend of the Union in its time of danger?

MR. TILDEN AS A SECESSIONIST.

In 1860 Mr. Tilden wrote a letter, under date of October 12, to Hon. William Kent, then a democratic elector for the State of New York, in which he said:

> The masters of political science who constructed our system preserved the State governments as bulwarks for the freedom of individuals and localities against oppression from centralized power. They recognized no right of constitutional secession; *but they left revolution organized when it should be demanded by the public opinion of a State; left it with power to snap the tie of confederation as a nation might break a treaty, and to repel coercion as a nation might repel invasion. They caused us to depend in a great measure upon the public opinion of the States in order to maintain a confederated Union.*

Again he said:

> Especially is this true of a *compact of confederation* between the States, where there can be no common arbiter invested with authorities and powers equally capable with those which courts possess between individuals for determining and enforcing a just construction and execution of the instrument.

Here, then, in 1860 we find upon the written record of Mr. Tilden a declaration that this was a confederation of States instead of a Union; that the States by their own action could "snap the tie." After that, in 1860 and 1861, the South acted upon his declaration of doctrine and proceeded to "snap the tie," supported clearly by the doctrines then enunciated by Samuel J. Tilden, whom they now seek to make President of the United States and of the restored Union. Calhoun was not stronger nor Buchanan weaker than this. It was the identical doctrine adopted by Buchanan when he denied the power to coerce the rebellious States, and left them to organize armies and batter down the walls of our forts. Nobody claimed the right to secede by the terms of the Constitution. They only claimed that the Constitution "left" them with such a right.

MR. TILDEN AS AN OPPONENT OF THE WAR FOR THE UNION IN 1863.

Again, Mr. Speaker, in February, 1863, we once more hear from Mr. Tilden upon these doctrines that connect themselves with the question of the Union. There was a conference called at Delmonico's, in the city of New York, and of that conference Mr. Tilden was a member. The members of it were all known throughout the war as copperheads. In that conference in February, 1863, they organized a Society for the Diffusion of Political Knowledge. I myself received month after month the issues of that society, of which Mr. Tilden was one of the organizers and members. In their declarations they took secession ground. They assailed the Government of the Union; they urged a counter-sentiment against the work going on in the war for the maintenance of the Union. They endeavored to terrify the people touching the destruction of the Constitution, which they charged against the government of Mr. Lincoln. They did everything except support the country and maintain our nationality one and indivisible. They argued constantly against the right of the Union Government to save the nation by the power of arms and discouraged the loyal people in their struggle in their darkest hours, before the sunburst of our victories at Vicksburgh and Gettysburgh.

This was the first half of 1863. I will not stop to read extracts from those articles, which showed clearly the object of the society and the influence they were designed to exert; but I will call to the minds of gentlemen that this society organized in February, 1863, and commencing immediately afterward their publications, was followed by those fearful and bloody riots in the city of New York in the succeeding month of July.

We thus far find Governor Tilden commencing as a secessionist and proceeding as an encourager of the disunionists, embarrassing the operations of the Government, and endeavoring to sow the seeds of secession broadcast in this country by means of this "Society for the Diffusion of Political Knowledge."

Mr. SPRINGER. Will the gentleman allow me a question?

Mr. KASSON. On this point?

Mr. SPRINGER. Yes, sir. Did I understand the gentleman to say that Governor Tilden was a secessionist and disunionist in 1863?

Mr. KASSON. I tell the gentleman that he wrote that secession doctrine which I have read, in a letter to Hon. William Kent in 1860. I tell him that Governor Tilden was a member of that Society for the Diffusion of Political Knowledge, of which the literature was all copperhead and all discouraging to the war. Is the gentleman answered?

Mr. SPRINGER. No, sir. Does the gentleman say that Governor Tilden was a secessionist and a disunionist in 1863?

Mr. KASSON. I say what I have said upon the record. The gentleman may consider it as exhibiting him as a disunionist or he may consider it as the highest exposition of loyal Union sentiment. I only know that in my part of the western country, and in the State of Illinois, such doctrines were met with denunciation, and men hid their heads behind the blackberry bushes when they uttered them. [Laughter and applause.]

Mr. SPRINGER. The gentleman will not assert and does not assert and dare not assert that Governor Tilden was ever a secessionist or disunionist.

Mr. KASSON. I dare assert exactly what I have asserted, and let the gentleman deny it if he can.

Mr. SPRINGER. I deny it, sir; and every man will deny it who knows anything about the history of the country. [Applause on the democratic side.]

Mr. KASSON. I refer you to the record.

Mr. SPRINGER. Governor Tilden never was a secessionist or a disunionist, and the gentleman from Iowa knows it.

Mr. LUTTRELL. Where was the gentleman from Iowa during the war?

Mr. KASSON. I will tell the gentleman where I was during the war. I was on this floor passing appropriation bills to maintain the Army which fought the men you supported and with whom you are acting. [Applause.]

The SPEAKER *pro tempore*. The Chair cannot consent to the continuance of these demonstrations of applause or dissent upon the floor of the House. They are unparliamentary; and the Chair hopes they will not be repeated.

A MEMBER. They came from the galleries.

The SPEAKER *pro tempore*. If repeated in the galleries, the galleries will be cleared. The gentleman from Iowa will proceed in order; and gentlemen upon the floor will not interrupt him without his consent.

Mr. KASSON. And at another time I was taking care of the records of this Government, which were threatened by men coming over from Virginia to take possession of the city of Washington and haul down the Union flag and trample it under their feet, as they recently did in the State of Virginia and in one or two other States of this Union on the 4th of July last. That is the work which some of us were engaged in; while others, more fortunate perhaps in obtaining honors, were gallantly fighting the enemy at the front with Rutherford B. Hayes.

MR. TILDEN IN 1864 DECLARING THE WAR A FAILURE.

Now where was Governor Tilden in 1864 when the convention met that nominated McClellan? He was at the convention at Chicago with Vallandigham, representing the State of New York upon the committee on resolutions, a member of the committee on the platform which declared this war to have been a failure. Let me give the exact words. I send them to the Clerk's desk and ask to have read the resolution then adopted and it will show where Governor Tilden was in 1864, following out the theory upon which he acted in 1860 and 1863.

The Clerk read as follows:

Resolved, That this convention does explicitly declare, as the sense of the American people, that, after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the Federal States.

Mr. KASSON. Thus, Mr. Speaker, you find him uniting in reporting from the committee on the platform that resolution declaring the war a failure, assailing the government of Mr. Lincoln, denouncing the administration for the manner in which they were carrying on the war, and asking the American people to condemn it, as they are going to ask them again in November next, but with a result in the former case well known in the history of this country. The people put their foot upon the platform. They put their foot upon the men who stood upon the platform; and they will put their foot, as long as loyalty to the Union and Constitution is respected, upon the men who have not changed their faith, but still dare to come before them and ask their suffrages.

Mr. HEREFORD. Let me ask the gentleman from Iowa whether the people put their foot upon General McClellan who headed their Army?

Mr. HEWITT, of New York. Let me ask the gentleman from Iowa a question.

Mr. KASSON. If the gentleman from New York says any fact I have stated is not correct I will yield to him.

Mr. HEWITT, of New York. I ask whether the gentleman from Iowa does not know as a matter of fact that Governor Tilden as a member of that committee voted against that resolution.

Mr. KASSON. I will answer the gentleman that as far as the record goes I know the contrary. Mr. Guthrie, who was on that committee, stated, in speaking of their not being ready, that it was in the hands of a subcommittee for revision, but the general committee *were unanimous in their views*. Mr. Tilden followed Mr. Guthrie in the declaration, "I wish to add that upon the adjournment of the general committee there was no dissent among the members." That is my answer to the gentleman from New York.

Mr. HEWITT, of New York. Governor Tilden voted against that esolution.

Mr. KASSON. Further evidence publicly given of Mr. Tilden's concurrence appears in the published reports of that convention:

Mr. Brown, of Delaware, one of the committee, said:

There is not the slightest dissension among us. We have been a unit from the first.

Mr. Weller, of California, said:

The subcommittee have agreed upon the only portion of the platform which by any possibility can divide this party. *We are all in favor of peace*, and the only difference of opinion is as to the phraseology to be used in making that declaration.

Mr. Smith, of Wisconsin, added to the general testimony upon this point, as follows:

There is no difference in the committee except upon mere matters of expression.

Mr. McKeon, of New York, explained the cause of delay as originating with Mr. Vallandigham, who wanted the language of the resolution changed, not because it was too strong, but because it was not strong enough to suit him. Finally the resolution was reported from the subcommittee to the committee, and from the committee to the convention, and was adopted without the dissent of a single member of the committee openly expressed in convention.

As to the platform adopted, there is no power unless they raise the dead, who are Guthrie and Vallandigham; no power that is able to prove the contrary of the unpatriotic record.

The further proof I cite is this: that when it was presented to the convention not a syllable of dissent was expressed by Tilden, who was a member of that committee when it came before the convention. And now shall gentlemen go into the secret operations of the committee, unknown to the public, against this evidence, and say he dissented from it in committee? Why if he loved the Union did he not rise like a man who loved his country and dared to hold a patriotic opinion, why did he not rise when it came into the convention and say, "I cannot accept that insult to the Army and to this country? The gallant soldiers at the front are fighting in the hope that the people behind them will sustain them. I will not support that clause of the platform, and I will not support the man who stands upon it." Shall I answer why he did not do it? Because of his doctrines of 1860 and 1863. Because he dared not oppose southern sympathizers. Because, as a politician, he inherits the compromising, evasive character of Martin Van Buren. I suppose 10,000 men in this country when they read his letter of acceptance said, "Martin Van Buren over again." Words to disguise thoughts, phrases to disguise principles, sentences with a double meaning, and he had not the courage to avow in the open convention the opinion, if he ever entertained it, which is attributed to him by my honorable friend from New York.

MR. TILDEN'S RECORD OF WHAT HE DID NOT DO FOR THE UNION.

Here in 1860, in 1863, and in 1864, we have the positive record of the position of Governor Tilden on these fundamental questions. The negative record is more convincing still. Where is the speech he made in the great city of New York to support the war? Where is the speech he made to encourage the soldier? Where is the speech he made to sustain the government of Mr. Lincoln in the days of its trials? Where is the speech he made to denounce the attempt of foreign governments to aid in the breaking up of this Union?

Where is the voice, I ask gentlemen on both sides of the House, and I will ask the whole country through this House, where is the voice shown by any record that that gentleman ever uttered for his country in the time of its peril? (A pause.) Nobody replies.

Mr. HOUSE rose.

The SPEAKER *pro tempore*. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. KASSON. If he rises to produce a public declaration of Governor Tilden in support of the war for the Union, I yield to him.

Mr. HOUSE. I want to ask the gentleman a question in regard to what he has just had read.

Mr. KASSON. Do you propose to give me that information?

Mr. HOUSE. I am asking the gentleman to give me some information.

Mr. KASSON. I have already given you a great deal, and I will give you more if you will be seated.

Mr. HOUSE. I only desire to say——

The SPEAKER *pro tempore*. The gentleman from Iowa declines to be interrupted.

Mr. KASSON. This is his record, positive and negative, during the war for the Union which closed in 1865. I might stop here and ask any soldier in the United States whom he urged to go to the war to vote for him. I might ask the relatives of any dead soldier whom he comforted for their loss and encouraged with the hope that the sacrifice was for the preservation of the Union to vote for him. I might call upon the fund to answer for him to which he ever personally contributed for the like purposes. But, Mr. Speaker, the positive and negative evidence, considered separately or together, is ample to maintain the proposition I have made, that his principles, his heart, and his action were not with the effort to save the Union; that neither his judgment nor his heart was with the soldiers who fought for the Union, and that no man who ever wore the blue can come to the polls and cast his vote for him without reflecting upon the memory of the dead who died for that cause.

Mr. Speaker, I search this question so particularly because I maintain that deep down in the hearts of the people of the Union States, the war democrats as well as the republicans, there is a deep and affectionate regard for the men who helped them in the time of trouble and of peril; and a deep and lasting censure for the men who withheld their hand, their voice, their heart, their vote from the good cause for which they fought and for which so many perished. It is a profound and honorable instinct of patriotism, which ought to be maintained for the security of the nation in the future as well as a grateful recognition of patriotic action in the past.

MR. TILDEN AS A "REFORMER."

Now, sir, I ask what is the record of this same gentleman as a "reformer" that should lead my honorable friend from Pennsylvania to offer his prayer and aspiration that he might have an opportunity to work in harmony with him in another Congress? We are not without a record on this point. There have been certain political associations of that gentleman in the past and some public action which is known to the world. In 1868 he was chairman of a committee of which William M. Tweed was an active and efficient member, and at that time a circular was sent out over his signature as chairman, which is so significant upon this question of reform that I wish to secure the attention of the House for a few moments while I ask the Clerk to read it.

The Clerk read as follows;

[Private and strictly confidential.]

ROOMS OF DEMOCRATIC STATE COMMITTEE,
October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person in three or four principal towns and in each city of your county, and request him (expenses duly arranged for this end) to telegraph to William M. Tweed, Tammany Hall, at

the minute of closing the polls, not waiting for the count, such person's estimate of the vote.

Let the telegraph be as follows:

"This town will show a democratic gain (or loss) over last year of (number;) or this one if sufficiently certain: This town will give a republican (or democratic) majority of ——."

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in the telegraphic communications over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages; and give orders to watch carefully the count.

Very truly, yours,

SAMUEL J. TILDEN, *Chairman.*

Mr. KASSON. "An important object is to be attained"——

Mr. CLYMER. Will the gentleman allow me to interrupt him a moment?

Mr. KASSON. For what purpose?

Mr. CLYMER. To ask him a question. Does he not know that Mr. Tilden has pronounced this circular to be without his authority? And does he not know that he has said solemnly that he had never signed it and never knew anything about it?

Mr. KASSON. I do happen to know certain facts about it which I should be as willing to state, and intended to state without a question being put to me, as with it.

Mr. CLYMER. Does the gentleman not know that that is a forgery; that Mr. Tilden never authorized it to be issued, and never saw it before it was issued?

Mr. KASSON. I understand that question distinctly, and I am glad the question has been put; for otherwise I should have volunteered to answer it. He was in association on that committee with William M. Tweed. He, this reformer, had previously received a contribution of $5,000 from William M. Tweed, his associate on committee, for election purposes; and this circular was sent out with Mr. Tilden's signature attached, as it is alleged by Tweed, an active member of committee, and not by the chairman. This was in 1868, and in 1873, five years after, Mr. Tilden, so far as I know, is first heard from in a pamphlet, which he published, denying that it was his signature, and asserting that it was put there without his consent.

Mr. COX. I have a letter from Mr. Tilden in 1868 denying that under his own hand and seal. I ask to have it put in the RECORD along with that falsehood.

Mr. KASSON. I do not yield for that purpose.

Mr. COX. Of course not.

Mr. KASSON. I have learned how to appreciate all these private suggestions——

Mr. COX. I desire to have it in the RECORD.

Mr. KASSON. That does not go into my speech till I know what it is.

Mr. CLYMER. It ought to go into the gentleman's speech.

The SPEAKER *pro tempore.* The gentleman from Iowa must not be interrupted except with his own permission.

Mr. COX. Of course not; I am not interrupting him.

Mr. KASSON. The course pursued by gentlemen on the other side of the House is exactly characteristic of their leader, Governor Tilden. They evade responsibility for action by disclaiming words. There was no time prior to 1873 or prior to the exposure of Tweed, so far as I know, that Governor Tilden ever came out with this disclaimer.

Mr. CLYMER. In 1868 he did it.

Mr. KASSON. That was when the governorship had been already stolen from the people of the State by this gigantic fraud which startled two continents and put the democratic governor into the gubernatorial chair of New York, to the exclusion of Griswold and as successor of Governor Dix; a fraud perpetrated at least by some of the committee of which he was chairman.

Now there is one witness whom I quote against all the private letters and all the private adherents of Mr. Tilden, because his character has been indorsed by the democrats of the whole country for the high office of the Presidency of the United States. Horace Greeley said this to Mr. Tilden on the very point we are now discussing:

> You hold a most responsible and influential position in the counsels of a great party. *You could make that party content itself with polling legal votes if you only would.* In our late constitutional convention I tried to erect some fresh barriers against election frauds. Did you? The very little that I was enabled to effect in this direction I shall try to have ratified by the people at our ensuing election. Will you? Mr. Tilden, you cannot escape responsibility by saying with the guilty Macbeth:
>
> "Thou canst not say I did it: never shake
> Thy gory locks at me,"
>
> *for you were at least a passive accomplice in the giant frauds of last November.*

But, says the gentleman from New York, [Mr. COX,] Mr. Tilden in 1868 did say, "*Thou canst not say I did it,*" and shook his gory locks after the fact accomplished and the fruits realized; but Mr. Greeley warns him against that very thing, and gives this reason for it:

> Your name was used, without public protest on your part, in circulars sowed broadcast over the State, whereof the manifest intent was to "make assurance double sure" that the frauds here perpetrated should not be overborne by the honest vote of the rural districts. *And you, not merely by silence, but by positive assumption, have covered those frauds with the mantle of your responsibility.*
>
> On the principle that "the receiver is as bad as the thief," *you are as deeply implicated in them to-day as though your name was Tweed, O'Brien, or Oakey Hall.*

Mr. Greeley's real opinion of Mr. Tilden's excuses and of his relation to the fraud appears further and very plainly in this additional extract from that historical denunciation of election fraud:

> On one very important point, however, your bitterness as a partisan has impelled you to ignore and come short of your duties as a citizen and a professed upholder of government by the people, and *for this dereliction I here arraign you.* I allude to the preservation of the purity of the ballot-box.
>
> I can imagine how a man may shut his eyes to many things which he deems it convenient not to know; but I must speak of what you *must* know, *however you may wish to seek to be ignorant of it.*

Now I put the evidence of that great and honest man, for whom Mr. Tilden himself voted in the last presidential campaign, against any evidence that the gentleman from New York may produce. This was the testimony of a man upon the spot who had been nearly forty years side by side with Mr. Tilden, who knew his character and all the facts as well as any member from New York upon this floor, and he pronounced that Mr. Tilden must have known the scheme of fraud, and that he was a "passive accomplice" in the frauds; and further tells him he could have stopped them if he chose. Now is that the kind of reformer to place in the presidential chair? A man who was one of the executive officers of that committee and sat on the committee with Mr. Tilden, and signed Mr. Tilden's name, as it is claimed, to this circular without his consent; and yet Governor Tilden did not denounce it, nor reject the benefits of it, and gave no light to disclose the frauds so that the perpetrators might be punished, and the man who had been truly elected might be seated, a man who was as truly entitled to his seat as any member here is entitled to a seat on this floor.

Mr. CLYMER. Will the gentleman allow me to ask him a question?

Mr. KASSON. I cannot yield at this point.

Mr. CLYMER. He declines to hear the truth.

Mr. KASSON. I am repeating the truth, and that is what hurts. Whenever you touch his history prior to the disclosures in the New York Times of the Tweed ring and of their frauds, you touch that organization of which Mr. Tilden was an active member on the executive committee or as a member of the Tammany ring. Such is his history as a "reformer" in respect to the purity of elections.

MR. TILDEN IN CONNECTION WITH RAILROADS.

But that is not all. Sir, we have some further evidence touching his qualities as a "reformer." We have had many railroad questions before this House. We have investigated them, and we have been endeavoring to settle them on a principle that would protect the people and the Government of the United States.

It will be claimed that if Mr. Tilden is elected he will reform the legislation of the country in respect to the railroad system. I am frank to admit that he has considerable knowledge of the disposition to be made of a bankrupt railroad, and a knowledge of the manipulation of railroads, which gives him a practical idea as to the things to be amended and reformed. But that history is such a one as will not give the people of the country confidence in his disposition to reform them in the public interest. Among various railroad corporations investigated in this House was one which was called the Credit Mobilier a corporation connected with the railroad which was charged with having defrauded the Government of the United States by improper contracts made with themselves under the name of the Credit Mobilier and with plundering the Government of the United States of many millions of money. We took evidence in that investigation before a committee of the House. I give the following questions and answers from the record of this House in the examination of Mr. Oakes Ames:

> Mr. HOAR. Were you not informed by the counsel who drew the contract that this was a violation of law?
>
> Mr. AMES. We were informed by counsel whom we consulted that this issuing of stock (to the C. M.) as a payment upon the contract for building the road was in entire compliance with the law.
>
> Question. Who were the counsel that gave you that advice?
>
> Answer. Mr. SAMUEL J. TILDEN, Mr. Charles Tracy, and Judge Allen.
>
> Q. All of New York?
>
> A. All of New York.

Again, Mr. John B. Alley put upon the stand and examined. I quote from his testimony:

> Question. And further, I understood you to say that you were instructed by eminent counsel, upon whose advice you relied, that the course you took was a compliance with the law?
>
> Answer. Yes, sir.
>
> Q. Have you ever seen, or do you know whether that opinion of eminent counsel is in existence now in writing?
>
> A. I do not know. I do not know whether it was given in writing.
>
> Q. Was it given to you by these eminent counsel?
>
> A. Mr. TILDEN, *I know,* told me that he regarded it as a compliance with the law.

There, sir, you have a record of this House proving that this "reformer" was one of the counsel who advised the very thing that has shocked the whole country with the enormities of the wrong and the extent of the robbery involved in it. What would you not have said of him had he been the republican candidate for the Presidency? How you would have investigated him, what committee reports you would have supplied, and what inquiries into his stocks and bonds and bank account! And yet we are asked to believe, the country is asked to believe, that Mr. Tilden is to purify this Government and to restore it to the purity of our fathers.

It is not necessary for me to proceed much further in this direction, for the simple reason that Mr. Tilden is so well known, particu-

larly to the people of the West, if not to the people of the whole country, in his relation to railroads, that I need not further detail the evidence. Mr. Tilden has spent nearly his whole life in the city of New York; he has made nearly all his fortune in stock operations centered in that city and in connection with railroads. I do not allude to the question of his fortune, said to be so very large, except as it is involved in this exhibition of his relation to railroads, of which the journals of the country have been full, and which has an interest for the public in view of possible legislation touching railroads and their subsidies of land and money.

This, however, I will say, that the farmers of the West, the people of our villages, the people who believe in the characteristic disregard of the people's interest by the speculative rings of Wall street, will not accept for their candidate for the high office of President a man whose education upon these subjects has been almost exclusively received in Wall street, and who has had no relation with the interests of the great masses of the people of this country and no sympathy with them.

TAKING HONORS WHICH BELONG TO GOVERNOR DIX.

One word upon his relation to the State government of New York as exhibited by himself. He claims to be a reformer in another respect, which I think is inconsistent with his honor as a public officer. Governor Dix, during his term of office, found that the sinking fund of the State of New York had been depleted by his democratic predecessors to the extent of many millions of dollars in order to save themselves from the responsibility of taxing the people for their extravagant expenditure. Governor Dix replaced that entire sinking fund and paid off a large amount of public debt, as the fruit of the taxation and economies practiced during his term of office. Governor Tilden has since made a speech in regard to the reduction of the public debt of that State and of the taxes—a reduction which his republican predecessor had brought about by the purity, economy, and high honor of his administration—and has claimed himself the credit for what had been secured by that noble statesman and soldier of two wars, Governor John A. Dix. In this respect I charge Governor Tilden with having stolen the honors that belonged to Governor Dix and with having shown that, instead of being a reformer himself, he claims the honors which belong to the reforms of his predecessor, the fruits of which he enjoyed in his official capacity as governor of the State of New York. His own official claim to reform rests upon his movement against the canal ring, in which, however, he has stopped with the conviction of a single offender.

THE RESULT OF THIS INVESTIGATION.

I have now shown Mr. Tilden's relation to the doctrines of secession, his committal to the theory of disunion, his abstinence and silence in the time of his country's peril, his failure to put on record any word or act of cheer to our army, and his presence and association with Vallandigham and others of like stamp in the anti-war convention of 1864. I have also shown the unsoundness of his claims as a representative reformer, because of his relations to the election frauds of 1868, his silence after their discovery, and his failure to condemn them or the perpetrators of them when called upon to do so by Greeley; because of his association with Tweed until others had exposed and denounced him; because of his willful appropriation to himself of the reform honors of Governor Dix; and because of his failure to carry on the war against the canal ring from the moment it appeared likely to injure his anticipated nomination for the Presidency by the help of New York.

Does this candidate represent the aspirations of the Union-loving and reform-loving people of the United States?

RUTHERFORD B. HAYES, THE REPRESENTATIVE REPUBLICAN.

Whom have the republicans presented to oppose him? Not a lawyer from the speculative ranks of Wall street. Not a man bred in the views of public life which pertain to the peculiar associations of a great money center where speculation supersedes productive industry. But they present a man born in the country, in a comparatively new State, and raised in the country, in the midst of its simple life and toil; a man who from his maturity devoted himself to the hard work of his profession until higher and more dangerous duties called him away; a man of education, a man who has established a reputation for honesty in professional life and in public life perfectly irreproachable, unassailed as well as unassailable; a man whose record on the questions of secession and of disunion is shown by the offer of his life to his country, by the marks of the wounds that still leave their traces upon his body; shown by manuscript written with his patriotic blood and proved by every word that he has uttered since the outbreak of the war.

The candidate for whom we ask the votes of the men who fought for the Union is a comrade of theirs. He is the man who, when lying upon the ground at South Mountain with broken arm and wounds bleeding, arose in his pain and rushed forward to save his command from the peril into which he conceived they were going. He is the man who has dismounted from his horse to allow the weary-foot soldier to ride him. He is the man who while in the field was offered an office at the rear, and replied by a laconic letter worthy of the noblest Spartan whoever fought in phalanx—a letter dated in camp, in which he took time to say between battles, "Any man who would leave the Army at this time to electioneer for Congress ought to be *scalped*," and signed and sent it.

No man doubts his position in respect to the war; no man doubts his courage, his discretion, his devotion to his country. No widow mourning for the loss of her husband can hesitate to ask her son to vote for the man who fought on the same field, for the same cause, and endured the same deprivations and dangers. No orphan now grown up and old enough to cast his vote for the Union his father helped to save, can hesitate as to the man he should vote for to secure the great rights preserved by the war and the perpetuity of the Union.

And, sir, he is equally acceptable to the country in its aspirations for reform. I have known him and served with him on this floor. Show me, if you can, where ever a corrupt thing was done by him or encouraged by him. Show me his advice to a Credit Mobilier job at the expense of the Government. Show me the William M. Tweed of whom he ever solicited $5,000 for a corrupt election fund. Show me the William M. Tweed with whom he ever associated on a campaign committee. Show me the Vallandigham with whom he ever sat in council to draw up the platform of principles upon which a political campaign was to be fought and a nation saved. Show me the man, enemy of his country or corruptionist in his country, with whom Rutherford B. Hayes was ever an intimate associate!

THE VICE-PRESIDENTIAL CANDIDATES.

And if you look at those associated with these candidates on the same ticket, you will see how inconsistent the nominee of the democratic party is with the platform which they have adopted. For instance, they denounce the republican party for granting the public lands to aid in the building of railroads, a "waste" they call it of the public domain and demand reform in it, and then they nominate Mr. Hendricks as their candidate for Vice-President, who turns around and accepts the situation confidingly. Our own republican convention had already denounced the system, and had put a stop to it by legislation in the interest of actual settlers. Yet when Mr. Hendricks was a Senator of the United States he rose in his place in 1864 to advocate the land grant (one of the most enormous ever made, I think 37,000,000 acres) for the Northern Pacific Railroad. He said:

The bill before the Senate proposes to encourage the construction of a very important railroad to connect the waters of Lake Superior with the waters of the Pacific Ocean. Everybody can see at a glance that it is a work of national importance. It proposes to grant lands in a northern latitude, where without the construction of a work like that the lands are comparatively without value to the Government. No person acquainted with the condition of that section of the country supposes that there can be very extensive settlements until the Government shall encourage those settlements by the construction of some work like this. I do not think that a work of such national importance ought to be embarrassed in its passage through this body and through the House of Representatives by amendments proposing works that are comparatively local.

Again, in 1868, he said:

Now, sir, this is a great work. It can be accomplished with the aid of the land grant; it is one of the greatest achievements this country has ever contemplated. * * * But all that is proposed to this road is to give it lands that are to-day not worth one cent per acre to the Government. There is not a Senator here who would give for that vast region of country, unaided by some work of this sort, one cent per acre. Senators forget what it is that gives value to the public lands.

Again, in respect to the Hannibal and Saint Joseph Railroad grant he said in debate:

It was constructed in part by the Government of the United States. As a member of the House of Representatives, a number of years ago, I felt it to be my duty to vote in favor of a land grant to enable the State of Missouri to build that very important road.

I also refer to the Senate debates of 1864 for his liberality in land grants, and especially to the Bayfield and Saint Croix Railroad.

If you look to the democratic candidate for the Vice-Presidency in reference to his loyalty to the Union and his relations to secession, you find him in 1864, after his election to the Senate, making a speech at Seymour, in Indiana, in which he so mildly spoke of the errors of the soldiers who deserted that he was cheered by the men around him who had sheltered the deserters in their midst, and spoke so severely of the men who should come to arrest them and take them back to the Army that the whole audience burst out into a roar of applause.

That meeting was called by a remarkable paper, which probably most of you have seen, which invited "all who favored peace, who desired to be free from the death-grip of this infamously wicked, imbecile, and tyrannical administration, its arbitrary and illegal arrests, its drafts and conscription laws, by which peaceful citizens are dragged from their homes and all the endearments of domestic life to butcher and be butchered"—inviting all these to "come out and hear this advocate of peace and reunion;" and that advocacy was made in the manner I have stated.

So, Mr. Speaker, in respect to the constitutional amendments which the nation secured at such cost and holds so dear, he always voted in the negative. We are asked to elect to administer the Constitution, as amended, the very man who voted against and opposed every one of those amendments and who is still bitterly hostile to them in principle.

Mr. LANDERS, of Indiana. Has the gentleman before him the speech of Governor Hendricks to which he has referred?

Mr. KASSON. Yes, sir, I have that speech; not at full length, but very interesting parts, in which in a manner not precisely peaceful he recommended that the men who came to arrest deserters should meet an unwelcome reception. I cannot stop to read it. I will refer the gentleman to almost any of the newspapers, particularly the Chicago Tribune and other papers in which I have seen it.

This is the record of Governor Hendricks in respect to these questions.

On the other hand, we have nominated for Vice-President WILLIAM A. WHEELER, of New York, a man with whom many of us have stood here for years side by side; against whom a corrupt thing was never charged, to whom a disloyal sentiment was never attributed; a man above reproach and fearless for the right, and who has been one of the most admirable presiding officers we have ever had in the chair, either permanently or temporarily.

I have spoken of the candidates particularly and their records, because I earnestly believe that there is great import in the declaration which we heard before the nominations, that this year the candidate would be the platform.

Mr. CLYMER. I would like to ask the gentleman a question. How does Mr. WHEELER's record in reference to railroad grants compare with that of Mr. Hendricks?

Mr. KASSON. I have not examined it, and remember no speech of his about it. I think that in some cases he may have voted for grants; but generally Mr. WHEELER was more prudent and careful than Mr. Hendricks.

Mr. CLYMER. Mr. WHEELER voted for everything of that kind.

Mr. KASSON. I have no doubt that in the old times, before the evil of this system had developed, Mr. WHEELER, like Douglas, may have voted for some of the land grants. But we have not done as the democrats have; we have not denounced the men who formerly voted for land grants and then nominated one of them on that platform.

Mr. CLYMER. You are for them all the time.

Mr. KASSON. The gentleman knows that I am not.

Mr. CLYMER. I mean your party.

Mr. KASSON. Our party has long since declared against them, as the gentleman and every one else knows, and the grants are stopped.

Now, Mr. Speaker, if the candidates are the platform, for which of these should the votes of Union men and reformers be cast?

Mr. SPRINGER. For Tilden and Hendricks.

Mr. KASSON. I think a weak voice said, "For Tilden and Hendricks;" a weak voice, and but a single voice. The question is to be put to the country; and there we are perfectly content to leave it.

Mr. SPRINGER. So are we.

Mr. KASSON. The time has not come when the people of the United States have forgotten the experience of the last fifteen years and the fruits of the war, which even the southern gentlemen on this floor say they do not desire to disturb. We have not forgotten the records of public men during that war; and until the waters of Lethe flow over our minds we shall not forget to sustain the men who have been true to their country and oppose the men who in the time of peril have faltered or gone back from their duty to their country.

When these questions of fidelity to cause and country are put to the people you may attempt to rally them under party cries; you may sound the bugle-call and promise the rewards of office; but gentlemen must not forget that there is deep down in the hearts of the North and of the patriotic men of the border States a feeling that they must intrust the Constitution as it now exists and the Union as now restored to the men who have maintained it and stood by it from the beginning to the end.

THE SOUTHERN QUESTION.

I should perhaps neglect my duty if, for a single moment, I did not speak of another political difference. I have taken no part hitherto in the debates upon the so-called southern question. Let me, before I sit down, say a few frank words to the democrats of the Southern States.

We are not, as they charge, desirous to control the Southern States in their domestic affairs. We are not desirous to have incompetent or dishonest men elected to office because they call themselves republicans. If, when you speak of "carpet-baggers," you speak of men who have no interest in the South, who own no land there, who were not born there and have gone there not to exercise any lawful calling or profession, but to speculate upon office, we condemn them as heartily as you condemn them. We have every possible desire to see the men who really have a stake in the country, who have interests there, who belong there, and who are heartily for the Union, take the control of the southern State governments, if they have not already done so.

We wish as a nation, if possible, to have nothing to do with them outside of their Federal relations; and only one thing has led even to the moral interference which is heard from this side upon the floor of this House. That is, that you give us no assurance of repose in respect to your observance of the constitutional amendments. The National Government has taken its hands off as far as practicable. We desire to leave elections free and to leave you exempt from interference on this floor, or by the Executive; but then comes up to us suddenly a great cry from the neighbors and families of murdered black or murdered white republicans, shocking the entire sentiment of the North once more, until we are led to believe you do not intend to observe in good faith the constitutional amendments and rights of citizens.

Here is precisely our trouble. We have the power to enforce those amendments by the Constitution itself. We wish not to have it to do, but you will not enforce them yourselves. You say these outbreaks and massacres are simply the demonstrations of the bad portion of your population. That may be true, but what troubles us is that while the bad organize to commit wrongs and outrages the good have no counter-organization to protect victims against wrong. They accept its fruits. Your society as a society does not organize to suppress them; you do not bring the perpetrators to punishment; you do not bring your moral influence at home to suppress them. All these things lead us to believe it is not yet safe to intrust your candidate with the administration of the amendments to the Constitution or with the protection of the liberties and the rights of citizens under them. Mr. Speaker, it is certain that these violations of life, of liberty, and of right have been frequent, that these crimes are perpetually repeated; and I say in all candor that the only cause why we insist upon the whole power of legislation under those amendments and demand an Executive who believes in them is because the occasion for enforcing them is perpetually presented to us.

I know the northern people feel that the greatest boon which can be given to them in this relation, the greatest demand we present on this side of the House, is simply that every man who by the Constitution is secured in his rights and is authorized to vote shall be permitted to speak, to work, and to vote without intimidation and without doing it at the peril of his life. When that day shall come we have done with all protective interference in elections in the Southern States and the Union will be really restored.

The North looks with hope to the old whig element in the South, which did not originally advocate secession doctrines or accept the resolutions of '98, to return to its prominence in political affairs as an organization for the maintenance of the Constitution and the Union, and with a following of all voters who ask their constitutional rights only. I venture further to say that when that old Union-loving element shall declare itself the protector of the rights of all men, white and black, under the amended Constitution, it will be recognized in its relations to the Federal Government as fully as it ever was before the war; for that is all that republicanism demands. It is to secure such results and the restoration of an era of good feeling that we earnestly advocate the election of Governor Hayes.

Here, then, without detaining the House longer, are the views which I present at this late period of the session in reply to the expressed hope of the gentleman from Pennsylvania for the election of his candidate for President of the United States. I do not share his aspirations. I do not recognize them as justified either by the condition of the country or by the interests of the Union, of the Constitution, or of reform, nor by the record his candidate has made.*

The SPEAKER *pro tempore*. Has the gentleman from Iowa concluded?

Mr. KASSON. I stated to the gentleman that I would move to lay this motion to reconsider on the table. Does any gentleman desire to speak on the subject?

Mr. COX. Yes, I do.

Mr. KASSON. I move the House adjourn.

Mr. COX. The gentleman cannot adjourn the House in that way.

Mr. KASSON. I can move to adjourn, and I make that motion.

Mr. BANNING. The gentleman promised to yield to me.

Mr. RANDALL. I hope the gentleman will not shoot and then run away.

Mr. KASSON. I beg pardon. I promised to yield to the gentleman from Ohio.

Mr. COX. The gentleman makes an attack and then runs away from it.

Mr. KASSON. I want to yield to the gentleman from Ohio to offer his bill.

*Mr. HEWITT, of New York, having inserted in the RECORD, as a note to his speech, an article never read nor alluded to in the debate, nor shown to me, although supposed to contradict my statements, it only remains to me to speak of it in a like note.

The certificate of Mr. Marble, like the certificate of Mr. HEWITT, to Mr. Tilden's loyalty, is simply the partisan's declaration of his private recollections, and both involve the color of their own opinions as to what constituted Unionism in 1860 and 1864. As I understand Mr. Marble's only quotation from Mr. Tilden's language—all the rest being a general affirmation of political good character, without production of evidence furnished by Mr. Tilden—this only quotation is made from a "manuscript" which I do not understand Mr. Marble to certify was ever published over Mr. Tilden's signature.

So far as this certificate is concerned it would only prove a facing two ways by Mr. Tilden. Certain it is that he wrote the public letter to Mr. Kent which I read from, and which is a secession letter in its doctrines; certain it is that he belonged to that copperhead society for the diffusion of political knowledge in 1863; certain it is that he was a member of the anti-war convention at Chicago which nominated McClellan, and that he served with Vallandigham on the platform committee; certain it is that he did *not* oppose nor dissent from the peace resolution openly in the convention, where he ought to have done it. These things are certain, and are not denied by Mr. Marble nor by Mr. HEWITT; certain it is that Mr. Tilden did not publicly repudiate the election frauds of 1868 perpetrated under color of his name, nor make a single effort to punish the criminals who were on the same committee with him for their alleged forgery of his name and their consequent frauds.

These things I charged, and these things Mr. Marble does not deny. Now when I make charges resting on a public record in part, like the Kent letter, and the organization of the copperhead society in February, 1863, and in part on the want of a good public record for the Union, it is no sufficient answer to tell me of individual instances resting in private knowledge, and which made no record committing Mr. Tilden openly and publicly to the support of the Union cause and Government. He may have attended meetings, but also have carefully kept his name from papers and speeches committing himself to our cause. He may have sent private messages of advice, but carefully kept them from public knowledge till the Union cause had won. It was the public record I demanded, and Mr HEWITT now alleges private knowledge of individuals, revived as twelve-year-old recollections from the willing memories of his partisans. It utterly fails to meet the issue presented by me.

VOLUNTEER FORCE.

Mr. BANNING. I move to suspend the rules and pass the bill (H. R. No. 4106) to authorize the President to accept the service of volunteers to aid in the suppression of Indian hostilities.

The bill, which was read, provides that the President shall be authorized, if in his opinion the exigencies of the public service may require the same, to accept the service of volunteers to be employed as part of the Army of the United States against the Sioux and other hostile Indians, provided that not more than five thousand volunteers, to be organized into companies or regiments of cavalry, shall be accepted, and their term of service shall not extend beyond six months from the date of commencement, and such volunteers shall be discharged at any time when their service can be dispensed with, and the sum of $1,000,000, or so much thereof as may be necessary, is thereby appropriated out of any money in the Treasury not otherwise appropriated for defraying the expense of carrying into effect the act.

Mr. ATKINS. Is it in order to move that the House adjourn?

The SPEAKER *pro tempore*. It is.

Mr. ATKINS. Then I make that motion.

The SPEAKER *pro tempore*. The Chair will entertain this motion to suspend the rules. The morning hour expired, as the Chair understood, at the expiration of the first call and at the time the gentleman from Pennsylvania [Mr. RANDALL] presented his conference report. The Chair thinks, therefore, it is in order now to move to suspend the rules. And pending that motion the gentleman from Tennessee [Mr. ATKINS] moves that the House do now adjourn.

Mr. PAGE. On that I demand the yeas and nays.

Mr. LAWRENCE. Let me suggest that a motion to suspend the rules suspends the right of adjournment.

The SPEAKER *pro tempore*. The Chair thinks not. Before putting the motion the Chair asks leave to lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3168) relating to partition of real estate in the District of Columbia.

VOLUNTEER FORCE.

Mr. ATKINS. I withdraw the motion to adjourn. When I made it I did not know that another gentleman desired to speak.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. BANNING] moves to suspend the rules and pass the bill which has been read by the Clerk.

The question being taken, there were—ayes 101, noes 42.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. RANDALL. If the gentleman from New York will allow me, I desire to introduce an i have put upon its passage a bill providing for the payment of employés of the Bureau of Engraving and Printing who have been discharged permanently, in regard to which a difficulty has arisen. I move that the rules be suspended and the bill passed.

The Clerk read the bill, as follows:

A bill to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing.

Be it enacted, &c., That the clause in the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes," approved July 31, 1876, appropriating $25,000 for the purpose of paying each of the employés recently furloughed and finally permanently discharged from the service in the Bureau of Engraving and Printing, one month's pay, is hereby so amended as to read $29,500 in lieu of $25,000, and the entire sum shall be paid out in accordance with the provisions of said clause, and with the further provision that said sum shall be distributed in payment only to said employés whose wages did not exceed $3 per diem, whether by monthly or daily rate of payment.

Mr. RANDALL. I ask to have inserted in the RECORD a letter from the Superintendent of the Bureau in which he states that $29,500 will be sufficient for this purpose.

There was no objection. The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING.
August 11, 1876.

SIR: In reply to your personal inquiry of to-day, I have the honor to inform you that it will require the sum of $29,501 to pay each of the persons lately employed in this Bureau, and who have been permanently discharged, whose wages did not exceed $3 a day, an amount equal to one month's wages.

Very respectfully,

HENRY C. JEWELL,
Chief of Bureau.

Hon. SAMUEL J. RANDALL,
Chairman, &c.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Pennsylvania to allow me to offer a substitute for the bill.

Mr. RANDALL. I cannot allow any amendment. My motion is to suspend the rules.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman to allow it to be read.

Mr. RANDALL. I cannot yield for that purpose. I have no objection to its being inserted in the RECORD.

The question being taken, the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 4107) was passed.

SALE OF DESERT LANDS.

Mr. LANE. I move that the rules be suspended to enable the Committee on Public Lands to report with amendments and the House to pass the bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California.

Mr. COX. I have not yielded, if I have the floor.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman from New York [Mr. COX] has obtained the floor. The Clerk will read the bill on which the gentleman from Oregon moves to suspend the rules.

The Clerk read as follows:

A bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California.

Be it enacted, &c., That it shall be lawful for any citizen of the United States, or any person of the requisite age, "who may be entitled to become a citizen, and who has filed his declaration of intention to become such," to file a declaration with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land, "not exceeding one section, by conducting water upon the same, within the period of two years thereafter;" said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of two years after filing said declaration, upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, and upon the payment, to the receiver, of the sum of $1.25 per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

SEC. 2. That all lands, exclusive of timber lands and of mineral lands, which do not produce grass or which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act.

The amendments of the Committee on Public Lands were read, as follows:

Amend the title by striking out "Modoc and Siskiyou Counties, California," and inserting "California and Nevada" in lieu thereof.

Insert after the word "situated" in the eighth line, section 1, the words "in the States of California and Nevada;" and after the word "land" in the same line insert the word "therein."

Mr. CLYMER. Is this bill subject to the point of order? Should it not go the Committee of the Whole, inasmuch as it makes disposition of the public lands?

The SPEAKER *pro tempore*. It is not subject to the point of order under a motion to suspend the rules.

Mr. CLYMER. This bill received the approval of the Committee on Public Lands last year only for a single county.

Mr. HOLMAN. Does this bill include mineral lands?

Mr. LANE. It does not. It is only applicable to lands which are essentially arid and desert, and which are capable, as a matter of fact of which I can speak from my own personal knowledge, of producing only alkali, lizards, horn-toads, and rattlesnakes. If this bill be passed these lands can be utilized.

Mr. HOAR. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HOAR. It is that the motion being to suspend the rules and take up the bill, it is not in order to explain the bill until that motion is adopted.

The SPEAKER *pro tempore*. This has only been by common consent.

The question being taken on Mr. LANE'S motion, there were—ayes 68, noes 45; no quorum voting.

The SPEAKER *pro tempore*. Is further count demanded?

Further count was not demanded.

The SPEAKER *pro tempore*. Two-thirds not having voted in the affirmative, the House refuses to take up the bill.

HOUSE EMPLOYÉS.

Mr. HOLMAN. I desire to ask unanimous consent to present two resolutions, which I send to the Clerk's desk, in regard to the organization of the House and the business during the vacation. I ask that they be reported.

The Clerk read as follows:

Resolved, That William H. Smith be paid out of the contingent fund of the House the sum of $3.60 per day for services rendered as messenger in the office of the Clerk of the House from and including the 1st of July ultimo and until otherwise ordered by the House.

Mr. HOLMAN. I now ask that the other resolution be read.

The SPEAKER *pro tempore*. The gentleman cannot have two resolutions pending at the same time.

Mr. HOLMAN. Before the House votes on the resolution which has been read I ask that the other resolution be read.

The SPEAKER *pro tempore*. It may be read for information, but the gentleman must know that two resolutions cannot be offered at the same time.

Mr. HOLMAN. Then I withdraw the resolution which has been read and ask for the reading of the other resolution.

The Clerk read the resolution, as follows:

Resolved, That a foreman, to be placed in charge of the book-folding room of the House of Representatives, to be paid at the rate of $3.75 per day, may be employed until the 1st day of November next, and the Clerk of the House is hereby directed to pay said foreman as above out of the contingent fund of the House, one of the laborers authorized to be dispensed with in the folding-room.

The SPEAKER *pro tempore*. If there be no objection the Chair will entertain both these resolutions under the motion to suspend the rules and adopt them.

There was no objection made; and the question being put on suspending the rules (two-thirds voting in favor thereof) the resolutions were agreed to.

PAY OF A CLERK.

Mr. FORT. I am instructed by the Committee of Accounts to report the resolution which I send to the Clerk's desk, and recommend its adoption. It is merely to pay a clerk for extra services.

Mr. RANDALL. We shall have as many employés on the House force as we ever had if we keep on in this way.

Mr. HOLMAN. The effect of my resolutions was not to increase the force except as to the old-time messenger of the Library.

The SPEAKER *pro tempore*. This discussion is out of order and the Chair will direct the Clerk to read the resolution offered by the gentleman from Illinois.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House be authorized and required to pay to Albert Ordway the sum of $2 per day from the 16th of May, 1876, to the 8th of August 1876, including both dates, for extra services rendered by him as clerk on the special committee to investigate the charges against Judge Wylie, which compensation was agreed upon between the said clerk and Hon. W. W. WARREN, chairman of the said committee, and which services were in addition to services that he was required to render as clerk to other committees.

Mr. FORT. I move to suspend the rules and pass that resolution.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The Chair understands that this is the regular order.

Mr. HOLMAN. I want to get the gentleman from New York [Mr. COX] on the floor now.

The SPEAKER *pro tempore*. The Chair would be glad to recognize the gentleman from New York, but the gentleman from Illinois has the floor now.

The question was taken on Mr. FORT's resolution to suspend the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution was adopted.

EXTRA PAY TO EMPLOYÉS OF THE HOUSE.

Mr. HUNTON. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. EDEN. I move that the House adjourn.

Mr. RANDALL. The gentleman from New York [Mr. COX] was recognized and yielded the floor to the gentleman from Ohio, [Mr. BANNING.] I move to suspend the rules to enable the gentleman from New York to have the floor.

The SPEAKER *pro tempore*. The Chair will recognize that motion when the pending motion to suspend the rules has been disposed of.

Mr. EDEN. I withdraw the motion to adjourn.

Mr. HUNTON. I now ask that my resolution be read.

The Clerk read the resolution offered by Mr. HUNTON, as follows:

Resolved, That there be paid out of the contingent fund of the House compensation to the 1st of September, 1876, to the members of the Capitol police and all the employés of the House discharged by reason of the reduction of force provided for in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes;" said compensation to be at the rate provided by law before the passage of said act.

Mr. HOLMAN. I trust the resolution will be reported again, so that we may distinctly understand it.

Mr. HUNTON. It only provides for the payment of the discharged employés to the end of the current month, by which time they will be ready to leave the service of the Government.

The question was taken on the motion, and (two-thirds voting in favor thereof) the resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will now state that if the gentleman from New York obtained the floor, neither the Chair nor the clerks at the desk knew the fact.

Mr. RANDALL. Well, the gentleman had the floor and yielded it to the gentleman from Ohio, [Mr. BANNING.]

Mr. KASSON. No; on the contrary, I yielded the floor to the gentleman from Ohio.

Mr. RANDALL. O, no; your time is out.

The SPEAKER *pro tempore*. Then either side of the House has, by motion to suspend the rules, been pursuing the regular order of business.

Mr. COX. I do not desire to be ruled by the Chair and the clerks at the desk.

The SPEAKER *pro tempore*. The Chair will entertain a motion to suspend the rules for the purpose of further considering this question.

Mr. HOLMAN. If the Chair recognizes the gentleman from New York on the pending question, which is the regular order, why of course it will not be necessary to suspend the rules.

Mr. LAWRENCE. Let him be heard by unanimous consent.

Mr. HOLMAN. I call for the regular order, which is the motion to reconsider the vote by which the message of the President was referred.

The SPEAKER *pro tempore*. Certainly not; the regular order is the motion to suspend the rules. As the Chair hears no objection, he will recognize the gentleman from New York, [Mr. COX.]

Mr. HOAR. Before the gentleman proceeds will he allow me to ask——

Mr. COX. Not now. All I desire is one minute to call the attention of the House to a statement made by the defender of Belknap in this House, the gentleman from Iowa, [Mr. KASSON.]

Mr. HOAR. Will the gentleman allow me before he proceeds to ask a question of the gentleman from Pennsylvania, [Mr. RANDALL] about the public business?

Mr. COX. Not now. The gentleman from Iowa repeated an apochryphal statement——

Mr. KASSON. If the gentleman does not withdraw that statement——

Mr. COX. I have the floor.

The SPEAKER *pro tempore*. The Chair protected the gentleman from Iowa, and will now protect the gentleman from New York.

Mr. COX. The apologist of the post-traders made a statement here——

Mr. KASSON. I call the gentleman to order; his statement is untrue.

Mr. COX. I did not say it was you.

The SPEAKER *pro tempore*. What is the point of order by the gentleman from Iowa?

Mr. KASSON. That the gentleman has no right to state an untruth on this floor against any member.

Mr. COX. I call the gentleman to order, for he lied deliberately about Governor Tilden.

Mr. HOAR. I call the gentleman to order, and ask that his words be taken down.

Mr. COX, (passing over to the other side of the Hall.) I send to the Clerk's desk a statement of Governor Tilden, which refutes the statement of the gentleman from Iowa.

Mr. FOSTER. I insist that the words of the gentleman be taken down.

Mr. HOAR. I rise to a question of order, and a demand that the words of the gentleman from New York be taken down.

Mr. RANDALL. There is no occasion for any excitement.

Mr. HOAR. I insist upon my question of order. I call the gentleman from New York to order, and ask that his words be taken down.

The SPEAKER *pro tempore*. They will be taken down.

Mr. HENDERSON. I also want it taken down that the gentleman came to this side of the House in an assaulting manner. [Laughter.]

Mr. SPRINGER. I hope that will be taken down.

The SPEAKER *pro tempore*. Under the rule it is the duty of the gentleman from Massachusetts [Mr. HOAR] to state the words he desires to have taken down.

Mr. HOAR. I do not understand that it is my duty to repeat the words.

The SPEAKER *pro tempore*. If the gentleman will refer to the sixty-second rule of the House he will see that it is the duty of the member calling another to order to repeat the words excepted to, and they shall be taken down at the Clerk's table.

Mr. HOAR. I demand that the words of the gentleman from New York, where he said the gentleman from Iowa lied, be taken down.

Mr. RANDALL. Let the prior remarks be taken down also.

Mr. HOAR. That is the right of the gentleman, of course. I request that the reporter write them out.

The SPEAKER *pro tempore*. That is being done by the reporter.

Mr. LANDERS, of Indiana. I hope the gentleman from Massachusetts——

Mr. HOAR. Nothing is in order but the reading of the words upon which I ask the ruling of the Chair.

Mr. RANDALL. I insist that the prior words be taken down also.

The SPEAKER *pro tempore*. It is too late to demand the taking down of any words except those which were excepted to at the time they were spoken.

Mr. HOAR. Undoubtedly justice requires that any words of provocation be taken down also.

Mr. HOLMAN. Certainly, that is the universal rule. All the remarks that provoke any given set of words should also be taken down.

Mr. LANDERS, of Indiana. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair cannot recognize anything but this question of order.

Mr. HOAR. I rise to a question of order; that is, that gentlemen are not in their seats.

The SPEAKER *pro tempore*. The point of order is well taken, and the Chair hopes that gentlemen will resume their seats. [After a pause.] The gentleman from Massachusetts [Mr. HOAR] rose to a point of order and requested that certain words of the gentleman from New York [Mr. COX] be taken down. He afterward modified that by requesting that the words of the gentleman from Iowa [Mr. KASSON] be also taken down.

Mr. HOAR. I merely demanded that the words of the gentleman from Iowa be taken down as introductory to what had been said by the gentleman from New York.

The SPEAKER *pro tempore*. The Chair understood the gentleman. The words will be read as soon as they are furnished by the reporter.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. The gentleman from Iowa has not been called to order.

Mr. RANDALL. He will be the first in order on this censure if there is any.

Mr. CANNON, of Illinois. I suppose that I have the right to make a point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman, of course.

Mr. CANNON, of Illinois. Notwithstanding the gentleman from Pennsylvania, I will state my point. I do not understand that the gentleman from Iowa has been called to order. The gentleman from Massachusetts did call the gentleman from New York to order, and asked that his words be taken down. Now I make the point of order that the words should first be taken down upon the point of order made by the gentleman from Massachusetts; and then if it be in order for anybody to ask that the words of the gentleman from Iowa be taken down, I have no objection; but let us attend to one thing at a time.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the gentleman from Massachusetts himself requested, as he stated as a matter of fairness, that the words which were provocative of the remarks of the gentleman from New York should be presented in the same connection. No point of order has been made against the gentleman from Iowa, as the Chair understands.

Mr. HEREFORD. In this connection I wish to make a statement. The gentleman from Tennessee, [Mr. ATKINS,] immediately following the language used by the gentleman from Iowa, asked that it be taken down; he desired that the language be taken down formally and for the purpose that such language is taken down.

The SPEAKER *pro tempore*. Was that prior to the time when the gentleman from New York obtained the floor?

Mr. HEREFORD. Just as the words passed from the lips of the gentleman from Iowa, the gentleman from Tennessee rose and asked that the language of the gentleman from Iowa be taken down. It is now asked that it be taken down formally.

Mr. HOAR. There is no right of any member to require any other gentleman's words to be taken down unless he first call that other gentleman to order for the words, as I did in regard to the gentleman from New York. Then after the call to order the words may be, must be, taken down in writing at the Clerk's table. The rule goes on to say:

> And no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

I submit that nothing is in order except the reading at the Clerk's table of the words taken down under this rule.

The SPEAKER *pro tempore*. The reporters are writing out the words of the gentleman from Iowa in connection with those of the gentleman from New York. As soon as they are prepared they will be submitted to the House.

Mr. RANDALL. The language was very laconic.

The SPEAKER *pro tempore*. The Clerk will now report the words to the House.

The Clerk read as follows:

> Mr. COX. The gentleman from Iowa repeated an apochryphal statement——
> Mr. KASSON. If the gentleman does not withdraw that statement——
> Mr. COX. I have the floor.
> The SPEAKER *pro tempore*. The Chair protected the gentleman from Iowa, and will now protect the gentleman from New York.
> Mr. COX. The apologist of the post-traders made a statement here——
> Mr. KASSON. I call the gentleman to order; his statement is untrue.
> Mr. COX. I did not say it was you.
> The SPEAKER *pro tempore*. What is the point of order by the gentleman from Iowa?
> Mr. KASSON. That the gentleman has no right to state an untruth on this floor against any member.
> Mr. COX. I call the gentleman to order, for he lied deliberately about Governor Tilden.
> Mr. HOAR. I call the gentleman to order, and ask that his words be taken down.

Mr. RANDALL. I move that the gentleman from New York be allowed to proceed in order.

The SPEAKER *pro tempore*. The gentleman from New York may be permitted to explain, or to proceed in order, if it is the will of the House.

Mr. RANDALL. I move that the gentleman be permitted to proceed in order. I believe that motion is parliamentary.

The SPEAKER *pro tempore*. That motion is in order unquestionably.

Mr. HOAR. I move to substitute——

Mr. RANDALL. On my motion I call the previous question.

Mr. HOAR. I move, as a substitute for the motion of the gentleman from Pennsylvania, that the gentleman from New York be called to the bar of the House and censured for the words used by him in debate.

Mr. RANDALL. I have called the previous question, and I did not yield the floor to the gentleman from Massachusetts.

The SPEAKER *pro tempore*. The Chair must necessarily put the question on the motion of the gentleman from Pennsylvania, that the gentleman from New York be permitted to proceed in order. If the House refuses to sustain that motion then the Chair will recognize the motion of the gentleman from Massachusetts.

Mr. HOAR. Will not the Chair recognize me as rising to offer a substitute?

The SPEAKER *pro tempore*. The Chair cannot. The gentleman from Pennsylvania has taken the floor and demanded the previous question.

Mr. HOAR. Does the Chair recognize the gentleman from Pennsylvania for that purpose on a point of order raised by me?

The SPEAKER *pro tempore*. The Chair will state, in his judgment, that it is the proper question to put at any rate. [Cries of "Question! question!"]

Mr. RANDALL. I do not want any points of order. I want to have the motion I have made put to the House.

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman from Massachusetts.

Mr. HOAR. I wish to be heard.

Mr. RANDALL. Is the gentleman entitled to the floor when I have demanded the previous question?

The SPEAKER *pro tempore*. Only for the purpose of making such suggestions as he may see proper as to the point of order, but not as to the motion of the gentleman. The Chair will certainly hear him.

Mr. HOAR. I understood this transaction to have occurred in this assemblage of gentlemen——

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to the point of order.

Mr. HOAR. I was about to state how the question arose.

Mr. RANDALL. The gentleman asked to put in an amendment.

The SPEAKER *pro tempore*. That the Chair has decided cannot be done.

Mr. HOAR. Now, the gentleman from New York——

Mr. HEREFORD. The gentleman from Massachusetts has risen to no point of order.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must be permitted to make his statement.

Mr. HOAR. I wish to state how this thing occurred. The gentleman from New York [Mr. COX] uttered a personality toward the gentleman from Iowa, [Mr. KASSON,] who had uttered a personality to no person, calling him an apologist of post-traders. Thereupon the gentleman from Iowa replied that what had been said was untrue, which certainly imputed no motive to state anything wrong to the gentleman from New York. On being asked to state his point of order by the Chair he replied that the gentleman from New York had stated what was untrue.

Mr. RANDALL. What is the difference between that and a lie?

Mr. HOAR. Thereupon the gentleman from New York cries out, leaving his seat and shaking his fist near the face of the gentleman from Iowa——

Mr. RANDALL. That is not a point of order.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to his point of order.

Mr. HOAR. Thereupon he uttered the words read from the Clerk's desk.

Mr. RANDALL. I insist on my motion being put to the House.

The SPEAKER *pro tempore*. The gentleman from Massachusetts must confine himself to the point of order.

Mr. HOAR. This is the question of order.

Mr. RANDALL. The gentleman's statement so far has nothing to do with a point of order.

Mr. HOAR. My point of order is that when one member, saying another member lied deliberately, and knew it, a resolution to expel the gentleman from New York is in order as an amendment to the motion of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. Under the rules of the House the first question in order is on the motion of the gentleman from Pennsylvania. The House may permit the gentleman from New York to explain, or it may permit him to proceed in order. This is the first motion in order, and if it chooses to do so, it certainly has the right to let him proceed in order.

Mr. RANDALL. Is it debatable?

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HOAR, (while the House was dividing.) Is the gentleman from New York [Mr. COX] permitted to vote?

Mr. RANDALL. The gentleman from New York is not voting. The gentleman from New York is not dangerous now, nor was he dangerous to the other side.

The House divided; and there were—ayes 101, noes 49.

Mr. HENDERSON. I demand the yeas and nays.

Mr. WILSON, of Iowa. I ask unanimous consent to say one word.

Mr. HEREFORD. I object.

Mr. WILSON, of Iowa. Let me plead for one word. I am the colleague of the gentleman from Iowa and the friend of the gentleman from New York.

[Cries of "Hear him!"]

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman from Iowa, if there be no objection.

Mr. WILSON, of Iowa. I know the House will hear me.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman will proceed.

Mr. WILSON, of Iowa. In the capacity of friend to both parties,

it is only proper to say that both gentlemen were a little hasty, and the House certainly has been very hasty. The first thing to be done in cases of this kind is to permit the gentleman whose words were taken down to explain if he volunteers or will offer any explanation, and to ascertain whether we have the words in the shape they were uttered, and whether we understand them as he meant to have them understood. We cannot afford to be hasty in dealing with members of this House, while I admit if a gentleman does volunteer an insult to another member the House cannot pass over it. I should like the House to hear the gentleman from New York before proceeding further in this matter.

Mr. RANDALL. I must insist on my motion. The provocation came from that side.

The SPEAKER *pro tempore*. The pending question is on ordering the yeas and nays on the motion of the gentleman from Pennsylvania.

The question being taken, there were ayes 43; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 32, not voting 174; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Banning, Bland, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Dibrell, Douglas, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Franklin Landers, Levy, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Poppleton, Powell, Randall, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, Jeremiah N. Williams, and Young—80.

NAYS—Messrs. John H. Baker, Banks, Bradley, Cannon, Conger, Crounse, Eames, Fort, Foster, Henderson, Hoar, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, William A. Phillips, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Thornburgh, Washington Townsend, Tufts, G. Wiley Wells, White, William B. Williams, and James Wilson—32.

NOT VOTING—Messrs. Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crapo, Culberson, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goodin, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lane, Leavenworth, Le Moyne, Lewis, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Page, Phelps, John F. Philips, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Purman, Rainey, Rea, John Reilly, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Siemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Martin I. Townsend, Van Vorhes, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Willard, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Yeates—174.

During the roll-call the following proceedings occurred:

Mr. LANE. I was not within the bar before the last name on the roll was called. I ask unanimous consent of the House that I may record my vote.

Mr. BAKER, of Indiana. I object.

Mr. LUTTRELL. I move that the reading of the names be dispensed with.

There was no objection.

Mr. PAGE. I desire to vote "no"

Mr. LANE. I object unless the gentleman from California [Mr. PAGE] was within the bar of the House before the last name on the roll was called.

The SPEAKER *pro tempore*. The gentleman from California votes on that assurance.

Mr. PAGE. I have just come in.

Mr. LANE. And I just came in, and my vote was objected to.

Mr. PAGE. Very well; if the gentleman from Oregon objects——

Mr. LANE. I do object. At the same time I desire to announce that if permitted I would have voted "ay."

The SPEAKER *pro tempore*. On the motion of the gentleman from Pennsylvania [Mr. RANDALL] the yeas are 80 and the nays are 32.

Several MEMBERS. No quorum.

Mr. LUTTRELL. I move that there be a call of the House.

The question being taken on Mr. LUTTRELL's motion, there were—ayes 21, noes 62.

So the motion was not agreed to.

Mr. THORNBURGH. I move that the House do now adjourn.

The question being taken on Mr. THORNBURGH's motion, there were—ayes 46, noes 76.

Mr. THORNBURGH. I call for tellers.

The SPEAKER *pro tempore*. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Tennessee [Mr. THORNBURGH] and the gentleman from California, [Mr. LUTTRELL.]

Mr. HOLMAN. I desire to make a remark. It is very desirable that this matter should be disposed of by the House as soon as possible. I submit that the language was somewhat unparliamentary on both sides. Perhaps the House will allow a proper apology to be made to the House for the words spoken on the part of both these gentlemen. Certainly gentlemen cannot object to that.

Many members called for the regular order.

Mr. HOAR. Does the gentleman from Indiana [Mr. HOLMAN] understand that for a gentleman to say that something that another gentleman has said in debate is not true is not parliamentary?

Mr. HOLMAN. The language, in my judgment, of both these gentlemen was somewhat unparliamentary.

Mr. HOAR. What language?

Mr. HOLMAN. I think the language of both was unparliamentary.

Mr. HOAR. What language of the gentleman from Iowa?

Mr. HOLMAN. The remark about the untruthfulness of the gentleman from New York, that he had spoken what was untrue. That was certainly not parliamentary language.

Mr. ATKINS. I raise the point of order that all of this debate is out of order.

Mr. HOAR. The gentleman raises it after letting his own side be heard.

Mr. ATKINS. The gentleman from Massachusetts has been speaking a good deal to-night.

The SPEAKER *pro tempore*. Remarks made in the nature of a personal explanation are certainly out of order pending a motion to adjourn.

The question was taken; and the tellers reported—ayes 40, noes 67.

So the House refused to adjourn.

Mr. MILLS. I move that there be a call of the House.

The question was taken; and on a division there were—ayes 16, noes not counted.

So the House refused to order the call.

Mr. COX. All I desire to say to the House is simply this——

[Loud cries of "Order!" "Order!"]

Mr. BANKS. Not now, certainly not now.

Mr. TERRY. I want gentlemen opposite to understand that we will stay until daybreak if necessary.

[Loud cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The Chair cannot consent that the House shall proceed in this disorderly manner; gentlemen must resume their seats and preserve order.

The Chair will state that there is an absence of a quorum and that no motion is in order, and that no business is in order except a motion to adjourn or a motion for a call of the House, and he must insist that the rules of the House be observed.

Mr. RANDALL. I suppose that the last vote disposed of the question as to the right of the gentleman from New York to proceed.

[Cries of "No!" "No!"]

Mr. HOAR. No quorum has appeared.

The SPEAKER *pro tempore*. No quorum has voted, and that objection has been made.

Mr. BANKS. I rise to a question of order, and it is that the gentleman from New York is not entitled to the floor without the leave of the House.

The SPEAKER *pro tempore*. That is undoubtedly true.

Mr. BANKS. The Chair rules in that way?

The SPEAKER *pro tempore*. Unquestionably; no motion is in order except to adjourn or for a call of the House.

Mr. LUTTRELL. I move that there be a call of the House.

Mr. MAGOON. I move that the House adjourn.

Mr. HOLMAN. Would it not be in order to move that the gentleman from New York be permitted to make an explanation to the House?

The SPEAKER *pro tempore*. It certainly would be in order; and if the House will permit it, the gentleman from New York may make an explanation.

Mr. PIERCE. I object.

Mr. RANDALL. I suppose the gentleman from New York should be consulted on the subject.

Mr. HOLMAN. Is it not in order to permit the gentleman from New York to explain?

Mr. PIERCE. I object.

The SPEAKER *pro tempore*. It is certainly not in order while a motion to adjourn is pending.

Mr. YEATES. That was the last motion put to the House; we have done nothing since. I raise the point that it is not in order.

Mr. LUTTRELL. I moved a call of the House immediately after taking the vote on adjournment, and I believe my motion is the only one that can be entertained now.

The SPEAKER *pro tempore*. The journal shows that the Chair is right. The gentleman from Texas [Mr. MILLS] moved a call of the House, and that was the last motion entertained by the Chair. The gentleman from Wisconsin [Mr. MAGOON] now moves to adjourn.

Mr. YEATES. Why, Mr. THORNBURGH, who had just come into the House and was standing by the door, moved to adjourn.

The SPEAKER *pro tempore*. The Chair is necessarily controlled by the Journal, and he thinks it very likely to be correct.

Mr. YEATES. The Journal is not correct in this case. [Laughter.]

The SPEAKER *pro tempore*. The question before the House is the motion of the gentleman from Wisconsin [Mr. MAGOON] that the House adjourn.

Mr. FOSTER. I suggest that unanimous consent be given to the gentleman from New York to explain his language. [Cries of "No!" "No!"]

Mr. BANKS. Not at all.

Mr. RANDALL. Let the gentleman from Iowa explain.

Mr. HOAR. The gentleman from Iowa used no language that was not parliamentary and proper under the circumstances.

The question was taken on Mr. MAGOON'S motion; and on a division there were—ayes 49, noes 101.

Mr. MAGOON called for the yeas and nays.

The yeas and nays were ordered; 45 members voting therefor, being more than one-fifth of the last vote.

The question was taken; and there were—yeas 39, nays 83, not voting 164; as follows:

YEAS—Messrs. Bagby, John H. Baker, Banks, Bradley, Cannon, Crounse, Cutler, Davy, Eames, Fort, Foster, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, William A. Phillips, Piper, Potter, John Robbins, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Tarbox, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, and William B. Williams—39.

NAYS—Messrs. Abbott, Banning, Bradford, Bright, John H. Caldwell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cowan, Crapo, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hancock, Hardenbergh, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Franklin Landers, Lane, Levy, Lewis, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Page, Payne, Pierce, Poppleton, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Thompson, Tucker, Turney, John L. Vance, White, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, James Wilson, Yeates, and Young—83.

NOT VOTING—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goodin, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Scelye, Siemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Throckmorton, Martin I. Townsend, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—164.

So the motion to adjourn was not agreed to.

Mr. MORRISON. I move that there be a call of the House.

The question was taken; and upon a division there were—ayes 87, noes 35.

Before the result of this vote was announced,

Mr. THORNBURGH called for the yeas and nays on ordering a call of the House.

The yeas and nays were ordered, there being 28 in the affirmative.

The question was taken; and there were—yeas 80, nays 42, not voting 164; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cutler, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones Franklin Landers, Lane, Levy, Lewis, Lord, Luttrell, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, William A. Phillips, Poppleton, Powell, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Scales, Schleicher, Sheakley, Singleton, Springer, Stenger, Tarbox, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Wigginton, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, Yeates, and Young—80.

NAYS—Messrs. John H. Baker, Banks, Bland, Bradley, Cannon, Conger, Crapo, Crounse, Davy, Eames, Foster, Goodin, Hancock, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Mackey, Magoon, Monroe, O'Neill, Packer, Page, Pierce, Potter, John Robbins, Sinnickson, A. Herr Smith, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, White, Willard, William B. Williams, James Wilson, and Woodburn—42.

NOT VOTING—Messrs. Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banning, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lynch, Lynde, MacDougall, McCrary, McDill, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Randall, Rea, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Schumaker, Scelye, Siemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Strait, Stevenson, Stone, Swann, Teese, Terry, Thomas, Martin I. Townsend, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—164.

So the motion of Mr. MORRISON was agreed to.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3473) making appropriations for the current and contingent expenses of the Indian Department and for the fulfilling of treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

Mr. FOSTER. I think it is possible to arrive at some solution of this difficulty.

Mr. MORRISON. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is a call of the House, which has been ordered by a vote of the House.

Mr. FOSTER. I would like to be heard a moment.

The SPEAKER *pro tempore*. The Chair is willing to hear the gentleman if there is no objection.

Mr. CONGER. Pending the call of the House I move that the House now adjourn.

Mr. FOSTER. I understand that the gentleman from New York [Mr. COX] is willing to make a personal explanation on the point of order, and I suggest that the House give unanimous consent to hear him.

Mr. SPRINGER. And also the gentleman from Iowa, [Mr. KASSON.]

Mr. FOSTER. Do not complicate it.

Mr. ATKINS. What does the gentleman propose?

Mr. FOSTER. I understand that the gentleman from New York desires to make a personal explanation on the point of order.

Mr. BANKS. We do not want any explanation; we understand the point of order.

Mr. FOSTER. He may say something that will relieve the House from this dilemma.

Mr. BANKS. He may say something else.

Mr. WILSON, of Iowa. There is no propriety in the proposition of the gentleman from Ohio, [Mr. FOSTER,] for this reason: in the first place we refused to hear the gentleman from New York; we refused to allow you, Mr. Speaker, to decide whether the words were disorderly; we took the matter out of the hands of both of the gentlemen implicated and of the Speaker, from whose decision we could have appealed, if we did not like it. The only way out of this difficulty is either by unanimous consent to begin where we should have begun or to have the gentleman from Pennsylvania withdraw the resolution which he never should have offered.

Mr. RANDALL. I think the call of the House had better go on.

Several MEMBERS. Regular order.

Mr. WILSON, of Iowa. Mr. Speaker, while I have all proper respect for all men in office and all due respect for men high on committees, I do not think the gentleman from Pennsylvania, after having got in a resolution which was entirely out of order because no point was raised against it, has any right now to insist that we shall stay here all night.

Mr. RANDALL. I hope the gentleman will not say anything unpleasant about me. I am not going to get angry under any contingency whatever.

Mr. WILSON, of Iowa. I never get angry myself. [Laughter.]

The SPEAKER *pro tempore*. The Chair must state that a call of the House has been ordered.

Mr. CONGER. Pending that I move that the House now adjourn.

Mr. FOSTER. I hope that the suggestion I made may be adopted.

Mr. HOLMAN. There certainly ought not to be any objection to that.

Mr. PIERCE. I consider that the remarks made here by the gentleman from New York were highly improper. If he is now ready to apologize for them, I for one am ready to hear him; but I am not ready to hear him upon this point of order.

The SPEAKER *pro tempore*. A call of the House has been ordered.

Mr. CONGER. Pending that I have moved that the House adjourn; and on that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 41, nays 78, not voting 167; as follows:

YEAS—Messrs. Banks, Bradley, Cannon, Conger, Davy, Eames, Fort, Foster, Goodin, Hancock, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, O'Neill, Packer, Page, William A. Phillips, Pierce, Piper, Potter, Reagan, John Robbins, Sampson, Sinnickson, A. Herr Smith, Strait, Stevenson, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, William B. Williams, and James Wilson—41.

NAYS—Messrs. Abbott, Ainsworth, Anderson, Atkins, Banning, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Crapo, Cutler, Dibrell, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Franklin Landers, Lane, Levy, Lewis, Luttrell, Mackey, Maish, Meade, Metcalfe, Morgan, Morrison, Mutchler, Payne, Poppleton, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Thompson, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Willard, James Williams, Jeremiah N. Williams, Wilshire, Yeates, and Young—78.

NOT VOTING—Messrs. Adams, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Cald-

well, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crounse, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Mills, Money, Monroe, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Tarbox, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—167.

So the motion to adjourn was not agreed to.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

Mr. JONES, of Kentucky. I desire to make a suggestion. [Cries of "Regular order!"] I think the House is weary of this proceeding, and it is due to the gentleman from Iowa and the gentleman from New York that they should have an opportunity for personal explanation. I understand that these gentlemen have heretofore borne the kindest relations to each other, [renewed cries of "Regular order!"] and it seems to me proper that he who has been the aggressor should say that he spoke under the impulse of the moment, and did not intend to be offensive to the other. It is the first duty of gentlemen when they speak under impulse to be understood and make the *amende honorable*. I think it is due to them they should have an opportunity for this personal explanation as well as due to the House. I am sure with that concession they will both appreciate the suggestion and the attitude in which they stand to each other and the House, and I hope, therefore, each one will acquit himself as a gentleman and as a man of courage to each other and to the House.

Mr. TERRY. This side of the House——

Mr. HOAR. I call for the regular order of business.

Mr. JONES, of Kentucky. I desire to say further——

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman cannot hold the floor against the demand for the regular order.

Mr. JONES, of Kentucky. According to my recollection, although the gentleman from New York made a remark which was somewhat offensive—[laughter.] Hear me out. Do not interrupt me until I get through. On the other side——

Mr. CANNON, of Illinois. I call for the regular order of business.

Mr. MORRISON. I have been demanding it for some time.

Mr. JONES, of Kentucky, made some remarks which were inaudible to the reporter, the Speaker beating with his gavel and calling to order.

Mr. EAMES. Mr. Speaker——

The SPEAKER *pro tempore*. The regular order is demanded, and the Chair can recognize nobody. The House has ordered that there shall be a call of the House, and the Clerk will call the roll.

Mr. HOLMAN. If unanimous consent——

Mr. MORRISON. I call for the regular order.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Robinson, Sobieski Ross, Rusk, Savage, Schumaker, Seelye, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth.

The SPEAKER *pro tempore*. One hundred and thirty-five members have answered to their names, which is not a quorum. The doors will be closed.

Mr. MORRISON. I move that the Speaker issue his warrant to the Sergeant-at-Arms to take into custody and bring to the bar the absentees.

Mr. CANNON, of Illinois. I move the House adjourn.

The House divided; and there were ayes 19, noes not counted.

Mr. CANNON, of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 41, nays 70, not voting 175; as follows:

YEAS—Messrs. Bagby, John H. Baker, William H. Baker, Bradley, Cannon, Conger, Crapo, Crounse, Davy, Eames, Goodin, Hoar, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Pierce, Piper, Potter, John Robbins, Sampson, Sinnickson, A. Herr Smith, Strait, Stevenson, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Van Vorhes, G. Wiley Wells, White, Whitthorne, Willard, William B. Williams, James Wilson, and Woodburn—41.

NAYS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cutler, Dibrell, Durand, Durham, Egbert, Finley, Forney, Franklin, Ganse, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Landers, George M. Landers, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Page, Payne, Poppleton, Powell, Randall, John Reilly, James B. Reilly, Riddle, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Terry, Throckmorton, Turney, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Yeates, and Young—70.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Eden, Ellis, Ely, Evans, Faulkner, Felton, Fort, Foster, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Haymond, Hays, Hendee, Henderson, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hunton, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kehr, Kelley, Kimball, King, Knott, Lamar, Lane, Leavenworth, Le Moyne, Levy, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Packer, Phelps, John F. Philips, William A. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Rice, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—175.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Illinois [Mr. MORRISON] that the Speaker issue his warrant to the Sergeant-at-Arms to take into custody and bring to the bar members of the House absent without its leave.

Mr. CONGER. I move that all further proceedings under the call be dispensed with.

Mr. MORRISON. Does not my motion take precedence?

The SPEAKER *pro tempore*. The motion to dispense with all further proceedings under the call takes precedence.

Mr. PAGE. I demand the yeas and nays on the motion to dispense with all further proceedings under the call.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 35, nays 72, not voting 179; as follows:

YEAS—Messrs. John H. Baker, Bradley, Cannon, Conger, Crapo, Davy, Eames, Foster, Henderson, Joyce, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, Page, Pierce, Potter, Sampson, Sinnickson, Strait, Stevenson, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, William B. Williams, and James Wilson—35.

NAYS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cutler, Dibrell, Durand, Durham, Eden, Egbert, Finley, Franklin, Ganse, Goodin, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Lane, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Poppleton, Powell, Randall, John Reilly, James B. Reilly, Riddle, Miles Ross, Scales, Sheakley, A. Herr Smith, Springer, Stenger, Terry, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Yeates, and Young—72.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Crounse, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoar, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, Franklin Landers, George M. Landers, Leavenworth, Le Moyne, Levy, Lewis, Lord, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Singleton, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—179.

So the motion was not agreed to.

Mr. FOSTER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair cannot entertain that motion. The Chair must direct a warrant to issue to take into custody absentees and bring them to the bar of the House.

Mr. FOSTER. Why so?

Mr. HOAR. I rise to a question of order. The House has not ordered the warrant to be issued. That was the motion pending when the motion was made to dispense with further proceedings under the call. The House has not voted on it.

The SPEAKER *pro tempore*. After the House has refused to suspend further proceedings under the call the Chair certainly recognizes it as his duty to issue his warrant for the arrest of the absentees.

Mr. HOAR. Without the authority of the House?

The SPEAKER *pro tempore*. Yes, sir.

Mr. HOAR. I take an appeal from that decision.

Mr. RANDALL. I move to lay that appeal on the table.

Mr. PAGE. And upon that I call for the yeas and nays.

Mr. HOLMAN. I rise to a parliamentary inquiry. Has the House ordered the absentees to be sent for.

Mr. HOAR. It has not.

The SPEAKER *pro tempore*. The House, however, has ordered a call of the House, and has refused to suspend further proceedings under the call. Under those circumstances nothing is left to the Chair but to rule that his warrant should issue, so that upon that warrant the absentees may be brought to the bar of the House.

Mr. HOLMAN. I think the usual practice has been otherwise.

Mr. HOAR. I believe the gentleman from Indiana [Mr. HOLMAN] and every other experienced member will agree with me in saying that that has never been done without the order of the House.

[Cries of "Regular order!"]

Mr. HOLMAN. The rule is very clear in regard to this matter. And I desire now to submit the usual motion that the Speaker do issue his warrant to the Sergeant-at-Arms to take into custody the absentees and to bring them to the bar of the House.

The SPEAKER *pro tempore*. The Chair has looked at the rule and the Chair stands corrected. The order for the issue of the Speaker's warrant must be made by the House.

Mr. LUTTRELL. I move that an order do now issue for the arrest of the absentees.

Mr. FOSTER. I have moved that the House do now adjourn.

Mr. HOLMAN. I rise to a question of order. When the two motions, the motion to adjourn and the motion to dispense with further proceedings under the call have been voted down, I submit that the only other motion in order is the purely formal one that the Speaker issue his warrant for the arrest of the absentees. I submit that this is the motion now pending.

Mr. HEREFORD. Otherwise we never could have a call of the House?

The SPEAKER *pro tempore*. The Chair must entertain the motion to adjourn. The consequence pointed out by the gentleman from West Virginia is not the fault of the ruling of the Chair, but of the rules themselves.

Mr. HEREFORD. I submit that the ruling has been uniform. When a call of the House has been ordered, these dilatory motions have not been recognized.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio that the House do now adjourn.

Mr. CLYMER. I move to reconsider the vote by which the House refused to adjourn.

Mr. THORNBURGH. Pending that, I move that the House adjourn.

Mr. CLYMER. I submit that my motion is more highly privileged.

The SPEAKER *pro tempore*. The last vote was not a vote on the motion to adjourn.

Mr. CLYMER. It was a prior vote, and I move to reconsider that vote.

The SPEAKER *pro tempore*. But a motion to adjourn is now pending.

Mr. CLYMER. The motion to reconsider is of higher privilege. I do not yield for a motion to adjourn.

The SPEAKER *pro tempore*. The gentleman cannot hold the floor against a motion to adjourn.

Mr. CLYMER. When I have made a motion to reconsider the vote by which the House refused to adjourn, I ask what right has another gentleman to be recognized to make a motion to adjourn?

Mr. FOSTER. My motion to adjourn was made before the gentleman from Pennsylvania took the floor.

Mr. CLYMER. Then I am in error.

Mr. JAMES B. REILLY. I rise to a parliamentary inquiry. The gentleman from Illinois [Mr. MORRISON] made a motion that the Speaker issue his warrant to the Sergeant-at-Arms, commanding him to bring in the absentees. Pending that a motion was made to adjourn, which was voted down. Then a motion was made to dispense with all further proceedings under the call. That also was voted down. My inquiry is whether the motion of the gentleman from Illinois is not now properly before the House; whether the proceedings do not recur to that?

Mr. MORRISON. May I also be allowed to make an inquiry? and all these inquiries can be answered at once. I understood the Speaker to rule that absentees cannot be brought in except on a motion submitted and an order made by the House. I understood him also to rule that the motion to dispense with further proceedings under the call would have precedence over such a motion and that the motion to adjourn would have precedence over that motion. If that be so, there is no way in which absentees can be brought in at all under the ruling of the Chair.

Mr. FOSTER. That is the fault of the rules.

Mr. MORRISON. And therefore I move that the House adjourn.

Mr. HEREFORD. I hope upon that statement the House will adjourn.

Mr. RANDALL. I do not want the statement just made to go unchallenged; because I believe that when the House is without a quorum the rule provides that there are but two motions in order, a motion to adjourn and a motion for a call of the House.

Mr. JAMES B. REILLY. I respectfully ask for the ruling of the Chair on my motion.

The SPEAKER *pro tempore*. The Chair has ruled upon it.

Mr. HEREFORD. I move that we adjourn.

The SPEAKER *pro tempore*. That motion is already pending.

Mr. HEREFORD. I call for the regular order.

The SPEAKER *pro tempore*. Undoubtedly it is the rule that the House has a right to adjourn if it desires to do so, and that the motion to adjourn is in order, and, further than that, the Chair has not ruled upon this question.

The question was put on the motion to adjourn; and on a division there were—ayes 66, noes 65.

Mr. LAWRENCE. Carried unanimously.

Mr. CAULFIELD. I call for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. HEREFORD were appointed.

The House divided; and the tellers reported—ayes 43, noes 60.

Mr. CONGER. I call for the yeas and nays.

Mr. ATKINS. Is it in order to have a proposition made? Let us have a proposition.

The question was put on ordering the yeas and nays; and there were—ayes 33, noes 65; so (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken, (at three o'clock a. m.;) and there were—yeas 43, nays 70, not voting 176; as follows:

YEAS—Messrs. Bagby, John H. Baker, Bradley, Cannon, Conger, Crapo, Crounse, Davy, Eames, Foster, Goodin, Haymond, Henderson, Hoar, Joyce, Kehr, Lapham, Lawrence, Magoon, McDill, Monroe, O'Neill, Packer, Pierce, Potter, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, White, Willard, William B. Williams, James Wilson, and Woodburn—43.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Cutler, Douglas, Durham, Eden, Egbert, Forney, Franklin, Ganse, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Randall, John Reilly, James B. Reilly, Rice, Riddle, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, Yeates, and Young—70.

NOT VOTING—Messrs. Abbott, Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Finley, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hereford, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Huribut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Page, Phelps, John F. Philips, William A. Phillips, Piper, Plaisted, Platt, Poppleton, Powell, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldon, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—176.

So the House refused to adjourn.

Mr. MORRISON. I now renew my motion that the Sergeant-at-Arms be directed to bring in the absentees.

Mr. HOAR. I move that all proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The Chair has entertained that motion and also a motion to adjourn. While the Chair recognizes the fact that all proceedings under the call can be dispensed with, yet the Chair does not understand the rule to apply to such an extent as to destroy the whole proceedings under the call. The Chair therefore having entertained that motion and also a motion to adjourn he will now entertain a motion that warrants be issued to the Sergeant-at-Arms to arrest and bring to the bar of the House the absentees.

Mr. PAGE. I move to lay that motion on the table.

Mr. HOAR. I desire to appeal from the decision of the Chair. I desire the Chair to hear me.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. RANDALL. I submit that there can be no appeal from the decision of the Chair unless there is a quorum present. That is not provided for as one of the motions under the rule that can be made during a call of the House.

The SPEAKER *pro tempore*. The Chair must rule that the House finding itself without a quorum is reduced to two motions. It may adjourn or it may enforce the attendance of absent members, and

beyond that the House can do nothing, in the judgment of the Chair.

Mr. HOAR. I desire to say to the Chair that I stated that I took an appeal from his decision, and the Chair was kind enough to say he would hear me, and then the gentleman from Pennsylvania [Mr. RANDALL] immediately addressed the Chair and the Chair decided upon his motion.

The SPEAKER *pro tempore*. The gentleman appealed from the decision of the Chair.

Mr. RANDALL. I suggest to the House that less than a quorum cannot reverse a decision of the Chair.

Mr. MORRISON. May I be allowed to say a word upon this point of order?

The SPEAKER *pro tempore*. Certainly.

Mr. MORRISON. As I understand it, these two motions are not of the class of privileged motions, like the motion to lay on the table or the motion to adjourn, which must be put according to their right of precedence and not according to the time of their presentation. These two motions, the one not being more highly privileged than the other, must be put in the order in which they are made.

Mr. LUTTRELL. I understand the ruling of the Chair from the beginning of this session down to the present time has been that when the House finds itself without a quorum but two motions are in order, a motion to adjourn and a motion for a call of the House. The House has refused to adjourn, and the only thing in order is a call of the House, which has been ordered, and the order for the arrest of members should be now made.

Mr. FOSTER. You may change your mind.

Mr. LUTTRELL. You are always ready to change your mind to crowd out free speech.

Mr. SPRINGER. I desire to submit a remark or two upon the point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HOAR. Am I not entitled to the floor on my point of order?

The SPEAKER *pro tempore*. The Chair supposed he had a right to hear gentlemen who desire to speak on the point of order.

Mr. HOAR. Certainly; but the Chair was good enough to say he would hear me.

The SPEAKER *pro tempore*. The Chair supposed he had heard the gentleman.

Mr. HOAR. I have not said anything on the subject of my point of order yet.

The SPEAKER *pro tempore*. The Chair will hear the gentlemen now.

Mr. HOAR. The question of order raised by the gentleman from Illinois [Mr. MORRISON] goes against the universal practice of the House. I think every experienced member knows that it has been the right of the minority, a right which the democratic party have enjoyed and used to the fullest extent for sixteen years, to make dilatory motions.

A MEMBER. Louder!

The SPEAKER *pro tempore*. The Chair hopes that particular species of disorder will not be resorted to.

Mr. HOAR. I suppose only those who have in their heads some substitute for brains will make that disorder.

Mr. RANDALL. Let those words be taken down. [Laughter.]

Mr. HOAR. To establish the rule contended for would be a destruction of the right which has been accorded to the minority for time out of mind, and it would be a most revolutionary proceeding. The House has the right at any time to dispense with further proceedings under a call, whether before the order to bring in the absentees, while that order is being executed, when a part of the absentees have been brought in, or when they have all been brought in.

The SPEAKER *pro tempore*. Does the gentleman mean to say seriously to the Chair that, fifteen members of the House being present, they cannot enforce the attendance of absent members?

Mr. HOAR. I do. I mean to say that the right of the minority to make dilatory motions, the right known as filibustering, in this case the right to alternate the motion to adjourn and the motion to dispense with all further proceedings under the call, to stop all business, is an absolute right under the rules of the House, and there is no possible escape for the majority except to deny that right which exists under the rules of the House.

The SPEAKER *pro tempore*. The Chair desires to speak seriously upon this subject and in no other manner. The Chair recognizes the fact that motions to adjourn, as well as other dilatory motions, may be made at any time. But what the Chair desires the gentleman from Massachusetts [Mr. HOAR] to state is whether that gentleman holds that it is impossible for less than a majority of the House to enforce the attendance of absent members.

Mr. HOAR. Against the resistance of one-fifth of the members present who may choose to alternate these motions and call the yeas and nays upon them, I do so hold.

Mr. HOLMAN. Allow me to say——

Mr. HOAR. And I will be perfectly willing to take the recollection of the gentleman from Indiana [Mr. HOLMAN] upon that point.

Mr. HOLMAN. I must say that the rule is certainly well established that when two motions, one to adjourn and the other for a call of the House, are made, the motion to adjourn takes precedence. But after the motion to adjourn has been voted down and the House has ordered a call of the House to be made, a motion to adjourn is not then in order. The only motion then in order, and in order at every successive stage of the proceedings, is the motion that further proceeding under the call be dispensed with. That has always been held in this House to be parliamentary law; and there is no exception to it except this, that at the end of a very weary contest, in order to cut the matter short, a motion to adjourn has been accepted *nem. con.* without any point of order being raised upon it.

Mr. HOAR. The Chair will see that it is in the power of the minority to accomplish the same result in a dozen other ways, as when a member is brought in and a motion is made to excuse him, the yeas and nays can be called on that motion.

The SPEAKER *pro tempore*. The question is whether the House has the power to send for and compel the attendance of absent members.

Mr. HOAR. The gentleman from Indiana thinks that the motion to adjourn during a call of the House is not in order. I will call his attention to the following in Barclay's Digest:

> It is not in order for the House to take a recess during a call of the House.—*Journal*, 1, 26, *page* 843. [Indeed no motion, except to adjourn or with reference to the call, is ever entertained during a call.]

Mr. HOLMAN. Where is that?

Mr. HOAR. On page 38 of Barclay's Digest.

The SPEAKER *pro tempore*. The Chair has held that no motion except one pertaining to a call of the House is in order. But the Chair holds that the House has power to enforce the attendance of absent members, and that the motion of the gentleman from Illinois [Mr. MORRISON]——

Mr. HOAR. If the Chair will pardon me for making the suggestion——

Mr. TERRY. I hope the Chair will decide this question and be done with it.

Mr. HOAR. I desire to ask the Chair whether the power to enforce the attendance of members does not involve the power not to do it, and therefore whether a motion to dispense with further proceedings under the call is not in order.

The SPEAKER *pro tempore*. The Chair is not willing to hold that the House has no power to enforce the attendance of its members, and will therefore rule that the motion of the gentleman from Illinois [Mr. SPRINGER] that a warrant be issued for the arrest of members absent without leave is in order. From that ruling the gentleman from Massachusetts [Mr. HOAR] takes an appeal.

Mr. SPRINGER. The Chair will pardon me. I understood that the motion to lay on the table was insisted upon as being in order, and that that was the question on which the point of order was made.

The SPEAKER *pro tempore*. A motion has been made to lay the appeal on the table.

Mr. SPRINGER. Does the Chair entertain that motion to lay on the table? That is the point to which I desired to direct attention.

The SPEAKER *pro tempore*. Certainly; the Chair cannot do otherwise.

Mr. SPRINGER. Will the Chair hear me a moment on the subject of the motion to lay on the table?

The SPEAKER *pro tempore*. Certainly; the Chair will be glad to hear the gentleman.

Mr. SPRINGER. In Cushing's Law and Practice of Legislative Assemblies, page 103, the Chair will find this rule laid down:

> A motion for a call of the House cannot be suppressed by a motion to lie on the table, but must be decided specifically.

My point is that, if you cannot suppress the motion for a call of the House by a motion to lay on the table, you cannot by a similar motion suppress subsequent proceedings, as, for instance, the order to send for absentees.

The SPEAKER *pro tempore*. Does the gentleman from Illinois mean to say to the Chair that the motion to lay on the table is not in order?

Mr. SPRINGER. I do, sir. I so assert, and I have quoted the law for it. The only motion in the first place is for a call of the House, and then only such motions are in order as pertain to that call. Hence it has been decided in this House that a motion to lay on the table a motion for a call of the House was not in order. Why? Because it did not pertain to the call, but was merely a dilatory motion.

The SPEAKER *pro tempore*. Does the gentleman mean to say that a motion to lay on the table an appeal from the decision of the Chair is not in order?

Mr. SPRINGER. That pertains to the business before the House and must be disposed of at once.

The SPEAKER *pro tempore*. Unquestionably; and that is the motion before the House.

Mr. SPRINGER. I did not understand that that was the motion.

The SPEAKER *pro tempore*. It certainly is the motion before the House.

Mr. SPRINGER. I understood it was a motion to lay on the table the motion to issue a warrant to bring in absentees. The motion to lay on the table the appeal from the decision of the Chair is in order of course.

Mr. CLYMER. Will the Chair state the question?

The SPEAKER *pro tempore*. The Chair has decided that the motion of the gentleman from Illinois that a warrant shall issue for ab-

sentees is now in order. From that decision, the gentleman from Massachusetts has taken an appeal.

Mr. HOAR. The Chair does not quite state the exact posture of the question. The decision from which I desire to take an appeal is the ruling that a motion to suspend proceedings under the call is not in order till the motion of the gentleman from Illinois is disposed of.

Mr. CLYMER. I move to lay the appeal on the table.

The question being taken on the motion of Mr. CLYMER, there were—ayes 86, noes 35.

Mr. WHITE. As there is no quorum voting I ask for tellers.

Mr. BANNING and Mr. CLYMER called for the yeas and nays.

The yeas and nays were ordered.

Mr. MUTCHLER. I rise to a point of order. I understood the Speaker to rule a moment ago that in the absence of a quorum only two motions were in order: the motion to adjourn and the motion for a call of the House. But I understand that now the Chair has entertained a motion to lay on the table an appeal. I want to know whether that motion is in order or not.

The SPEAKER *pro tempore*. The Chair cannot decline to entertain it.

Mr. HOAR. At any rate, the point comes too late.

The SPEAKER *pro tempore*. Under any circumstances, the Chair could not avoid entertaining the motion. Gentlemen must know that these dilatory motions can be made indefinitely.

Mr. MUTCHLER. In view of the previous statement of the Chair that only two motions—the motion to adjourn and a motion for a call—were in order, I wish to know how it is in order to now make a motion to lay an appeal on the table.

The SPEAKER *pro tempore*. Unquestionably every gentleman in the House knows that these dilatory motions can be kept up indefinitely. There is no means of avoiding it, so far as the Chair is informed. He would be very glad to stop it, if it could be done.

Mr. MUTCHLER. I understood the Chair to rule that the only motions in order, in the absence of a quorum, were the motion to adjourn and the motion for a call of the House.

The SPEAKER *pro tempore*. Pending that, an appeal is taken from the decision of the Chair. Does the gentleman suppose the Chair can refuse to entertain an appeal from his decision?

Mr. MUTCHLER. Can less than a quorum decide the question?

The SPEAKER *pro tempore*. It cannot.

Mr. HOLMAN. Will the Chair hear me a moment on the right of appeal?

[Cries of "Regular order."]

Mr. HOLMAN. At first blush it would seem that the right existed, although I have never known it in my experience. In an attempt to break a call of the House, I have never known the existence of the point in my experience, neither has the gentleman from Massachusetts, I venture to say, nor any other gentleman who has served here long.

Mr. HOAR. Has the gentleman ever heard of such a speech as he is delivering while the House is dividing? [Laughter.]

Mr. MUTCHLER. Is debate in order?

Mr. HOAR. Certainly it is not while the House is dividing.

Mr. HOLMAN. The reason why the appeal cannot be taken is because this is not the House in the absence of a quorum. It cannot establish a rule. It cannot establish an order. It must proceed simply under the rule. It cannot vary from that rule. The rule is constitutionally defined and based on constitutional provision.

If the Chair will indulge me I will read three propositions upon which the whole matter rests. First, the constitutional provision, with which the Chair is familiar; that is, the House *may*, which means *shall*, compel the attendance of absent members in such manner and under such penalties as each House may provide. Under that constitutional provision the following rules have been established, and I wish to say to my friend from Massachusetts that he was not reading from the rules, but from the interpolation of the compiler, drawn from the casual events of the House in the ordinary course of business from year to year; so they are not to be regarded as the law of the House. Therefore I depend upon the rules.

Mr. FOSTER. They are pretty good authority.

Mr. HOLMAN. Rule 34 provides that any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members. That was made to carry out the constitutional provision. Rules 35 and 36 are to be taken together. They are rules adopted by the House under the constitutional provision, and they are the only ones directly applicable and covering the whole ground. Rule 35 provides that upon a call of the House or in taking the yeas and nays on any question the names of the members shall be called alphabetically.

Rule 36 provides that upon the call of the House the names of the members shall be called over by the Clerk and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers, to be appointed for that purpose.

All else is merely an interpolation upon those leading rules established under the Constitution. The result deduced from this is that while a motion to suspend all further proceedings under the call may be made at every stage from the necessity of the case, it is the only motion which can be made. Appeal cannot be taken from the decision of the presiding officer, for the reason that it is not an organized House, but simply acting under constitutional provision to compel the attendance of a quorum. On that account I have never known an instance until this evening of the taking of an appeal, and none can be found in our history. None is in order except when pertaining directly to the call. The call must be dispensed with before an adjournment can take place; although, as I have stated, there are many exceptions to that; but they were exceptions when no point of order was made. Those regular steps are peremptory, and have been positively enforced over and over again in past years. Where a call of the House has been ordered, no motion has been entertained except at every successive stage where all further proceedings under the call be dispensed with. A member is brought in, and is excused or not excused, and there is another stage. Then a motion to suspend all further proceedings under the call is in order, and so on. Every gentleman can see that it is the inevitable logic of the constitutional provision, and those are the necessary steps which must result from it in bringing about a quorum in the House. The gentleman from Massachusetts will not assert that one-third of the members present may by alternate motions render the constitutional provision void.

Mr. HOAR. My answer to that is that the Constitution makes fifteen or more a quorum of the House, and for this purpose we act as a House. The Speaker retains the chair, the Clerk makes the Journal, and the whole proceedings are read the next day. It has the authority of a House.

Mr. MUTCHLER. I ask the gentleman to yield for a question.

Mr. HOAR. Certainly.

Mr. MUTCHLER. Suppose upon a question to lay an appeal upon the table it is found a quorum is not voting, is it in order to move again that there be a call of the House?

Mr. HOAR. No, sir.

Mr. MUTCHLER. What is the next thing in order then?

Mr. HOAR. On all questions relating to a call of the House a quorum is not necessary; not merely on the general question, but on the subsidiary questions connected with it.

Mr. MUTCHLER. The pending question is on laying on the table an appeal from the decision of the Chair. Now, if on the vote on that question the House is found without a quorum, what then?

Mr. HOAR. That is a question pertaining to the proceedings under the call of the House, and a vote of fifteen members is sufficient. Another answer to the gentleman is, that wherever a body of men are acting with a presiding officer at their head, any member has the right, by universal parliamentary law, to take an appeal from his decision to the body itself.

The SPEAKER *pro tempore*. The Chair will undoubtedly entertain the appeal from the decision; but the Chair will not hold that the House can thereby be deprived of the power of sending for its absent members.

Mr. EDEN. If the motion to adjourn be now in order, I make that motion.

The SPEAKER *pro tempore*. There is a motion now pending to lay on the table an appeal from the decision of the Chair.

Mr. LANDERS, of Indiana, rose.

The SPEAKER *pro tempore*. The Chair desires to hear nothing at this time except on the parliamentary question. The Chair will very gladly hear the gentleman from Indiana on the question of order.

Mr. LANDERS, of Indiana. This is a new question to me; and I discover that the House is very much plagued over it. If the object be to get rid of it, I want to make a suggestion to the House. This difficulty has been raised by two members of the Committee on Banking and Currency. If the House will now connect with this question the question of greenbacks and silver currency and send it to that committee, I think we may get out of this difficulty. [Laughter.]

Mr. FOSTER. I move that the time of the gentleman from Indiana be extended. [Laughter.]

The SPEAKER *pro tempore*. On the question of laying on the table the appeal taken by the gentleman from Massachusetts [Mr. HOAR] the yeas and nays have been ordered. The Clerk will proceed to call the roll.

Mr. AINSWORTH. I would like to have the question stated.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania, [Mr. CLYMER.] The Chair has already, he thinks, stated it plainly enough.

The question was taken; and there were—yeas 82, nays 19, not voting 185; as follows:

YEAS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cowan, Cutler, Dibrell, Durham, Eden, Egbert, Finley, Forney, Foster, Franklin, Gause, Goode, Goodin, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, McDill, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Poppleton, Potter, Randall, John Reilly, James B. Reilly, Rice, Riddle, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Stevenson, Tarbox, Terry, Thompson, Throckmorton, Turney, Van Vorhes, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, and Yeates—82.

NAYS—Messrs. Bradley, Crapo, Cronnse, Eames, Hoar, Joyce, Lapham, O'Neill, Packer, Page, Pierce, Sampson, A. Herr Smith, Thornburgh, Washington Townsend, G. Wiley Wells, White, Willard, and James Wilson—19.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Fort, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Haymond, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lawrence, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, Magoon, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Monroe, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, William A. Phillips, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Sinnickson, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Strait, Stone, Stowell, Swann, Thomas, Martin I. Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—185.

So the appeal from the decision of the Chair was laid upon the table.

Mr. CONGER and Mr. LUTTRELL rose.

Mr. CONGER. I rise to a privileged motion. I move to reconsider the vote just taken.

Mr. LUTTRELL. I move to reconsider the vote just taken; and also move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The motion to reconsider the vote just taken is in order; and the motion to lay on the table the motion to reconsider is also in order.

Mr. CONGER. I thought I was recognized to make the motion to reconsider. I spoke first.

Mr. LUTTRELL. I believe I was first recognized by the Chair.

Mr. HOLMAN. It is very clear that this motion cannot be entertained. If it could be entertained there could be no such thing as a call of the House.

Mr. SHEAKLEY. I ask that by unanimous consent we take a recess until eleven o'clock.

Mr. HOLMAN. Mere dilatory motions are certainly not in order. The House having ordered a call of the House, and having refused to suspend proceedings under the call, and nothing having since intervened, I submit that the motion to reconsider is not now in order. The only motion in order is the motion that was made since the call of the House has been ordered, that the Speaker issue his warrant for the arrest of absent members.

Mr. SPRINGER. Has the Chair entertained the motion of the gentman from Michigan, [Mr. CONGER?]

Mr. LUTTRELL. I have made the motion to reconsider and lay on the table.

Mr. SPRINGER. I make the point of order that a motion to reconsider the vote by which an appeal was laid upon the table is not in order. It does not pertain to this call at all.

Mr. MUTCHLER. As I understand it, when it has been ascertained that there is not a quorum present the only motions in order are a motion to adjourn and a motion for a call of the House. We have had a call and ascertained that there is not a quorum present; there is no other motion in order except a motion to adjourn.

Mr. HOLMAN. O; if that were true there would be an end to the call.

Mr. MUTCHLER. I ask the Speaker if any motion is in order except a motion to adjourn?

The SPEAKER *pro tempore*. The gentleman from California [Mr. LUTTRELL] takes it for granted that the action of the House has been final and moves to reconsider the vote by which the appeal was laid upon the table, and to lay the motion to reconsider on the table; otherwise certainly the Chair would hold that no motion is in order except a motion to adjourn or a motion to send for absentees.

Mr. MUTCHLER. I understood the Chair to say that no motion would be in order but a motion to adjourn.

The SPEAKER *pro tempore*. The Chair has said so, but no objection has been raised to the want of a quorum, and the Chair understood that the last motion has been laid upon the table.

Mr. LUTTRELL. I withdraw the motion to reconsider and lay upon the table.

Mr. THORNBURGH. I renew it.

Mr. MUTCHLER. I make the point of order that it is not in order, because there is not a quorum present.

The SPEAKER *pro tempore*. The Chair must insist that no gentleman made the point of order that no quorum was present, and unless that is done it is always regarded that a quorum is present.

Mr. ATKINS. Why, that point has been made all night.

Mr. LUTTRELL. I make it and I now ask that the motion of the gentleman from Illinois [Mr. MORRISON] be put.

Mr. MUTCHLER. The Chair announced on a call of the House that no quorum was present and ordered the doors to be closed, and they are still closed, which shows that there is no quorum present. A motion has been made to adjourn and lost, and now I submit that the only other motion in order is to issue a warrant to the Sergeant-at-Arms to bring in the absent members.

Mr. ATKINS. I move that the doors be opened and let us all go home.

Mr. CONGER. Is that a privileged motion?

The SPEAKER *pro tempore*. What motion does the gentleman from Tennessee make?

Mr. ATKINS. My motion was merely in jest.

Mr. MORRISON. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair holds that it is not in order to move the reconsideration of a vote as to a decision of the Chair during a call of the House, and that the motion of the gentleman from Illinois [Mr. MORRISON] is in order.

Mr. CONGER. I appeal from that decision of the Chair.

The SPEAKER *pro tempore*. The gentleman cannot do that. The Chair will put the motion of the gentleman from Illinois that the House do now adjourn.

Mr. HEWITT, of New York. I ask the gentleman from Illinois to withdraw that motion for a moment to allow me to ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. No debate is in order when a motion to adjourn is pending.

(Cries of "Regular order!" and "Order!" "Order!"]

Mr. HEWITT, of New York. I ask unanimous consent for not more than five minutes' time.

[Cries of "Object!"]

Mr. HOLMAN. I hope there will be no objection.

Mr. THORNBURGH. I object, and call for the regular order.

The question was taken on Mr. MORRISON's motion to adjourn; and there were—yeas 55, nays 52.

Mr. CAULFIELD. I call for tellers.

The question was put on ordering tellers; and only 18 members voted therefor; which not being one-fifth of a quorum, tellers were not ordered.

Mr. HAMILTON, of Indiana, and Mr. CLARK, of Missouri, called for the yeas and nays.

The yeas and nays were ordered, 31 members voting therefor.

The question was taken; and there were—yeas 53, nays 64, not voting 169; as follows:

YEAS—Messrs. Abbott, Bagby, John H. Baker, Bradley, Cannon, Conger, Crapo, Crounse, Davy, Durham, Eames, Forney, Fort, Foster, Goodin, Haymond, Henderson, Hoar, Hunton, Hurd, Joyce, Kehr, Franklin Landers, Lapham, Lawrence, Lord, Magoon, McDill, Mills, Monroe, Morrison, O'Neill, Packer, Page, Pierce, Piper, Potter, Powell, Sampson, Sinnickson, A. Herr Smith, Strait, Stevenson, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, G. Wiley Wells, Willard, William B. Williams, James Wilson, and Woodburn—53.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Banning, Bradford, Bright, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri Clymer, Cochrane, Cook, Cowan, Cutler, Dibrell, Eden, Egbert, Finley, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Thomas L. Jones, Lane, Levy, Luttrell, Mackey, Maish, Meade, Metcalfe, Morgan, Mutchler, Payne, Popleton, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, Springer, Stenger, Teese, Terry, Throckmorton, Turney, John L. Vance, Wigginton, Alpheus S. Williams, James Williams, and Yeates—64.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, MacDougall, McCrary, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Phelps, John F. Philips, William A. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Schleicher, Schumaker, Seelye, Slemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Stowell, Swann, Thomas, Martin I. Townsend, Tucker, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—169.

So the House refused to adjourn.

Mr. HOAR. I move that all further proceedings under the call be dispensed with.

Mr. MORRISON. I thought I had a motion pending that the Speaker issue a warrant to the Sergeant-at-Arms directing him to bring the absentees into the House.

The SPEAKER *pro tempore*. The Chair understands that motion is pending.

Mr. WELLS, of Mississippi. I move to lay the motion of the gentleman from Illinois [Mr. MORRISON] on the table.

Mr. HOAR. Does not the motion I have made take precedence of that which has been made by the gentleman from Illinois?

Mr. SPRINGER. That has just been decided on appeal.

The SPEAKER *pro tempore*. No point of order has been decided upon an appeal because no quorum has been present. The Chair will recognize the motion of the gentleman from Illinois as being now before the House.

Mr. LUTTRELL. And on that I call the previous question.

Mr. HOAR. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair cannot entertain that class of motions; there are certainly enough dilatory motions to be made. The Chair has once recognized an appeal from his decision upon that very question and will not recognize another.

Mr. PAGE. I staid here a member of the majority one year ago last winter while the other side of the House kept us here for two days and two nights making dilatory motions.

The SPEAKER *pro tempore*. The Chair understands that perfectly; and he also understands that he can stay here two days and two nights again.

Mr. PAGE. Very well; he cannot stay here unless he allows this side to make dilatory motions.

The SPEAKER *pro tempore*. The Chair will rule that the motion of the gentleman from Illinois [Mr. MORRISON] to bring in the absentees must be presented to the House. The Chair has already so ruled and the House has sustained him.

Mr. PAGE. But an appeal is again taken from that decision of the Chair.

The SPEAKER *pro tempore*. The Chair has refused to entertain that appeal, having already entertained it once.

Mr. HOAR. Will not the Chair entertain another appeal?

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Illinois, [Mr. MORRISON.]

Mr. HOAR. Mr. Speaker——

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. PAGE. I call for a division of the House on that question.

Mr. HOAR. I desire to move an amendment to the motion of the gentleman from Illinois.

The SPEAKER *pro tempore*. That motion is too late.

Mr. HOAR. I rose in time.

The SPEAKER *pro tempore*. The Chair cannot entertain an amendment after the motion of the gentleman from Illinois has been submitted to the House.

Mr. HOAR. I rose in my place and addressed the Chair before the question was submitted.

The SPEAKER *pro tempore*. A division having been called for, those in favor of the motion of the gentleman from Illinois will rise and stand until counted by the Chair.

The House divided, and there were—ayes 81, noes 30.

Before the result of this vote was announced,

Mr. PAGE called for tellers,

Mr. RICE and others called for the yeas and nays.

The SPEAKER *pro tempore*. The Chair will first submit the question upon ordering tellers.

Upon ordering tellers there were 25 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The SPEAKER *pro tempore*. The question now is upon ordering tellers upon the motion of the gentleman from Illinois.

Mr. RICE. I withdraw the call for the yeas and nays.

Mr. PAGE and others renewed the call for the yeas and nays.

The yeas and nays were ordered; there being 36 in the affirmative, (more than one-fifth of the last vote.)

Mr. HOAR. I rise to a question of order.

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Chair will entertain no question of order at this time.

Mr. HOAR. I rose to move an amendment to the motion of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Clerk will call the roll on the question of agreeing to the motion of the gentleman from Illinois, that the Speaker *pro tempore* be directed to issue his warrant to the Sergeant-at-Arms to bring the absentees into the House.

The question was taken; and there were—yeas 78, nays 32, not voting 176; as follows:

YEAS—Messrs. Ainsworth, Atkins, Bagby, Banning, Bradford, Bright, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Cutler, Denison, Douglas, Durand, Durham, Eden, Egbert, Finley, Forney, Franklin, Gause, Goode, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, House, Hunton, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Lord, Luttrell, Mackey, Maish, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Payne, Poppleton, Potter, Powell, Randall, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Miles Ross, Schleicher, Sheakley, Singleton, Springer, Stenger, Stevenson, Teese, Terry, Thornburgh, Throckmorton, John L. Vance, Wigginton, Willard, Alpheus S. Williams, James Williams, and Yeates—78.

NAYS—Messrs. John H. Baker, Bradley, Cannon, Conger, Crapo, Cronnse, Davy, Eames, Fort, Foster, Goodin, Haymond, Henderson, Hoar, Joyce, Lapham, Lawrence, Magoon, Monroe, O'Neill, Page, Pierce, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Thompson, Tufts, Van Vorhes, White, and William B. Williams—32.

NOT VOTING—Messrs. Abbott, Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blair, Bland, Bliss, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Dibrell, Dobbins, Dunnell, Ellis, Ely, Evans, Faulkner, Felton, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Hendee, Henkle, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Leavenworth, Le Moyne, Lewis, Lynch, Lynde, MacDougall, McCrary, McDill, McFarland, McMahon, Miller, Milliken, Money, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Packer, Phelps, John F. Philips, William A. Phillips, Piper, Plaisted, Platt, Pratt, Purman, Rainey, Rea, Reagan, John Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Savage, Sayler, Scales, Schumaker Seelye, Siemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Stone, Swann, Tarbox, Thomas, Martin I. Townsend, Washington Townsend, Tucker, Turney, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Watterson, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wike, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—176.

So the motion of Mr. MORRISON was agreed to.

Mr. THORNBURGH. I rise to a privileged motion. I move to reconsider——

Mr. MORRISON. I move to reconsider the vote just taken, and to lay that motion on the table.

Mr. THORNBURGH. Upon that I call for the yeas and nays.

Mr. HOLMAN. That motion certainly cannot be made. It is merely dilatory.

The SPEAKER *pro tempore*, (Mr. DURHAM in the chair.) The Chair will decide that nothing is now in order except the issuing of the warrant and the bringing in of absentees. [Applause.]

Mr. THORNBURGH. From that ruling of the Chair I appeal.

The SPEAKER *pro tempore*. Nothing else is in order under the former ruling of the Chair.

Mr. THORNBURGH. I appeal from that decision.

The SPEAKER *pro tempore*. The Chair will not entertain the appeal. [Applause.]

Mr. THORNBURGH. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will entertain no motion or proposition. There is but one thing to be done; that is to bring in the absentees.

Mr. THORNBURGH. Then I move that the House do now adjourn. [Cries of "Order."] Does the Chair hold that, other business having intervened, the motion to adjourn is not in order?

The SPEAKER *pro tempore*. The House directed that the absentees should be brought in; and the Chair decides to entertain no motion until the absentees are brought before the House.

[Mr. SAYLER resumed the chair as Speaker *pro tempore*.]

Mr. THORNBURGH. I move that the House do now adjourn, other business having intervened since the motion was last entertained.

Mr. RANDALL. The warrant for absentees has been issued of course; and we can vote down the motion to adjourn.

Mr. THORNBURGH. I insist upon my right to make this motion; and I call for the regular order.

The SPEAKER *pro tempore*. Unquestionably the motion to adjourn is in order.

Mr. SPRINGER. I rise to a parliamentary inquiry; has the order for the arrest of absent members been issued?

The SPEAKER *pro tempore*. It has.

Mr. SPRINGER. Then we can vote down the motion to adjourn.

Mr. CAULFIELD. I rise to a parliamentary inquiry. After the warrant to bring in absentees has been issued, is any motion whatever in order?

The SPEAKER *pro tempore*. Unquestionably a motion to adjourn is in order; and another motion, that all further proceedings under the call be dispensed with, is in order. These motions may be alternated indefinitely. The question now before the House is upon the motion of the gentleman from Tennessee [Mr. THORNBURGH] that the House adjourn.

The question being put, the Speaker declared that the "noes" appeared to prevail.

Mr. THORNBURGH called for the yeas and nays.

On ordering the yeas and nays there were ayes 16, noes not counted.

Mr. PIERCE. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the motion was not agreed to.

Mr. HEWITT, of New York. I ask unanimous consent to make a suggestion which I trust will solve this trouble. [Cries of "Regular order."] I desire, Mr. Speaker, to make a suggestion for the purpose of bringing this session to a more agreeable close than has been promised. [Cries of "Regular order."] If gentlemen will hear my suggestion they will find that I am not going to say anything that will trouble them. [Renewed cries of "Regular order."]

The SPEAKER *pro tempore*. The Chair does not know any regular order except the arrest of absentees and bringing them before the House.

Mr. HEWITT, of New York. My suggestion is that by unanimous consent the gentleman from Pennsylvania, [Mr. RANDALL,] who made the motion that my colleague [Mr. COX] be permitted to proceed in order, withdraw that motion, and that then my colleague be allowed to speak to the point of order, and, if after so speaking the House shall be willing to hear him further, that then he be allowed to proceed.

Mr. FOSTER. That is fair.

Mr. HEWITT, of New York. In that way I think we may possibly arrive at a solution of this trouble; at least by trying it no harm can be done.

The SPEAKER *pro tempore*. The gentlemen from New York [Mr. HEWITT] asks unanimous consent that his colleague [Mr. COX] may now be allowed to proceed with his remarks.

Mr. COX. I am very much obliged to gentlemen——

Several MEMBERS. Wait. Let us understand the question.

Mr. CANNON, of Illinois. Unless the motion of the gentleman from Pennsylvania [Mr. RANDALL] is withdrawn, I for one shall object to any arrangement till a quorum be present.

Mr. RANDALL. Mr. Speaker, I am willing and have always been willing to do anything to restore harmony and good feeling. I withdraw my motion.

Mr. CANNON, of Illinois. Is it in order to withdraw the motion pending a call of the House.

The SPEAKER *pro tempore*. The Chair understands that this proceeding is by unanimous consent.

Mr. PAGE. Before unanimous consent is granted would it not be proper to withdraw the demand for a call of the House?

The SPEAKER *pro tempore*. Unquestionably that can be done by unanimous consent.

Mr. HOAR. The suggestion made by the gentleman from New York [Mr HEWITT] is one which has been made two or three times on the democratic side of the House; and it seems to be a fair one. I do not think there will be any objection on this side.

Mr. WILSON, of Iowa. This is the point I proposed to reach four hours ago. I hope the suggestion will be adopted.

Mr. CONGER. I object to any proceedings of that kind with closed doors.

The SPEAKER *pro tempore*. The Chair understands the request to be that by unanimous consent all proceedings under the call of the House be dispensed with, and the gentleman from New York be permitted to proceed with his remarks.

Mr. CONGER. I object.

Mr. RANDALL. I suggest that the objection comes too late. Part of the unanimous agreement has been executed.

Mr. CONGER. Not at all too late. I did not hear the gentleman withdraw it. I did not suppose he would withdraw the motion he has persisted in for hours.

Several MEMBERS. O!

Mr. CONGER. The gentleman is evidently weakening.

Mr. RANDALL. The gentleman is bad-tempered while I am good-tempered.

The SPEAKER *pro tempore*. The Chair will order the doors to be opened.

Mr. CAULFIELD. O, no.

Mr. RANDALL. I will renew my motion if gentlemen are not satisfied with the withdrawal of it. There being no objection I will withdraw it.

Mr. CANNON, of Illinois. I wish to understand how this thing is done. I want to know if the gentleman has power to withdraw the motion or whether the House not having a quorum has power to give consent to its withdrawal in a parliamentary sense. I understand in fact he has not any such power. I wish more light on that matter. Can anything be done of a parliamentary nature?

Mr. RANDALL. You can sit down by unanimous consent.

Mr. CANNON, of Illinois. Certainly; and you can rise by unanimous consent.

Mr. CAULFIELD. Keep your hands down. [Laughter.]

Mr. CANNON, of Illinois. I wish to understand my rights as a member here.

The SPEAKER *pro tempore*. The Chair will state the gentleman can object to anything out of order.

Mr. CANNON, of Illinois. I wish to understand the gentleman's rights.

The SPEAKER *pro tempore*. The Chair does not hear the gentleman.

Mr. CANNON, of Illinois. Nor does the Chair hear the gentleman.

The SPEAKER *pro tempore*. The Chair is ready to say to the gentleman he will not withdraw any of his rights.

Mr. JOHN REILLY. Can the House allow this by unanimous consent?

The SPEAKER *pro tempore*. It can.

Mr. CANNON, of Illinois. At this time, without a quorum, pending a call of the House, with the absentees sent for?

The SPEAKER *pro tempore*. The Chair can suspend all these proceedings by unanimous consent.

Mr. DAVY. I think the proposition made by my colleague [Mr. HEWITT] is a fair and honorable one, and I think this side of the House ought to accept it.

Mr. SPRINGER. Is this Monday or Tuesday?

The SPEAKER *pro tempore*. It is Monday.

Mr. SPRINGER. Then a motion to suspend the rules is in order?

The SPEAKER *pro tempore*. A motion to suspend the rules is in order, this being Monday. The Chair hears no objection, and the gentleman from New York will proceed.

Mr. COX. Mr. Speaker, I was interrupted while speaking last evening, as the House is aware, by a point of order, which perhaps was well taken, owing to the use of language which is not regarded as parliamentary. It was used under peculiar provocation, as the House saw, and for its use I have to make an apology to the House, and to recall the language as unparliamentary.

My unparliamentary language had reference to statements which were denied in the card which I hold in my hand from Governor Tilden, dated New York, November 4, 1868. I carried that card in my hand to the other side of the House with perhaps too much belligerent demonstration. [Laughter.]

Mr. RANDALL. It was the only weapon you had. [Laughter.]

Mr. COX. Yes; it was the only weapon I had or needed. I ask to have that card of Governor Tilden read. It is a justification of my statement. I ask to have it read, to go into the RECORD, to make my remarks complete.

A MEMBER. I object.

The SPEAKER *pro tempore*. It is too late to object.

Mr. COX. I ask that the card be read.

The Clerk read as follows:

CARD FROM MR. TILDEN.

To the editor of the Evening Post:

SIR: My attention has been called to an article in your journal of last evening containing a circular to which my name is appended. I hasten to assure you that you will not lose your reputation as critics by assuming, on internal evidence, as you have correctly done, that no such paper was ever written, signed, issued, or authorized by me, or with any participation or knowledge on my part. I have read it for the first time in your columns: but I have no reason to believe that it had any such evil purpose as you suspect. For myself, I refused in 1844 to sign the famous "secret circular" relating to Texas, which is celebrated in the history of the Evening Post, though I might have been tempted by the illustrious association in which I should have found myself. Neither before that nor since have I ever been concerned in any circular marked "secret," "confidential," or "private;" nor shall I be, unless I should adopt that device for the purpose of getting some valuable truth, disguised in such a form, secured a wide publicity in the Evening Post and all the republican newspapers.

Very truly, yours,

S. J. TILDEN.

NEW YORK, *November 4*, 1868.

Mr. COX. I would not have been so persistent in bringing that denial to the attention of the House but for the fact that I had seen in speeches here and in journals all over this country this libelous injury done to Governor Tilden. And as one of the Representatives of the State of New York, and familiar with all this business at that time, it seemed to be a duty on my part to place the seal of condemnation and denial on any statement in contradiction of that card. I now yield to my friend from New York [Mr. HEWITT] for a short time.

Mr. CONGER. Where is that taken from?

Mr. COX. This paper is copied from the New York Tribune.

Mr. CONGER. Of what date?

Mr. COX. Of the other day; but it was in the Evening Post of November 4, 1868, where I saw it originally. It was recently recopied in the Tribune. There is no doubt about the truth of the statement.

Mr. CONGER. I ask the gentleman to fix the date of the first publication.

Mr. HEWITT, of New York. The date is November 4, 1868. I saw it myself at that date in the Evening Post.

Mr. COX. I saw it also. There can be no doubt of it. I can give you the files to-morrow, if it be not to-morrow already.

Mr. WILSON, of Iowa. The gentleman from New York [Mr. COX] having made an explanation, I think it right that the gentleman from Iowa [Mr. KASSON] should now have an opportunity of saying a word if he so desires.

Mr. COX. The gentleman from Iowa has had an hour already.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. I understand the gentleman from Iowa desires to speak to the point of order only. If so, I shall be glad to hear him.

The SPEAKER *pro tempore*. As the Chair understands there is no point of order before the House.

Mr. HOAR. That is entirely contrary to the understanding which was come to.

Mr. COX. I yield to the gentleman from Iowa, if he desires to be heard.

Mr. HOAR. I will remind the Chair that I made a point of order. The gentleman from Pennsylvania [Mr. RANDALL] then made a certain motion, which has been withdrawn. I propose at the proper time to withdraw the point of order. But it is still pending, and it was to that the gentleman from New York spoke. That was the understanding we all had of it.

Mr. HEWITT, of New York. I suppose I have the floor.

Many MEMBERS. No, no; not at all.

Mr. HEWITT, of New York. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I have but a single word to say. The article which has just been read I have now seen or heard read for the first time in my life. And if the gentleman from New York, [Mr. COX,] in pursuance of that understanding of the most agreeable nature which has always existed between us, had advised me in such a way that I could learn what it was, and I had known the contents of that paper, I should have spoken of it as I did of the denial subsequently made, which I supposed was the only one made by Mr. Tilden. That was in his pamphlet published in 1873. My desire was to state the facts with perfect fairness. I had relied upon the statements of one of the most conscientious public writers of the country,

the principal editor of Harper's Weekly, in an article in which he gave the denial as having been made in 1873. I knew of no other denial made by Governor Tilden until to-night.

The House will judge of my surprise when without any explanation addressed by the gentleman from New York to myself, and without there being anything in our personal relations to lead me to expect it, he made allegations touching myself which I knew to be unjustifiable, and which I think any gentleman on the floor knowing to be unjustifiable would have felt himself bound to declare in emphatic parliamentary language to be incorrect. I have never in my life been called to order for unparliamentary speech. I have not yet been, and I am not yet aware that my language was unparliamentary. But I will say frankly, that while still affirming the fact alleged to be incorrect, as uttered by the gentlemen from New York, the relations between us were of such a nature as should have satisfied him that I had no intention to attribute to him a misstatement in the offensive personal sense which he appeared to attribute to me.

Mr. COX. If my friend from Iowa—for I shall now call him my friend—had used the word "incorrect," there would have been no provocation and no remark that looked like retaliation. He used the word "untruth," which has almost the same signification as the word which I unhappily used. I have recalled my language, and the gentleman from Iowa, very properly as I think, has recalled his.

I now yield to my colleague from New York, [Mr. HEWITT,] who wishes to address himself one moment to another part of the gentleman's speech.

Mr. HEWITT, of New York. Mr. Speaker, to me the speech which the gentleman from Iowa delivered this evening was a painful surprise and a melancholy experience. If I had not heard it, I could not have believed that a gentleman of his intellectual endowments could so far abdicate his own self-respect and forfeit the good opinion of his fellow-members in this House as to have indulged in the partisan and, I am sorry to add, the malicious statements which he has made in regard to Governor Tilden. I confess that I do not intend to make any elaborate reply to what he has said in this House. I approach the subject as I would take hold of a slimy snake, with a desire to get rid of it at the earliest possible moment. But charges were made against one whom I have known for so many years and with such intimacy that it seems to me I have no other course to take than to brand the charges as utterly false before this House and before the country.

Mr. PAGE. Which charges does the gentleman from New York mean?

Mr. HEWITT, of New York. I will state the charges; I was going to state them. The first charge was that Governor Tilden had been a secessionist, and there were quoted as authority for that assertion statements and passages from an open letter to the late Judge Kent, dated in 1860. The gentleman from Iowa possesses only extracts from that letter. He was good enough to allow me to look at those extracts.

Mr. EAMES. I rise to a point of order. If there is anything properly before the House at this time, we ought not as Representatives of the American people to consider it with closed doors.

The SPEAKER *pro tempore*. The doors have been ordered to be opened.

Mr. CLYMER. And everybody is asleep and nobody wants to come in here.

Mr. EAMES. Some of us want to go out.

Mr. HEWITT, of New York. Now, I have only to say in regard to that letter that neither the gentleman from Iowa nor any other person can understand the true purport and bearing of it without having the entire letter before him and without having some reference to the circumstances under which it was written. It is not saying much that since 1860 a great many people in this country have had their theories of government changed and their ideas of political duties enlarged. It is possible that in 1860, before the late strife, Governor Tilden may have entertained views in common with Jefferson, Madison, and Jackson, and other great men who have given construction to the Constitution and Government of this country, which now would be modified. But all that I can see in the extract which he read relates rather to that era of the Government when the States were bound together, not by the Constitution, but by the Articles of Confederation.

The next charge that the gentleman made against Governor Tilden was in exactly these words: "That he was a disunionist." When the question was pressed home to him he traveled around the point a little, but still the charge remained that he was a disunionist. I do not know upon what he based that charge. I can only say that at the outbreak of the rebellion I was in daily and almost in hourly communion with him, and I know that no more loyal or patriotic heart beat in the United States at that date; and when the gentleman from Iowa challenges his friends to say when and where he ever made any contribution to the Union cause or ever assisted a soldier to the war, I answer him by saying that when the first call for troops came, Tammany Hall, which had not then fallen into the hands of the ring, raised a regiment, and the grand sachem of Tammany Hall, William D. Kennedy, was colonel of the regiment. It was officered mostly by members of the Tammany Society, and being myself a member and from the state of my health unable to go to the war, although I rendered other services, I sent my nephew as one of the officers of that regiment.

Mr. LAPHAM. Will the gentleman allow me to ask him a question?

Mr. HEWITT. Yes, sir.

Mr. LAPHAM. Does not the gentleman know that the call for the meeting at Cooper Institute immediately after the fall of Fort Sumter was presented to Mr. Tilden for him to sign and he refused to sign it and refused to attend the meeting?

Mr. HEWITT, of New York. I will answer that question that it is not true that he refused to sign the call, and that it is true that he did attend the meeting, [applause,] and I defy that gentleman to bring any authority for the charge he has insinuated.

Mr. LAPHAM. It is a fact as well known in the State of New York as any other facts in its history.

Mr. HEWITT, of New York. It is not so. Mr. Samuel Sloan, the present president of the Delaware and Lackawanna Railroad Company, then a member of the Union safety committee of New York, applied to Mr. Tilden at a time when he was engaged in the trial of a case before a referee to affix his name to the call, and he said, "I am very busy just now; send me the resolutions after I am out of this case, and if they are entirely proper I will sign the call." When the meeting took place he attended it. The call was never sent to him and he never refused to sign it, but like the prudent and sagacious man which he is, he desired to know the nature of the resolutions. They did receive his absolute and unqualified approval.

Now I say that Tammany Hall raised a regiment, and that Governor Tilden was a contributor, and a large contributor, to the fund required to fit out the regiment.

Mr. CONGER. How much?

Mr. HEWITT, of New York. I am not going to quote dollars and cents. Patriotism is above dollars and cents in some quarters, but enough was raised by the democrats of the city to fit out a regiment without asking assistance from the Government of the United States or from the city of New York. [Applause.] Now so much for the charge of his being a disunionist.

Mr. CONGER. Will the gentleman allow me to ask him one question?

Mr. HEWITT, of New York. Certainly. I am here to answer questions.

Mr. CONGER. It is denied in the public press that Mr. Tilden ever contributed one cent for any such purpose. [Laughter on the democratic side of the House, and a voice "In the National Republican?"]

Mr. HEWITT, of New York. Now what is the question?

Mr. CONGER. If the amiable gentleman opposite will permit me I will ask it. I say it is denied in the public press that Governor Tilden ever contributed any money whatever to the raising of any regiment or corps of the Army. Will the gentleman state to the House when and where and what amount he ever did contribute?

Mr. HEWITT, of New York. I state when, when I say the Tammany regiment was raised; and I state where, in the city of New York; and I state how much, for I do not know the exact amount, but it was all he was asked to give, and the democrats did not go begging, carrying the hat around among the republicans, [laughter,] and certainly we did not get any help from Michigan.

Mr. CONGER rose.

Mr. HEWITT, of New York. Now, I have answered that question and I decline to have any further controversy with him.

Mr. CONGER. Then I cannot ask any further questions.

Mr. HEWITT, of New York. I will answer no more questions from you, because you do not ask them in a fair spirit.

The SPEAKER *pro tempore*. The gentleman from New York must address the Chair, and not the gentleman from Michigan.

Mr. HEWITT, of New York. I beg pardon of the Chair and of the House.

Mr. DAVY. I supposed we had settled all our difficulties and that this was a sort of a love-feast.

Mr. RANDALL. The love-feast is to be on the 4th of March next.

Mr. DAVY. We must not get up our mad again.

Mr. HEWITT, of New York. Subsequently to this period, I know of no man in New York who was more frequently called into counsel there and in Washington during the troublous times of the war, and when there was delay in raising the men required to recruit the armies of the United States I know that twice he was called for by President Lincoln and came to Washington and held careful consultation with him, resulting in the early and rapid filling of the quota from the State of New York. And I know that during no period of the whole of that trying time was there ever a doubt expressed in the city of New York in any quarter as to the loyalty and patriotism of Samuel J. Tilden.

The gentleman from Iowa says that when Mr. Tilden went to the Chicago convention he was in favor of a resolution practically declaring that the war was a failure and ought to be brought to an end. That gentleman must have known, if he reads the newspapers, that within a very recent period, certainly within a month, there has been made public a positive statement from Mr. Manton Marble, who

was the secretary of the committee on resolutions, that Governor Tilden opposed the resolution of which the gentleman from Iowa speaks; that he opposed it publicly and in private. It is within my own knowledge that after the nomination was tendered to General McClellan, Governor Tilden urged him to make such a declaration in his letter of acceptance as would nullify that portion of the Chicago platform.

Mr. RANDALL. Which was, "the Union at all hazards." Those were the words.

Mr. HEWITT, of New York. Those were the words inserted in McClellan's letter. Now the gentleman from Iowa says that there never was any occasion in which Governor Tilden made a declaration in favor of the Union or the prosecution of the war for its preservation. If that gentleman would study the records of the Chicago convention for the sake of doing justice, as he has evidently studied them for the sake of doing injustice, to Governor Tilden, he would find that in that convention, and before the New York delegation, in an open meeting, Governor Tilden said that the adjustment of the controversy between the North and the South on any other basis than the restoration of the Union was impossible; that the moment any party went out of the Union the questions must be settled by war, and the war must be prosecuted until the questions were settled.

These were his declarations, published in the Chicago and New York papers at the very date of the Chicago convention, and fortunately for the gentleman, who likes very recent and modern literature, he can find those declarations repeated in a sketch published in the Louisville Courier-Journal on the 25th of April last. That is my answer to the statement of the gentleman from Iowa that Governor Tilden never made any declaration in favor of the prosecution of the war, and that he was a disunionist.

We now come down to the next charge, that Governor Tilden was the associate of William M. Tweed on a democratic committee, that he levied a contribution on William M. Tweed of $5,000, and that he issued a circular in combination with William M. Tweed intended to promote the fraudulent election of a governor of the State of New York.

It is true that Governor Tilden was chairman of the democratic committee of the State of New York; and it is also true that William M. Tweed was a member of that committee. And if the gentleman knows anything about the organization of such committees in the State of New York, he knows that each district nominates and sends its own member; that Governor Tilden had no more to do with the appointment of William M. Tweed as a member of that committee than he has to do with the man who is supposed to regulate the moon. He was there rightfully a member of the committee, and at the time he was so acting he had not achieved the bad eminence which he subsequently attained and which he now occupies.

No contribution was ever levied upon Mr. Tweed. Mr. Tweed did as other people have done, as I myself have done, and as I have no doubt the gentleman from Iowa has done, sent a contribution to the fund required by the committee to carry on the State election. That was levying no contribution.

Then as to the issue of that circular, the lie has been nailed here by my colleague, [Mr. COX.] If any man doubts whether that declaration of Governor Tilden, which has been read, was published in the Evening Post of the 4th of November, 1868, the files are accessible to them. I saw it with my own eyes; I know it was then published. I know that not more than twenty-four hours elapsed from the time the charge was made in the Evening Post, and it was first made in that paper, until the denial was made in the same paper. That denial I here insert:

CARD FROM MR. TILDEN.

To the editor of the Evening Post:

SIR: My attention has been called to an article in your journal of last evening containing a circular to which my name is appended. I hasten to assure you that you will not lose your reputation as critics by assuming, on internal evidence, as you have correctly done, that no such paper was ever written, signed, issued, or authorized by me or with any participation or knowledge on my part. I have read it for the first time in your columns; but I have no reason to believe that it had any such evil purpose as you suspect. For myself, I refused in 1844 to sign the famous secret circular relating to Texas, which is celebrated in the history of the Evening Post, though I might have been tempted by the illustrious association in which I should have found myself. Neither before that nor since have I ever been concerned in any circular marked "secret," "confidential," or "private;" nor shall I be, unless I should adopt that device for the purpose of getting some valuable truth, disguised in such a form, secured a wide publicity in the Evening Post and all the republican newspapers.

Very truly yours,

S. J. TILDEN.

NEW YORK, *November* 4, 1868.

Mr. FOSTER. Was it ever known who perpetrated that forgery on Governor Tilden?

Mr. HEWITT, of New York. Nothing was ever known positively about it except that Mr. Tweed was probably the person who sent out that circular. I have never heard that there is any positive evidence to that effect. Bad as he is, unhappy as he is to-day for his crimes, I hesitate to charge him with a new crime without evidence. In that respect I hope the gentleman from Iowa will follow my example.

Mr. CANNON, of Illinois. Does the gentleman claim that the circular was issued for an improper purpose?

Mr. HEWITT, of New York. I do not know whether it was proper or improper; but I say it was charged to be improper by the gentleman from Iowa.

Mr. CANNON, of Illinois. I believe Mr. Tilden claims in his letter that it was not improper.

Mr. HEWITT, of New York. This was in 1868. Subsequently the ring, perhaps beginning their corrupt practices at that time for aught I know to the contrary, became so powerful in New York that they threatened to drive out and succeeded in driving out almost every decent man from the democratic party of that city.

Governor Tilden for more than three years, like a sleuth-hound upon the scent, followed these people patiently, secretly, diligently, spending that money of which the gentleman from Iowa thinks he is so parsimonious with a most liberal hand; yes, with a magnificence of liberality that no private citizen has ever exhibited in this country in the performance of a public duty not imposed by any obligation of law. I was with him in those transactions; I know what he did; I know his untiring efforts day and night; I know what an army of clerks he kept busy; I know how he tracked these people to their dens of iniquity and finally dragged them forth to public execration; and not stopping there, he has pursued them until they are either in prison or in exile, and judgments amounting to millions of dollars have been taken against them, and over $600,000 in one case has been restored to the treasury of the city of New York. [Applause.]

Mr. SPRINGER. That conduct of Governor Tilden is a warning to all such people, and accounts for much of the opposition to his election.

Mr. DAVY. Will my colleague [Mr. HEWITT] allow me just one question?

Mr. HEWITT, of New York. Certainly.

Mr. DAVY. Did not Mr. Tilden meet with Mr. Tweed as delegate in the State convention which convened at Rochester a long time after these occurrences, and after the frauds of Mr. Tweed had been exposed, and did Mr. Tilden raise his voice against Mr. Tweed taking a seat in that convention?

Mr. HEWITT, of New York. My colleague [Mr. COX] was a delegate to that convention and can answer better than I can.

Mr. DAVY. I asked the gentleman who is addressing the House.

Mr. HEWITT, of New York. Certainly; but I yield to my colleague for an answer to that question because he was an eye-witness, and an eye-witness is better than any second-hand testimony.

Mr. COX. I was a delegate to that convention along with Governor Tilden and the other delegates named from the different districts.

A MEMBER. To which convention?

Mr. COX. To the Rochester Convention, to which my colleague [Mr. DAVY] has referred.

A MEMBER. In what year?

Mr. COX. I think in 1871.

Mr. DAVY. Does my colleague refer to the judicial convention or the State convention?

Mr. COX. I refer to the only time a convention ever met there.

Mr. DAVY. O, no; conventions met there several times. The judicial convention met there.

Mr. COX. Not in recent years. Let me answer the gentleman's question. I know that Mr. Tilden's efforts drove William M. Tweed out of that convention.

Mr. DAVY. I asked the gentleman whether Mr. Tilden raised his voice in that convention against Mr. Tweed taking a seat.

Mr. COX. There was no necessity for his doing so, because Mr. Tweed was not in the convention.

Mr. HEWITT, of New York. Mr. Tweed had no seat in that convention.

Mr. DAVY. Was any resolution passed in that convention against the Tweed delegation taking seats?

Mr. HEWITT, of New York. The question which the gentleman asked me was whether Mr. Tilden protested against Mr. Tweed taking a seat. Mr. Tweed took no seat in that convention.

Mr. DAVY. That is not the question I put to the gentleman. I asked him whether Mr. Tilden ever raised his voice in that convention against Mr. Tweed taking a seat.

Mr. RANDALL. He did not have a seat there.

Mr. DAVY. He did have a seat in that convention.

Mr. HEWITT, of New York. I can give a satisfactory answer to the gentleman's question. I can say to him that Mr. Tweed at that time knew that Governor Tilden was his bitter enemy, and Governor Tilden knew that Mr. Tweed was trying to crush him; and, as the gentleman knows perfectly well, if it had not been for the stanch support and absolute confidence which the rural democracy of the State of New York extended to Governor Tilden he would have been driven from the chairmanship of the State committee, as Mr. Tweed threatened he should be. But he was kept there by the honest democrats of the State of New York until he had pulled down and destroyed this temple of iniquity and driven these scoundrels out of the places they disgraced.

Mr. DAVY rose.

Mr. HEWITT, of New York. Now I am not going to be interrupted and cross-questioned.

Mr. DAVY. I have one more question I would like my colleague to answer.

Mr. HEWITT, of New York. I will answer; but I want to say that I am an utterly unpracticed speaker. I have never before addressed a body like this without notes for anything like this length of time. If gentlemen are putting these questions with the purpose of disconcerting me, they ought to have more respect for themselves.

Mr. DAVY. I hope my colleague does not attribute any such motive to me.

A MEMBER, (to Mr. HEWITT.) You can hold your own very well.

Mr. DAVY. I want the naked facts of this case.

Mr. HEWITT, of New York. The bare, naked fact is this: There was war, "war to the knife," between Governor Tilden and Mr. Tweed; and it ended in the defeat and exile of Mr. Tweed. [Loud applause.] That is all there is about it.

Mr. DAVY. Now will my colleague permit me to ask him——

Mr. HEWITT, of New York. I will not be catechised.

Mr. RANDALL. I ask that the gentleman from New York [Mr. DAVY] take his seat. His colleague [Mr. HEWITT] declines to be interrupted further.

The SPEAKER *pro tempore*. The Chair must insist that the gentleman from New York shall take his seat.

Mr. RANDALL, (to Mr. DAVY.) Take your seat; you are out of order.

Mr. DAVY. Now I ask my colleague——

The SPEAKER *pro tempore*. The Chair must insist that the gentleman from New York, Mr. DAVY, shall take his seat.

Mr. DAVY. Certainly. I bow to the decision of the Chair; but I did not propose to yield to the decision of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HEWITT, of New York. I call this House to witness that I have answered and am willing to answer every question of a substantive character bearing upon the merits of this case which any man can ask me. But when gentlemen undertake to catechise me about petty matters of details I must decline to answer.

Mr. Speaker, the fact is perfectly notorious, and certainly no man in his senses, no fair and just man will ever for a moment intimate that there was the slightest intimacy, personal or political, at any time between Samuel J. Tilden and William M. Tweed. There never was, sir. There was that association which comes from the enforced appointment of men on committees and of their living in the same community and belonging to the same party; but the one man stood in the community above and beyond reproach, and the other was always an object of suspicion and finally of detestation.

Mr. DAVY rose.

Mr. HEWITT, of New York. I will not be interrupted more. I have shown a disposition to answer all reasonable questions, and I decline to be interrupted any more. Now the gentleman from Iowa——

Mr. LAPHAM. The gentleman is speaking by the grace of this side of the House.

Mr. HEWITT, of New York. I am not speaking by the grace of anybody but of my own colleague and my constituents. Now, the gentleman from Iowa indulged in one insinuation of so mean and despicable a character that I almost hesitate to refer to it. If he could have blushed—and I looked into his face as I sat near him on purpose—if he were capable of blushing he would have blushed then, but he did not. He insinuated that the private fortune of Governor Tilden had been acquired by some dishonorable, and he did not dare to say dishonest, but he implied it, dishonest practices in connection with railways and corporations. Now, when a man makes an insinuation of that sort he should be prepared with the proof. It is a mean, unmanly, dishonorable charge for any man to make behind the back of another man who is not here to answer. But I can tell that gentleman, and I hope his own record is as clear and as good, that Governor Tilden was called from 1857 to 1860 into almost every broken-down railway corporation in the West; that while he found them unable to pay even running expenses, he took them in hand and so administered them that in every case the bonds, whether first, second, or third mortgage, and the stock, preferred and common, all ultimately went above par; and he enriched the people that were wise enough and fortunate enough to have secured his services. I am personally among the numbers of those who were benefited by his wise and sagacious management; and I say, so far from having been overpaid in any of these transactions, that his legal fees and his personal services were the cheapest and most poorly rewarded I have ever known in a long business career, dealing in large transactions in all parts of this country and in Europe.

I defy these gentlemen to lay their hands upon a dishonest dollar in the possession of Samuel J. Tilden. I say that the people whom he served are his friends to-day, and his best friends. And it is the service there which he rendered to the West, notwithstanding the insinuations of the gentleman from Iowa that will give him the vote of those great western States within whose borders he reconstructed highways which are to them to-day the arteries of commerce and public blessings, the value of which cannot be properly estimated.

And as through the whole of his remarkable career he has been the wisest of men, he has been the truest of friends, he has been the most zealous and earnest of patriots, so to-day he is the wisest, the most accomplished statesman in the land, and he will by the blessing of God be one of the greatest, perhaps *the* greatest of the Presidents of the United States, because he will have the opportunity to rescue this Government from the hands of the incompetent and dishonest men who have controlled it so long and made it a reproach in the eyes of the civilized globe.* [Great applause.]

Mr. MORRISON. I move the House adjourn.

Mr. WELLS, of Mississippi. The gentleman agreed to answer a question.

The SPEAKER *pro tempore*. The gentleman from New York has left the floor, and the Chair does not see how the gentleman from Mississippi can be recognized pending the motion to adjourn.

Mr. WELLS, of Mississippi. I rise to a parliamentary inquiry. The gentleman from New York stated that he would answer a question.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. LAPHAM. I think that it is due to the occasion I should have an opportunity to say a word.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. DAVY. I think that after the speech of the gentleman from New York on the other side of the House some opportunity of reply should be allowed to gentlemen on this side.

Mr. PAGE. I ask unanimous consent that the gentleman from New York [Mr. LAPHAM] be allowed to address the Chair.

Mr. MORRISON. I insist on the motion to adjourn.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for, which is the motion of the gentleman from Illinois that the House do now adjourn.

Mr. PAGE. Upon that motion I call for the yeas and nays. But I will first ask the gentleman from Illinois to withdraw his motion, so as to allow the gentleman from New York [Mr. LAPHAM] five minutes.

Mr. RANDALL. Not for a second.

The SPEAKER *pro tempore*. The question is on the motion to adjourn, on which the yeas and nays have been called for.

Mr. DAVY, Mr. LAPHAM, Mr. WELLS of Mississippi, and Mr. SPRINGER made remarks which were inaudible while the Speaker was rapping to order with his gavel.

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays on the motion of the gentleman from Illinois.

On the question of ordering the yeas and nays there were ayes 11; not a sufficient number.

So the yeas and nays were not ordered; and the motion to adjourn was agreed to; and accordingly (at six o'clock a. m. Tuesday, August 15, 1876) the House adjourned.

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* In confirmation of his statements Mr. HEWITT inserts the following telegram received from Mr. Manton Marble too late to be inserted in the text:

NEW LEBANON, NEW YORK,
August 15, 1876.

Hon. A. S. HEWITT,
House of Representatives, Washington, D. C.:

Your telegram received and shown to me. Although Mr. Tilden was for the ten years previous to the war and during the war in private life, his position in respect to the war was never open to the slightest doubt. He had been early educated to condemn the doctrines of nullification and secession. He had foreseen the danger of civil war when many derided it, and did all he could to avoid it; but when it arrived he took an open and decided stand in support of the Government enforcing its jurisdiction and averting a dismemberment of the country. He attended the meeting of the 20th of April, 1861, and again on the 22d of April the meeting of the members of the New York bar. He soon after addressed a regiment setting out for the front. He attended the presentation of colors to the Seventy-ninth Highlanders, and afterward afforded that regiment special aid and service, to say nothing of frequent contributions of money elsewhere. His attitude throughout the war was that of a man who, disapproving of the scatteration military management and the inflation financial policy adopted by the Administration because they tended to prolong the war and increase its sacrifices, nevertheless sustained the arm of the Government. Every utterance of his during the whole war was in accord with this position. Every statement to the contrary about any single act or expression is totally false. Some of his speeches I heard myself, particularly a great speech which he made before the New York delegation at the Chicago democratic convention of 1864. I was the bearer of a message from him to General McClellan advising him to discard the objectionable words in the platform, which were also discarded in the subsequent platform of the New York State democratic convention. I have possession of the original manuscript of a declaration which he prepared in October, 1862, to be used to define the position of the New York democracy, the position which he thought it ought to take and which it did take. I select this from among many expressions for its brevity. It is as follows: "And now if my voice could reach the southern people through the journals of our metropolis, I would say to them that in no event can the triumph of the conservative sentiment of New York in the election mean consent to disunion either now or hereafter. Its true import is restoration North and South of that Constitution which had secured every right and under whose shelter all had been happy and prosperous until you madly fled from its protection. It was your act which began this calamitous, evil war. It was your act which disabled us, as we are now disabled, from shaping the policy or limiting the objects of that war. Loyally as we maintained your rights will we maintain the rights of the Government. We will not strike down its arm as long as yours is lifted against it. That noblest and greatest work of our wise ancestors is not destined to perish. We intend to rear once more upon the old and firm foundations its shattered columns and to carry them higher toward the eternal skies. If the old flag waves in the nerveless grasp of a frantic but feeble faction to whom you and not we abandoned it, we whose courage you have tried when we stood unmoved between fanaticism and folly from the North and South alike, will once more bear it onward and aloft, until it is again planted upon the towers of the Constitution, invincible by domestic as by foreign enemies. Within the Union we will give you the Constitution you profess to revere, renewed with fresh guarantees of equal rights and equal safety. We will give you everything that local self-government demands, everything that a common ancestry of glory, everything that national fraternity or Christian fellowship requires; but to dissolve the Federal bond between these States, to dismember our country, whoever else consents we will not; no, never! never! never!"

MANTON MARBLE.

IN SENATE.

TUESDAY, *August* 15, 1876.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

DISCHARGED TREASURY EMPLOYÉS.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing.

Mr. SARGENT. I think there will be no objection to that being acted on now. It is very well understood by the Committee on Appropriations.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the bill. It amends the clause in the sundry civil appropriation act, approved July 31, 1876, appropriating $25,000 "for the purpose of paying each of the employés recently furloughed and finally permanently discharged from service in the Bureau of Engraving and Printing one month's pay," by making the sum $29,500 in lieu of $25,000; the entire sum is to be paid out in accordance with the provisions of that clause, and to be distributed in payment only to those employés whose wages did not exceed $3 per diem, whether by monthly or daily rate of payment.

Mr. EDMUNDS. What is the ground of the distinction between the three-dollar persons and others?

Mr. SARGENT. The House would only appropriate $25,000 originally. It was shown to them, I think to our satisfaction, that it was not sufficient, and they now have passed this amendment making the amount $29,500 as a partial relief to those who are poorest and seemed to withhold it from those who receive higher wages and were therefore better able to lay something by. I suppose it is the best we can do, and we had better pass it.

There being no objection, the bill was read three times, and passed.

COMMITTEES DURING VACATION.

Mr. ANTHONY, from the Committee on Printing, submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the Committee on Printing have leave to sit during the recess.

Mr. MORRILL. It has been customary to grant permission to the Committee on Public Buildings and Grounds to sit during the recess. There has been no greater necessity for it heretofore than there is this year. I therefore move that permission be given.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report on the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes, which was returned from the House of Representatives with an amendment. The amendment not only changed the times of holding the courts, but introduced one or two new courts in places where, as we understand from gentlemen of the locality, they are not necessary. We have had no time to consider it fully, and of course there is no time now to dispose of the subject. I report it back to be laid on the table, so that we can consider it at the next session. I move that the bill and amendment lie on the table.

The motion was agreed to.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the petition of Louisa G. Chandler, widow of Charles G. Chandler, late lieutenant-colonel Tenth Regiment Vermont Volunteers, praying to have the records of the court-martial dismissing her late husband from the United States service set aside and an honorable discharge therefrom substituted therefor, asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Claims, to whom was referred the petition of Nancy J. Turk, of Knoxville, Tennessee, praying to be compensated for the value of buildings alleged to have been destroyed at Knoxville by order of General BURNSIDE, submitted an adverse report thereon; which was ordered to be printed.

PENSION BILLS.

Mr. INGALLS. I ask the Senate to allow me to present for consideration a few private pension bills, some of which have passed the House and are now upon the Calendar.

Mr. EDMUNDS. That is right; I hope it will be done.

Mr. DAVIS. May we not go on with unobjected cases?

Mr. EDMUNDS. Take the poor pensioners first. I trust the request of the chairman of the Committee on Pensions will be granted.

Mr. DAVIS. I was going to ask the Senate to go through the Calendar of unobjected cases. I have no objection to taking up the pension cases, however.

Mr. INGALLS. These bills have mostly passed the House. The cases, I can say to the Senate, have been very thoroughly sifted and examined by the Committee on Pensions, and none have been reported that in our opinion have not been exceedingly meritorious.

Mr. EDMUNDS. Nobody will object.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SARGENT. How long will it take?

Mr. INGALLS. I can run through all of these bills in twenty minutes.

The PRESIDENT *pro tempore*. The Chair hears no objection.

PETER HARDER.

Mr. INGALLS. The first case is Senate bill No. 792.

The bill (S. No. 792) granting a pension to Peter Harder was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place the name of Peter Harder, late private Company I, Seventh Regiment Michigan Volunteers, on the pension-roll at the rate of $8 per month, to take effect from and after the passage of this act.

The Committee on Pensions reported the bill with an amendment, to strike out the words "at the rate of $8 per month, to take effect from and after the passage of this act" and to insert "subject to the conditions and limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUSTIN R. MILLS.

Mr. INGALLS. The next is Senate bill No. 210.

The bill (S. No. 210) granting a pension to Austin R. Mills, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place upon the pension-roll the name of Austin R. Mills, late a member of the First Regiment of Kansas Infantry, at the rate of $12 per month. No payment is to be made for any time for which payment may have already been made on his pension-certificate.

The Committee on Pensions reported the bill with amendments; which were in line 7, after the words "rate of," to strike out the word "twelve" and insert "eight," and in line 8, after the word "month," to strike out the words "the same to commence from the date of his discharge from the Army; this act to be in lieu of his present pension-certificate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. PARTILLO.

Mr. INGALLS. The next is House bill No. 1931.

The bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place upon the pension-roll the name of John J. Partillo, late a private in Company H, Sixteenth Regiment of Michigan Infantry Volunteers.

The bill was ordered to a third reading, read the third time, and passed.

T. B. MURDOCK.

Mr. INGALLS. The next is Senate bill No. 750.

The bill (S. No. 750) granting a pension to T. B. Murdock was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place upon the pension rolls the name of T. B. Murdock, late a second lieutenant of Company F, Eighteenth United States Colored Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS GALLOWAY.

Mr. INGALLS. The next is House bill No. 3178.

The bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of Thomas Galloway, some time captain of Company C, First Maryland Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JEFFERSON BOWERS.

Mr. INGALLS. The next is House bill No. 1588.

The bill (H. R. No. 1588) granting a pension to Jefferson Bowers, of Mason County, Illinois, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, at an increased rate of pension, the name of Jefferson Bowers, of Mason County, Illinois.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the committee was in line 4, after the word "pension-roll," to strike out "at an increased rate of pension," and in lieu thereof to insert "at the rate of $4 per month."

The amendment was agreed to.

The next amendment of the committee was in line 8, after the word "Illinois," to strike out "according to his present disability," and in lieu thereof to insert "which shall be in lieu of the pension now received by him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I am aware that motion is not debatable; but I beg to say that I can conclude the business of the Committee on Pensions in fifteen minutes if I am allowed to go on.

Mr. ANTHONY. It can be done afterward as well as now. I gave notice that I should make this motion. Twenty Senators have asked me to wait until their business is through.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

EMILY E. WEISS.

Mr. INGALLS. The next pension bill is House bill No. 2231.

The bill (H. R. No. 2231) granting a pension to Emily E. Weiss was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-rolls the name of Emily E. Weiss, widow of Charles N. Weiss, to be paid from the date of his death.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IRENA GARRETT.

Mr. INGALLS. The next is Senate bill No. 980.

The bill (S. No. 980) granting a pension to Irena Garrett was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of Irena Garrett, widow of William H. Garrett, late captain of Company K, One hundred and third Ohio Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD F. EDDY.

Mr. INGALLS. The next is House bill No. 2837.

The bill (H. R. No. 2837) granting a pension to Edward F. Eddy was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of Edward F. Eddy, who, at the time he was wounded, was second lieutenant Company G, Sixteenth Regiment Michigan Volunteers, and who, when discharged, was lieutenant-colonel Twenty-Ninth Regiment Michigan Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVI D. HAYWARD.

Mr. INGALLS. The next is House bill No. 2844.

The bill (H. R. No. 2844) granting a pension to Levi D. Hayward was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of Levi D. Hayward, late a private in Company B, Thirty-first Regiment Iowa Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

F. M. BRUNER.

Mr. INGALLS. The next is House bill No. 2848.

The bill (H. R. No. 2848) granting a pension to F. M. Bruner was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of F. M. Bruner, late captain of Company A, Seventh Regiment United States Colored Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passd.

HARRIS B. LOVELL.

Mr. INGALLS. The next is House bill No. 1236.

The bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll the name of Harris B. Lovell, late a private in Company C of the One hundred and twenty-second Regiment of Illinois Infantry Volunteers in the late war of the rebellion.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOVINA ADELINE BOWKER.

Mr. INGALLS. The next is House bill No. 2846.

Mr. ANTHONY. Pursuant to the notice which I gave yesterday, and for reasons which Senators, every one of them, understand, and because we are fast drifting out of a quorum, and because if we do not transact the business that is necessary in executive session, I think a special session of the Senate will be inevitable, I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. Allow me to pass this one bill and I will yield.

Mr. ANTHONY. Very well.

The bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lovina Adeline Bowker, step-mother of Wilbur F. Bowker, late a private in Company H, Eighth Regiment of Vermont Volunteers, and cause to be paid to her the same pension which she would be entitled to if Wilbur F. Bowker were born of her body.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. There are only two more of these bills on the Calendar. Let them be acted on.

Mr. ANTHONY. I have done my duty. I believe if we do not go into executive session we shall have to come back in special session of the Senate. The Senate can do as it pleases.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session, the doors were re-opened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, the House having reconsidered the vote by which a conference was heretofore ordered.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

The message further announced that the House had passed the following bills:

A bill (S. No. 788) for the relief of Robert N. Eddy; and

A bill (S. No. 1014) regulating the disbursement of certain moneys therein named.

SUPPRESSION OF INDIAN HOSTILITIES.

The Senate proceeded to consider its amendment to the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities, disagreed to by the House of Representatives.

On motion by Mr. LOGAN, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. HITCHCOCK, and Mr. MAXEY.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods; and

An act (S. No. 944) for the relief of Gilderoy M. Hardy.

The message also announced that the President had this day approved and signed the act (S. No. 897) granting a pension to Andrew Evarts.

EXPENSES OF DISTRICT GOVERNMENT.

The Senate proceeded to consider its amendment to the bill (H. R. No. 3962) to defray the expenses of the District of Columbia until December 1, 1876, disagreed to by the House of Representatives.

Mr. WINDOM. I move that the Senate recede from its amendment to the bill; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 12; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Cragin, Davis, Eaton, Ferry, Frelinghuysen, Howe, Jones of Florida, Jones of Nevada, Kelly, Kernan, McCreery, Maxey, Mitchell, Morrill, Norwood, Patterson, Randolph, Saulsbury, Spencer, and Windom—29.

NAYS—Messrs. Booth, Clayton, Edmunds, Harvey, Hitchcock, Ingalls, Key, Logan, McMillan, Oglesby, Paddock, and Sargent—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Cameron of Pennsylvania, Conover, Cooper, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Johnston, McDonald, Merrimon, Morton, Ransom, Robertson, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, Withers, and Wright—30.

So the motion was agreed to.

LAND OFFICE IN WASHINGTON TERRITORY.

On motion of Mr. OGLESBY, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 351) to create an additional land office at Colfax, Whitman County, Washington Territory.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PAY OF PAGES OF THE SENATE.

Mr. JONES, of Nevada. I report back from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution authorizing the Sergeant-at-Arms to retain in the employ of the Senate until the 1st of September, 1876, all the pages now employed, and allowing them compensation until that date. There being no quorum of the committee to consider the resolution, I report it back without recommendation of the committee, and ask for its present consideration by the Senate.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to retain in the employ of the Senate until the 1st day of September, 1876, all pages now employed, and that the usual per diem compensation be paid to them until that date.

Mr. DAVIS. I object to its consideration.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the resolution.

Mr. DAVIS. I do not know that I would object to the passage of this resolution, but the tendency and the influences are bad. It will be followed, I have no doubt, by similar resolutions and this will be a precedent. It will be quoted that we have done it in this instance, and others will ask for it. I want to comply fully with the law and I want to pay fair and proper compensation, but this thing of making extra compensation and of passing resolutions at the heel of the session without proper consideration is wrong. I want to give notice now that I shall object to every case of the kind which does not come strictly within the rules.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the resolution.

Mr. COCKRELL called for the yeas and nays; and they were ordered.

Mr. MORTON. I wish to inquire what employés are included in the resolution?

Mr. WEST. None but the little boys. I wish to say one word in reply to what the Senator from West Virginia says about this being a precedent. It is a practice that has been sanctioned by the usage of the Senate from time immemorial. We have within a few days passed a resolution giving pay to other discharged employés. It has no evil tendency that I can see whatever, and the principle has been universally followed for half a century at least.

The question being taken by yeas and nays, resulted—yeas 22, nays 15; as follows:

YEAS—Messrs. Allison, Bruce, Cameron of Wisconsin, Christiancy, Cooper, Cragin, Eaton, Ferry, Frelinghuysen, Hitchcock, Jones of Florida, Jones of Nevada, Mitchell, Morton, Norwood, Paddock, Patterson, Randolph, Ransom, Spencer, West, and Windom—22.

NAYS—Messrs. Anthony, Booth, Clayton, Cockrell, Conkling, Davis, Edmunds, Howe, Key, Logan, McCreery, McMillan, Maxey, Morrill, and Oglesby—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Boutwell, Burnside, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Ingalls, Johnston, Kelly, Kernan, McDonald, Merrimon, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Withers, and Wright—34.

So the motion was agreed to; and the Senate proceeded to consider the resolution.

The resolution was agreed to.

ORDNANCE STORES FOR KANSAS TERRITORY.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnances stores furnished to Kansas Territory. I ask the attention of the chairman of the Committee on Military Affairs, who reported the bill.

Mr. EDMUNDS. You cannot do that now. I hope the bill will not be taken up.

Mr. HARVEY. The object of the bill is to release the State of Kansas from charges which have been standing against her on account of ordnance stores issued to the Territory during the time of the early troubles there, of which the State never really had possession except of but a small proportion. The bill provides that upon the surrender to the Ordnance Department of all the arms that ever have passed into the possession of the State she shall be released from the charge that stands on the books against the State. I hope the Senator from Vermont will not object.

Mr. EDMUNDS. That may be all correct. I have no doubt my friend thinks it is; but it is too late in the session.

Mr. HARVEY. The bill was considered by the Committee on Military Affairs.

ADJOURNMENT SINE DIE.

Mr. WINDOM. Will the Senator from Kansas yield to me to call up a resolution that will not occupy three minutes, probably?

Mr. HARVEY. Shall I lose the floor by so doing?

The PRESIDENT *pro tempore*. Not if it is done by unanimous consent.

Mr. HARVEY. Very well.

Mr. WINDOM. I ask that the Senate proceed to the consideration of the resolution fixing the time of adjournment.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the following concurrent resolution of the House of Representatives:

Resolved, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August 14, 1876, at 4 o'clock p. m.

The Senate proceeded to consider the resolution.

Mr. WINDOM. I move to amend by making the hour three o'clock to-day. There are reasons why it should not be fixed later.

Mr. CONKLING. I should like to make an inquiry, and I suppose the Senator is prepared to answer me. I should like to know in regard to the one or two bills which I have in mind upon which there is a disagreement between the two Houses, for instance about volunteers for the frontier, whether that is certain to be concluded by three o'clock. It is now ten minutes after two. That would leave fifty minutes, and I see Senators who have been appointed conferees upon that bill still sitting in the Senate.

Then I should like to inquire again whether the Senator knows that the bills which have been passed will be signed by three o'clock? Again, if I am not asking too many questions, I ask whether the Senator is prepared to say, we having received no notice from the House of any kind, that other bills to which I might refer and which are not concluded between the two Houses, will not fall if we fix three o'clock and the House concur in it? I am very anxious, for one, to adjourn as soon as we can; but I think after staying here until the 15th of August we should not on the question of a fraction of a day fail to allow any bill to pass which has been deemed important enough to keep the Senate here until this hour, and important enough to keep the Senate here yesterday until the very late hour at which we adjourned.

Mr. WINDOM. I am informed that the bills are all signed.

Mr. CONKLING. What about the bill to employ forces against the Indians. Here within a few moments a conference committee was appointed and the conferees have not left the Senate; and now the Senator proposes to fix a time when the hammer shall fall and the session shall end.

Mr. WINDOM. The fact is that the House has not granted a conference, and upon a private consultation with members of the House I am satisfied that it will not appoint a committee.

Mr. CONKLING. And you propose to go away and leave it?

Mr. WINDOM. I understand the House will insist on the bill they have sent to us providing for volunteers, and it is the opinion of our committee that that bill should not pass. Therefore I see no probability of the passage of a bill to meet that necessity.

Mr. CONKLING. Then, as I understand, we are to accept this as a fact that within the next forty minutes we must allow the Indian outbreak so called to go without provision, or we must accept a measure from the House which many Senators, including those familiar with military affairs, have denounced as not only unwise but utterly impossible and futile. The chairman of the Committee on Appropriations is the appropriate Senator, not I, to determine this question; but I venture to make this suggestion, because it seems to me that if upon a question of adjourning at three o'clock rather than at four or five to-day or even of continuing the session until to-morrow we should lose this one bill, if no other, it would be a very wrong application of judgment and even of convenience.

Mr. WINDOM. There seems to be a good deal of opposition to the resolution at present, and I will withdraw it for a few moments.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

PETITIONS AND MEMORIALS.

Mr. SPENCER presented a petition of Major John A. Darling, late captain of the Second Artillery, United States Army, praying to be restored to his original rank in the Army; which was referred to the Committee on Military Affairs.

Mr. KERNAN presented a resolution adopted at the semi-annual meeting of the National Association of Stone Manufacturers of the United States held in the city of Philadelphia, Pennsylvania, on the 14th day of June last, praying the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the President of the United States, transmitting, in response to a resolution of the Senate of the 24th ultimo, a report from the Secretary of State, with accompanying statements embracing a list of the civil officers connected with the Department of State.

Mr. CRAGIN. I move that that communication lie upon the table and be printed; and on the motion to print I ask the permission of the Senate to make a very few remarks.

The PRESIDENT *pro tempore*. The Senator from New Hampshire may proceed by unanimous consent upon the motion to print. A motion to lay on the table is not debatable.

Mr. HARVEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HARVEY. I yielded the floor by unanimous consent for the consideration of the resolution relating to adjournment. I wish to resume it and have action upon the motion to consider the bill to which I referred.

The PRESIDENT *pro tempore*. The Senator from Kansas is correct. The Senator yielded by unanimous consent to the Senator from Minnesota for the purpose of taking up the resolution. The attention of

the Chair being called to it he recognizes the Senator from Kansas, and the Senator from New Hampshire will be entitled to the floor following. The question is whether the Senate will proceed to the consideration of the bill.

ORDNANCE STORES FOR KANSAS TERRITORY.

Mr. HARVEY. I move to proceed to the consideration of the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory.

Mr. EDMUNDS. It appears to me, with great respect for my friend from Kansas, that a bill which releases anybody from anything ought not at this stage of the session to be taken up and considered unless it is a matter of extreme public urgency, because we have to do it in haste, and we have often found in such cases—I hope this is an exception—that we make a mistake. I hope, therefore, that the Senate will not take up any business except that which is pending between the two Houses in respect of one or two important matters which were referred to by the Senator from New York, [Mr. CONKLING.] That is all I have to say. I know nothing about this bill.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the bill.

The question being put, a division was called for; and the ayes were 14 and the noes 9; no quorum voting.

Mr. HARVEY. I hope a further count will not be insisted on. I trust the Senator from Vermont will withdraw his objection.

Mr. EDMUNDS. There is no quorum, and no business can be transacted.

Mr. DAVIS. I wish to say that I do not object particularly to the bill of the Senator from Kansas, but I believe that no bill ought to pass unless we have a quorum present, and there is a Senator here now who asks the floor, and I believe it has never been refused when a Senator asked the floor to make some remarks. I have no objection to one bill over another; but I doubt the propriety of passing any bill now before we adjourn. Besides, the Senator from New Hampshire is certainly entitled to the floor under the custom of the Senate.

The PRESIDENT *pro tempore*. There being no quorum no business can be transacted.

Mr. HARVEY. I move a call of the Senate.

The motion was not agreed to.

The PRESIDENT *pro tempore*. If there is no objection the Senator from New Hampshire will hold the floor.

Mr. CRAGIN. Mr. President, do I understand that I am entitled to the floor now?

The PRESIDENT *pro tempore*. The Senator has the floor.

NUMBER OF CIVIL EMPLOYÉS.

Mr. CRAGIN. Mr. President, the report of the Secretary of State just submitted by the President is the last report from the heads of Departments in answer to a resolution passed by the Senate on the 24th of July calling on the heads of Departments for the number of civil officers, not including laborers and mechanics employed by the day and contractors, in and connected with each of said Departments for the years 1859, 1861, 1863, 1865, 1867, 1869, 1871, 1873, and 1875.

On the 18th of July the Senator from North Carolina [Mr. MERRIMON] in the course of his remarks to the Senate introduced a table purporting to be a statement of the number of employés borne on the civil list of the United States, from 1857 to 1875, inclusive, compiled from the Biennial Register. A very slight glance at this table convinced me that it was very erroneous, that it was not a correct statement, and not correct as compiled from the Biennial Register. In looking to the year 1871, in that table, I found that the number of civil officers reported was 57,605, and for the year 1873, two years later, the number of civil officers reported was 80,637, or an increase of 23,000 in two years. Looking to 1875 I found the number reported was 94,119, an increase of nearly fourteen thousand over the second year previous, or 37,000 in four years. Any man of ordinary capacity would see at once that here is a mistake, and this table has figured in the other House as well as here, and it has been announced over and over again to the country that there are 94,000 civil officers of the United States until that has been almost accepted by everybody throughout the United States. It is a gross error; it is a total mistake without any foundation in fact, without any foundation so far as the Biennial Register is concerned.

The resolution to which I have referred, calling on the heads of the different Departments to furnish the number of civil officers for these identical years, was passed on the 24th of July, and the reports have now all been received, and I have prepared from these reports a table covering these same identical years, being a statement of the number of civil officers in and connected with the Departments from 1859 to 1875, inclusive, as reported by the head of each Department in compliance with Senate resolution of July 24, 1876. I submit this table:

Statement of the total number of civil officers in or connected with the Departments from 1859 *to* 1875, *inclusive, as reported by the head of each Department in compliance with Senate resolution of July* 24, 1876.

Departments.	1859.	1861.	1863.	1865.	1867.	1869.	1871.	1873.	1875.	No. of document. First session Forty-fourth Congress.
State	367	398	395	427	495	466	466	422	430	Executive document (Senate) 92.
Treasury	3,778	3,403	4,581	6,333	7,851	8,168	8,630	11,582	12,482	Executive document (Senate) 91.
Interior	1,081	1,463	1,317	1,342	1,501	1,875	2,812	2,475	2,198	Executive document (Senate) 87.
War	339	820	1,427	4,201	3,272	1,514	1,150	1,077	1,489	Executive document (Senate) 86.
Navy	90	94	132	131	132	121	131	159	153	Executive document (Senate) 88.
Justice	5	7	8	8	10	14	229	517	521	Executive document (Senate) 82.
Post-Office	30,817	31,010	32,551	33,646	30,448	33,111	36,668	41,080	44,897	Executive document (Senate) 83.
	36,477	37,195	40,411	46,088	43,709	45,269	50,086	57,312	62,172	

I desire to call attention to one or two years. For 1873 the aggregate number of civil officers, from the statements of the heads of all the Departments of the Government, was 57,312 as against 80,000 and more as contained in the table presented by the Senator from North Carolina; and in 1875 the entire number of civil officers was 62,172 instead of 94,000, or about 32,000 less than the number that appears in the table presented by the Senator from North Carolina, and in the same table presented at the other end of the Capitol.

Mr. President, this table shows a gradual increase. The increase of postmasters alone averages about three thousand per annum. This table shows an increase in the Treasury Department of about four thousand, and I desire to read from the letter of the Secretary of the Treasury transmitting his report upon this subject a statement which accounts fully for this increase:

> This statement is compiled from the United States Official Register. The large apparent increase of 1873 over 1871 is accounted for in part by the fact that the names of nine hundred and ninety-nine gaugers and eight hundred and eighty-eight storekeepers of internal revenue (total, eighteen hundred and eighty seven) were published in the Blue Book for 1873 for the first time, but such officers had been in the service in larger numbers since 1865.
>
> The increase of nine hundred in 1875 over 1873 is accounted for by the fact that in the first-named year the names of eight hundred and seventy-seven deputy collectors of internal revenue were published in the Blue Book for the first time, although even a large number of that class of officers had been in the service since 1862, and the establishment by act of March 3, 1875, of the national-bank redemption agency added one hundred and fifty-two employés to the Treasurer's Office and thirty to the Office of the Comptroller of the Currency, the amount of whose salaries is re-imbursed by the national banks.

That accounts fully for the increase of the number of civil employés in the Treasury Department over and above that of 1871. The increase in the War Department in 1875 over 1873 is nearly four hundred, and that is accounted for fully and more in the letter of the Secretary of War transmitting his answer to this resolution of July 24.

I might go through the other Departments to show the reason for this increase; but the main point I have in view is to present this table, this official table, and I call the attention of the Senate and of the country to it, where they can find this information. This is the official information from all the Departments, and the entire number of civil officers employed by the Government of the United States is only 62,000 as against 94,000, as was reported by the Senator from North Carolina, and as was reported by numerous gentlemen in the other end of the Capitol, and has gone forth to the country as the exact truth.

The table I have presented will enable the country to see what exaggerations are put forth in this year of our Lord 1876.

The PRESIDENT *pro tempore*. The motion is to print the communication of the Secretary of State.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted on its amendments to the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. B. BANNING of Ohio, Mr. R. Q. MILLS of Texas, and Mr. J. M. THORNBURGH of Tennessee managers at the conference on its part.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3184) for the relief of Emerick W. Hansell.

BRIDGE AT SIOUX CITY, IOWA.

Mr. CAMERON, of Wisconsin. I ask that the Senate take up the bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa.

The chief Clerk read the bill.

Mr. DAVIS. The bill just read is a long one, and altogether too

important a bill to be pushed through in the last moments of the session when we have less than a quorum present. I hope the Senator from Wisconsin will not insist on calling up the bill now. Again, I do not see the chairman of the Committee on Commerce, from which the bill came, in his seat; and it is altogether too important a bill to be rushed through at this moment of the session. I hope the Senator will not insist on it. It has not been taken up yet, I believe.

The PRESIDENT *pro tempore*. It has not been; it has been read for information.

Mr. CAMERON, of Wisconsin. The bill, as the Senate will have observed, is a House bill. It has been carefully considered by the Committee on Commerce of the Senate and reported favorably upon. It has all the usual provisions which for some years past have been inserted in similar bills. The bridge cannot be located except subject to the approval of the Secretary of War. The plan for the construction of the bridge must be submitted to the Secretary of War and approved by him.

Mr. ALLISON. I trust the Senator from West Virginia will withdraw all objection to this bill. It was carefully prepared in accordance with several bills of a similar character, all of which have proved to be effectual to protect the interests of the Government. There is no general law on the subject, and it is necessary to have a special bill for each case.

Mr. CAMERON, of Wisconsin. I hope the Senator from West Virginia will not object to the bill being taken up at this time. I assure him that the bill is all right. It has all the restrictive provisions in it that have ever been inserted in a similar bill.

Mr. DAVIS. I of course know very little of the merits of the case or of the facts connected with the bill or its object; but I do know that it is an important bill, a long bill, and it ought to be carefully considered before it is passed by the Senate. My object was more especially to call the attention of those who are interested, very few of whom I noticed listening to the reading of it. If those who are particularly interested on the Upper Mississippi are satisfied, and the bill has received the sanction of the chairman of the Committee on Commerce and the other members of that committee, I will not object to it, but I desire to call their attention to it.

Mr. CONKLING. I am very much obliged to the Senator for calling my attention to this bill. If I remember it aright, it is a bill which was reported by the Committee on Commerce unanimously, and it is the customary bill in a case where such a bill is asked for and an imperative necessity for it is shown. As we all know the rules of the Senate, it is not in order to discuss its merits on a motion to take up, I suggest that the bill had better be taken up and then we can see what its merits are.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of this bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McMILLAN. The State which I represent is somewhat interested in this matter. The Sioux City Railroad, which runs to the Missouri and connects with the Union Pacific road ultimately, will cross at this bridge. It is on the Missouri River, not on the Mississippi, as the Senator from West Virginia seemed to suppose. The bill has been considered by the Committee on Commerce, as has been stated by the chairman, and all the safeguards and protections usually included in bills of this character are inserted in this bill, so that the rights of the public are fully protected, and it is a matter of public interest. The bill is correct, and should pass in my judgment.

Mr. CONKLING. Let me add to what the Senator from Minnesota has said that it is a bridge over the Missouri River which as the Senator knows is a boundary river between States. This bridge is to go from one State to another State, so that it does not fall within the police power of the States themselves. It is properly, according to any view that may be taken of the matter, a subject within the domain of congressional action. I see no objection to it that cannot be made to the numerous other bridges that have been erected over the Mississippi, Missouri, and other boundary rivers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDINANCE STORES FOR KANSAS TERRITORY.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill which I called up a while ago, and which effort failed because there was no quorum. I now desire to have a vote on taking up the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory.

Mr. EDMUNDS. We had a vote on taking up that bill a short time since and the Senate declined to take it up, as I understood it.

Mr. HARVEY. A large majority of those present voted for taking it up.

Mr. EDMUNDS. So it may be; but I wish to appeal to that large majority that a bill which proposes to relieve a State or anybody else from any legal liability it may be under at this time in the session, when there is no fair time to consider the case in full, is not right. I do not mean by that to impugn at all, as my friend knows, the propriety of this bill. I dare say it may be perfectly correct although I know nothing about it; but a bill to relieve a State from what must now be supposed to be its obligation to the United States, taken up in the very last moments of the session, is not a good thing to do. If there were any pressing or special emergency——

Mr. HARVEY. If the Senator will permit me, I can explain why the bill has not been taken up earlier. It was reported soon after it came from the House by a unanimous vote of the Committee on Military Affairs; but the chairman of that committee has been so much occupied with other measures that whenever he could get the floor he has felt compelled to ask for the consideration of other bills.

Mr. OGLESBY. The bounty bill.

Mr. HARVEY. The bounty bill, House bill No. 58, which is a good bill, one which I think ought to pass; but the trouble has been that he could not get that considered, and has failed to get the floor for the purpose of having this bill considered. I am authorized by him to state that the committee reported it unanimously; that the bill is all right, and that he thinks it ought to pass. I have stated, if the Senator from Vermont will permit me, and I think he was present and heard the statement, as to why the charge was made. These arms were issued to what was called the Kansas territorial militia, being really organizations of men from other States.

Mr. OGLESBY. To put slavery into the Territory.

Mr. HARVEY. The arms were put into the hands of that militia for the purpose of enforcing what were known as the "bogus laws" in the Territory of Kansas, and now the State has been charged with these arms issued to the territorial authorities under such circumstances. I think it a manifest injustice to the State of Kansas, and I hope the Senate will stand by me and remove this unjust charge.

Mr. EDMUNDS. We cannot perfectly understand whether it is a manifest injustice to the State of Kansas until we consider the bill; but as the Senator has referred to that, it is rather an extraordinary thing that we should be called upon to do this act of justice to the State of Kansas after nearly twenty years, I do not know but quite twenty years, have elapsed since the event took place to which this matter refers, and after more than ten years have elapsed since the State of Kansas came into the Union; I have forgotten the year of her admission.

Mr. HARVEY. Eighteen hundred and sixty-one, the 29th of January.

Mr. EDMUNDS. Fifteen years have elapsed since the State of Kansas came into the Union. Now to take up, and apparently in warm haste, a matter that seems not to have been acted upon favorably by Congress for fifteen years, it appears to me is not wise in respect of the deliberate disposal of public business. In saying that I am not speaking against this bill. As yet it is not up, and we cannot inquire what its real merits are; but I submit to my friend, who I know desires just as much as I do, and perhaps more, to subserve the public interests, whether it is a good thing to do as a rule to undertake, in the last moments of a session, to take up a matter so old as this, which involves a certain amount of money to be paid by the United States, not in cash, to the State of Kansas, but in property which she will be entitled to receive if we pass this bill, at this stage of the session. Of course I cannot discuss its merits. I do not yet know its merits; but I only say that after fifteen years it does appear to me that just now is not the correct time to undertake to go into the consideration of a bill that involves a very considerable amount of property or money.

Mr. HARVEY. It seems like a strange argument, that justice having been long delayed, it should be still further delayed; and yet it seems somewhat in accordance with the course that my friend, the Senator from Vermont, is apt to take. It is true that this matter occurred some time ago, but it is also true that the State of Kansas and the Congress of the United States have been very much engaged with other business a good portion of the time. Now that the facts have been ascertained and action has been had by the other House, and that the bill has been reported upon favorably by the Committee on Military Affairs unanimously, and as the bill provides for the payment of no money at all, but simply for the release of a State from an unjust charge, amounting to eleven thousand four hundred and some odd dollars, which is to be diminished by the surrender of all the arms which have ever come under the charge of the State, and as the bill is eminently just in its provisions, I hope the Senate will consider it and pass it.

Mr. OGLESBY. Mr. President——

Mr. EDMUNDS. I hope we shall not debate the merits until we get the bill up.

Mr. OGLESBY. What is the motion?

The PRESIDENT *pro tempore*. The question is on taking up the bill.

Mr. OGLESBY. If at this moment I shall be debarred from considering the merits of it, what is to become of what the Senator from Vermont and the Senator from Kansas have said about the merits?

This is a little bill and it has the smell and flavor of twenty years ago, of the pro-slavery pristine vigor of Kansas territorial times. It is late in the session and a little late in the nineteenth century to consider this bill, but "better late than never." It has passed the House, and if it should pass the Senate now, as it can in two minutes and a half, Kansas will be relieved from a burden charged against her upon the ordnance books of the War Department, from which I think she ought to be relieved. The committee have reported favorably upon it. The honorable Senator from Vermont is very vigilant in watching the Treasury and the public interests, so vigilant sometimes that I

have wished he was out of the way when I was trying to get a bill through, and when anybody else is trying to get one through I am always sorry he is not here. That honorable Senator, ever watchful of the public interests, stands now just a little bit in the way. This is a charge against Kansas for Government arms issued to the Territory over twenty years ago. The people of Kansas had nothing to do with it. They were issued to the officers of the Army in the Territory. They were scattered all about and lost, as they almost always are, and Kansas with its depleted grasshopper treasury stands charged with this $11,000. It wants to be released from it and have its accounts settled with the Ordnance Bureau. The bill is not to pay any money out to anybody, not to pay any money in to anybody, but it is to relieve that suffering and virtuous State from this onerous burden of $11,000. It is away back and gone by; the arms have been lost, or stolen, or rusted, or destroyed.

Mr. HARVEY. Or carried away into Missouri.

Mr. OGLESBY. To make Kansas now pay that $11,000, or have it stand charged on the books of the Ordnance Department, is not quite the right thing. The bill has passed the House and it is suffering to pass this body, and as soon as it shall pass here the account will be settled, Kansas will be liberated from border-ruffianism, and stand regenerated and renewed in her brand-new blue-jean clothing, the daughter of freedom and the child of promise. Why it cannot pass I cannot tell. The sum is $11,000. Of what small significance to us and how oppressive it is to the fair daughter of freedom I hope the Senate will take it up and pass it, and that the honorable Senator from Vermont will yield to our solicitude upon this question.

Mr. EDMUNDS. I suppose the Chair has enforced the rule, as it is his duty to do, in respect of debating the merits on a motion to take up. I suppose the Chair has held that the oration of my friend from Illinois was within the rule in favor of taking up this bill, although all that he has said has been in advocacy of its merits in spite of the rule; but as in the last moments of a session all rules are to be broken down, all proprieties disregarded, and all safeguards thrown aside, it is perfectly appropriate that he should have made the oration he did on the motion to take up a bill.

I wish, Mr. President, to express my thanks to the Senator from Kansas for the great honor he has done me in imputing to me a disposition to stand in the way of legislation which he considers to be appropriate. I have endeavored, as I think everybody ought to endeavor, to stand in the way of legislation until it shall be understood, and to resist it if I believe it to be wrong. I believe my right in that respect is equal exactly to that of the Senator from Kansas; and that it is my right and privilege, if I act conscientiously, to oppose anything that he proposes in just the same degree and for reasons that may be equally satisfactory to me as those which lead him to demand that a measure shall be taken up now or passed at any time. If the Senator from Kansas imagines that he has any superior privilege in respect of proposing what others may not wish to propose, then I should be glad to have him state it. I am not in the least degree ashamed of the small part I have taken to protect the Treasury and the people of the United States against shams and swindles; not the least. I do not mean by this to impute to the Senator from Kansas that he has ever been connected with a sham or a swindle; I am sure he consciously never would be; but it is a little ungracious, I will suggest to him, and a little out of place, to make the remark that he did touching the small share that I have had in the legislation of this body.

Mr. HARVEY. Will the Senator repeat his recollection of what that remark was?

Mr. EDMUNDS. The RECORD will show (as I am sure my friend from Kansas does not doctor his remarks any more than I do mine) exactly what he said. I think I remember it correctly; but I would not venture to state it.

Mr. HARVEY. If the Senator desires, I will repeat my recollection of what I said.

Mr. EDMUNDS. I do not desire anything, but I am quite willing that the Senator shall say what he likes.

Mr. HARVEY. I said this: That it seemed a strange argument to use that because justice had been long delayed it should be still further delayed, and that this seemed to be somewhat in accordance with the usual course of the Senator from Vermont concerning matters of this kind. I meant by that that the fact that a matter had not been settled promptly at the time was with him a reason why further delay should be urged. I think he will admit that many times he has used the same line of argument against measures in themselves just, as this measure is.

Mr. EDMUNDS. No, Mr. President, I shall not admit anything of the kind, because in my opinion it is not true. I do believe, as I think a good many right-minded people believe, that a stale claim is a suspicious claim, and that in order to carry it it should be supported by clear and irrefragable testimony and proofs. That I believe, and I think I state a principle of universal law and of universal justice.

Mr. HARVEY. If the Senator will permit me, I will call his attention to the fact that this is a claim by the Government against the State of Kansas. According to that the *onus* of proof would be upon the Government to show that the State of Kansas ever received these arms. It could be shown, as a matter of history and proof, beyond doubt, that the arms were issued not to the State of Kansas, not to the people of Kansas, but to persons who where there as an organization from States outside of Kansas.

Mr. OGLESBY. It was during Buchanan's administration.

Mr. HARVEY. It was during Buchanan's administration, and the arms were issued to the territorial militia for the purpose of enforcing what were known as the "bogus laws" of 1855. When that militia retired from the State the arms went with it; yet they stand on the books of the Ordnance Department here charged to the State of Kansas. If there is any claim about the matter it is an unjust, an old, and stale claim on the part of the General Government against the State of Kansas, which should be removed at the earliest opportunity.

Mr. EDMUNDS. Now if the logic of my friend—if he will allow me so to call him—is not any better than his bill, or if his bill is not any better than his logic, I am sorry for the bill. He says that this falls within the very description of a stale claim on the part of the United States. The case, if it may be stated, is this: Every State and Territory to which under the general laws of the United States arms are distributed is charged with them. In a period of years they can only get according to population, or whatever the rule may be, arms proportioned to their just demands in respect of the other States and Territories. It happens that the State of Kansas appears to have got more arms than down to this time she is entitled to receive.

Mr. HARVEY. I hope the Senator will make the distinction between the Territory and the State, and consider the circumstances under which the issue was made.

Mr. EDMUNDS. I am not on the question of the circumstances; I am on the distinguished Senator's logic and his statement of the law about stale claims and the justice of them. Therefore, I repeat, the State of Kansas appears, as is admitted to be a fact, to have received by herself and by her territorial government before she was formed into a State more arms than down to this time she would on the whole be entitled to. Now she wishes to have that charge wiped out in order that she can get a fresh credit; and I say after she has acquiesced for fifteen years after she became a State in the justness of this charge and has failed to get her arms except by a special appropriation that has passed hitherto for a limited number, it is not just and is not logical to say that the staleness of this demand is on the part of the United States, but it is exactly the reverse. I should be glad to have some Senator inform me if this matter has actually lain dormant without any claim of the State of Kansas to correct it for this period of fifteen years. The Senator can probably inform me whether this has ever been before brought to the attention of Congress.

Mr. HARVEY. The State of Kansas has claimed exemption from this charge, and the answer has been by the Ordnance Department that it would require legislation to relieve the State, the circumstances being such as they are. Of course the records show nothing concerning the peculiarities of the history of the times when the issue was made, but they show through whom the issues were made, and the Department has no authority without legislation to remove that charge. While admitting that the arms were unjustly charged to the State under the circumstances, yet in order to make the records proper and relieve the officers making the issues, having made charge on the books, such legislation should be had as will recognize the existence of the facts under which the issue was made. This bill recites at some length, if the Senator will permit it to be taken up and read, the circumstances.

Mr. OGLESBY. Read it in your speech.

Mr. HARVEY. I will take occasion to read it as a part of my speech.

Mr. EDMUNDS. Which of us has the floor just now, Mr. President?

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor.

Mr. HARVEY. Does the Senator object to the reading of the bill?

Mr. EDMUNDS. I object to its being read as part of my speech.

Mr. HARVEY. The Senator, then, will not yield the floor to me for the purpose of reading it?

Mr. EDMUNDS. No, I will not. I suppose that will add another to the long list of my iniquities; but I do not prefer to make my speech on the bill until it is taken up. The Senator has failed to answer the question which I put, not to him, but to everybody, whether this claim of the State of Kansas to get $10,000 or $11,000 more in the amount of arms, because that is the substance of it, than as the law now stands she is entitled to, has been hitherto brought to the attention of Congress and relief asked from Congress during fifteen years that she has been a State.

Mr. HARVEY. Will the Senator permit me? He says this is a claim of the State of Kansas for $10,000 or $11,000. It is not anything of the kind; it is simply a request on the part of the State to be relieved from a claim by the General Government which has no foundation in fact and in justice.

Mr. EDMUNDS. Now the Senator again does not answer the question whether the State of Kansas or anybody in her behalf ever brought this matter before to the attention of Congress, and, if so, what action was taken by Congress about it. I assume in the absence of any answer to the question that the State of Kansas never has, through her representatives or otherwise, asked the intervention of Congress upon this subject for the period of fifteen years. Therefore it is mani-

fest to me that this is a claim which there is no special demand, in point of justice or anything else, that it should be hustled through at this particular moment of time, when nobody wishes to give attention to any public business except that of the most pressing exigency. The Senator from Kansas says this is not a claim by the State of Kansas to get anything from the Treasury, but only to be discharged from a liability to the Treasury. Let us see if that be exactly correct. If it were exactly correct it would amount to the same thing, but is it correct? If you erase from the books of the Ordnance Department these items that she asks to have erased from those books, she becomes at once entitled, if I correctly understand the law, to an equivalent amount of arms. If these old arms, as the Senator from Illinois states, amount in point of money to $11,000 or $12,000, whatever the sum may be, that is not material to the principle, then of course it amounts to saying that there shall be forthwith issued to the State of Kansas, because she then becomes entitled to them, as not having received her share, this amount of the public property of the United States; so that it is in substance and effect furnishing to the State of Kansas property of an amount equal to the sum of money we have named.

But that is on the merits, and I should not have referred to it at all but for the circumstance that gentlemen wishing to take this bill up have thought it fit to discuss the merits. As I said before, I have not opposed taking the bill up on the ground that it had no merits. I do not know that it has not merits. I only say that a claim of this character or any other similar character ought not to be taken up at the very end of a session and pressed through when Senators are too weary to give attention to such subjects, unless there is some grave and pressing emergency for it. That is my proposition. I am sorry to have offended the Senator from Kansas in saying what I have. I am sorry to have him say what he has said, in the spirit in which he seemed to say it, that I have endeavored at any time unjustly to obstruct public business. I have endeavored, according to the light I had, to do what I thought to be my duty. I have done what I think my duty now, and the Senate will do what it thinks to be its duty.

Mr. HARVEY. If I can get a vote on taking up the bill I shall have nothing further to say. I very much desire a vote on taking up the bill. I should like to say something further, but I forego it at this time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to proceed to the consideration of this bill.

The question being put, there were on division—ayes 14 noes 7; no quorum voting.

Mr. HARVEY. I ask for the yeas and nays. I think there is a quorum present.

The yeas and nays were ordered.

Mr. OGLESBY. I do not wish to make any remark on the merits of the bill, and if I have done so, of course I have been out of order in doing so. The objection is made, and comes with great force, that it is a late hour in the session, but there never has been a session yet that did not have its latest hour and its last hour.

This bill, like a great many others as I think of merit, has been put back and held back on the Calendar in various ways; and now at the last moment it is asked to be considered. The opportunity was not at hand to consider it before. That is all the answer that can be made to the charge of delay in calling it up. It is late, but still it might as well be considered now as any other bill; and if it be taken up, and I shall be satisfied that it has not merit in it, or if the Senate shall be satisfied, as it can be in ten minutes, that it has not merit in it, it will be disposed of, and that will be the end of it. I I do not see why the Senate should fail to take it up. I do not see why there should be any reluctance about it. If the bill cannot be shown to have merit in it in five minutes' explanation by the Senator from Kansas, let it go; but if it shall be shown when it is taken up to have merit in it, why not as well dispose of this bill as of any other? Why prefer any other bill to this, or why defer this to any other? It happens to be in hand. The Senator from Kansas has called it up. He does not very often intrude himself upon this body. He is not very forward to inject his business or the business of his State upon the deliberations of this body; and because he is a little late, as I am almost all the time with bills that ought to be considered from the Committee on Public Lands of the utmost justice and of the utmost importance, it ought not to be said now——

Mr. HARVEY. Permit me a word of explanation here. I should have called up this bill long since, but hoped that the Senator from Illinois, the chairman of the Committee on Military Affairs, [Mr. LOGAN,] would be able to do so.

Mr. OGLESBY. The Senator has stated that once before. I should be very glad if the Senate would take the bill up on account of the State of Kansas and the Senator, who is quite sincere about the bill. He is quite convinced that it is a just and meritorious bill, and so much so that he has satisfied me that it is, and in five minutes we could dispose of the whole subject or defeat it, one way or the other.

Mr. HOWE. It is late in the session, but it is not the end of the session. We are tired, but still we have got to work, and nobody asks us to consider anything else. Why not, then, this bill? I do not know whether this bill is good for anything or not, and I cannot tell until the Senate allow it to be taken up. Therefore I will vote to take up the bill.

Mr. MORTON. I hope the Senate will take up the bill and accommodate the Senator from Kansas. Certainly he does not intrude on the Senate very often, and he seems to have this matter very much at heart. I can see no objection to spending the short time we have here on that bill as well as any other little bill, and if we do not take it up, we shall take up some other little bill of no more importance.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of this bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 6; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Ferry, Gordon, Harvey, Howe, Ingalls, Jones of Florida, Kelly, Key, McCreery, McMillan, Mitchell, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Sargent, Spencer, Wadleigh, West, and Windom—31.

NAYS—Messrs. Anthony, Davis, Eaton, Edmunds, Frelinghuysen, and Kernan—6.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Burnside, Cameron of Pennsylvania, Cockrell, Conover, Cooper, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Johnston, Jones of Nevada, Logan, McDonald, Maxey, Merrimon, Morrill, Paddock, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, Whyte, Withers, and Wright—34.

So the motion was agreed to; and the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory, was considered as in Committee of the Whole.

Mr. EDMUNDS. If there is any report from the Committee on Military Affairs about this bill, I should like to hear it read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The Committee on Military Affairs, having had under consideration House bill No. 2813, respectfully submit the following report:

During the troubles in the early settlement of the Territory of Kansas, the history of which is well known, the United States furnished to the then governor of the Territory, for the purpose of maintaining the laws, certain ordnance stores, consisting of arms, equipments, and ammunition to the value of $11,425. These ordnance stores were furnished the territorial governor with the understanding that the arms at least would be returned to the United States upon the restoration of law and order in that Territory, and hence no charge was made whatever against the Territory for the same.

Upon the admission of the Territory into the Union there was made a charge against the State of the value of all of the stores furnished the governor of the Territory, and to this time the charge stands against the State's quota.

The theory upon which the charge is made is that the State being the successor of the Territory it ought to be so charged upon the assumption that the State must have come into possession of the arms and stores. In this instance, however, only one hundred and seventy stand of arms of the stores furnished the territorial governor ever came into the possession of the State. These have already been placed by the State authorities at the disposal of the United States.

This bill seeks to relieve the State from charges against it for arms which it never received. This is the only purpose of the bill.

Kansas has an extensive border continually threatened by invasion from the Indians, and fails to secure her proper quota of arms from the fact that this old account stands against it.

The territorial officers are appointed by the President, and it does not seem to be just to charge against the people of a sovereign State the neglect or misconduct of United States officers having custody and control of ordnance stores furnished by the United States to them. The papers on file do not show what became of the stores furnished the Territory save and except the one hundred and seventy stand of arms which the State obtained. It may not be unreasonable, however, to say that in view of the disturbed condition of affairs in the Territory for so long a period, many if not all of the arms have been carried beyond the limits of the State.

The bill seems equitable and the relief asked for proper. The War Department does not feel authorized to give the State the credit to which she is entitled without congressional action. Your committee recommend that the bill do pass.

Mr. EDMUNDS. Is that a House report or a Senate report?

The PRESIDENT *pro tempore*. The report of the committee of the House.

Mr. EDMUNDS. Is there any report from the Senate committee?

The PRESIDENT *pro tempore*. None.

Mr. EDMUNDS. Are there any documents 'from the Secretary of War or the Department of War on the subject?

The PRESIDENT *pro tempore*. There seem to be none.

Mr. HOWE. I wish to ascertain, if the Senator from Illinois will inform me, whether there was any authority of law for the delivery of these arms to the governor of the Territory.

Mr. OGLESBY. I am not able to answer satisfactorily about that; but I have no doubt, reasoning by analogy, not by any recollection of the law, that there probably was. The arms were issued by the Government to the Governor of the Territory, whether on his request or not I do not know; but I suppose there was a law for the issue of arms to a territorial governor. The militia act provides for their going to the States, but does not include the Territories. I was thinking about that myself, whether they were legally chargeable against the territorial government. But there is a very grave doubt whether they are legally chargeable against the State government.

Mr. HOWE. There may be great doubt on that point; but I should think before we could determine whether this is a valid claim against the State of Kansas or not it would certainly be proper to ascertain whether the Government had any authority to deliver these arms to the governor of the Territory of Kansas. Unless there was such authority and the law was pursued in making the requisition for these arms and delivering them, the governor could no more make the Territory of Kansas liable for the payment of these arms than he could make it liable by going to a bank and borrowing $1,000,000, to say nothing about whether that liability could be devolved upon the State. That, probably, is determined by the constitution of the State.

Mr. OGLESBY. The Senator from Wisconsin will please remember in putting this interrogatory to me that this bill does not come from the Committee on Public Lands. We have not given it any investigation there. It comes from the Committee on Military Affairs. So I have not specially had my attention called to it, but have chiefly derived my information from the Senator from Kansas. That is the reason I am not better posted in regard to the law, and a pretty good excuse for me to get out, too.

Mr. HOWE. I understand from the Senator that the bill comes from the Committee on Military Affairs.

Mr. OGLESBY. Yes, sir; unanimously reported.

Mr. HOWE. I was under the impression before that it came from the Committee on Public Lands.

Mr. EDMUNDS. I stated when I opposed taking up this bill that I did it, not because I had any knowledge of its merit or its demerit, but because it was a species of claim that we ought not to take up in the present stage of the session, involving as it does quite a little sum. The question now is, the bill being up, whether it ought to pass. All that we have on the subject of the bill is what is stated in the preamble, of which we know nothing officially, and the report of a committee of another body which has in a strict sense no business here at all. That report is somewhat destitute of facts, as everybody who listened to its reading must have observed. The Senator from Wisconsin has inquired whether there was any authority in the President to issue these arms to the Territory at all; and if not, then of course it would follow that there was no rightful authority to charge them to the State, except so far as it got them, and it is said it only got very few of them. But the act of 1808 and the act of 1855 provide for the issuing of arms to the Territories as well as to the States, the only difference being that in the States they are issued according to the number of their Senators and Representatives in Congress; in the Territories they are issued in such quantities as the President may prescribe. So that these arms went lawfully and in the regular way to the official authorities of that Territory. That reduces the case to the question whether the State, being the successor of the Territory, is justly chargeable with the responsibilities and debts toward the Government—by "debts" I mean debts of this character, which relate to the preservation of the peace and its armament there—that rested upon the Territory. I have never heard it denied. I certainly shall not take your time, because I suppose it to be perfectly useless to oppose the passage of this bill or any other. I suppose nobody ever denied that obligations of this character which legally rested upon the Territory, when it was transformed into a State would legally and justly rest upon the State. The political community is precisely the same; its form and mode of operation are changed, that is all. I have never heard that proposition questioned, and I suppose it will not be questioned now.

That is all I have to say, sir. It is entirely useless to say even that much, I suppose.

Mr. BURNSIDE. I will detain the Senate but a moment. Some time toward the close of the war there was a law passed relieving the States from large charges made by the Government against them for arms issued during the war, and the accounts of the States were settled under this liberal law which was passed. It seems to me that some act analogous to that law might be passed with reference to this very case, because the unsettled condition of the Territory before the organization of the State government in Kansas was such as to prevent proper responsibility being kept by any person.

Mr. HARVEY. If the Senator will permit me a word, the law he refers to only provided for arms issued during the war.

Mr. BURNSIDE. Certainly; and I was saying that it seemed but just that an act analogous to this law should be passed in this case relieving the State of Kansas; because it is clear to me that there were a great many arms issued during the existence of the territorial government for which the State of Kansas ought not to be accountable. We all remember the unsettled state of affairs on that frontier just after the territorial government was organized, and it seems to me very unjust now to hold the State of Kansas to a strict responsibility and allow that State to be charged with arms which were evidently wasted on the frontier, and at the same time relieve all the States for arms lost in very much the same way during the late war.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

On the passage of the bill a division was called for; which being taken, resulted—ayes 32, noes 7.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 840) for the relief Norman H. Ryan.

The message also announced that the House had passed a concurrent resolution granting the usual per diem allowance to clerks of committees not having a yearly salary for the period of thirty-one days from the 1st day of August, 1876.

The message further announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others;

A bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2844) granting a pension to Levi D. Hayward;

A bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

A bill (H. R. No. 2848) granting a pension to F. M. Bruner;

A bill (H. R. No. 3184) granting a pension to Emerick W. Hansell;

A bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers;

A bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876;

A bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers;

A bill (S. No. 788) for the relief of Robert N. Eddy; and

A bill (S. No. 1014) regulating the disbursement of certain moneys therein named.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, his Secretary, announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania;

An act (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap; and

A joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

REPORT OF A COMMITTEE.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1040) to allow the late collector of internal revenue for the fourth district of Georgia his salary hitherto withheld, reported it with amendments.

BILL INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1046) authorizing the Secretary of the Interior to receive the educational material now on exhibition in the centennial exposition; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 699) to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi.

The message also announced that the House had passed a bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 351) to create an additional land-office at Colfax, Whitman County, Washington Territory; and

A bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing.

REPAVING PENNSYLVANIA AVENUE.

Mr. SARGENT. I ask that House bills be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;" and it was read at length. It proposes to amend the proviso of section 5 of the act authorizing the repavement of Pennsylvania avenue, approved July 19, 1876, as to the time of completing the work, so as to read:

Provided, That the said pavement shall be fully completed and ready for use January 15, 1877.

Mr. SHERMAN. I ask for the present consideration of the bill.

Mr. MORRILL. The only objection I have to that is it places the time too far off.

Mr. EDMUNDS. That being a House bill which has just come over, I reserve all points of order upon it.

Mr. MORRILL. I had supposed that it might be possible that they would require a fortnight's further time, and I preferred, therefore, that a bill should pass without any fixed time in preference to one fixing even so early a time as the 1st of January. However, I do

not regard it as of any great importance, and I shall not object to the bill passing.

Mr. SPENCER. I hope the bill will pass.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears no objection.

By unanimous consent, the bill was read three times, and passed.

TELEGRAPHIC COMMUNICATION WITH ASIA.

The PRESIDENT *pro tempore* laid before the Senate amendments of the House of Representatives to the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia, which was returned from the House of Representatives with amendments.

The first amendment was to insert as section 3 the following:

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar provisions herein contained.

The next amendment was to change section 3 to section 4.

Mr. SARGENT. I move to concur in the amendments.

The amendments were concurred in.

OTOE AND MISSOURIA RESERVATION—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States, which was read:

To the Senate of the United States:

For the reasons stated in the accompanying communication submitted to me by the Acting Secretary of the Interior, I have the honor to return herewith without my approval Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians in the States of Kansas and Nebraska."

U. S. GRANT.

EXECUTIVE MANSION, *August* 15, 1876.

To the Senate of the United States:

Upon further investigation I am convinced that my message of this date withholding my signature from Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouria tribes of Indians, in the States of Kansas and Nebraska," was premature; and I request, therefore, that the bill may be returned, in order that I may affix my signature to it.

U. S. GRANT.

EXECUTIVE MANSION, *August* 15, 1876.

Mr. EDMUNDS. I should be glad to have somebody who is older and wiser than I am tell us whether under the Constitution, the President having returned a bill to this body with his veto and the Constitution saying we shall then proceed to vote upon it, we can on the request of the President or anybody else transmit it to him again? The Constitution seems to be perfectly explicit upon that subject, but it may be that there is some way of getting around it that I do not see.

Mr. SPENCER. I move to take up the resolution I offered yesterday to appoint a committee.

The PRESIDENT *pro tempore*. The message is before the Senate. The President has requested leave to withdraw his message vetoing a certain bill.

Mr. EDMUNDS. I move that that message be referred to the Committee on Privileges and Elections.

Mr. PADDOCK. I hope that motion will not prevail. It certainly is an unkind motion for my friend to make. This is a matter of very great interest in a local sense to my State, and I hope he will not insist on his motion. If there is any parliamentary objection to the withdrawal of the bill as suggested by the President, I hope my friend will make it in order that we may pass the bill over the President's veto.

Mr. EDMUNDS. It is not a parliamentary objection, if there be any objection at all. It is one which the Constitution in perfectly plain terms makes for itself. Our duty with a bill that is returned to us is fixed by the Constitution, if it is fixed at all. The Constitution says we shall proceed to do a certain thing with that bill. That is the inquiry that I put to the Senate; and in order that that may be considered, as it is the first instance I remember of this kind, I thought it proper to refer it to an appropriate committee for consideration. If the Senate does not choose to do that, of course it can act either by agreeing to this request of the President or declining to agree to it.

Mr. SARGENT. I do not think there is the slightest doubt that the Senator from Vermont is entirely correct. It is a new question, and yet it is one of that class that almost on its presentation carries its answer. The President has no more right to recall a bill after having vetoed it than he has, as is well suggested in this neighborhood, to tear a leaf out of the statute-book and thereby assume thus to repeal the statute that he tears from the book. I think the subject ought to go to the Committee on Privileges and Elections or the Committee on the Judiciary, and let us settle this matter, for fear that it may be a precedent for what would be an improper practice. Of course the President has no intention of entering upon any improper practice or proceeding, but I think it would be well for us to be careful that we do not innocently fall into a bad precedent.

Mr. PADDOCK. The President having recorded his judgment, after more mature reflection, that this bill should become a law, I move that the bill do become a law, the President's veto to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The Senator from Vermont has moved to refer the bill with the messages to the Committee on Privileges and Elections.

Mr. BOUTWELL. It does not seem to me that there is any necessity for a reference of this bill.

Mr. EDMUNDS. I only moved, if I correctly stated myself, to refer the last message.

Mr. BOUTWELL. Very well; I see no occasion for a reference for the purpose of getting the judgment of a committee upon the question raised by the two messages of the President. When the second message is properly construed it can mean only this: That the President was in error when he wrote and signed the first message. It is a matter of information; that is all. It has no legal value except that. I think that is the effect that the second message has, no legal or constitutional value whatever. Therefore the veto message remains precisely as it existed when it was laid upon the table of the Senate, in its full force and effect. Nevertheless, the second message is information to us that the President after more full consideration entertains the same opinion that was entertained by the House and the Senate when the bill was passed, and I think all we have to do is to pass upon the bill and see whether it can be passed by a two-thirds vote. The second message has no legal value whatsoever. It is merely information to us that the President has come to the conclusion that his first opinion was an erroneous opinion. There is no legal question that need trouble any committee.

Mr. FRELINGHUYSEN. It seems to me that there is no question. I certainly concur with the opinions which have been expressed here. The President has no more power to take back his veto and so make that bill a law or remove that obstruction to its being a law, than one House of Congress has.

Mr. BOUTWELL. I certainly do not think the President can take the veto back.

Mr. FRELINGHUYSEN. So then it is a mere expression of opinion on his part, which may influence us in our vote whether we shall sustain his veto or not.

Mr. EDMUNDS. I hope the Chair will state that my motion is to refer merely the message.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Vermont to move that the messages be referred to the Committee on Privileges and Elections, which will leave the bill before the Senate on its passage.

Mr. INGALLS. I feel a very strong interest in the passage of this bill and shall be glad if any course is adopted by which it can become a law; but so far as the action of the President is concerned in his attempt to recall his veto message, I am persuaded it is entirely nugatory and without effect; that he can no more, when he has once performed that act and notice of it has been communicated to the Senate, recall it than he could recall his acts of the session before this or in any preceding year, or, as is suggested by the Senator from California, [Mr. SARGENT,] than he could recall a bill after it had been signed by him and approved and that fact had been communicated to the Senate. Having discharged his duty he is *functus officio*, and has no more right to recall that bill from the Senate than he has to perform any other act not confided to him by the Constitution. I therefore agree with the Senator from Massachusetts in believing that the sole duty of the Senate is under the Constitution to say whether they will now pass the bill, the objections of the President to the contrary notwithstanding; and inasmuch as the President has himself indicated to us that no objections exist to the passage of the bill I trust that action may be taken and that the bill will receive a constitutional majority.

Mr. CONKLING. I agree with the Senator from Kansas except in one remark he makes. He says the President became *functus officio*. If he means *functus officio* for one particular purpose, namely, to withdraw the bill itself in any form, or the message which attended the bill itself, I agree with him. But the distinction between that meaning and a broader one is very important, it seems to me. The President by the Constitution has a right at all times to communicate with one House, or the other, or both Houses of Congress. That right is just as continuing as the right of petition which resides by the Constitution in every citizen. Now the President sends a message which informs the Senate that he finds himself unable to approve with his signature a bill, and therefore he returns it without his approval. Manifestly, stopping there, it is the duty of the House receiving that message to proceed to consider whether the bill shall become a law, the objections of the President to the contrary notwithstanding.

Now, how is the question affected by the subsequent message which has been sent here? Proceeding under a power which is not dead, which has not been expended, in respect of which he is not *functus officio*, but always alive and always summoned to his feet to exercise it whenever he thinks he has any information which ought to be communicated to one House or the other or both, proceeding under that continuing power and duty he sends what is called a message. It is a communication addressed to the Senate to apprise the Senate of the fact that, being better advised touching the qualities of the bill which he vetoed, he has changed his mind and that had he known at the moment when he was called upon to act what he has come to know now, that veto would not have been interposed, but the bill would have been approved. The President exists and subsists at all times to give the Senate such information as that, and he has given it. The two Houses have acted upon the bill. They have approved it. If the veto stood it would require two-thirds to say that notwithstanding the refusal of the President to sign it that act should be-

come a law. The veto does stand, unquestionably, it seems to me, as Senators on both sides have said, in all its technical, formal, and in that sense all its legal effect. It is an act which is the exertion of a power expended when it is exerted; and therefore that message cannot be withdrawn; but the substance of it, the persuasive force and effect of it, can be removed and is removed by a disclaimer on the part of the author by an avowal on his part that upon more full and particular information he is satisfied that the veto message ought not to have been sent and that were it in his power now he would take it back, so that the bill might stand with his signature. That is an invitation to the Senate, it is a notice given to the Senate that they must not rely upon the reasons assigned in the veto message and that they must not so far as they have a right to rely upon the President of the United States touching legislation, depend on him for the overthrow of the bill or the refusal to adopt it. How far the Senate has a right to rely on the President is prescribed in the Constitution. Arithmetically considered, one-sixth part of the power of legislation resides in the President, and is made effective by his veto. Now he says "I want to give notice that in this case I was misled, I was misinformed in regard to this bill, and therefore, although I cannot displace the veto message, and although I cannot technically cancel or annul it, I can but apprise the Senate that the reasons on which I supposed that message could rest are unfounded, and therefore as to me it falls to the ground. The argument is in favor of the bill for reasons which I have now discovered, and not against the bill for reasons which I supposed to exist, but which on fuller information I find are absent."

It seems to me that we ought to proceed to act upon the bill, the more recent communication having no effect except as it impresses the minds of Senators who are to vote with the fact that there is no such objection found by one part of the legislative power as the previous message apprised us had been found.

I can see no purpose in referring this message to any committee to ascertain the question, if it be a question, and I conceive there is no question of substance here and no question of value. If we referred the message to a committee, it would imply that we were not sufficiently advised to take action on the bill; but it might well be said that it would be inconsistent after that for the Senate to proceed in the absence of information which they had directed a committee to acquire and bring in.

It seems to me then that to preserve the consistency of the body and to observe also proper attention and industry in legislation, both Houses having acted upon this bill and passed it and there being no objection assigned to it except that which is displaced and withdrawn, the true way is to proceed, as the Constitution says we shall, and affirm whether in our judgment, despite this message—which it seems was in a sense improvident or inadvertent—the act shall become a law, and I think we are as ready to vote on that question as we ever can be after the committee has philosophized on what seems to me to admit of no doubt whatever, namely, whether when the President has sent a veto message he has sent it, and that is the end of it, and whether after it has been delivered and read, it can be withdrawn I conceive there can be no question of that sort and it must be obviously our duty to proceed and act on the bill in form as we would in the case of any other bill to which the executive sanction had been refused.

Mr. MORTON. As this message is proposed to be referred to a committee to which I belong, I may be excused for saying a word. This message can only be regarded in the light of a recommendation to pass the bill over the veto. I think the President has no more right to withdraw a veto than he has to withdraw his signature to a bill after he has signed it. It seems to me the question is not open to argument, and I can see no occasion for referring the message to a committee and asking the opinion of a committee upon it. As has been said, it might leave the inference that there was doubt about it.

The PRESIDENT *pro tempore*. The question is on the motion to refer the last message to the Committee on Privileges and Elections.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? on which the yeas and nays must be taken under the Constitution.

The question being taken by yeas and nays, resulted—yeas 36, nays none; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Cooper, Cragin, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Randolph, Sargent, Spencer, West, and Windom—36.

NAYS—0.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Bogy, Bruce, Cameron of Pennsylvania, Conover, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Hamilton, Hamlin, Johnston, Logan, Maxey, Merrimon, Norwood, Ransom, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Withers, and Wright—35.

The PRESIDENT *pro tempore*. On the passage of the bill notwithstanding the objections of the President the yeas are 36 and the nays none. Two-thirds having voted for the passage of the bill, the same is passed.

Mr. INGALLS. As this is a novel question, I suggest that it would not probably be necessary to transmit to the House the last message of the President.

The PRESIDENT *pro tempore*. It will lie on the table, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia; in which it requested the concurrence of the Senate.

JUNIUS T. TURNER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message:

To the Senate of the United States:

For the reasons presented in the accompanying communications, submitted by the Secretary of War, I have the honor to return herewith, without my approval, Senate bill No. 561, entitled "An act for the relief of Major Junius T. Turner."

U. S. GRANT.

EXECUTIVE MANSION, *August* 15, 1876.

Mr. SPENCER. Let that go over to the next session.

Mr. MITCHELL. I move that the bill, with the message, be referred to the appropriate committee, the Committee on Military Affairs.

Mr. DAVIS. Is it not disrespectful to refer it without its being read? I hope no Senator will object to the message being read.

Mr. SARGENT. The message has been read; the accompanying documents have not been.

Mr. DAVIS. Senators in whom I have confidence differ with me, and I withdraw my objection.

The PRESIDENT *pro tempore*. The Senator from Oregon moves the reference of the bill and the message to the Committee on Military Affairs.

The motion was agreed to.

EXPENSES OF JOINT DISTRICT COMMITTEE.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia.

The joint resolution was read at length. It appropriates $3,000, or so much thereof as may be necessary, for the purpose of paying the expenses of the joint committee, one-half to be disbursed from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

By unanimous consent the joint resolution was read three times, and passed.

The PRESIDENT *pro tempore*. The Chair will now appoint the members of the Senate upon the special committee. The Chair appoints the Senator from Alabama, Mr. SPENCER; the Senator from Minnesota, Mr. WINDOM; and the Senator from Maryland, Mr. WHYTE.

PAY OF COMMITTEE CLERKS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be paid out of the contingent funds of the respective Houses the usual per diem allowance to clerks of committees not having a yearly salary for a period of thirty-one days from the 1st day of August, 1876.

Mr. SARGENT. That is of no value unless made a joint resolution. I move to make it a joint resolution.

The PRESIDENT *pro tempore*. The Senator from California moves an amendment to make this a joint resolution. The Chair hears no objection, and it is so modified.

By unanimous consent, the joint resolution (S. R. No. 26) authorizing an allowance to certain clerks of committees was read three times, and passed.

ALABAMA ELECTION INVESTIGATION.

Mr. SPENCER. I move that the Senate proceed to the consideration of the resolution I offered yesterday for the appointment of a committee to investigate the recent election in Alabama, and on that motion I desire to submit a few remarks.

Warned, Mr. President, by the experience of Mississippi and fully apprised of an existing conspiracy on the part of the southern democracy to overcome the republican majorities in the seceding States, no matter at what cost or hazard or by what process or formula, I was not unprepared to learn that Alabama had been fraudulently carried by the democratic party. But I confess my surprise when the result of the late election in Alabama was heralded throughout the land and so indorsed upon the floor of the Senate as a peaceable, honest, and fair election, the majority not less than forty thousand; this the legitimate result, so said, of change of political sentiment in that State.

I was astonished to hear the report, commonly made and credited, but no less false, that this overwhelming majority was accomplished by the addition of the colored vote, which, as alleged, was polled largely for the democratic nominees, and against its old associates of the republican party, freely and of its own volition; an indorsement by the colored people of the propriety of democratic reform and in vindication of the administration of the democratic governor.

Glaring and flagrant as were the frauds in Alabama at the election of 1874, when Georgia on the one side and Mississippi on the other, by preconcerted arrangement, colonized the State, stuffing the ballot-

boxes with illegal votes for the democratic candidates; when disorder, violence, and conspiracy reigned supreme; when counties of admitted republican strength were made to return heavy democratic majorities without respect to the registration or the census of voters and inhabitants; when republicans found themselves powerless to resist the fearful combinations surrounding them, unable to check the open, avowed, and undisguised tide of revolution inaugurated by the secession democracy; when the condition of the State was simply that of anarchy and confusion; yet, nevertheless, the whole sinks into utter insignificance when compared with the recent election of August, 1876.

The election of 1874 was simply a revolution to pave the way for future aggressions upon the honest republican majority of the State of Alabama, as well as a desperate attempt to seize the reins of power, so that a democratic Legislature might enact laws practically disfranchising the colored voters. It was a bold and cunning move upon the political chess-board; and by combining forces with the democrats of the neighboring States of Georgia and Mississippi and by other frauds, conspiracies, and violences, the scheme succeeded, and Alabama passed under control of the secession democracy.

Forthwith the plan was put into execution, by which the State, which since reconstruction had twice cast her electoral vote for the republican candidates, could be transferred to the control of the democracy and her electoral vote secured to the nominees of that party. By the operation of unnecessary and improper changes and alterations of the existing laws respecting elections the recent farce of an election was consummated, by which the hypothetical majority of 40,000 is claimed to have been rolled up for the democratic nominees.

Information comes to me from all parts of the State and from most worthy sources that it was openly avowed and declared, no matter how large the republican vote might be, the democracy intended to carry the State, and that if the votes showed a republican majority it would not be counted. With the machinery of the election in their own hands, with full and perfect understanding what desperate purpose was sought to be accomplished, it is certainly not surprising the democracy should have carried Alabama. But when it is attempted to foot up a so-called "honest majority" of 40,000 upon an alleged free, fair, and peaceable election, the sublimity of democratic assurance and arrogance seems to have been reached. Having overshot the mark, inquiry into the *modus operandi* by which this anomalous result was accomplished will in the judgment of my constituents and myself develop and discover one of the blackest conspiracies against the constitutional right of free, fair, and impartial exercise of suffrage and atended with peculiar invasions and cruelties.

Whatever may be urged respecting republican government in other States, certain it is the republicans of Alabama have always acquiesced in the will of the majority when fairly and honestly expressed against them. The republican government of Alabama has generally been marked for its ability, integrity, and economy. There never has existed any class legislation, and no discriminations were ever made by the republican Legislatures for or against any citizen, nor were the events of secession and rebellion visited in punishment against any person. None were disfranchised, and the extent of the republican demand was then, and is now, simply that every citizen, no matter of what race or color, shall be permitted to vote as he lists, without impediment or hinderance, and that such vote may *count one*, no more, no less.

It therefore is clear the democracy of Alabama have no just cause of complaint against the republican administration of the State. There were no issues between the contending parties that could not be peaceably and properly settled at the ballot-box. But nothing less than aggrandizing the entire political power of the State could satisfy them; and well knowing that upon fair and honest count the republicans were in a majority of not less than 10,000, they have utilized the double event of the centennial year and a presidential campaign to parade this farce of an election as the forerunner of what may be expected in November next.

By the operation of their election machinery it is estimated over sixty thousand republican voters were deprived of their suffrages at the recent election. In addition to combining to prevent voters reaching the ballot-boxes, these boxes were subjected to the depleting process. Republican tickets were destroyed and democratic ballots interpolated in lieu. To recount the various and multiform tricks, cheats, and devices resorted to to accomplish this 40,000 majority would prove an almost endless task.

Each day brings me advices from every part of the State, with but the one common plaint of fraud, violence, and terrorism. Reputable citizens write me the harrowing recital of these wrongs, but beg me not to reveal their names, fearful of arousing the vengeance of the guilty parties. Each begs to remain *incognito*, not because of his irresponsibility, but for dread of assassination or other violence. There appears to exist no appreciable difference between the terrorisms of three or four years since (the heyday of the Ku-Klux) and the present hour. Republicans in the State of Alabama do not and cannot feel secure in their persons and property. The fact that the massacre of innocent and unoffending colored citizens still continues, and yet finds apologists and extenuators on the floors of Congress, goes far toward increasing this feeling of uneasiness, and the democratic triumph in Alabama is very justly looked upon as but another chapter in the ritual of the white-liners of the South.

I feel called upon to make these animadversions because of the trumpetings of this 40,000 democratic majority alleged to have accrued at a fair, unrestricted, and peaceable election. I am authorized to deny that the colored vote was polled for the democratic candidates, and at the same time to assert that such portion of this vote as was permitted to be cast and counted was true and faithful to the republican party in every sense.

I am in possession of satisfactory evidence showing that votes cast by republicans for the republican ticket were counted for their adversaries, either through fraudulent canvass or by changing the ballots after the polls had closed. I am also advised that thousands of republican voters were challenged away from the polls, and mobs and riots were instituted to prevent many from voting.

Telegraphic dispatches to the United States marshal were seized and the operator forbidden to send them; and the mass of information and data showing how thorough and complete was the conspiracy to deprive republicans of their franchise grows daily and hourly into vast proportions.

From every locality in the State come letters from responsible citizens protesting against this election as replete with the grossest frauds and covered with the vilest infamies. Many of these communications emanate from republicans, who, in matters of party discipline, have heretofore differed with me. But they all attest the fact, without dissent, that the late election in Alabama has never been surpassed or even equaled in the extent and character of its frauds, villainies, and terrorisms.

It is a matter of grave importance to the country that such conspiracies should be unearthed and exposed. A remedy should exist for grievances and crimes of like character. If the Constitution guarantees to every law-abiding citizen equal rights and equal application of the laws, why should not the guarantee be made effectual? The unoffending colored citizens, whose lives and rights are held so cheaply by the democracy of the South, vote as intelligently as any other class; and to their credit be it said, they remain true and steadfast to the tenets and *dicta* of that party through whose efforts and wisdom the bondman has been liberated, and the curse, taint, and reproach of human slavery has been lifted from the land.

Heedless people are prone to satisfy themselves with the reflection that "all this has passed." Of what avail is freedom if it be only supplanted by helotry and vassalage? Of what service is the right of suffrage if it be hindered, delayed, embroiled, and denied? Why should the ballot carry with its exercise personal danger and oppression?

There is no true liberty in a land which enacts liberal laws and yet fails to protect the citizen in their exercise. Every elector should be permitted, not only by law but by predominant public sentiment, to securely place his ballot in the box and have it honestly counted. The democracy in the Southern States, and notably in Alabama, are opposed to the exercise of these rights except by members of their own party. The late election is the result of this autochthonic tyrranny.

Forty thousand democratic majority in a republican State needs explanation. How was it accomplished? Let the country have the facts, and for this purpose I press the passage of the resolution.

Mr. DAVIS. The resolution is not up yet.

Mr. CONKLING. Let it be read.

The PRESIDENT *pro tempore*. It may be read for information. The question is on proceeding to the consideration of the resolution.

Mr. COOPER. I inquire of the Senator from Alabama if he desires to press the resolution?

Mr. SPENCER. If it can be passed without opposition, I should like to have it pass.

Mr. COOPER. It cannot be passed without opposition.

Mr. SPENCER. At this late hour if the other side wish to debate it I shall have to let it go to December, and the committee can be appointed at that time.

The PRESIDENT *pro tempore*. Does the Senator insist on his motion or withdraw it?

Mr. SPENCER. The Senator from Tennessee, I suppose, is disposed to object to the consideration of it.

Mr. NORWOOD. That resolution cannot be passed without debate.

The PRESIDENT *pro tempore*. Does the Senator from Alabama withdraw his motion?

Mr. SPENCER. I will let it go until December, and give notice that I will then call it up and urge its passage.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his motion.

WILLIAM H. HARRISON.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. No. 310) granting a pension to William H. Harrison.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to place on the pension-roll the name of William H. Harrison, late a private in Company F, Seventy-fourth Regiment Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA JANE BLUMER.

Mr. INGALLS. The House and Senate have both passed a bill granting a pension to Eliza Jane Blumer, which was returned by the

President with his objections, upon the ground that the deceased husband of the beneficiary of the bill was wrongly described as to the company in which he served. In the bill which passed he was described as a private of Company A, whereas in fact he was a member of Company B, in the Forty-seventh Regiment Pennsylvania Volunteers. The House have repassed a bill correcting that error, and have sent it to the Senate. I move that the bill be now taken up for consideration by the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer. It authorizes the Secretary of the Interior to place on the pension-roll the name of Eliza Jane Blumer, widow of Henry A. Blumer, a private of Company B, Forty-seventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ARGYLE SMITH.

Mr. COOPER. I move that the Senate proceed to the consideration of the bill (S. No. 620) to remove the political disabilities of James Argyle Smith, of Mississippi.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed; two-thirds of the Senators present voting in favor thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 736) granting a pension to Mary M. J. Frank; and

A bill (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi, and others.

The message also announced that the House had passed the bill (S. No. 297) fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the Speaker *pro tempore* of the House of Representatives, pursuant to a concurrent resolution of the two Houses, had appointed as members on the part of the House of the joint select committee to prepare a form of government for the District of Columbia Mr. HIESTER CLYMER of Pennsylvania, Mr. EPPA HUNTON of Virginia, and Mr. GEORGE WILLARD of Michigan.

COMMISSION ON RELATIVE VALUE OF COIN.

Mr. DAVIS. This morning the chairman of the Committee on Pensions, [Mr. INGALLS,] who is not in his seat now, obtained an understanding that the Senate should go through with the cases reported by the Committee on Pensions which are on the Calendar. I regret that I do not find him in his seat now, but I move to take up the next bill on the Calendar at the point where its consideration was suspended. The next bill on the Calendar is the bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of George A. Custer.

Mr. MORRILL. I hope the Senator from West Virginia will allow a measure of general importance to be taken up first. It is merely a concurrent resolution of the House of Representatives. I have found no opportunity to ask the Senate to take any action upon it since the absence of the chairman of the Committee on Finance.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia yield for that purpose?

Mr. DAVIS. Yes, sir; for that purpose.

Mr. MORRILL. I move to take up this resolution; and I will state that the Committee on Finance amended the proposition and put it in a more acceptable form and made it into a bill, but it is so late in the session, and there is so little difference between the two that it is deemed best that we should obtain the action of the Senate upon the original proposition as presented by the House.

I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence; and whose duty it shall be to inquire—

First. Into the change which has taken place in the relative value of gold and silver; the causes thereof, whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and productive interests of the country, and upon the standard value in this and foreign countries;

Second. Into the policy of the restoration of the double standard in this country; and, if restored, what the legal relation between the two coins, silver and gold, should be;

Third. Into the policy of continuing legal-tender notes concurrently with the metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and,

Fourth. Into the best means for providing for facilitating the resumption of specie payments.

And said commission is authorized to employ a stenographer, and shall report on or before the 15th day of January, 1877, with the evidence taken by them, and such recommendations for legislation as they may deem proper.

Mr. JONES, of Nevada. When this resolution came from the House and was referred to the Committee on Finance the committee made some small amendments, one particularly where they struck out the word "experts" and inserted the word "assistants," because they were unable to see who could be an expert in this country with regard to the cause of the variance in the relation between gold and silver. They could not understand who could be an expert in the effect that a fall in silver or a rise in gold would have on the commerce of the world, nor could they understand how the duty could be imposed upon that committee of deciding who could be an expert as to the effect of having a legal-tender circulation in this country concurrently with gold and silver. There is scarcely a proposition submitted to the committee for its examination upon which they would be able to find experts in this country. In fact, if the committee should be able to find such experts it would be well for the committee to recommend their immediate election to the Senate and House of Representatives. We struck out the word "experts" and put in the word "assistants," that being more appropriate; but as it is impossible now, on account of the lateness of the hour in the session, to have the amendment adopted by the House, the Senate committee have thought proper to let the resolution pass as it stands with that inappropriate word in it.

Mr. NORWOOD. We have on the table a resolution reported by the Senator from Illinois, [Mr. LOGAN.]

Mr. MORRILL. Let this pass as the House has sent it to us; otherwise it may not pass at all.

Mr. NORWOOD. I wanted to move that as a substitute for the resolution, but upon the suggestion of the Senator from Vermont I will not do so.

The PRESIDENT *pro tempore*. The question is on concurring the resolution.

The resolution was concurred in.

By unanimous consent the President *pro tempore* was authorized to appoint the members of the commission on the part of the Senate; and Mr. JONES of Nevada, Mr. BOUTWELL, and Mr. BOGY were appointed.

PUBLIC BUILDING AT LITTLE ROCK.

Mr. CLAYTON. Mr. President, there is upon your desk a bill of the Senate which has just been returned from the House with an amendment, which fixes the limit to be expended on the public building at Little Rock. I ask that that bill be taken up.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the amendment of the House of Representatives.

The Chief Clerk read the amendment of the House of Representatives to the bill (S. No. 297) fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas.

The amendment of the House was in line 8, to strike out the words "and fifty;" so as to read:

Fixing the limit of expenditure authorized for the site and full completion of said building at $300,000.

Mr. CLAYTON. The amendment of the House reduces the amount $50,000. While I would be glad to have the original amount retained, I move that the amendment be concurred in.

The amendment was concurred in.

COMMODORES ON RETIRED LIST.

Mr. PATTERSON. I move that the Senate proceed to the consideration of the bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 1460 of the Revised Statutes, to wit: "There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list; by adding thereto the following words: "or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States; but this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAX ON SPIRITS.

Mr. GORDON. I offer the following resolution and ask for its present consideration.

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to appoint a commission of five persons to examine the system and devices employed in the collection of internal-revenue taxes upon distilled spirits and fermented liquors, and report what changes, if any, should be made therein; said commission being directed, to that end, to examine and report upon such systems and devices for that purpose as may be submitted to them; and he is further requested to transmit to the Senate in December next the report of said commission, together with such recommendations as he may think proper to make regarding amendments to the laws relating to the method of collecting said taxes.

Mr. BOUTWELL. It seems to me we have not time to consider such a resolution as that at this time.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object to its present consideration?

Mr. BOUTWELL. For the purpose of hearing what is to be said, I shall object.

Mr. GORDON. I only wanted to say that it is a resolution simply directing the Secretary of the Treasury to select five persons without any pay, such as he may choose to select, to examine the devices that may be presented to him for the purpose of preventing fraud in the whisky manufacture, and to report at the next session. There is nothing authoritative in it except merely to get these matters before us at the next session, so that we may see what is best to be done.

Mr. BOUTWELL. I presume there has not been a year when the Secretary of the Treasury has not done this very thing of his own motion. The persons who make inventions come to the Department with them, and they are examined, I presume, as often as once in six months, for the purpose of ascertaining what value there is in them. I do not believe we need to pass a resolution in relation to the subject.

Mr. GORDON. The resolution simply directs him to appoint a commission.

Mr. BOUTWELL. I do not think it is necessary. I shall have to object to the resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

EDWARD A. LELAND.

Several Senators addressed the Chair.

Mr. CONKLING. I ask Senators to yield to me a moment, while I ask the Senate to take up and consider Senate bill No. 691, reported from the Committee on Patents by my colleague, [Mr. KERNAN,] whose printed report I have in my hand. It is a bill to extend a patent, which is not a favorite class of bills in the Senate. In this case, however, the report shows that this man from poverty and sickness was not able to avail himself of his invention, which is an improvement in paint-cans. The patent has never been extended; he has received substantially nothing from it, and the committee thought the facts presented to them in this printed report make it an exceptional case, which, within the rules adopted by the Senate, ought to be favorably considered. I ask to take up the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves the consideration of the bill which he has named.

Mr. CONKLING. I have here the report, which is very brief, and which, if any single Senator doubts the propriety of the bill, I will read or have read. It is a report made by my colleague, who is here and who is also familiar with the case. I think there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 691) for the relief of Edwin A. Leland. It directs the Commissioner of Patents to grant a rehearing of the application of Edwin A. Leland for the extension of letters-patent granted to him on the 14th of August, 1860, for improvement in paint-cans, and to revive and extend the patent for the further term of seven years from and after the 14th of August, 1874, if, in his judgment, the patentee was the original and first inventor of the invention described in the patent, and the invention is useful, and the patentee has failed, without neglect or fault on his part, to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, labor, and expense bestowed upon the same and the introduction thereof into use; and the letters-patent, when so revived and extended, shall have the same effect in law as if they had been originally granted for the term of twenty-one years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORRECTION OF ERROR IN ENROLLMENT.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 166) amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; in which the concurrence of the Senate was requested.

Mr. PATTERSON. I move that the Senate proceed to the consideration of the joint resolution. It will not take half a minute. It is merely to correct a clerical error.

By unanimous consent, the joint resolution (H. R. No. 166) amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, was read twice, and considered as in Committee of the Whole. It amends section 8 of the act by striking out the words "12th day of July," and inserting in lieu thereof the words "19th day of July."

Mr. SARGENT. I should like to have an explanation of the resolution.

Mr. PATTERSON. The Senator from Minnesota [Mr. WINDOM] has charge of it. The date referred to should be the 19th of July. The clerks made a mistake in enrolling, and made it the 12th, and this joint resolution has been passed to correct that error.

Mr. SARGENT. I only wish to know that the Senator is sure it is an error.

Mr. PATTERSON. That is all; it is only an error.

Mr. SARGENT. I have no objection.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REDICK MCKEE.

Mr. SARGENT. I move that the Senate proceed to the consideration of the bill (H. R. No. 629) for the relief of Redick McKee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers the memorial and claims of Redick McKee, late disbursing agent of the Indian Department in California, (Miscellaneous Document No. 102, printed Febary 25, 1871,) for examination and settlement to the Secretary of the Interior. It authorizes the Secretary, if he shall find the allegations and statements of the claimant verified by the records of the Department, or other satisfactory evidence, to allow him such relief as may be equitable and just, to be paid out of any money in the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is, Shall the bill pass?

Mr. EDMUNDS. I suppose the Senate is aware that this is an old matter which has been decided by the Senate a good many times, but as the appropriation is unlimited I suppose there will be no objection to it.

Mr. INGALLS. I suppose it is no more than just that I should state to the Senate that this bill was before the Committee on Indian Affairs and received protracted consideration, and the best that could be done with it was to report it back without any recommendation whatever. It involves the examination of a large number of accounts. It is a claim of very venerable antiquity. It has passed the ordeal of repeated examinations through the Department of the Interior, and now comes to us, as it has always seemed to me, in very questionable guise; but having said this much I discharge my duty and leave the matter to the Senate.

Mr. DAVIS. Is it a House bill?

Mr. SARGENT. It is a House bill. The Calendar of the Senate states that it was reported back from the Committee on Indian Affairs by the Senator from Missouri [Mr. BOGY] without amendment. I do not believe that a claim is necessarily suspicious simply when because of accidents which occur here every session it is impossible to have it brought earlier to the attention of Congress in order to be passed. This bill already has passed the House of Representatives, but failed for want of time in the last Congress. A partial settlement of this matter was made some years ago; but the matter involved in this bill has never been settled, and unquestionably is justly due to a good man, who discharged faithfully a service to the the Government under very difficult circumstances. It seems to me it is no more than right that we should refer this matter to a man whom we know to be extremely careful, the Secretary of the Interior, to ascertain if anything is due as shown by the records of his Department.

Mr. CLAYTON. I will say in addition to that, that the Committee on Indian Affairs in examining this question found that the Secretary of the Interior acknowledged a portion of the claims as being just which are proposed to be submitted to him by this bill.

Mr. EDMUNDS. Would it be in order to ask for the reading of the last statute that passed upon this subject making a settlement with this gentleman? If it is, I should like to have the Senator in charge of the bill read it to us.

Mr. SARGENT. I have not the statute before me. I can find it, however, after some delay if the Senator desires to hear it.

Mr. EDMUNDS. I will simply ask for the yeas and nays on the passage of the bill. There is no use to try to stop this sort of thing.

The yeas and nays were ordered.

Mr. HOWE. I think I ought to say that this claim, or what I suppose to be this claim, was before the Committee on Claims when I was a member of that committee. My recollection is that there was one allowance made to him by that committee to which I could not assent; but I take it for granted that all the money was paid to him at that time that anybody on that committee thought was due him. The consideration of that committee was several years ago. I do not remember the facts sufficiently to restate them at all.

Mr. SARGENT. I remember the circumstances very well. I was in Congress at that time. I know an extremely hard provision or allowance was paid to this gentleman, and the concluding clause of the statute said it should be payment in full of all claims; but that is by no means conclusive on Congress, as I can show many instances where just such a clause was contained in a bill and nevertheless further allowances were made on further examination. I suppose every Senator, especially every Senator of experience, who hears me knows that is so. I have in my hand a list of some that I could name; but the bill does not make a direct allowance out of the Treasury except that on an examination of the records in the Department it merely authorizes the Secretary of the Interior to ascertain what amount may be due to him. My impression is that it will not be more than two or three thousand dollars at the very outside. I trust, as an act of tardy justice to a most excellent man who rendered good service to us, that this examination be allowed to take place.

Mr. INGALLS. It is my understanding that the amount involved is very much larger than that named by the Senator from California. It extends a very long way beyond two or three thousand dollars. I am advised that the beneficiary of the bill has already received every thing to which he could be properly entitled under a fair construc-

tion of the statutes and of the contract he had with the Government, and that these matters that now remain unadjusted arose from claims for damages of the most remote and consequential character, such as the difference between currency and gold at the time when he received certain remittances.

Mr. SARGENT. There was no difference between currency and gold at that time.

Mr. INGALLS. And also the loss that he suffered in consequence of being compelled to mortgage his house to raise money to anticipate remittances made to him from the Department of the Interior. He claims, as I understand, that in consequence of the neglect and omission of the Secretary to remit money he was compelled to mortgage his house; that, the times being hard and it being almost impossible to release it, legal proceedings were commenced and the house was sold, as he claims, at a sacrifice. What he now wishes is that the Secretary of the Interior may be directed to inquire whether or not he has any equitable claims upon the Government for that class of losses incurred by him.

Mr. SARGENT. McKee was one of three commissioners of Indian affairs sent in 1850 to California. He was sent with full authority to do certain things. It is very well known that at that time there was a vast crush of emigration to that State, pouring in there suddenly upon the Indian tribes, rudely disturbing them. Tens of thousands of white persons going into territory occupied by the Indians, troubles arose, and the Government sent commissioners to adjust those differences and gave full authority to the commissioners to expend certain money. The Government was to send the money to them for that purpose. McKee went there in perfect good faith to carry out the purposes of the Government, and did succeed in pacifying those difficulties. The remittances of the Government did not come to hand, and since that time he has been trying to get back from the Government that which he spent in good faith when sent upon this mission. It is true that in consequence of the failure of the Government he became bankrupt, lost his house, and became a completely poor man. As I said before, it is a mere tardy act of justice to ascertain the amount which this man was compelled to pay then on the faith of the Government and pay it back to him at this time without interest.

I have no idea the Secretary of the Interior would allow a doubtful item or one that was improper in any respect. As to there being items like differences in gold and currency, there was no difference in those days between gold and currency, and was not until years afterward. The only item the Senator refers to is that which shows the hardship of this matter, the fact that this man's property was sacrificed when honestly performing a duty to the Government. As to the claimant himself, he is a man of most unquestionable integrity, a man universally known as a spotless, most excellent, exemplary man. He has been suffering for years, endeavoring to recover the losses that he at that time suffered in the service of the Government, and I trust the Senate will pass the bill.

Mr. HOWE. Does the Senator from California remember what I do not remember, that is, how many examinations this account underwent in the Interior Department before it came into Congress?

Mr. SARGENT. I know the Interior Department never settled this account because, of changes of administration and other circumstances. Partial relief was made by Congress. Congress paid him a certain portion of the money which was due to him; that is to say, he had paid out a certain amount of money, and they drew a line arbitrarily through that amount and paid him part of it. He was then as much entitled to the other part as he was to that part which they gave, and if he is not entitled to the other part he was not entitled to that which was paid to him.

Mr. HOWE. The Senator from California says the Interior Department has never settled this account. I suppose he is entirely correct in that; but is it not the fact that the Interior Department has rejected it several times and refused to pay every item of this claim?

Mr. SARGENT. No; I do not know that that is true. The House report which I hold in my hand says—

> That the Interior Department, from which information respecting this matter has been sought, has "stated that it was not prepared, without a full examination of the case, to give an opinion upon the merits of the allowance suggested by the claimant in his memorial, and also that, should the proposed joint resolution meet the approval of Congress, Mr. McKee's claim will receive careful attention at the hands of the Department."

That is the only information I have upon that point. I suppose if the Department had paid the claim it would never have reached Congress, so that *prima facie* it has been rejected by the Department; but that may have been because there may have been a defect in the appropriation or a defect in the law on the part of the Department to pass upon this class of claims.

Mr. HOWE. My recollection is that this case has been once or twice before the Interior Department by act of Congress, with full power to the Department to allow all that ought to be paid of this claim; and that the Interior Department made allowances, I should think twice, upon this claim when it was referred to them, and finally refused to allow anything more; and that after the Interior Department had refused to go any further application was then made to Congress, and the Committee on Claims had it under consideration; and that that committee made another report in favor of the payment of several thousand dollars, and that that passed the two Houses and he received that amount of money. Whether it has ever been before that committee since that allowance or not, I am not prepared to say. It seems it now comes from the Committee on Indian Affairs, and the committee is not able to say whether he ought or ought not to have any more money.

The facts of the case are very indistinct in my mind. My recollection is that this gentleman was one of three commissioners sent out some twenty-odd years ago to California, twenty-six years ago, the Senator from Kansas [Mr. INGALLS] says, to expend on Indians there with whom we had no treaty relations whatever, and to whom we were under no obligations whatever, a specific sum of money appropriated, and all the duty as I remember that they were charged with was just expending that sum of money. I think the sum was $25,000. I believe there was an additional appropriation made subsequently. Their pay was fixed I think not by an act of Congress, but by some Department of the Government, probably the Interior Department. Somehow or other they contrived not only to spend that amount of money but to bring the Government into debt to themselves, or at least in debt to this one commissioner in an amount of money which we have been paying off by installments, as I have said. One or two of them were paid by special allowances of the Interior Department, one by an act passed on the report of the Committee on Claims, and here is another claim for payment. My own recollection is that I was decidedly opposed to the allowance made by the Committee on Claims the last time. Therefore, unless I see that I was mistaken at that time, I do not see how I can vote for the bill now.

The PRESIDENT *pro tempore*. The question is upon the passage of the bill upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 16, nays 23; as follows:

YEAS—Messrs. Clayton, Conkling, Cragin, Davis, Gordon, Hitchcock, Jones of Florida, Jones of Nevada, Kelly, Mitchell, Norwood, Patterson, Randolph, Sargent, West, and Windom—16.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Cooper, Edmunds, Ferry, Frelinghuysen, Howe, Ingalls, Kernan, Key, McCreery, McDonald, McMillan, Maxey, Morrill, Oglesby, and Saulsbury—23.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Booth, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Eaton, Goldthwaite, Hamilton, Hamlin, Harvey, Johnston, Logan, Merrimon, Morton, Paddock, Ransom, Robertson, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Withers, and Wright—32.

So the bill was rejected.

Mr. HOWE subsequently said: A short time since the bill (H. R. No. 620) for the relief of Redick McKee was defeated. I took some part in that debate, supposing it was a claim which was formerly examined by me when a member of the Committee on Claims. I have been assured since the vote was taken that I was entirely mistaken; that claim never was before that committee. I am not at all certain that I was not mistaken; I therefore ask leave to enter a motion to reconsider.

Mr. INGALLS. Not to be called up now?

Mr. HOWE. No, it is not the purpose of the Senator from California to call it up at this session.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

MRS. JAMES K. POLK.

Mr. KEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay $1,500 to Mrs. James K. Polk, widow of the late President of the United States, in full satisfaction of her claim for property supplied the United States Army in Yalabusha County, Mississippi.

Mr. BOUTWELL. I should like to have the report read, if one accompanies the bill, in order to see what the appropriation is for.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted from the Committee on Claims by Mr. COCKRELL, July 5:

> The Committee on Claims, to whom was referred the bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee, have duly considered the same, and submit the following report:
>
> The bill provides for the payment to Mrs. James K. Polk, the widow of the late President Polk, of the sum of $1,500 for property supplied the United States Army in Yalabusha County, Mississippi.
>
> Your committee find from the evidence that Mrs. Polk was loyal to the Union during the late war, and that she was, in August, 1863, the owner of ten head of good, serviceable mules claimed to be of the value of $2,000, and of two saddles and bridles claimed to be worth $40, and that on or about the 19th day of August, 1863, the cavalry troops of the United States Army, then passing by her plantation in Yalabusha County, Mississippi, took the above property, and the same was used for Army purposes, and that the sum of $1,500, as named in this bill, passed by the House of Representatives, is a moderate and reasonable price for said property.
>
> Your committee find that the loyalty of the claimant, her ownership of the property, the taking of the same by the United States troops for Army uses, and the reasonable value of the same as named in the bill, are sufficiently proved to justify the passage of this bill.
>
> Your committee further find that the commissioners of claims have jurisdiction of this case, and that this claim was presented to said commissioners for allowance, and that, in pursuance of a resolution passed by the House of Representatives in 1874, the commissioners of claims transmitted to the House all the papers and evidence in said case on the 8th day of April, 1874, and that this claim has never been decided by said commissioners and is still pending before them.

If this were an ordinary case, your committee would not hesitate to decline to take any action, and would leave the claimant to pursue her remedy before the commissioners of claims, and your committee now distinctly avow their policy and determination to leave all claimants in cases wherein the Court of Claims or the commissioners of claims have jurisdiction, to pursue their remedies before said tribunals.

As the claimant and her case are, however, exceptional, your committee have concluded, under the peculiar circumstances, to report this bill back to the Senate for its action, assuring the Senate and all claimants that this shall be no precedent for such action in any other case.

Mr. INGALLS. The language of the report is that this is not an ordinary case; that it is exceptional in some manner which is not described. If the claimant was a loyal citizen of the United States and the property was taken in a legal method for the use of the United States forces, and vouchers given, as was usual in such cases, I cannot understand why they were not paid upon presentation, or, if they were delayed, how it happens that the claim has not been successfully prosecuted either before the Court of Claims or before the board of commissioners appointed for the adjustment of such claims. Before I can vote for the bill under these circumstances I should require some further authentication both of the loyalty of the claimant and of the legality of this demand, and some assurance of the peculiarity that makes this not an ordinary case.

Mr. COCKRELL. I do not know what the distinguished Senator from Kansas will require as to the loyalty of the claimant. The question of the loyalty of the claimant was submitted to the Committee on Claims. Five of that committee are republicans in good standing in this body. I reported the case to the committee upon the facts and evidence which were before us, and that report was approved by the committee, as proving the fact of her loyalty, the fact that the property belonged to her, and the further fact that the property was taken while a cavalry command of the United States was passing by her plantation, and that there was no receipt given for it.

Mr. INGALLS. Why not?

Mr. COCKRELL. Simply because she was not there at the time, and the overseer was not present at the time it was taken. He saw the officers in possession of the property afterward. The cavalry command was making a raid through the country, and needed these mules and the property for transportation for the benefit of the Army, and took them, but did not take time to give any receipt or anything of the kind. The question of her loyalty was raised after the committee reported the bill to the Senate, when I asked for the consideration of it. The distinguished Senator from Vermont [Mr. EDMUNDS] had the kindness to give me the names of parties who would prove that she was disloyal. I wrote to those parties and I brought one of them here into the Senate Chamber and proposed to introduce him to the Senator from Vermont and did take him to the Senator from Iowa, the chairman of the committee. This man was one of the persons who were said to have the information which would show her to be disloyal; but, on the contrary, he proved her loyalty, and we were all abundantly satisfied upon that point. I think the Senator from Kansas will find, if he will look at the reports coming from the Committee on Claims, that I do not propose to pass upon the loyalty of persons simply upon their statement. I recognize the fact that I risked everything I had in the world, that I lost it, and am entitled to no compensation for it; and I recognize the fact that every man, woman, and child in the South who occupied the position that I did have no claims whatever upon this Government for compensation for property taken or destroyed. We are not asking it. I would say to the distinguished Senator that I will confess another thing, and that is that we do not have the most unbounded, heart-rending sympathy for those people who were living among us during the war and claimed to be loyal, and we are just as much disposed to bring the strictest rule adopted by the Senate to bear upon them that the Senator or any other Senator upon this floor desires to bring to bear. If I did not believe that the loyalty of Mrs. Polk, the widow of the late Ex-President Polk, was above suspicion in this matter, I should have reported against the claim with a great deal of pleasure and satisfaction.

Mr. INGALLS. I ask the Senator why there has been this extraordinary delay in the prosecution of this claim.

Mr. COCKRELL. This claim was filed before the commissioners of claims and with thirty thousand other claims still pending there and not acted on. I think that there are over thirty thousand claims pending before the commissioners of claims. The Senator will realize at once how impossible it is to pass upon all these claims. I believe it was General Butler, a member of the House of Representatives, who caused this claim to be taken from the commissioners of claims. General Butler, while a member of the last House of Representatives, introduced a resolution requiring the commissioners of claims to send to the House of Representatives the papers in this case, and that was the way it was taken away from them. This claimant being the only living widow of an Ex-President he thought it was an exceptional case. General HURLBUT and other officers there had it brought to the House, and I am told—I did not read the record of the proceedings—they spoke of her loyalty to their own certain knowledge.

Mr. KEY. I will say to my friend from Kansas that General HURLBUT, who, I understand, is a distinguished member of the other House of Congress, was the officer under whose command this property was taken, and he says the claim ought to be paid.

Mr. BOUTWELL. I should like to hear from the Senator from Missouri why this case is not disposed of in the claims commission.

Mr. COCKRELL. I answered that to the Senator from Kansas. There were, I think, over thirty thousand claims pending before the commissioners of claims and it has been simply a matter of physical impossibility for them to pass upon all the claims and this claim has not been reached. It was General Butler who had it brought from the commissioners of claims to the House in order to have it acted upon there and not await the delay, if I am not mistaken. They act upon several thousand claims every year; but they cannot possibly act upon them all.

Mr. BOUTWELL. Is there a letter in existence from one of the commissioners questioning the loyalty of Mrs. Polk?

Mr. COCKRELL. A telegram from one of the commissioners to the Senator from Vermont was handed to me by him, and a letter afterward gave the names of Colonel Ferry and General Mitchell as the parties who would show that she was disloyal. The letter was not given to me, but the names were given to me by the Senator from Vermont.

Mr. INGALLS. The Senator misapprehended me somewhat, for I certainly made no point whatever upon the loyalty of the claimant. Of course Mrs. Polk, the widow of the late President, is well known to this country as a woman of extraordinary dignity and purity of character, and, so far as her loyalty is concerned, I have never heard anything one way or the other; but the language of the report itself is eminently calculated to arouse suspicion. The committee are exceedingly careful to apologize for the report that they have made. They say it is not an ordinary case, and that they are exceedingly anxious that it shall not be made under any circumstances a precedent, and that they would otherwise—

Leave the claimant to pursue her remedy before the commissioners of claims; and your committee now distinctly avow their policy and determination to leave all claimants in cases wherein the Court of Claims or the commissioners of claims have jurisdiction, to pursue their remedies before said tribunals.

As the claimant and her case are, however, exceptional, your committee have concluded, under the peculiar circumstances, to report this bill back to the Senate for its action, assuring the Senate and all claimants that this shall be no precedent for such action in any other case.

If Mrs. Polk is and was a loyal woman, if this property belonged to her, if it was taken in the ordinary methods by the Government of the United States for the prosecution of its military affairs, if this was the value of the property named in this bill, how does this differ from any other case that was before the commissioners of claims?

Mr. CAMERON, of Wisconsin. If the Senator from Kansas will allow me a moment, I will say that I was present at the meeting of the Committee on Claims when the case was considered, and according to my recollection the fact that made this case exceptional was this: The Committee on Claims never have recommended the payment of a claim for property which was taken and used for the benefit of the Army unless it were taken by the order of some military officer authorized to make such order. My recollection is that in this case it appeared beyond all question that the property was taken and used by the Army, but it did not appear that it was taken by the order of any military officer. The Senator from Missouri made the report and will recollect more distinctly in regard to that point than I do. But that is my recollection, and that is the reason that this case is exceptional.

Mr. COCKRELL. I undertook to explain to the Senator from Kansas why it was an exceptional case, and instead of that report being criticised I supposed it would be commended by the Senate. The evidence was abundant to prove the facts stated in the report, although no receipt was given, and therefore no direct orders from the officer as the Senator from Wisconsin states; but we proposed to make it an exceptional case because the Committee on Claims do not propose to take cognizance of every claim which is pending in the Court of Claims, before the commissioners of claims, in the Quartermaster's Department, before the Third Auditor, or before the Commissary-General. There are large numbers of claims pending in all these Departments, and these applicants occasionally, about fifty a year I suppose, come to Congress to act upon their claims before those tribunals having jurisdiction have decided their claims, and we make this an exceptional case to that class of claims. We do not intend that this shall be a precedent, held by the Senate, held by claimants, or any man, woman, or child in the land, that we intend to consider or act upon those cases. It is an isolated, exceptional case, the only case in the United States where it is possible for the wife of a late President to make a claim, and that was the ground upon which we made it an exceptional case.

Mr. EDMUNDS. The peculiarity that the Committee on Claims apply to this claim in order to stand when other claimants present themselves must be a peculiarity of principle and not of caprice, however generously and friendly that capricious action of the committee may be. I take it everybody will agree to that proposition. It cannot be made an exception on the ground that the committee feel a particular solicitude about this lady on account of the circumstance that her husband was once President of the United States. It must stand upon some principle, I think, in order to take it out of this rule.

Now, Congress has provided a tribunal to investigate all cases of this character, where witnesses can be examined under oath and cross-examined as they give their testimony by counsel appearing and having plenty of time to get at the truth so far as cross-examina-

tion and the calling of counter-witnesses can avail to that end. The loyalty of this lady has been questioned, and one of the commissioners of this court felt it to be his duty, seeing this bill up, to send to me—I suppose he sent it to me because he happened to be an acquaintance of mine and knew that I was generally in the Senate—a telegram, followed by a letter, which stated the names of persons who he was informed by responsible authority would testify in the direction of her having sympathized with and assisted the so-called southern confederacy. These gentlemen may have since been applied to by the committee. I do not know.

Mr. COCKRELL. The Senator will certainly bear me out that I came to him sitting in his seat and offered to introduce to him one of the very men whose names he had sent me in order that he might talk with him himself.

Mr. EDMUNDS. Yes, Mr. President, but I am not the court of commissioners of southern claims; I am not the Committee on Claims of the Senate, and I should always beg to be excused from taking up the office as an individual Senator of catechising a witness in the nature of a cross-examination on the floor of this body. I think my constituents would require me to engage in some more general business than that. If this case were before a committee of which I was a member and a man came to the committee-room in the regular way and were put under oath, I should endeavor to the extent of my ability to get at what the truth really was. That is my answer to that.

My point is—if there be any point against appropriations of this character—that there is no ground, whether this lady be loyal or disloyal, of relieving her case from the impartial and public examination of a court where there are two sides to contest before a tribunal of facts of the case—the best method that human ingenuity has yet discovered of getting at the truth, though all methods sometimes fail. It being imputed to this lady that she does not fall within the class of persons who are entitled to relief as the law now stands—how long it may stand so (which depends upon the will of the American people which they will express in November) is another question—but as the law now stands the test of getting compensations and reclamations of this character is that of having been faithful to the cause of the Union during the war. As long as that test remains it ought to be impartially applied. There ought not to be any exceptions to a rule of that character that I can think of, and so far as justice and equality go is it not pretty hard to say that because a person is in high position his case or her case shall be taken out of the tribunal to which all other people are remitted, and receive the special and *ex parte* consideration of the law-making power? That is the question, and the Senate can answer it on this bill whichever way they think it ought to be answered.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. SAULSBURY. I understand there is no question about the fact that the property was taken and used by the troops of the United States.

Mr. KEY. None at all.

Mr. SAULSBURY. There is no dispute that the property was worth the value proposed to be paid by this bill. The only point is whether this lady was loyal.

Mr. RANSOM. There is no reason to doubt her loyalty.

Mr. SAULSBURY. I judged from inquiries put that that was the ground.

Mr. RANSOM. Her loyalty is sufficiently established.

Mr. SAULSBURY. If the Government has taken the property of any citizen I cannot understand why it should deny the citizen remuneration. If I were to take the property of my friend from Wisconsin, there is no higher duty devolving on me in life than to pay for that property. I can conceive of no higher obligation resting on this Government than to pay for property which it has taken for the use of the Government. I do not think this claim stands in any different light because the property happens to be the property of a lady in high social position. I therefore shall vote for the bill.

Mr. HOWE. The yeas and nays are ordered on this bill. Then the Senate will indulge me in saying a word. I shall vote for the bill, but I want to say in two or three words why. It is undisputed that the property of this lady to the amount of $1,500 has been taken and applied to the use of the United States. The question is whether we shall pay for it. My friend from Vermont says we must not make distinctions here in legislation between the high and low, between one and another.

Mr. EDMUNDS. I merely asked if we should.

Mr. HOWE. Well, he asked the question. I do not think we should make distinctions between the high and the low; but we must and we do make distinctions between one person and another. This lady, I am told, is the widow of one who was once honored with the first magistracy of the nation. I did not help pay that honor to him myself, but he was President of the United States. There is one other lady living, the widow of a President of the United States, and Congress voted to pay her a pension of $3,000 a year, and there was no pretense that we had ever taken a dollar of her property. It was, as I understood it, purely a gratuity voted by the generosity of the nation to the widow of one who had been an illustrious President. Nothing of that sort is asked here. The widow of one who has been President has contributed $1,500 to the necessities of the nation, and the question is whether we will return that money. It is suggested that at one time she was not loyal. If she was ever disloyal, I take it it was only in opinion. I assume in the absence of any testimony to the contrary that she never bore arms against the Government of the United States, and I do not care to scrutinize or criticise or inquire into her opinions or sentiments during that most disastrous collision between the different portions of the people of the United States. If there was before the Senate proof of such flagrant hostility as ruled her out of the regard of the people of the United States, I would take that into consideration. In the absence of any proof, I am not disposed myself to start an inquisition into what might have been her opinions at that time. It is enough for me to know that she was once the cherished wife of a President of the United States, that she is now the widow of that man, that we have had fifteen hundred dollars' worth of her property; and it is too small a sum, I think, for us to higgle about.

Mr. CAMERON, of Wisconsin. I desire to state that the question of the loyalty of Mrs. Polk was very carefully and fully investigated by the Committee on Claims, as we do investigate it in the case of every claim in which it is proper to investigate it, and the committee unanimously were entirely satisfied that the question of her loyalty was completely established. The committee had no doubt whatever in regard to that.

The PRESIDING OFFICER. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

The yeas and nays being taken, resulted—yeas 37, nays 2; as follows:

YEAS—Messrs. Allison, Bogy, Booth, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Cooper, Cragin, Davis, Frelinghuysen, Gordon, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, Logan, McCreery, McMillan, Maxey, Mitchell, Morrill, Norwood, Patterson, Randolph, Ransom, Sargent, Saulsbury, and Spencer—37.

NAYS—Messrs. Boutwell and Edmunds—2.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Eaton, Ferry, Goldthwaite, Hamilton, Hamlin, Johnston, McDonald, Merrimon, Morton, Oglesby, Paddock, Robertson, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—32.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States.

The message also announced that the House had passed a bill (H. R. No. 2469) granting a pension to Oliver H. Irons, late sergeant, Company D, Twenty-third Michigan Volunteers; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House of Representatives had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 297) fixing the limit of the expenditure for the erection of a public building at Little Rock, Arkansas;

A bill (S. No. 699) to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi;

A bill (S. No. 736) granting a pension to Mary M. J. Frank;

A bill (S. No. 840) for the relief of Norman H. Ryan;

A bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia;

A bill (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi, and others;

A bill (H. R. No. 310) granting a pension to William H. Harrison;

A bill (H. R. No. 1863) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States;

A bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa;

A bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory;

A bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;"

A joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh; and

A joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia.

EDUCATIONAL REPORT.

Mr. PATTERSON. I ask unanimous consent, without previous notice, to introduce a bill to provide for printing additional copies of the report of the Commissioner of Education, and ask for its present consideration.

Mr. KERNAN. I must object.

Mr. PATTERSON. I hope the Senator from New York will not object. It is to provide for printing extra copies of the report of the Commissioner of Education. Every person wants it.

Mr. KERNAN. I want to pass a bill, but if I shall not lose my place I shall not object.

The Chief Clerk read the bill (S. No. 1047) to provide for printing additional copies of the report of the Commissioner of Education. It provides that 20,000 additional copies of the annual report of the Commissioner of Education for 1875 be printed in addition to the copies already ordered, 5,000 copies for the use of the Senate and 15,000 copies for the use of the House, and that the reports pass through the mails free of postage, subject only to the restrictions at present applied to the reports of the Commissioner of Agriculture; and $15,000, or so much thereof as may be necessary, is appropriated for the execution of the work.

Mr. CONKLING. I want to inquire, retaining my right to object, how much it will cost to print 20,000 copies of this book?

Mr. PATTERSON. Fifteen thousand dollars.

Mr. CONKLING. Will that cover binding?

Mr. PATTERSON. It will cover all. There is no use ordering printing unless we make an appropriation to pay for it. Everybody wants this, and now there is a chance to get it.

Mr. DAVIS. My recollection is that a few weeks ago, under a resolution offered by myself, there was an additional number of the report of the Commissioner of Education order to be printed.

Mr. PATTERSON. That was for the use of the Commissioner, but there are none provided for the use of the Senate and the House.

Mr. DAVIS. My recollection is not the same as that of the Senator from South Carolina, because my object was to get some for distribution. I so stated at the time and I think you will find now that on one of the appropriation bills probably, but if not on that on some other bill, there was a certain number ordered. It occurs to me that it was five thousand to be divided in proper proportions between the Senate and the House. I am certain, however, that there was a number order for distribution; I think this unnecessary.

Mr. PATTERSON. The Senator from West Virginia is correct so far as regards the number of copies ordered for the use of the Commissioner of Education, but those for the use of the Senate and House were stricken out.

Mr. SAULSBURY. Does this not go to the Committee on Printing under the rules?

Mr. CONKLING. It does under one objection.

Mr. SAULSBURY. Then I object.

Mr. PATTERSON. I had unanimous consent to introduce the bill. The bill is before the Senate.

Mr. CONKLING. But it can only be read once on one day except by unanimous consent.

Mr. KERNAN. It leads to debate. I desire to ask the Senate to take up a House bill which is proper to be acted on to relieve some parties.

Mr. PATTERSON. What becomes of my bill?

The PRESIDENT *pro tempore*. It goes over.

HEIRS OF WILLIAM STEVENS.

Mr. KERNAN. I move to take up the bill (H. R. No. 719) for the relief of the heirs of William Stevens. I have the carefully prepared report of the Senator from Michigan, [Mr. CHRISTIANCY,] who will state, if any gentleman desires to make any objection, the facts of the case.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that William Stevens made settlement and pre-emption on a certain tract of land, and prior to its survey was driven off by Indians; returned, and died on the land before perfecting his claim thereto under the then existing laws. The bill therefore authorizes his heirs to enter at the United States land office at Sioux Falls, Dakota Territory, the southeast quarter of section No. 16, in township No. 101, in range 49, upon the payment of $1.25 per acre therefor.

Mr. CHRISTIANCY. I wish to say that the bill had the unanimous approval of the Senate Committee on Private Land Claims, of whom the Senator from Vermont [Mr. EDMUNDS] is one. That is sufficient I hope.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSISTANT RECORDER OF DEEDS.

Mr. SPENCER. I move that the Senate proceed to the consideration of Senate bill No. 752.

The motion was agreeed to; and the bill (S. No. 752) authorizing the recorder of the District of Columbia to appoint an assistant, with certain powers, was considered as in Committee of the Whole.

The Committee on the District of Columbia propose to amend the bill by striking out in line 13 the words:

The recorder shall be allowed by the District for all record-books, dockets, and furniture necessary for his office.

And inserting:

Provided, That no additional expense shall be incurred by the District for said deputy, and no other fees shall be allowed than are now provided by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER PHILLIPS.

Mr. LOGAN. I move to take up Senate bill No. 828.

The motion was agreed to; and the bill (S. No. 828) for the relief of Peter Phillips was considered as in Committee of the Whole. It provides for the payment to Peter Phillips, of Illinois, the pay and allowances of a first lieutenant of cavalry from October 14, 1863, to March 9, 1874, less the pay of a sergeant of cavalry, which was received by him for that time.

The Committee on Military Affairs proposed to amend the bill by striking out "1874" and inserting "1864."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN MARYLAND RAILROAD.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.

Mr. DAVIS. I ask the Senator where that railroad starts from and what the intention of it is? In other words, to explain the bill.

Mr. SPENCER. It is a railroad that is now being rapidly brought to completion, being built to run from some point in Southern Maryland to the city of Washington. They desire to form a connection with both the Baltimore and Potomac and the Baltimore and Ohio Railroads at the Anacostia River, about a mile from the Capitol. It is something that everybody wants. There can be no objection to it. It brings no additional track within the city.

Mr. MORRILL. Before we allow any other railroad to come in here, I think we ought to act upon both the bills that have already been introduced by the Committee on Public Buildings and Grounds requiring the depots that are now occupied by the Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad to be removed from their present places. If I thought this was a suitable time to take up the Baltimore and Potomac Railroad bill which repeals the authority they now have to go across the public grounds and Sixth street, I would do it; but I hardly think we can consider any railroad bill at this late hour of the session.

Mr. SPENCER. This is not really a railroad bill; it is a road ready to be brought in.

Mr. LOGAN. It will take up time. Let us go on with bills to which there will be no objection. I ask leave to take up a private bill.

Mr. SPENCER. This does not go through any public reservation.

Mr. LOGAN. I have had no opportunity to call up bills from the Military Committee.

Mr. BOUTWELL. I shall object to the bill of the Senator from Alabama.

Mr. LOGAN. Objection being made to that, I ask for the consideration of House bill No. 1237.

BENJAMIN F. REYNOLDS.

There being no objection, the bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds was considered as in Committee of the Whole. It provides for the payment to Benjamin F. Reynolds, late captain of Company K, Forty-eighth Regiment of Illinois Volunteers, of a sum equal to the pay and emoluments of a captain of infantry, from the 1st day of March, 1864, to the 22d day of May, 1864.

The Committee on Military Affairs propose to amend the bill by striking out in line 9 the word "1st" and inserting "29th," and striking out "March" and inserting "April."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH F. ALBERTSON.

Mr. COCKRELL. I ask for the present consideration of House bill No. 1503 for the relief of Sarah F. Albertson, of Booneville, Missouri. I will make an explanation. She is the widow of a member of Congress from Indiana. There are $160 due to him for his mileage undrawn, as shown by the record of the House of Representatives, and this bill simply allows her that amount.

There being no objection the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Booneville, Missouri, was considered as in Committee of the Whole. It provides for paying to Sarah F. Albertson, of Booneville, Missouri, the widow of Nathaniel Albertson, deceased, the sum of $160, in full compensation of mileage due him as a member of the Thirty-first Congress.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN W. GALL.

Mr. LOGAN. I move to take up House bill No. 262.

The motion was agreed to; and the bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment, to strike out after the word "sixty-three," in line 13, the following words:

And the pay and allowances of a first lieutenant of infantry from February 20, 1864, to January 25, 1865.

So as to make the bill read:

That the Secretary of War and the proper accounting officers of the Treasury Department be authorized and directed to recognize the military services of John W. Gall, deceased, late of the One hundred and thirtieth Regiment Illinois Volunteers, as an officer of said regiment; and the Secretary of the Treasury is authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of the said John W. Gall, deceased, the pay and allowances of a second lieutenant of infantry from March 9, 1863, to November 1, 1863, deducting therefrom the amount of pay received by the said John W. Gall, deceased, as a private soldier or non-commissioned officer of said regiment for the period above named.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. LLOYD.

Mr. CAMERON, of Wisconsin. I move to take up for consideration Senate bill No. 784.

The motion was agreed to; and the bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased, was considered as in Committee of the Whole.

The Committee on Claims reported the bill, with amendments.

The first amendment was to strike out in line 6, after the word "of," "$9,753.32," and in lieu thereof to insert "$6,713.33;" and in the same line, after the word "cents," to strike out "with interest thereon at the rate of 6 per cent. per annum until paid;" and in line 13, after the word "July," to strike out "eleventh" and insert "thirteenth;" and in line 14, after the word "to," strike out the words "June 5" and insert "April 27;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Enoch Totten, administrator of the estate of William A. Lloyd, deceased, the sum of $6,713.33 out of any money in the Treasury not otherwise appropriated, the same to be in full for the personal services of the said William A. Lloyd, rendered in pursuance of a contract made with Abraham Lincoln, President of the United States, and extending from July 13, 1861, to April 27, 1865.

Mr. DAVIS. I notice that the bill calls for interest, which is very unusual. That may be stricken out in the amendment.

Mr. CAMERON, of Wisconsin. That is stricken out by the amendment.

Mr. DAVIS. I supposed so. I should be glad to hear the bill explained.

Mr. SPENCER. It is all right.

Mr. DAVIS. I do not know that.

Mr. SPENCER. It comes from the Committee on Claims.

Mr. CAMERON, of Wisconsin. I can explain it in a few words. The intestate, Lloyd, in 1861 entered into a contract with President Lincoln by which he agreed to go into the insurgent States, obtain plans of fortifications and such other information as might be useful to the Federal Government, and report the same from time to time to the President. In consideration of these services the President agreed to pay him the sum of $200 per month. Lloyd went into the Confederate States and remained there, performing his part of the agreement, until the close of hostilities. When he returned to Washington President Lincoln was dead; the matter was referred to the Secretary of War. The Secretary of War finally paid him the amount of his disbursements. Lloyd had been arrested as a spy, I think in Charleston, thrown into prison, and was put to considerable expense in defending himself. The matter, as I stated, was referred to the Secretary of War. The Secretary of War paid his expenses, but did not pay the compensation that the President agreed he should receive. The Committee on Claims after a careful consideration of the matter find that the intestate did enter into this contract with President Lincoln, that he did perform his part of the contract faithfully, that he was paid certain amounts of disbursements; but after examining the contract it appeared that there was no provision in it that he should be paid his expenses. So the committee recommended that he be paid $200 a month only; they deducted the amount already paid from the total amount, reducing the amount now due to him, as the committee find, to about $6,000.

Mr. DAVIS. Was the report unanimous or was there a division in the committee?

Mr. CAMERON, of Wisconsin. The report was unanimous.

Mr. DAVIS. Then probably it is not the case I have in my mind. I have a case in my mind that was before the Committee on Claims when I was a member, that the committeee was divided upon. I thought probably this was the same case.

Mr. CAMERON, of Wisconsin. The report in this case was made by the chairman and was unanimous.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECORDING OF CONVEYANCES.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 3740) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.

Mr. CONKLING. While the Secretary is looking for that bill I beg to say that there ought to be a short executive session, which when the bill is passed I will endeavor to get the Senate to order.

Mr. DAVIS. It is evident there is not a quorum present.

Mr. SPENCER. I hope the Senator will not interrupt me.

Mr. DAVIS. This is an important bill. I do not know anything about it.

Mr. SPENCER. Let the bill be read.

Mr. DAVIS. Wait until I am done. I do not know anything of this bill or of any of the other bills that Senators wish to pass who call them up. I do not call in question the correctness of any of them, but it is not right for us to proceed to do business without a quorum present. I think we had better take a recess or have an executive session, one of the two.

Mr. SPENCER. I hope this bill will be read, and I do not think there will be any objection to it.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk proceeded to read the bill.

Mr. RANDOLPH. I object to that bill.

Mr. CHRISTIANCY. This is an important bill, and the most unobjectionable that has been brought up here for some time.

Mr. SPENCER. It is entirely unobjectionable.

The PRESIDENT *pro tempore*. Objection is made. The bill will not be taken up.

Mr. HITCHCOCK. Mr. President——

Mr. CONKLING. Inasmuch as there are hundreds of bills here, I can never get an executive session unless I move it. I do not wish to interfere with the Senator from Nebraska, but after he has proceeded I hope I shall be allowed to submit a motion for an executive session without seeming to interfere with him.

ALBERT TOWLE.

Mr. HITCHCOCK. I move to take up a little bill reported by the Senator from New Jersey, Senate bill No. 705.

There being no objection, the bill (S. No. 705) for the relief of Albert Towle, postmaster at Beatrice, Nebraska, was considered as in Committee of the Whole. It provides for the payment of $365 to reimburse Albert Towle, postmaster at Beatrice, Nebraska, for revenue stamps stolen from his office at that place on the night of October 25, 1869.

Mr. DAVIS. I want to know where this bill comes from.

Mr. FRELINGHUYSEN. From the Committee on Finance. I examined it carefully and there is a written report which has been printed.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened.

JOHN AMMAHAIE, OR AMMAHE.

Mr. LOGAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie, or Ammahe.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Second Auditor of the Treasury to settle the claim for pay and bounty of John Ammahe, or Ammahaie, of Companies E and H of the Forty-third New York Volunteers, and to issue a certificate for such amount as appears to be due, any charge of desertion upon any rolls of the regiment to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED

The bill (H. R. No. 2469) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Regiment Michigan Volunteers, was read twice by its title.

The PRESIDENT *pro tempore*. Does the Senator from Kansas [Mr. INGALLS] ask for the present consideration of the bill?

Mr. DAVIS. I object to the consideration of bills coming immediately from the House.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Pensions.

JOHN GOWERS.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of

War to so correct the record of John Gowers, late of Company C, One hundred and eleventh Regiment of New York Volunteer Infantry, as to remove the charge of desertion now standing against his name.

Mr. SPENCER. There is a printed report upon which the bill passed the House. There can be no objection to it.

Mr. DAVIS. I should like to hear the report read.

The Chief Clerk read the following report, submitted by Mr. BANNING, from the Committee on Military Affairs of the House of Representatives, March 17:

The Committee on Military Affairs, having had under consideration House bill No. 1581, submit the following report:

John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers, enlisted at Auburn, New York, and served faithfully until he was captured, with his regiment, at Harper's Ferry, Virginia, September 14, 1862. He, with others, seems to have held the idea that, being paroled, they had a right to go to their homes and remain until exchanged. Gowers went to his home, at Montezuma, New York, and remained there until he was arrested. It appears from the evidence that his wife was very ill, being near her confinement; that he did not attempt to go beyond his home, and returned willingly to his regiment; was there tried by an illegal court, and sentenced to pay expense of arrest, to wear what was called by the sentence of the court the wooden overcoat, and to be confined in the guard-house. He served out his sentence, and afterward did good service until he was captured, in 1864, and died at Andersonville prison. The evidence also shows that his wife was confined, and gave birth to a child, two days after his arrest. The committee think the case one of peculiar hardship, and one in which great injustice has been done to the heirs of the soldier, who did good service and had no intention of deserting, and would, therefore, recommend that the bill be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BARRETT.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (H. R. No. 648) for the relief of Andrew J. Barrett.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Andrew J. Barrett $154, in payment of draft No. 3609 on the United States depository at Richmond, Virginia, drawn by Peter A. Keller, the disbursing agent, upon W. M. Harrison, the officer in charge of the United States depository at that place, in favor of Barrett, the draft bearing date January 28, 1861, and being for the first payment for taking the eighth census.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO SOUTHERN SOLDIERS IN FEDERAL SERVICE.

Mr. INGALLS. I move that the Senate take a recess for fifteen minutes.

Mr. WINDOM. The military bill will be here very soon.

Mr. INGALLS. I withdraw the motion, and move that the Senate proceed to the consideration of the bill (S. No. 36) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and in lieu thereof to insert the following:

That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. DAVIS. I should be glad if the Senator who has charge of the bill will explain it.

Mr. INGALLS. There are certain classes of men who would be entitled to pensions under the general laws, but who are barred by the construction of the statute which prohibits the payment of any pensions to any men or the survivors of them who ever served in the rebel army. Some men were forced or conscripted into the service of the Confederate States. There were some who enlisted in that service and subsequently repented. There are quite a number of instances where those men after having left the confederate service voluntarily enlisted in the Union Army and there received disabilities from wounds or disease for which they are unable to be pensioned in consequence of the construction placed upon the law by the Commissioner of Pensions. This is an equitable measure, and upon the mere statement I think will commend itself to the consideration of every lover of his country.

Mr. McMILLAN. Although this bill is reported from the Committee on Pensions, I observe that it is a Senate bill and cannot possibly pass the House at this session of Congress. It is a matter of such general importance in its character that it seems to me it should be postponed until the next session, so that the matter may be fairly and properly considered. I do not know that I should have any objection to the bill, but we are on the eve of adjournment, within an hour perhaps the session of Congress will close, and there is no possibility whatever of the bill becoming a law now. Therefore I think it would be advisable to permit this matter to go over until the next session.

Mr. INGALLS. If the bill is right in principle, now is the best time to pass it. It is true it cannot pass the House at this session, but if it passes the Senate it will be one step further in its stage toward final accomplishment. I therefore hope the Senator from Minnesota will withdraw his objection and allow us to relieve the Calendar and at the same time to do a perfectly just act.

Mr. McMILLAN. The bill may be right in principle, but we have not an opportunity at this time of considering it. For myself, I am not prepared to say whether I deem it right or not. As I remarked, we are just on the eve of an adjournment, perhaps within an hour the Senate will adjourn, and I do not think that this body is in a condition to act upon the bill. I therefore move to postpone the bill.

Mr. CONKLING. Will not one objection prevent action?

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. McMILLAN. I move to postpone the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to postpone the further consideration of the bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

REPAYMENT OF TONNAGE TAX.

Mr. CONKLING. I move that the Senate proceed to the consideration of Senate bill No. 994, to which I think there will be no objection. If there is I will not press it. While the Secretary is looking for it I will state what it is. It is a bill to allow the Secretary of the proper Department, the Treasury, to refund to a Norwegian vessel certain moneys of which, in violation of treaty stipulations, she was divested as tonnage dues. Here is in my hand a report made by my colleague from the Committee on Finance, to whom the bill was referred. The bill was also before the Committee on Foreign Relations. There is also a letter from the Secretary of State, I believe one from the Attorney-General, recommending that this be done, the act being an inadvertence, one of injustice, and the report, which is very brief, stating, if Senators care to hear it, all there is in regard to the matter. I think nobody will object to it.

Mr. FRELINGHUYSEN. I can say in addition that I examined the bill and the statutes and read the communications, and I am satisfied the bill is right.

Mr. CONKLING. I think there is no objection to it on any hand.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 944) to amend section 2931 of the Revised Statutes of the United States so far as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been exacted in contravention of treaty provisions.

The bill was reported from the Committee of Finance with an amendment, in line 10, after the word "twelve," to strike out "hundred," so as to read "section three thousand twelve and a half of said statute."

The amendment was agreed to.

Mr. CONKLING. To guard against any possible danger in this bill, unless the Senator from New Jersey or some other Senator acquainted with it sees objection to it, I move to amend it by adding at its conclusion these words:

Provided, That the said payment took place during five years preceding the passage of this act or shall hereafter occur.

My motive for that merely is to close the door against the possibility of its going back to an indefinite past and under it stale claims being revived for moneys that may have been paid long ago.

Mr. FRELINGHUYSEN. It seems to me the amendment is a very proper one; but I think it would be better to say three years than five.

Mr. CONKLING. These dues were paid and received between July 1871 and 1873. It had better be six years than five, that being a familiar date in the statute of limitation, and it will cover this case. Let the Secretary report the amendment.

The CHIEF CLERK. It is proposed to add at the end of the bill the following proviso:

Provided, That said payment took place during six years preceding the passage of this act or shall hereafter occur.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. LOGAN. I desire to present a conference report on the bill for suppressing Indian hostilities.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments, and agree to the bill amended as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as may be employed in existing Indian hostilities and as in his opinion may require the same: *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the 25,000 authorized by the act approved July 24, 1876, making appropriations for the support of the Army for the fiscal year ending June 30, 1877: *And provided further*, That on the cessation of existing Indian hostilities the number of enlisted men in the Army shall be reduced to the number now established by law: *And provided*, That the reduction shall not be made from the cavalry force of the Army; and the following sums are hereby appropriated out of any moneys in the Treasury not otherwise appropriated for recruiting and maintaining the same: Recruiting twenty-five hundred cavalrymen, $50,000; pay per annum, $390,000; subsistence, $200,400; clothing $206,000; regular supplies, $216,000; purchase of horses, $337,500; transportation, (wagons, &c.,) $84,800; transportation by rail, &c., $150,000; in all, $1,634,700."

Amend the title so as to read as follows:

"An act to increase the calvary force of the United States to aid in suppressing Indian hostilities."

And the House agree to the same.

JOHN A. LOGAN,
P. W. HITCHCOCK,
S. B. MAXEY,
Managers on the part of the Senate.
H. B. BANNING,
R. Q. MILLS,
J. M. THORNBURGH,
Managers on the part of the House.

The report was concurred in.

ADJOURNMENT SINE DIE.

Mr. WINDOM. I now move to take up the adjournment resolution from the table.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August 14, 1876, at four o'clock p. m.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. WINDOM. I move to amend the resolution by fixing the time of adjournment at twenty minutes past seven o'clock to-day.

Several SENATORS. Seven o'clock.

Other SENATORS. Seven and a half.

Mr. SARGENT. The bill just passed has to be enrolled and signed, and there are other bills.

Mr. WINDOM. I will name half past seven to-day.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves an amendment changing the time to seven and a half o'clock. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the time fixed and insert:

Tuesday, the 15th instant, at half past seven o'clock, p. m.

The amendment was agreed to.

The resolution, as amended, was concurred in.

NOTIFICATION TO THE PRESIDENT.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President and inform him that unless he may have some further communication to make, the two Houses of Congress are ready to close their session by an adjournment without day.

The PRESIDENT *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. WINDOM and Mr. MCCREERY were appointed.

Mr. WINDOM, (at six o'clock and forty-eight minutes p. m.) Now, I move a recess until ten minutes past seven o'clock.

The motion was agreed to; and the Senate took a recess until ten minutes after seven o'clock, at which time it was again called to order.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy;

A bill (H. R. No. 4106) to increase the cavalry force of the United States to aid in suppressing Indian hostilities; and

A joint resolution (H. R. No. 166) amending the eighth section of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

R. J. HENDERSON.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri.

Mr. EDMUNDS. Let us hear the report. The bill is not taken up yet, is it?

The PRESIDENT *pro tempore*. It is not yet taken up. The question is on proceeding to its consideration.

Mr. COCKRELL. I hope there will be no objection to it. It is a House bill and has been considered by the Committee on Claims very thoroughly, and unanimously reported back to the Senate. The report is not very long. If the Senator desires to hear the report it can be read.

Mr. CONKLING. What is the bill?

Mr. EDMUNDS. Only a few thousand dollars.

Mr. CONKLING. For what?

Mr. COCKRELL. I will state this fact, that the claimant has only lately removed to Missouri, and there can be no question as to his loyalty. He was a citizen of Iowa all through the war.

Mr. MORRILL. There is Senate bill No. 840 which I should like to get up.

Mr. EDMUNDS. Let us try the bill of the Senator from Missouri first.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill moved by the Senator from Missouri.

The question being put, a division was called for, and the ayes were 17.

Mr. EDMUNDS. That is less than half a quorum. I am sure my friend will give it up. He can see that it is less than half a quorum.

Mr. COCKRELL. Very well.

Mr. FRELINGHUYSEN. I ask the Senate to consider House bill No. 2952.

Mr. COCKRELL. As a matter of course I cannot consent for any other business to be done without a quorum here.

Mr. EDMUNDS. The lack of a quorum has not been disclosed.

Mr. COCKRELL. If my bill cannot be taken up on account of the lack of a quorum, I do not think anything else should be done.

Mr. FRELINGHUYSEN. I hope my friend will not interfere with me. I did not interfere with him.

Mr. COCKRELL. Mine is a very just bill.

Mr. MCDONALD. I will ask the Senate to take up——

The PRESIDENT *pro tempore*. There are two such cases pending, one from Missouri and one from New Jersey.

Mr. COCKRELL. Mine is up first. I call for the yeas and nays, in order to test the presence of a quorum in that way.

Mr. EDMUNDS. I did not say there was no quorum. I only suggested to my friend that the vote on taking up the bill could not be carried because there was less than half a quorum in favor of taking it up.

Mr. COCKRELL. There was not a full vote. There may have been only 3 against it while there were 17 for it. Under the circumstances if any bill is to be considered the bill I move ought to be considered. I do not know the gentleman named in the bill. He has moved from Iowa down to Missouri. He is represented as being one of the best citizens of Iowa, and I am told they have very good citizens there.

Mr. ALLISON. The Senator speaks correctly about our State, and about this man in particular. He is a very excellent young man, and he was a soldier in the Army on the Federal side.

Mr. FRELINGHUYSEN. Is my bill before the Senate?

The PRESIDENT *pro tempore*. The Senator from New Jersey asks the consideration of the bill which he has named.

Mr. COCKRELL. I should like to have a division taken on my bill. I should like to see how many there are against it. There were 17 for it and I should like to have another division.

The PRESIDENT *pro tempore*. The Chair will put the question again on a division.

Mr. EDMUNDS. It ought not to pass at this time of night.

The question being again put, there were on a division ayes 23.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. We are dividing, I believe.

The PRESIDENT *pro tempore*. No Senator rises in the negative.

Mr. EDMUNDS. There is no quorum voting, I believe.

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. COCKRELL. Let us have the yeas and nays. We can do nothing without the yeas and nays.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 620) to remove the political disabilities of James Argyle Smith, of Mississippi.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved, That a committee of three members of the House of Representatives be appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn, if he has no further communication to make.

The message also announced that the House had agreed to the amendment of the Senate to the resolution for the final adjournment of the present session of Congress.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the

House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 719) for the relief of the heirs of William Stevens; and

A bill (S. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee.

R. J. HENDERSON.

Mr. MORRILL. I ask to take up the bill for the relief of the collector of the fourth district of Georgia.

Mr. COCKRELL. There is a question now pending.

The PRESIDENT *pro tempore.* The Secretary will call the roll on proceeding to the consideration of the bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri.

The question being taken by yeas and nays, resulted—yeas 36, nays 0; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Cooper, Cragin, Davis, Eaton, Edmunds, Ferry, Frelinghuysen, Gordon, Harvey, Hitchcock, Howe, Jones of Florida, Jones of Nevada, Kelly, Key, Logan, McCreery, McDonald, McMillan, Maxey, Morrill, Paddock, Patterson, Sargent, West, and Windom—36.

NAYS—0.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Ingalls, Johnston, Kernan, Merrimon, Mitchell, Morton, Norwood, Oglesby, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Withers, and Wright—35.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri. It authorizes the Secretary of the Treasury to pay to R. J. Henderson $7,253.90, in full compensation for all balances due Henderson growing out of a contract made in 1865 with Captain William Mills, post-quartermaster at Nashville, Tennessee, at the time, to cut and deliver three thousand cords of wood at the Cumberland River for the use of the Army.

Mr. COCKRELL. I do not know whether the bill would be in a better situation if it passes now and is enrolled than it would be on the Calendar.

Mr. LOGAN. It would be a great deal better.

Mr. EDMUNDS. I should like to hear it explained. I should like to have the report read.

Mr. COCKRELL. I do not think that the Secretary could read the report in the few minutes left of the session.

Mr. WEST. Commence it, any way.

Mr. COCKRELL. I will ask that a copy of the report be furnished to the Senator from Vermont so that he can read it in vacation, and the bill will be ready to be acted upon next session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* had appointed Mr. R. L. GIBSON of Louisiana, Mr. R. P. BLAND of Missouri, and Mr. GEORGE WILLARD of Michigan, members of the commission on the part of the House to inquire into the change in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard, and of continuing greenbacks concurrently with the metallic standards.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 788) for the relief of Robert N. Eddy;

An act (S. No. 1014) regulating the disbursement of certain moneys therein named;

An act (S. No. 892) to encourage and promote telegraphic communication between America and Asia;

An act (S. No. 699) to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi;

An act (S. No. 840) for the relief of Norman H. Ryan;

An act (S. No. 736) granting a pension to Mary M. J. Frank;

An act (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi, and others; and

An act (S. No. 297) fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. MCCREERY. I offer the following resolution:

Resolved, That the thanks of this body are due to Hon. T. W. FERRY for the dignity, justice, and impartiality with which he has presided over the deliberations of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the passage of the resolution.

The resolution was agreed to unanimously.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had appointed Mr. WILLIAM A. PIPER of California, Mr. EDWIN R. MEADE of New York, and Mr. JAMES WILSON of Iowa members on the part of the House on the joint select committee of the two Houses to investigate the immigration of Chinese to this country.

The message also announced that the House of Representatives having proceeded, in pursuance of the Constitution of the United States, to reconsider the bill entitled "A bill (S. No. 779) to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," returned to the Senate by the President of the United States with his objections and sent by the Senate to the House of Representatives with the message of the President returning the bill, it was

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

FINAL ADJOURNMENT.

Mr. WINDOM. The committee appointed to wait upon the President and inform him that unless he has further communication to make the Senate is ready to adjourn without day, have performed that duty, and report that the President said he had no further communication to make.

The PRESIDENT *pro tempore.* Before declaring the order of adjournment, permit me, Senators, to express my obligations for the trust confided and for the courtesy extended to me throughout eight months and over arduous session now drawing to a close.

For your generous support through an impeachment trial and during the first regular session's experience as your presiding officer, accept my hearty thanks.

This session is substantially closed; while associated with other historical interests, it will especially be notable as embracing the Union of two centuries in the life of the Republic. National permanence is no guarantee against personal change.

We are about to part, not without the suggestive reflection that in the first month of the new century and next to this in which we separate, our number was broken by the death of one whose short senatorial career had won the attachment of many and the respect of all, and by the departure of another whose longer career had qualified him for the merited place of executive adviser which he now honors.

Senators, in returning to your several States to greet their approval of your distinguished services, may Heaven's kindly care attend and return you all with added strength to renew your labors next December.

To the officers of the Senate, whose valued aid has enabled me to hold your confidence, I tender sincere acknowledgments.

Finally, wishing you all a safe return to your respective homes, I now pronounce the first regular session of the Senate of the Forty-fourth Congress adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

JOURNAL OF YESTERDAY.

Mr. RANDALL. I move to dispense with the reading of the Journal. I understand it is not ready, and of course no blame can be attached to the clerks on that account; for it was a matter of mental and physical impossibility to have the Journal of yesterday's protracted session prepared in time for the session of the House to-day.

The SPEAKER *pro tempore.* The Chair will state that owing to the length of the session of yesterday and the time at which the House adjourned it was impossible to have the Journal prepared.

Mr. HOLMAN. I would like to add that there were but few subjects of legislation during yesterday's session, so that the dispensing with the reading of the Journal becomes a matter of less importance.

There was no objection, and the reading of the Journal was dispensed with.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to introduce three or four matters that require prompt attention, to which I think there will be no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had rejected the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States; two-thirds of the Senate not agreeing to pass the same.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 4106) to authorize the President of the United States to accept the services of volunteers to aid in suppressing Indian hostilities.

EXPENSES OF THE DISTRICT.

Mr. RANDALL. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, with amendments by the Senate, and to move that the House non-concur in the Senate amendments.

I do not propose to make a statement now in regard to the disagreement upon this bill between the House and the Senate, because I think, or at least I hope, that it may be made satisfactory both to the House and to the Senate. I move that the House non-concur in the Senate amendments, and upon that I ask the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. RANDALL's motion was agreed to, and the amendments of the Senate were non-concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. In connection with this subject, I ask unanimous consent to have printed in the RECORD some statements in regard to the appropriations made for the District of Columbia during the year 1875–'76, and also for the current year.

There was no objection.

The statements are as follows:

District of Columbia appropriations for the fiscal year ending June 30 1875.

Legislative act of June 20, 1874:

For salaries of governor, members of board of public works, members of board of health, president and members of council, $27,500.

Sundry civil act of June 23, 1874:

To be expended by the commissioners of the District of Columbia, $1,300,000—

First. Payment of interest on the funded debt, &c., due July 1, 1874;

Secondly. Payment of officers, employés, &c., of the District;

Thirdly. For any indebtedness for which the securities of the District are pledged and the remainder for the current expenses of the District: *Provided further*, That $75,000 be retained from payment to contractors to secure payment to workingmen;

For Select Committee to Investigate the Affairs of the District of Columbia, $10,000;

For the payment of teachers in the public schools, $97,740.50, to be re-imbursed by a special tax levied;

Reform School, $31,772.29;

Site for a new engine-house, $18,000; and

Anacostia bridge, $146,000.

Total, $1,631,312.79.

APPROPRIATIONS FOR DISTRICT OF COLUMBIA FOR YEAR ENDING JUNE 30, 1876.

For repairs and preservation of the court-house building in the city of Washington, and for tiling the basement floors of the same, $3,000: *Provided*, That hereafter the building shall be under the supervision and control of the Attorney-General.

For completion of the jail in the District of Columbia, in accordance with the plans and specifications therefor, $140,057.93.

For fencing and inclosures around said jail, $9,900.

For heating apparatus, $29,900, by advertisement, to the lowest responsible bidder: *Provided*, That it does not interfere with existing contracts.

For kitchen utensils, wash-room apparatus, and driving-engine, $5,691.

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, $1,000,000, only to be drawn as needed for immediate use; and $300,000 of this sum shall be available from the passage of this act; no salaries to be changed from the standard fixed under act of June 20, 1874.

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $185,000; and the salary of the commissioner of the sinking-fund, acting as treasurer thereof, shall be $1,000 per annum.

To defray the expenses of conducting the sanitary service of the District of Columbia, $26,117.50: *Provided*, That the commissioners of the District shall pay concurrently for such service to the board of health a like amount out of the treasury of the District of Columbia, which they are hereby authorized and required to do.

For the payment of the salaries of the inspector of gas and meters, and assistant inspector, for the District of Columbia, $3,000.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

For the superintendent, $1,500; two assistant superintendents, at $750 each; matron, $600; two teachers, at $600 each; for medicines and physician's fees, $500; gardener, $720; superintendent of workshops, $600; laborer, $144; seamstress, laundress, and servants, $540; and for fuel, clothing, and incidentals, $2,696; making, in all, the sum of $10,000.

METROPOLITAN POLICE.

For salaries and other necessary expenses of the Metropolitan police for the District of Columbia, $305,270: *Provided*, That a further sum amounting to $102,635 shall concurrently be paid to defray the expenses of the said Metropolitan police force out of the treasury of the District of Columbia: *Provided*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law for police purposes in said district shall extend to and include all public squares or places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

Interest on 3.65 bonds due February 1, 1875, under act of February 1, 1875, $162,500.

Fire department District of Columbia, $25,000. (See legislative act of March 3, 1875.)

The proportionate appropriations for District government by present Congress foot up as follows:

To be advanced for Pennsylvania avenue pavement, (about $170,000 being direct appropriation,) estimated by computation	$260,000
(This is the cost aside of assessments on private property, which will be nearly $60,000 more.)	
Advanced for August interest on 3 65 bonds, about	260,000
Appropriated for Metropolitan police	150,000
Appropriated for fire-department	25,000
Appropriated ($109,500) for charities, &c	90,000
Appropriated ($32,340) for board of health	17,000
Appropriated for Aqueduct	18,000
Appropriated for (under Insane Asylum) one-half of support of 259 indigent insane of District of Columbia, at $4.25 per week	28,620
Appropriated for parks for public use, salaries, and incidentals	
Appropriated for transportation and support of convicts	8,000
Appropriated for warden of jail, judges of courts, inspector of gas	24,000
Total	880,620

JOINT COMMITTEE ON CHINESE IMMIGRATION.

Mr. RANDALL. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1014) regulating the disbursement of certain moneys therein named. I desire that the House shall pass this Senate bill just as it is. And I may state that I have a resolution to offer to avoid a difficulty on the same subject as regards the House.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill provides that the disbursing officer of the Senate shall advance such parts of the sum provided for the expenses of the Joint Special Committee on Chinese Immigration and ordered to be paid into the contingent fund of the Senate to the Sergeant-at-Arms of the Senate as the chairman of said committee shall in writing direct for the purposes aforesaid. And the Sergeant-at-Arms shall, as soon as may be, make a detailed statement of the expenditures thereof, with proper vouchers, which, when so made, shall be received by said disbursing officer and returned with his accounts to the proper accounting officer of the Treasury Department.

Mr. HOLMAN. This bill only applies to the disbursement of the contingent fund of the Senate for this purpose. It seems to me an unnecessary complication to pass another bill on the same subject to pay the expenses of the members of the committee on the part of the House.

Mr. RANDALL. I am to offer a resolution directing a payment for this purpose from the contingent fund of the House in accordance with our practice. Under the practice of the Senate the officer in charge of the contingent fund there cannot, without passing an act authorizing him, advance the money, $3,500, necessary to enable the Senate portion of the joint committee to go to California.

Mr. HOLMAN. It does seem to me that the rule ought to be the same as to the disbursement of this fund in regard to both Houses. It is a very simple matter, I admit, but I think it should be arranged in the same way for both Houses.

Mr. RANDALL. If the gentleman will pardon me, I will state to him that in the Senate a law is required for advancing any portion of the contingent fund of the Senate for such a purpose as this.

Mr. HOLMAN. I ask that the bill may be again reported. It seems to me that a slight amendment of this bill would answer the purpose of the gentleman from Pennsylvania much better than the passage of a resolution.

The bill was again read.

Mr. HOLMAN. Now, the gentleman from Pennsylvania can see that the expenditure of the money appropriated to defray the expenses of this committee on the part of the House ought to be made by law, and not by a simple resolution.

Mr. RANDALL. No, sir; we have already provided for its payment out of the contingent fund of the House, and $3,500 has been added to that contingent fund for the purpose of paying it.

Mr. HOLMAN. The Senate certainly can expend their own contingent fund.

Mr. RANDALL. I will say to the gentleman that this bill came from the chairman of this committee on the part of the Senate, and he says that there is no way in which they can get the money except by the passage of a law.

Mr. HOLMAN. Then this is a very exceptional case, for I never heard of any difficulty of the Senate controlling its own contingent fund before. I think this is an appropriation of money rather than an advance.

Mr. RANDALL. The bill itself states that this money is to come out of the contingent fund of the Senate.

Mr. HOLMAN. The Senate has never before sent a bill here to permit them to expend their contingent fund. I shall not object, but I think it is without precedent.

Mr. RANDALL. I am not advised whether there has or has not been one sent, but I do not suppose that any Senator would state that it was proper and send a bill to the House for this purpose unless he was satisfied that the difficulty existed.

There being no objection, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now offer the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay from the contingent fund to the chairman on the part of the House when appointed of the Joint Select Committee to Investigate Chinese Immigration the sum of $3,500, and the receipt of the said chairman shall be a proper voucher for the Clerk in the settlement of his accounts with the Treasury Department.

The resolution was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HAWAIIAN TREATY—ALLEGED CORRUPTION.

Mr. MORRISON. Some time ago the Committee of Ways and Means were instructed to make investigation into certain newspapor

allegations as to the use of money to secure the passage of the bill to carry into effect the Hawaiian treaty. The committee summoned and took the testimony of all persons who had given currency to the allegations and whose testimony was entitled to any credence. The committee is not present to make a formal report; in fact there is nothing to report on. There is nothing in the evidence to justify any allegation of the kind made, and I therefore move that the committee be discharged from the further consideration of the subject.

There was no objection, and the committee was discharged from the further consideration of the subject.

PAY OF CLERKS OF COMMITTEES.

Mr. LORD. On behalf of the clerks of committees I offer the resolution which I send to the Clerk's desk, and ask its adoption.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid out of the contingent fund of the respective Houses the usual per diem allowance to the clerks of committees not having a yearly salary for the period of thirty days from the time of the adjournment of Congress.

Mr. HOLMAN. There is no such usage, but I suppose the object of the gentleman is to have the resolution referred.

Mr. LORD. No, sir; I ask that it be adopted at this time.

Mr. HOLMAN. It is a matter that should go to the Committee of Accounts.

Mr. LORD. Then I move that it be referred to the Committee of Accounts, and that they be instructed to report as soon as practicable.

Mr. HOLMAN. I have no objection to that.

Mr. LORD's motion was agreed to.

LIEUTENANT ROBERT N. EDDY.

Mr. LORD. I ask that the House pass the bill (S. No. 788) for the relief of Lieutenant Robert N. Eddy. I will state that he received a lieutenant's commission, which he lost, and is entitled to two years' pay as a lieutenant, and I ask for the passage of the bill now because he is very sick. I ask the Clerk to read the report, which is very brief.

Mr. HOLMAN. I shall have no objection to this bill after a measure of great public moment shall have been disposed of; I refer to the bill pending between the two Houses in regard to the increase of the military force of the Government. If the chairman of the Committee on Military Affairs is present, I hope that that bill will be taken up and the amendments of the Senate non-concurred in.

The SPEAKER *pro tempore*. Then the Chair understands the gentleman from Indiana to object to this bill for the present only.

Mr. HOLMAN. Yes, sir.

INCREASE OF FORCE FOR SUPPRESSION OF INDIAN HOSTILITIES.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities, with the Senate amendments thereto, for the purpose of moving nonconcurrence in the amendments and requesting a committee of conference.

Mr. GARFIELD. Let the amendments be read.

The Clerk read the amendments, the first of which was to strike out all after the enacting clause and inserting the following:

That the President be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as in his opinion may require the same; *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the 25,000 authorized by the act approved July 24, 1876, making appropriations for the support of the Army for the fiscal year ending June 30, 1877; and the following sums are hereby appropriated for recruiting and maintaining the same: Recruiting twenty-five hundred cavalrymen, $50,000; pay per annum, $390,000; subsistence, $200,400; clothing, $206,000; regular supplies, $216,000; purchase of horses, $337,500; transportation wagons, &c., $84,800; transportation by rail, &c., $150,000; making in all, $1,634,700.

The second was to amend the title so as to read:

An act to increase the cavalry force of the United States to aid in suppressing Indian hostilities.

Mr. GARFIELD. I desire to make an inquiry.

Mr. BANNING. Certainly.

Mr. GARFIELD. If I understand it, this Senate amendment calls for a smaller number of men than the bill of the House; smaller by twenty-five hundred.

Mr. BANNING. Certainly.

Mr. GARFIELD. I also understand that there is this further difference: one bill calls for volunteer soldiers, the other for temporary enlistments in the regular Army for six months.

Mr. MORRISON. Not temporary, but permanent enlistments.

Mr. GARFIELD. I desire to ask the gentleman if in his own experience, in view of what he and I know of the troubles between the two kinds of troops, it would not be better to have them all regular troops? Although there may be details which should be referred to a conference committee and I have no objection to the reference, it seems to me that on the whole the Senate proposition is the better one. It provides for a smaller number of troops and consolidates them in the regular service in such a way as to avoid the serious troubles we have hitherto had in connection with the two kind of armies, the regular and volunteer forces.

Mr. BANNING. I think I can answer the question of the gentleman.

Mr. THORNBURGH. Is not a motion to concur in order?

Mr. BANNING. I think I can explain this matter. The message of the President asking for these troops contained two propositions, the one for a volunteer force of five thousand, the other for twenty-five hundred additional to the regular Army. I suppose that at the time the message was sent here the President was not aware that Congress had already passed a bill authorizing the regular cavalry companies to be filled up to one hundred men each. In this bill the President will obtain what he asked in his second proposition, and if these troops are needed at all they are needed to go immediately against the Indians. It is doubtful if we could get twenty-five hundred regulars enlisted in six months; they would have to be recruited much faster than they have been heretofore. The Senate bill provides that these men shall be three-years men, the House bill provides that they shall be only six-months men and be immediately available for service.

I call the previous question.

Mr. GARFIELD. I think the motion should be to concur; and, if that motion is voted down, then the motion to non-concur could be submitted to the House.

Mr. HOLMAN. I ask that the amendment be again read; I think there is no limit as to the time for which these men are to be enlisted.

Mr. GARFIELD. I understand my colleage [Mr. BANNING] to say that there is a limit.

Mr. BANNING. A limit only as to the twenty-five-hundred proposition.

Mr. THORNBURGH. I ask unanimous consent to make a statement. It seems to me that the Senate amendments ought to be concurred in. The casualties of our Army, including expiration of term of service, amount to twenty-five hundred men per annum. There need be no provision to muster out these men at the expiration of hostilities or within less than one year. Without mustering out a single man the Army will be reduced in one year in its effective force down to the number required by law. By not providing for mustering out you decrease the expense of enlisting twenty-five hundred men, which expense is $100 per man for enlisting them and sending them to their posts. You will save to the Government $250,000 by leaving out that provision.

Then again the difference between the pay of these volunteer troops which the House bill provides for and the pay of the enlisted men only as provided for by the Senate amendment is the pay of the officers of five or six regiments of volunteers. By the Senate bill no officer is enlisted, mustered in, or paid. You have now officers, better officers than you will obtain by volunteers, men who are informed of their duties and who are already commanding the companies which are not full.

The Senate bill proposed to fill up the companies we now have, to put new men alongside of old men; and any man who has had any experience in the late war knows that that is the best way to make effective troops of new men. If in order, I desire to move that the Senate amendments be concurred in.

Mr. BANNING. I have not yielded for that purpose. I move the previous question.

Mr. THORNBURGH. Is not my motion in order as a prior motion?

The SPEAKER *pro tempore*. Not unless the gentleman from Ohio [Mr. BANNING] yields for it. The sense of the House must be taken on the demand for the previous question.

Mr. BANNING. Let me say a word in answer to one proposition of the gentleman, so that members may all understand this matter. It is very doubtful whether these troops will be needed at all. We all hope that they will not be. It is General Sherman's opinion that either column of our present force is able to wipe out Sitting Bull and all the Indians now fighting against the United States. But he expressed the opinion that perhaps it would be best in abundance of caution to give these additional men; and therefore we have seen fit to do so. I do not believe they will ever be used; I hope it will never be necessary to use them. As I have already stated, the proposition of the Senate bill to increase the cavalry companies to one hundred is already the law, having been enacted by this Congress. The Army appropriation bill provides an amendment to that effect, having been adopted on motion of the gentleman from Texas, [Mr. MILLS,] that the cavalry regiments may be recruited to one hundred men in each company, and be kept at that number. Therefore under the existing law the President of the United States can to-day, without further legislation by Congress, fill up the cavalry companies to one hundred men each.

If we need men for the Indian war, we need them immediately; and the way to get them immediately, the way to get them into the field to fight the Indians, is to get them in the form of volunteer companies and volunteer regiments, without waiting the slow process of filling up our Army with regular soldiers. We do not need them in that way. We have now 25,000 troops, enough to whip all the Indians; and if the cavalry regiments were filled up as now authorized by law we need have no difficulty in overcoming any Indian force that may be arrayed against the authority of the United States. If we need men, we need them in fifteen, twenty, thirty, or forty days. This Congress is ready and willing to re-enforce our Army to break up that Indian war, to protect our frontier, to defend our settlers. To do

this, we propose to give quickly the five thousand men that the President asks for. In order that they may be furnished quickly, they must be furnished in the way we now propose. I hope, therefore, that the House will stand by the bill as it has already passed.

Mr. EDEN. I would like to ask the gentleman a single question: Does not the Senate provide for a permanent increase of twenty-five hundred in our regular Army?

Mr. BANNING. It does not do so directly; but it does provide that the men who may be now taken into the Army may be retained there. Hence it will be the harder to get men. Men will not enlist promptly when they know that they may be required to stay in the Army for a year. Either these men or old soldiers may be mustered out to reduce the force of the Army to 25,000. Hence I say the proposition in this respect also is a useless and unreasonable one. Under it we cannot expect to get troops quickly; and if we do not need them quickly, we do not need them at all.

Mr. MILLS. Besides, under our bill we shall get the best troops.

Mr. BANNING. Yes, sir; we get the best troops in that way. We can now get volunteers upon the frontier who understand the Indian character and Indian warfare far better than men who might be picked up in the cities, who know nothing whatever of the Indian character and mode of warfare, who will have everything to learn in that respect after they enter the service. I now call for a vote.

Mr. THORNBURGH. I ask the gentleman to yield to me for a moment. This is an important matter and involves the expenditure of a good deal of money.

Mr. ATKINS. I ask that the amendments of the Senate be again read.

The amendments were again read.

Mr. HOLMAN. Before the question is put on these amendments I wish to ask to what extent under existing laws the President has the power to increase the cavalry force of the Army. If the President should exercise the power already conferred upon him in that respect, what would be the aggregate increase of the cavalry? I would like also to know whether this power to increase the cavalry force would not exist even after these five thousand volunteers were added?

Mr. BANNING. I will answer the gentleman's question; and I hope to be understood. Under the law as it now exists, as we have enacted it at this session of Congress, the President has the power to increase the cavalry regiments of the United States to 12,000 men. He might increase that force 14,000 by stopping recruiting for the infantry and filling up the cavalry. We have already authorized him to make the cavalry companies one hundred strong. He can do this without any additional legislation whatever.

Mr. MILLS. And he is directed to do it under the law.

Mr. THORNBURGH. Will the gentleman from Ohio [Mr. BANNING] allow me a question on this subject?

Mr. BANNING. Certainly.

Mr. THORNBURGH. Has the law on this subject been changed at this session? Has not the President heretofore had the power under the law to transfer enlisted men to whatever companies he pleased, or to send recruits to whatever regiments he desired?

Mr. BANNING. Before our legislation of this session he could not increase the force, because the number in each company was limited to seventy-eight. But we have now changed the law so that it may be done. We gave him that authority at this session of Congress. He never had it before, but he has it now under the authority of Congress.

[Cries of "Vote!"]

Mr. CONGER. Before the gentleman from Ohio yields the floor, I should like to know whether the military authorities have given any expression of their wish in regard to the manner of this increase one way or the other.

Mr. BANNING. I will answer the question of the gentleman from Michigan. The chief man of the Army, the head of the Army, General Grant sent his message saying we could do it either way. We thought it probable we could do it best for the purpose for which it is at present designed in the manner in which the House committee on Military Affairs has recommended it should be done. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the Senate amendment was non-concurred in.

Mr. BANNING. I move to reconsider the vote by which the Senate amendment was non-concurred in; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THORNBURGH. I ask that there be a conference between the two Houses on the disagreeing votes on this bill.

The SPEAKER *pro tempore*. The gentleman from New York is entitled to the floor.

ROBERT N. EDDY.

Mr. LORD. Mr. Speaker, I had the floor at the time the gentleman from Ohio [Mr. BANNING] submitted the motion to non-concur in the Senate amendment. That matter having been disposed of, I now move, by unanimous consent, to take from the Speaker's table a bill (S. No. 788) for the relief of Robert N. Eddy, in order that it may be put on its passage at this time. I need not repeat the remarks I made at the time, and will only ask the Clerk to read the Senate bill and the report accompanying it. It passed the Senate unanimously.

The bill, which was read, authorizes and directs that the Paymaster-General of the United States Army pay to Robert N. Eddy, late second lieutenant Company K, One hundred and fourteenth Regiment New York State Volunteer Infantry, the full pay and emoluments of a second lieutenant from the 31st day of December, 1862, to the 28th day of August, 1863, deducting therefrom all pay he may have received from the Government as first sergeant for that period.

Mr. LORD. I now ask that the report accompanying the bill be read.

The report was read, as follows:

The applicant desires difference in pay from the 31st December, 1862, to the 28th August, 1863, between the pay of a sergeant and that of a second lieutenant.

Prior to the first date Eddy was a sergeant in the regiment and company named; was appointed a second lieutenant at that time; a second lieutenant's vacancy then existed in the company. Eddy performed the duty assigned him; failed to get his commission because of the loss of the vessel upon which it was, and was prevented from being sworn in as second lieutenant until the last day named, *i. e.*, August 28, 1863.

The committee recommend the passage of the bill.

Mr. LORD. I desire to say in addition to that unanimous report on the part of the Senate committee the bill was passed by the Senate unanimously, and that the young man referred to is sick, and if he is to get the money at all in payment of his just claim he needs it now.

The SPEAKER *pro tempore*. Is there objection to taking the bill from the Speaker's table and putting it on its passage at this time?

There was no objection.

The bill was read a first and second time, ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AFFIDAVITS IN UNITED STATES COURTS.

Mr. LORD. Mr. Speaker, I am instructed by the Committee on the Judiciary to report in favor of concurrence in the Senate amendment to the House bill in reference to affidavits in United States courts. It will take but a moment, and it is a matter of great importance. Concurrence in the Senate amendment is recommended unanimously by the Committee on the Judiciary.

Mr. WHITTHORNE. The gentleman from New York is occupying the floor to the exclusion of other members who have an equal right to it.

The SPEAKER *pro tempore*. The Chair cannot help it.

Mr. WHITTHORNE. But the Chair ought to give the rest of us a chance.

The SPEAKER *pro tempore*. What bill is it the gentleman from New York referred to?

Mr. LORD. It is the House bill relating to affidavits, returned from the Senate with an amendment in which concurrence is recommended.

Mr. PAGE. I demand the regular order of business.

Mr. YOUNG. I rise to make a privileged report, and I think I had unanimous consent. It will take but a moment. It simply requires notaries public to take affidavits.

Mr. MORRISON. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports in the morning hour.

ENGINEER OF THE HOUSE.

Mr. YOUNG. I rise for the purpose of submitting a privileged report.

The SPEAKER *pro tempore*. If the gentleman has a privileged report he will submit it.

Mr. YOUNG. I desire to present at this time the report of the committee appointed some time since to investigate certain charges against the engineer of the House. I was chairman of the subcommittee appointed by the Committee on Public Buildings and Grounds to conduct that investigation. In the last twenty-four hours I have been able to prepare the report. The gentlemen on that subcommittee with me are at present out of the city, and therefore I was not able to get them to sign the report.

Mr. CONGER. Is there a minority report in this case?

Mr. YOUNG. There is no minority report.

Mr. CONGER. Is this a privileged report under the rule?

The SPEAKER *pro tempore*. The Chair understands the gentleman from Tennessee [Mr. YOUNG] to state that it is a privileged report from the Committee on Public Buildings and Grounds.

Mr. CONGER. I am informed that it is a report of an investigation. I understand there is no minority report, and therefore I make no objection.

LEAVE TO PRINT.

Mr. LAWRENCE, by unanimous consent, obtained leave to have printed in the RECORD, as a part of the proceedings of the House, some remarks in regard to the common schools of the States. [See Appendix.]

Mr. A. S. WILLIAMS, by unanimous consent, obtained leave to have printed in the RECORD some remarks as a part of the proceedings of the House. [See Appendix.]

Mr. JOHN REILLY, by unanimous consent, obtained leave to have printed some remarks in the RECORD as a part of the proceedings of the House. [See Appendix.]

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., his Private Secretary.

ENGINEER OF THE HOUSE.

The SPEAKER *pro tempore*. The Clerk will read the report from the Committee on Public Buildings and Grounds presented by the gentleman from Tennessee [Mr. YOUNG.]

The Clerk read as follows:

SIR: The subcommittee to which was referred House resolution directing an inquiry as to the moral character of George C. Ellison, engineer of the House of Representatives, and also as to his fitness and professional qualifications to discharge the duties of that position beg leave respectfully to report:

That very soon after our appointment we met together as a committee and entered upon the discharge of the duties assigned us.

The first witness we caused to come before us was Hon. J. D. WHITE, of Kentucky, who offered the resolution of inquiry. We informed this gentleman that the most rigid and impartial investigation would be made of the matters referred to the committee, and requested him not only to disclose all the facts within his knowledge, but to give us the names of any and all witnesses whom he desired to have summoned.

In his own examination he testified that he had no personal knowledge whatever touching the integrity of Mr. Ellison, or of his qualifications to discharge the duties of engineer, and that all the information he had of any kind upon the subject was derived from the gossip of the Capitol and one or two paragraphs which had appeared in a Washington newspaper, reflecting upon Mr. Ellison and the influences which it was alleged were brought to bear in securing from Hon. George M. Adams, Clerk of the House of Representatives, his appointment as engineer.

At the instance of Mr. WHITE and of the committee's own motion a number of other witnesses were brought before us and gave their testimony, among whom was Captain W. W. W. Wood, Chief of the Bureau of Steam-Engineering in the Navy Department. This gentleman is evidently an educated and accomplished officer, and has long been in the employ of the Government.

In his testimony he said substantially that some time after the meeting of the present Congress he was requested by Hon. George M. Adams to examine a number of applicants for the position of engineer of the House, among whom was Mr. Ellison, and that after a rigid examination he proved himself by far the best educated engineer of any that presented themselves for examination, and that he was eminently fitted in every way to discharge efficiently the duties of the position he holds. At the request of some of the committee he went with Mr. Ellison into the engine-room and subjected him to a thorough practical examination, and upon his return before us stated that he had caused him to put the engines at work and explain each and every part of the machinery connected with them, and that the result of this last examination confirmed the opinion of Mr. Ellison's competency which he had formed from the first one, satisfying him beyond doubt that no better or more accomplished engineer could have been selected by the Clerk of the House.

Mr. G. A. Ryan, a practical engineer of high standing and long experience, also testified in the clearest and most unequivocal terms to the competency and fitness of Mr. Ellison for the position of engineer. The high standing of these witnesses in their profession and their unqualified indorsement of the engineer had great weight with the committee in arriving at a conclusion upon this branch of the investigation.

There were a number of other witnesses brought before the committee, (at the instance of Hon. J. D. WHITE and others,) and examined in reference to the moral character of Mr. Ellison; but no one of them knew of any fact reflecting in the slightest degree upon his integrity or fitness for official position, except what was derived from mere rumors, which could be traced to no reliable source, and conjectures which were wholly unfounded.

The testimony is so voluminous, and, for the most part, so trifling and irrelevant, that the committee does not deem it proper or necessary to incur the expense of printing it; they therefore recommend that it be laid upon the table.

We think it just to Mr. Ellison to say that he invited the fullest and most thorough investigation of the entire matter, and that not a single one of the witnesses who testified was summoned by him or at his instance.

Giving due weight to all the evidence in the case, the committee are of the opinion, and so report, that he is both professionally and morally fitted for the proper, faithful, and efficient discharge of all the duties of the office which he holds.

And the committee would further report that no evidence whatever was adduced before them to show that the Clerk of the House was actuated by any improper influence in appointing Mr. Ellison or any of his subordinates to office.

Respectfully submitted.

CASEY YOUNG.
Chairman Subcommittee.

Hon. W. S. HOLMAN,
Chairman Committee on Public Buildings and Grounds.

Mr. YOUNG. I move the adoption of the report.

Mr. WHITE. Is that question debatable?

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. YOUNG] yield to the gentleman from Kentucky, [Mr. WHITE?]

Mr. YOUNG. Certainly, if the gentleman desires to say anything on this subject.

Mr. WHITE. Mr. Speaker, I desire to be recognized on a question of privilege so that I can have the floor without dispute.

The SPEAKER *pro tempore*. On what question of privilege does the gentleman desire to be recognized?

Mr. WHITE. A question relating to matters affecting my own personal integrity.

The SPEAKER *pro tempore*. The gentleman cannot take the gentleman from Tennessee [Mr. YOUNG] off the floor at this time for that purpose.

Mr. WHITE. Then I will confine myself to this subject and will leave the other matter to another time.

Mr. YOUNG. I am quite willing to yield to the gentleman from Kentucky. He is referred to incidentally in the report, but not in any offensive sense, and I have no objection to his being heard.

The SPEAKER *pro tempore*. How much time does the gentleman from Tennessee yield to the gentleman from Kentucky, [Mr. WHITE.]

Mr. YOUNG. So far as I am concerned I will yield him as much time as he desires. But gentlemen all around me object to extending too long the time to be occupied on this report. I will yield to the gentleman five minutes.

Mr. WHITE. I had the honor, if I may call it such, of introducing the resolution which was referred to the Committee on Public Buildings and Grounds in regard to the employé of this House who occupies the position of engineer. I do not know that it is necessary to have all the testimony taken before the committee printed. I do not know all there is in the testimony; but I know enough to know, Mr. Speaker, that the men who did testify, and whose testimony should have the most weight with this House, testified to the fact that the engineer of this House, at the time of his appointment, was utterly incompetent.

Mr. YOUNG. What witness testified to that fact?

Mr. WHITE. McGlensey, a man that was appointed assistant engineer of this House, a black-mailer, you may say; who was known to the Clerk to be a black-mailer.

The SPEAKER *pro tempore*. The Chair cannot allow an officer of the House to be referred to in such terms.

Mr. WHITE. I think, sir, I am stating facts.

Mr. YOUNG. There is not the slightest evidence upon all that record to sustain what the gentleman from Kentucky is now stating.

Mr. WHITE. I desire to say again—and perhaps I did not say what I intended to say——

The SPEAKER *pro tempore*. The Chair does not desire the gentleman to repeat what he said, because he distinctly understood what the gentleman said. The Chair has stated that the gentleman was not in order, and hopes he will proceed in order. Certainly he will not be permitted by the Chair to refer in terms such as he has used to an officer of the House, particularly an officer who has no opportunity to reply. The gentleman will proceed in order.

Mr. WHITE. I will speak in regard to myself.

The SPEAKER *pro tempore*. The Chair has no objection to that.

Mr. WHITE. I was called before the committee to tell what I knew in regard to the incompetency of Mr. Ellison, the engineer of this House. As I had no acquaintance with Mr. Ellison I was compelled to say I knew nothing further of the charges than I had been told, and also, what every member knew, that this Hall had been poorly ventilated up to that time. At the request of the chairman of the committee I furnished a list of witnesses whom I desired to be called. Among them was Hawkins Taylor, who said to me that he had had a conversation with the Clerk of the House, in which he told the Clerk that this man McGlensey, whose letter was published at the time I preferred charges against the engineer of the House, that this man McGlensey was a black-mailer. Subsequently it appears McGlensey was appointed the assistant engineer of this House. McGlensey was called by the chairman of the committee to give testimony in regard to the qualification of Ellison; and McGlensey testified, having been in the employ of this House in the engineer department for a number of years, that as a practical engineer, not a theoretical engineer like Mr. Wood, to whom he refers, but as a practical engineer, he could say Ellison was unfit for the position. When asked to specify and give reasons, the man was so illiterate that he could not do it; but he could say in most positive terms that he did not believe Ellison was a competent man. The gentleman from New York [Mr. HEWITT] makes no secret of the matter that he recommended Ellison to the Clerk; that subsequently he went with Mr. Ellison to the engine and that Ellison displayed such total ignorance as to the difference between a high-pressure and a low-pressure engine that he went to the Clerk and withdrew his indorsement of him.

It appears that subsequent to this Mr. Ellison was examined by a competitive board, and if the questions put by that board were read before the House they would show to this House and to the country that it was a theoretical examination on scientific questions that no man could learn except out of books and which a practical engineer who had laid aside books for a number of years could not be expected to answer; such questions as a man would be expected to answer if he had been crammed. It appears from the testimony that Mr. George A. Ryan, a lobbyist, well known, and who testified to the ability of Mr. Ellison, crammed that man Ellison. He said before the committee that he had lent books and talked with him about machinery.

Now I do not desire to detain the House, but the gentleman asked me this question: What man testified that Ellison was incompetent? In the first place, I say Mr. HEWITT, of New York. He does not make any secret of saying that he believed that Ellison passed such a splendid examination before the board that he believes there was collusion between him and the examiner, Mr. Wood. I say further that McGlensey, a practical engineer, testified that Ellison was incompetent and that another employé down there, whose name has escaped me and who had been a practical engineer for years, also stated that he was incompetent, and I say further that every man upon this floor who knows how much ill health has been occasioned here by the poor ventilation of this Hall can only believe that he is an incompetent engineer. I have no more to say.

[Here the hammer fell.]

Mr. YOUNG. I did not expect when I submitted this report to the House that it would lead to any controversy or discussion whatever. If the gentleman from Kentucky [Mr. WHITE] had examined the testimony upon which the report is based so closely as I have I am quite

sure he would have urged no objection to its adoption, and he certainly would not have couched his argument in the harsh language which he has seen proper to use toward some of the parties referred to. He is totally mistaken as to the testimony of the gentleman from New York, [Mr. HEWITT,] who is in his seat and can correct me if I do not state it truly. That gentleman testified before the committee that he had some knowledge of Mr. Ellison as an engineer while he resided in New York City, and that he had recommended him to the Clerk of the House as a proper person to fill the position of engineer; that afterward, in conversation with Mr. Ellison in reference to the different kinds of engines, he came to the conclusion that he was not so well qualified to perform the duties of an engineer as he had supposed, and that thereupon he went to the Clerk and suggested that he should have Mr. Ellison undergo a competitive examination before appointing him. He further testified that he was afterward informed that Mr. Ellison had gone before a board of competent engineers, who subjected him to a thorough examination and reported that he was entirely fitted to discharge the duties of engineer of the House of Representatives, being better qualified for the position than any other applicant for the appointment, and that when he learned these facts he concluded he was mistaken and renewed his recommendation. At the head of this board of engineers was Captain W. W. Wood, who is a gentleman of high standing so far as I have been able to learn, notwithstanding he has been denounced as a lobbyist and black-mailer by the gentleman from Kentucky.

Mr. WHITE. The gentleman from Tennessee [Mr. YOUNG] misunderstood me. My language was, if he was the scoundrel he was certified to be——

Mr. YOUNG. Very well. I accept the correction. But Mr. HEWITT, the witness to whom you appeal, had more confidence, it would seem, in the integrity of Captain Wood than you have, for he testified that when that gentleman had examined Mr. Ellison and pronounced him a competent engineer, he changed his own opinion upon the subject and renewed his recommendation of him to the Clerk. Now Captain Wood was himself one of the most important witnesses examined; he is a thoroughly educated engineer, standing as high, perhaps, in that profession as any man in the United States, and has for many years past been at the head of one of the most important Bureaus of the Government, that of Chief of Steam-Engineers in the Navy Department, and so far as the committee was able to judge of him by his conduct and deportment before them he evinced the qualities of a well-bred, well-educated gentleman, and presented every appearance of an honest and upright man. He testified that shortly after the opening of the present Congress he was requested by Hon. George M. Adams, the Clerk, to examine a number of persons who were applying for appointment to the position of engineer of the House of Representatives, and that accordingly he did examine Mr. Ellison and several other applicants, the result of which was that, after a close and rigid examination upon all the theory of steam-engineering, he and the other gentlemen composing the board were unanimously of the opinion that Mr. Ellison was by far the best qualified of any who presented themselves.

Mr. J. A. Ryan, another professional engineer of high attainments and much experience, and also for a long time an engineer in the United States Navy, was brought before the committee and testified that he had had many conversations with Mr. Ellison upon the subject of steam-engineering and had subjected him to many practical tests; from all of which he arrived at the conclusion that he possessed a thorough knowledge of the profession, had evidently studied it thoroughly both in theory and practice, and that he possessed the very highest qualifications for the position which he holds. But this witness does not find much favor in the eyes of the gentleman from Kentucky, [Mr. WHITE;] for I supposed it was to him that he intended to apply the epithet of "lobbyist" and "black-mailer."

Mr. WHITE. The gentleman, I know, does not mean to misrepresent me. I referred to McGlensey as a black-mailer and to Ryan as a "lobbyist."

Mr. YOUNG. There was no testimony whatever before the committee that Mr. Ryan is anything but a gentleman and an honest man. This is the first time I ever heard it intimated that he was a lobbyist. If he is he must be a poor one, for I have never seen him in this House, or about it, except when he was in attendance upon the committee, and then he was sent for.

Mr. WHITE. I have.

Mr. YOUNG. Then if you knew him to be a "lobbyist," or anything else discreditable to him, you ought to have stated it in your own testimony before the committee. You had an opportunity to have done so. The gentleman from Kentucky says that McGlensey, one of the witnesses who testified to Mr. Ellison's incompetency, is a "black-mailer," and I think in all probability that may be true, and I also think it is true that the gentleman from Kentucky derived, directly and indirectly, most, if not all, of the information upon which his resolution was based; from this same "black-mailer," (as he calls him,) McGlensey, for it was clearly shown that most of the rumors touching the moral character and professional capacity of Mr. Ellison had their origin with him; but if his testimony is worth anything at all, I presume it is as competent to prove one fact as another, and he testified in most unequivocal terms that he had no knowledge whatever of any improper influences being brought to bear upon the Clerk to appoint Ellison to office, and that none of a questionable character secured his own appointment. I am inclined to think myself, giving expression to my own opinion, that the Clerk probably made a mistake, but doubtless an honest one, in appointing McGlensey, and performed a proper official duty when he discharged him.

I am just this moment informed by the Clerk that he discharged McGlensey soon after the developments made by his testimony before the committee, and for the reason that the statements which he made upon that occasion satisfied him that he was not a proper man to hold any official position, and that if he had known these facts before he appointed him he would not have done so. And I say that in my judgment he was amply warranted in his conclusions and in the act of discharging him by the facts which were disclosed in this investigation. If I had occupied his position, with a knowledge of these facts, he should not have held his place one single hour after they were known to me.

In reference to other witnesses, I cannot now call to mind a single one who said one word against the integrity or competency of Mr. Ellison whose testimony was not prompted by some unfriendly feeling toward him. Several of the witnesses who testified against Ellison confessed that they were applicants for his position and were disappointed in not obtaining it. Many of them were former employés in the engineer department of the House and had been discharged after Ellison's appointment. Every witness of this character testified that they had never said one word to the Clerk touching the character and competency of the engineer, and that they never made any public declaration of their opinions upon this subject until after his appointment.

I say upon my own personal responsibility, whether it is sanctioned by the other members of the committee or not, that in my judgment there was never an investigation set on foot with so little foundation to support it as this one. There are not two dozen words in all that mass of testimony which I have just laid upon the Clerk's desk that would have had a feather's weight, or ought even to have been heard in the trial of the guiltiest felon. It would not have been listened to for a single moment in any court of justice where the commonest laws and rules of evidence are observed. It is irrelevant, incompetent, trifling, and totally unreliable. I venture to say that an examination of the evidence in this case will satisfy the in veterate enemy Mr. Ellison has in this House that he has been perfectly vindicated and stands justly acquitted of every imputation of any character contained in the resolution of the gentleman from Kentucky, [Mr. WHITE.]

I now yield for a few moments to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. As long ago as two months prior to the assembling of this Congress, I received a note from a gentleman in Brooklyn, well known to me, asking me to exert my influence for the appointment of Mr. Ellison as chief engineer for the House of Representatives. I made no promise. Soon after the assembling of Congress Mr. Ellison came to my house with recommendations from several persons well known to me to be men of the highest respectability, and having had large practical experience of his ability they recommended him without the least reserve, unqualifiedly, as in every respect a most competent engineer. Under the influence of such recommendations I wrote a note to the Clerk of the House telling him that I had no political motive in the matter; that I was not in the habit of recommending anybody unqualifiedly for any place; but that in this case the gentlemen who had recommended Mr. Ellison to me had had practical knowledge of his capabilities, and I felt justified in recommending him unqualifiedly for the place.

Now, I should not presume to match my judgment against that of Mr. HEWITT. His scientific knowledge is far different from my experience in such matters. But I venture to say that if Mr. HEWITT will carefully examine the testimony here, the recommendations upon which I based my note to the Clerk of the House, recommending Mr. Ellison, he would be convinced that, whatever he might know about high and low pressure engines, he knew enough to perform the duties of his position successfully and that he had character enough to perform them faithfully. I believe that the charges made against him are not founded upon fact, and that he deserves the confidence and employment of the House.

Mr. WHITE. I wish the Clerk to read the twenty questions that Mr. Wood, the examiner in this case, testified he put to the candidates for this position in this competitive examination. If the Clerk can turn to them I would thank him to read them.

And while he is looking up that part of the testimony, I desire to say in addition to what I have said in regard to the testimony of McGlensey, who the chairman of this committee believes to be a black-mailer, and whom I now believe to be a black-mailer, but about whom at the time I knew nothing except his letter published in the papers—I desire to say that he is an engineer of practical experience, if his testimony is worth anything, and he testified that Ellison was not a competent engineer. I desire to say that Mr. Sherman, who was an old employé of this House, testified that Ellison was incompetent.

I do not desire to occupy the attention of this House upon this subject any further than simply to repeat what I have said, and to ask any person on this floor who knows to the contrary to state otherwise. If I have misstated anything that the gentleman from New

York [Mr. HEWITT] has said—I have not read his testimony before the committee—I desire to have it corrected.

Mr. HEWITT, of New York. Will the gentleman be good enough to state in my presence what I said to him, for I have not read his testimony?

Mr. WHITE. As nearly as I can recollect, I stated that the gentleman from New York [Mr. HEWITT] had recommended Mr. Ellison's appointment to the post he now occupies as engineer of this House; that subsequently the gentleman from New York went, in company with the engineer, to the engine and asked him such questions as he thought would exhibit the amount of information that Ellison had in regard to the difference between a high-pressure and a low-pressure engine; and that Ellison displayed such ignorance that the gentleman went to the Clerk, I might say in disgust, and withdrew his recommendation.

Mr. HEWITT, of New York. Now will the gentleman allow me to correct what he has said?

Mr. WHITE. Yes, sir; certainly.

Mr. HEWITT, of New York. After I had signed the recommendation of Mr. Ellison to the Clerk, the latter requested me to go with Mr. Ellison to the heating and ventilating apparatus in order to decide whether he understood the subject. I went with him. When we came to the engine, I asked him one or two questions; and his answers were such as to suggest a doubt in my mind whether he comprehended properly the nature of the steam-engine. But I did not arrive at the conclusion that he did not understand it. On the contrary, the circumstances only raised a doubt in my mind; and it occurred to me that the post of engineer of this House was so important that no man ought to be appointed to it without being subjected to the examination of competent experts. Thereupon I returned to the Clerk and, without withdrawing my recommendation, said to him, "You owe it to yourself and to the members of the House to make sure that this man is qualified for the position; and I recommend that he be subjected to a competitive examination." Thereupon the Clerk thanked me for the suggestion, saying that it was a good one, and that he would adopt it. Afterward I understand that Mr. Ellison was subjected to such an examination by Mr. Wood and two other engineers, and that they reported that he was by all means better qualified than any other applicant for the office.

These are the exact facts. I formed no conclusion in my own mind as to whether Mr. Ellison was qualified or not; but I say frankly to this House that I had grave doubts which led to the recommendation made by me, which was carried into effect, and in doing which it seems to me the Clerk performed his full and entire duty.

Mr. WHITE. Now, Mr. Speaker, before the gentleman takes his seat I wish to put to him another question. I am much obliged to him for correcting me; for I did not intend to misrepresent him; I am glad he has called attention to the apparent misrepresentation of what he said to me.

I stated further that the gentleman from New York made no secret of his belief that the engineer had, I believe, entered into collusion with Mr. Wood or with the examining board; that by this means he had stood the best examination of any man he ever saw, or words to that effect, the gentleman from New York saying, I think, that he had never yet understood how it was done. I wish the gentleman would state what he said. Of course I will accept his statement.

Mr. HEWITT, of New York. Certainly I will state the conversation. If I remember correctly, it took place in an omnibus while it was jolting along. Such conversations are apt to be rather free in their character and not very precise in the words used. I did say that, after the language used by Mr. Ellison to me when I asked him about the engine, I thought it extraordinary that he had passed, as Mr. Wood said or rather as the gentleman from Kentucky said to me, the best examination that any man had ever passed. I do not suppose that Mr. Wood ever made that statement. I do not believe that Mr. Ellison could pass the best examination that any man ever passed.

Mr. WHITE. I meant the best of those before the board.

Mr. HEWITT, of New York. Of those before the board. The gentleman certainly said that; and I simply said, "If that be so, then it is an extraordinary commentary upon the applicant," (or something to that effect,) because it is quite certain that either Mr. Ellison or I misunderstood the meaning of the terms "high and low pressure" and "single or double acting" as connected with an engine. But it is quite possible that one man may use a practical term in one sense and another man may use it in another. Hence I did not consider it conclusive against the qualifications of Mr. Ellison that he had used the terms "high" and "low pressure" in a sense in which I had not been in the habit of using them.

The SPEAKER *pro tempore*. The time of the gentleman from Kentucky [Mr. WHITE] has expired.

Mr. YOUNG. I am unwilling to continue this discussion longer, and I would not do so only I desire to make a few remarks in further reply to the gentleman from Kentucky, [Mr. WHITE,] who puts language in my mouth the paternity of which I utterly disclaim. I am not accustomed in public discussions upon this floor or elsewhere to use the somewhat inelegant phrases of "black-mailer," "scoundrel," &c. I did not pronounce Mr. McGlensey to be a "black-mailer." I said that the gentleman from Kentucky [Mr. WHITE] had declared that he was one, and that in all probability the charge might be true. I did not pretend to state it upon any information of my own or to give it as my opinion, except as based upon the declaration of the gentleman from Kentucky, [Mr. WHITE.]

Mr. WHITE. I call for the reading of the record where the gentleman says "I think it is correct."

Mr. YOUNG. Well, perhaps I may have used that word, but it was based upon your own statement. I am willing to admit the gentleman's own testimony that McGlensey is a "black-mailer," but I admit it upon the gentleman's own responsibility, not upon mine.

Now in reference to Captain Wood. I never heard before that a committee of this House had at any time investigated him and pronounced him to be a "scoundrel." If such is the fact, that it has been developed that he is a "scoundrel," I want to know from the gentleman from Kentucky [Mr. WHITE] how it is that a republican administration has kept him in office all this time? I do not propose to charge that a republican administration would keep any scoundrels in office, though I believe there have been some intimations to that effect coming from different quarters; but the gentleman is a competent witness upon that subject and I shall not attempt to impeach him.

If an investigation has disclosed the fact which he states, and it has been published to the world that Captain Wood is a scoundrel and has held an important and responsible position under the Government for a period of fifteen years, then certainly, as it occurs to me, somebody is to blame that he has not lost his official head long before now. So far as I was able to judge, I saw nothing in the deportment of Mr. Wood, nothing in his conduct during the whole investigation which did not speak the gentleman and an honest man. The testimony will make a volume of considerable size, and the printing of it would involve a cost greater than any public good that could result from its publication. There is nothing in the evidence of any witness whose testimony is set out in all that large record which could be relied upon to establish a single one of the charges preferred against Mr. Ellison.

I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. YOUNG moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VENTILATION OF THE HALL.

Mr. YOUNG. I ask now to be permitted to report from the Committee on Public Buildings and Grounds a resolution of much more importance than any that has been presented to the House this morning. I hope there will be no objection to its being considered now.

The Clerk read as follows:

Resolved by the House of Representatives, That the sum of $8,000 be, and the same is hereby, appropriated out of the contingent fund of the House, to be expended under the direction of Edward Clark, architect of the Capitol, for the purpose of perfecting the system of ventilating the Hall of the House of Representatives now in progress under the direction of Professor Henry and a board of scientific officers who are acting with him.

Mr. HOLMAN. I trust some explanation will be made of the necessity for the adoption of this resolution by the gentleman from Tennessee.

Mr. YOUNG. I will make the explanation demanded by the gentleman from Indiana, [Mr. HOLMAN.] It is simply this: Early in the session, some time during the winter when there was so much complaint about the impure atmosphere of the Hall and the serious illness of a great many members which was attributed to that cause, a resolution was introduced instructing the Committee on Public Buildings and Grounds to institute an investigation to ascertain, if possible, the cause of the imperfect ventilation of this wing of the Capitol and report some method of improving it. This resolution was subsequently referred to a subcommittee, of which I had the honor to be named as chairman, with similar instructions. The committee, composed besides myself of the honorable gentleman from Illinois [Mr. HARRISON] and the honorable gentleman from Maine [Mr. PLAISTED] immediately entered upon an examination of the architecture of the building, the probable sources of the foul air which entered the Hall, and the supposed defects in its arrangements for healthful ventilation. During our investigation of these matters we were waited upon by a large number of gentlemen coming from various sections of the country, who claimed to have much experience and to be deeply learned in the science of ventilation, and who proposed to undertake the work of perfecting our system of ventilation for considerations ranging from twenty-five to two hundred and fifty thousand dollars.

Many of these gentlemen submitted to us in writing various plans and theories for the accomplishment of the object sought, but their ideas were so divergent, their plans so different, and their theories involving so much of profound but obscure learning, the committee was unable to determine which one should be selected and adopted. In this dilemma we deemed it wisest and safest to ask the assistance of other officers of the Government more competent to pass upon this important question than we were. We accordingly requested that eminent *savant*, Professor Joseph Henry, of the Smithsonian Institute, to select a board of scientific Government officers to take charge of the matter and advise the committee as to the proper method of securing the objects which they were charged to accomplish. That

gentleman consented to act in the matter, as requested by the committee, and selected as members of such board Lieutenant-Colonel Casey, of the Army Engineer Corps; Professor Billings, of the Medical Department; Mr. Franc Schurmans, assistant supervising architect of the Treasury Department; and Hon. Edward Clark, architect of the Capitol. The board thus organized, with Professor Henry as its president, immediately set about the work they had been requested to and agreed to undertake.

Soon afterward the board, through its president, Professor Henry, addressed a written communication to the committee, suggesting some immediate changes in the existing means of ventilation, and in order to make these changes an appropriation of $4,000 was asked, and made by Congress out of the contingent fund of the House, under a resolution which I introduced for that purpose. These changes, so far as was necessary and practicable, were made at once, and every member of the House has been surprised and gratified at the great relief which they have afforded from the dangerous troubles to which we were before subjected.

The improvements in the ventilation of the House thus made, however, are but partial and will only serve during warm weather. In order to continue them, so as to furnish us with adequate protection against the dangers of inhaling foul and impure air during the coming winter session, an additional appropriation will be necessary. I hold in my hand a communication from Professor Henry, in which he estimates that the sum of $8,000 will be necessary to continue the work until the next session of Congress. Unless this is made the $4,000 already expended will be a total loss and absolutely thrown away. As this resolution has for its purpose the protection of the health and even life of every member and employé of this House, I trust there will be no opposition from either side to its passage. I now call the previous question upon the passage of the resolution.

The resolution was adopted.

Mr. YOUNG moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMERICK W. HANSELL.

Mr. TARBOX. I ask unanimous consent of the House to take up for consideration at this time the amendments of the Senate to the bill (H. R. No. 3184) granting a pension to Emerick W. Hansell, and to move that they be concurred in. It is for the relief of a disabled man, who suffered from injuries received in defending the late Secretary of State from the attack of an assassin. It seems to be a bill of peculiar merit. It has passed the House already, and comes back from the Senate with amendments.

Mr. PAGE. I do not object, but I should like to make the motion to go to the business upon the Speaker's table.

The SPEAKER *pro tempore*. That cannot be done at this time.

Mr. PAGE. Is the House in the morning hour?

The SPEAKER *pro tempore*. The morning hour has not yet begun, but that is the regular order.

The amendment was read, as follows:

Strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Emerick W. Hansell, of the city of Washington, in the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, on account of injuries received by said Emerick W. Hansell while in attendance upon the late William H. Seward, formerly Secretary of State, on the occasion of the attempted assassination of said Seward.

Also amend the title so as to read:

An act for the relief of Emerick W. Hansell.

Mr. TARBOX. Just a single word of explanation.

Mr. GARFIELD. If this is to pass without debate I will not object, but I want the morning hour.

Mr. TARBOX. If no gentleman desires an explanation, I do not wish to occupy any of the time of the House.

Mr. HOLMAN. I want to say a single word. I do not object to this, but I think the amendments made by the Senate are very wise and prudent amendments. Although this is an entire gratuity, it is one of those gratuities, perhaps, which are proper for the Government to give. The original bill which passed the House, and for which the Senate has sent us a substitute, was in my judgment an exceedingly objectionable measure, and its passage through both branches of Congress would have set a precedent for which I believe there is no example in our past history. At least I am not aware of it. It is a bill granting a pension to a person entirely in private life. Our custom has been, except in the case of the Federal judiciary—unhappily the beginning of the civil-pension list in this Government—to confine pensions to those who served the Government in times of war, to the Army and Navy.

This bill passed the House. I am not aware how it passed the House. Certainly attention was not particularly called to it; and for one I am exceedingly glad that this substitute was adopted by the Senate instead of passing the original bill, which would have established a precedent that could have been referred to in the future as an argument in favor of establishing a civil-pension list in our Government; which in our republican Government it seems to me would be a most fatal mistake.

The amendments of the Senate were concurred in.

Mr. TARBOX moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGES FROM THE PRESIDENT.

Two messages, in writing, from the President of the United States were communicated to the House by Mr. U. S. GRANT, jr., his Private Secretary, who informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 1089) granting a pension to Thomas J. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

An act (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner;

An act (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes;

An act (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians;

An act (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

An act (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph;

An act (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois;

An act (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers; and

An act (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-Second Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2844) granting a pension to Levi D. Hayward;

A bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

A bill (H. R. No. 2848) granting a pension to F. M. Bruner; and

A bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Madison County, Illinois.

The message also announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 210) granting a pension to Austin R. Mills;

A bill (S. No. 750) granting a pension to T. B. Murdock;

A bill (S. No. 792) granting a pension to Peter Harder; and

A bill (S. No. 980) granting a pension to Irena Garrett.

ORDER OF BUSINESS.

Mr. RANDALL. I ask that the executive communications now on the Speaker's table may be laid before the House.

CAPTAIN EDWARD S. MEYER.

The SPEAKER *pro tempore*. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

For the reasons stated in the accompanying communications submitted to me by the Secretary of War, I have the honor to return herewith without my approval House bill No. 36, entitled "An act to restore the name of Captain Edward S. Meyer to the active list of the Army."

U. S. GRANT.

EXECUTIVE MANSION, *August* 14, 1876.

WAR DEPARTMENT, *Washington, D. C., August* 4, 1876.

SIR: I have the honor to return House bill 36, to restore the name of Captain Edward S. Meyer to the active list of the Army, and beg to invite your attention to the inclosed report of the Adjutant-General of this date, stating objections to the approval of the bill.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

To the PRESIDENT.

ADJUTANT-GENERAL'S OFFICE,
August 4, 1876.

Respectfully returned to the Secretary of War.

Edward S. Meyer served as a private in the Fourth Ohio Volunteers (three months) from May 4, 1861, to August 18, 1861. He again enlisted as private Nineteenth Ohio Volunteers, September 10, 1861; was promoted first lieutenant November 1, 1861; and resigned September 27, 1862. He was commissioned captain One hundred and seventh Ohio Volunteers November 11, 1862; was wounded at Chancellorsville, Virginia, May 2, 1863; and discharged for physical disability January

1, 1865. He was again mustered into service February 8, 1865, as major Fifth United States Veteran Volunteers, (Hancock's Corps,) and mustered out March 20, 1866. Was brevetted lieutenant-colonel, colonel, and brigadier-general of volunteers March 13, 1865.

He was appointed captain Thirty-fifth United States Infantry July 28, 1866; became unassigned August 12, 1869; assigned to Nineteenth Infantry August 5, 1870, and transferred to Ninth Cavalry January 1, 1871. Retired August 24, 1872.

July 8, 1869, Captain Meyer applied for retirement on account of wounds received at Chancellorsville May 2, 1863, by which he was incapacitated for active service. No action was then had on the request, pending action by Congress reducing the Army.

October 6, 1869, he asked to be placed on waiting orders, being unfit for duty, and no possibility of improvement without going north. He was accordingly relieved from duty and ordered home to await orders.

December 18, 1869, he called on the Secretary of War and asked to be assigned to duty.

January 4, 1870, he again applied to be assigned to duty with some regiment on the frontier, stating that his wound had healed, &c., and asking to withdraw his previous request for retirement. This was accompanied by a similar request from his father, Mr. S. Meyer, of Ohio.

July 20, 1870, he applied the third time to withdraw application for retirement and to be assigned to duty. On January 1, 1871, in accordance with his repeated requests to be assigned to duty, he was assigned to the Ninth Cavalry, serving in Texas. He joined the regiment, and on March 4, 1872, he renewed his former request to be ordered before a retiring board, stating that he found his injuries would not allow him to remain on duty on the frontier; that his disability was constantly increasing, &c. The medical director of the department approved the request, and added that Captain Meyer's wounds certainly unfitted him for service on the frontier.

April 13, 1872, Senator SHERMAN joined in requesting retirement of Captain Meyer. He was ordered before the retiring board and on August 20, 1872, was examined.

The board found Captain Meyer "incapacitated for active service, and that said incapacity results from a gun-shot wound received in his lower jaw at the battle of Chancellorsville, Virginia, May 3, 1863," (when captain One hundred and seventh Ohio Volunteers.) He was retired in accordance with the finding.

March 21 and December 6, 1873, Captain Meyer asked restoration to active service and re-appointment as a captain of cavalry, which application was disapproved by the General of the Army.

Pending the action on the bill before Congress, no reports were called for as to the official facts of record in the War Department, and no evidence has been filed in this Office showing that he has sufficiently recovered.

The absence of such evidence and the fact that after one assignment to active duty he has failed to be sufficiently recovered are submitted as objections why the bill should not be approved.

E. D. TOWNSEND,
Adjutant-General.

An act to restore the name of Captain Edward S. Meyer to the active list of the Army.

Be it enacted, &c., That the President be, and he hereby is, authorized to restore to the active list of the Army the name of Captain Edward S. Meyer, of the Ninth Regiment of Cavalry, who was retired on the 24th day of August, 1872, for reason of physical disability, resulting from wounds received at the battle of Chancellorsville, from which he has since sufficiently recovered to return to active duty, and to assign him to any vacancy in his grade now existing, or which may hereafter occur, in any of the cavalry regiments in the Army: *Provided*, That the time that he has been on the retired list not to be counted in his service in giving promotion.

The message, with the accompanying documents, was referred to the Committee on Military Affairs, and ordered to be printed.

PAVING OF PENNSYLVANIA AVENUE.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return House bill No. 4085 without my approval. The repeal of the clause in the original bill for paving Pennsylvania avenue fixing the time for the completion of the work by December 1, 1876, is objectionable in this, that it fixes no date when the work is to be completed.

Experience shows that where contractors have unlimited time to complete any given work they consult their own convenience and not the public good. Should Congress deem it proper to amend the present bill in such manner as to fix the date for the completion of the work to be done by any date between December 1 and the close of my official term, it will receive my approval.

U. S. GRANT.

EXECUTIVE MANSION, *August* 15, 1876.

The SPEAKER *pro tempore*. If there be no objection the message will be referred to the Committee for the District of Columbia.

Mr. HOLMAN. Unless some gentleman upon the Committee for the District of Columbia asks the reference of the message, I think it might be acted on now.

The SPEAKER *pro tempore*. The bill is before the House for its action.

Mr. STEVENSON. I was intending to make a motion to refer the message to the Committee for the District of Columbia, but I doubt if there is a quorum of that committee here. At the suggestion of my colleague on the committee from Massachusetts, [Mr. CRAPO,] I will move its reference to the Committee for the District of Columbia, with leave to report at any time.

The SPEAKER *pro tempore*. The latter part of the motion is not necessary; it being a vetoed bill, the gentleman would have that right under the Constitution.

The message, with the accompanying documents, was referred to the Committee for the District of Columbia, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

In announcing as I do that I have attached my signature of official approval to the "Act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes," it is my duty to call attention to a provision in the act directing that notice be sent to certain of the diplomatic and consular officers of the Government "to close their offices."

In the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive.

By the Constitution the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls," &c.

It is within the power of Congress to grant or withhold appropriation of money for the payment of salaries and expenses of the foreign representatives of the Government.

In the early days of the Government a sum in gross was appropriated, leaving it to the Executive to determine the grade of the officers and the countries to which they should be sent.

Latterly, for very many years, specific sums have been appropriated for designated missions or employments, and, as a rule, the omission by Congress to make an appropriation for any specific port has heretofore been accepted as an indication of a wish on the part of Congress which the executive branch of the Government respected and complied with.

In calling attention to the passage which I have indicated, I assume that the intention of the provision is only to exercise the constitutional prerogative of Congress over the expenditures of the Government and to fix a time at which the compensation of certain diplomatic and consular officers shall cease; and not to invade the constitutional rights of the Executive, which I should be compelled to resist; and my present object is not to discuss or dispute the wisdom of failing to appropriate for several offices, but to guard against the construction that might possibly be placed on the language used as implying a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government.

U. S. GRANT.

WASHINGTON, *August* 14, 1876.

Mr. HOLMAN. Mr. Speaker, the message of the President of course requires no action upon the part of the House, and it is not necessary at all that it should be referred to the Committee on Appropriations or the Committee on Foreign Affairs; indeed, the only motion, I presume, that is proper is that the message be laid upon the table and printed.

I do not propose to discuss the question presented by the message, but I desire to say this: That no communication has ever been received by this House which so fully indicates the importance in our form of Government that the power of appropriating money should be under the control of the immediate representatives of the people than the message which has been just read. If it were true that under the treaty-making power the President of the United States and the Senate might without limit create foreign ministers, and that on the strength of such acts on their part it would be the imperative duty of the House to make the appropriations for those offices, it would create almost illimitable sources of expense imposed upon the Treasury of the Government. It is fortunate that the message has been received. It will furnish to the country a further indication of the value of the ground assumed in this House during the present session of Congress that money bills must originate in the House composed of the most immediate representatives of the people; that they are in a greater degree responsible for the expenditures of the Federal Government and the draughts on the Federal Treasury.

Mr. KASSON. The President does not say that this House has not the power to refuse to appropriate the money.

Mr. HOLMAN. He does not say that. I am very glad that at least on one point the President concurs in the universal sentiment of the country, that while this power of making treaties exists in the President and the Senate, yet still the power to appropriate money is under control of Congress, notwithstanding the terms of the treaties which may be agreed upon by the President and the Senate.

Mr. KASSON. The President does not speak of the treaty-making power but the constitutional power vested in the Executive, and which does not depend upon the treaty-making power.

Mr. HOLMAN. It does depend upon the power vested in the President, but it does not infer because a treaty is made it is the duty of the representatives of the people to appropriate money to carry out that treaty.

Mr. KASSON. That question does not rise at all. The gentleman will remember one instance which illustrates this matter. President Johnson appointed Mr. Harvey minister to Portugal; Congress refused to appropriate money for him and continued to refuse until the incoming of President Grant's administration, and then Congress, recognizing that President Johnson had exercised the constitutional power, finally voted to Mr. Harvey what pay they thought proper to vote him.

Mr. HOLMAN. I wish to say that it is scarcely necessary upon this message to discuss the power of Congress to abolish the office of minister created by law; it is hardly necessary to discuss that subject. Yet the question is rather presented by this message.

Mr. KASSON. The gentleman will pardon me, but the office of minister is not one created by law, it is one established by the Constitution; that is the ground which the President takes.

Mr. HOLMAN. The office of minister to a foreign government is the result of legislation by Congress; the authority to appoint a minister to a foreign power is derived from law.

Mr. KASSON. From the Constitution.

Mr. HOLMAN. It is derived from law under the Constitution. The gentleman is not careful in his use of terms.

Mr. KASSON. I think I am.

Mr. HOLMAN. The President exercises that constitutional power under the law.

Mr. KASSON. I think if the gentleman will examine the clause

of the constitution referred to by the President he will see that it contains a general power to appoint ministers to foreign countries, and the law simply appropriates money for the payment of such as Congress approves, and refuses it to such as Congress does not approve.

Mr. HOLMAN. The uniform practice of the Government from its foundation, or at least from a few years after its foundation, to determine by law what ministers should be appointed and to what courts they should be accredited, shows very conclusively that the creation of these officers is a matter of law, and not the result of any power conferred by the Constitution upon the President of the United States. But that question is not presented in this message in such a form as to require discussion, although I myself hold that the legislative power is the basis upon which all foreign ministerial offices rest, and that Congress has the right directly to abolish any such office. I will submit the usual motion that this message be laid upon the table and printed.

Mr. GARFIELD. I trust the gentleman will not press his motion in the form in which he has submitted it. I think I have never known a proposition to lay upon the table and print a message of the President. I believe that would be construed at all times as a discourtesy to the President. So far as I remember it has always been the uniform practice to refer the message of the President to some committee and order it to be printed. Although in this case no action is probably required, yet the reference of the message is what is manifestly the proper thing to be done, its reference to some committee and its printing. I am sure the gentleman from Indiana [Mr. HOLMAN] does not desire to put the House in a position of discourtesy toward the Executive.

Mr. HOLMAN. Of course not. But the gentleman must certainly agree with me that inasmuch as this message does not by any possibility require any action, the proper motion is to lay it upon the table and print it; that has been done repeatedly. Yet in accordance with the suggestion of the gentleman I will move that the message be referred to the Committee on Appropriations and ordered to be printed.

Mr. GARFIELD. We have just referred two messages of the President.

Mr. HOLMAN. They required action.

Mr. GARFIELD. Before the question is put upon the motion to refer and print, I desire to say a word. The President is clearly right, there can be no question about it, that the Congress, composed of the two Houses, has no power to order the withdrawal of any foreign minister, or the closing up of any foreign office. That is entirely beyond our power. The Constitution confers exclusively upon the President, by and with the advice and consent of the Senate, the right to send embassadors and to appoint such foreign ministers and agents as he may see proper, limited only of course by the amount of money that the Congress, this House included, shall vote for that purpose. Now for the House of Representatives to undertake to say that the President shall order any given mission closed up is for us to assume a power which we do not possess. We may clearly say, if we please, that of all the money we appropriate no part of it shall be used for a given mission.

Mr. HOLMAN. Yet we have done it within the gentleman's own experience at least twice.

Mr. GARFIELD. We did it in the case of Mr. Harvey, which has been referred to.

Mr. HOLMAN. No, I mean the abolition of the office. We did it in the consolidation of the missions to the Central American states.

Mr. GARFIELD. Whenever Congress appropriates for a specific purpose only a certain sum of money, if the President and the Senate concur, it can be called nothing else than a mere suggestion of the House of Representatives which the President and the Senate see fit to adopt. But for us to assume that under the Constitution the House of Representatives has any right to close up foreign relations already established——

Mr. HOLMAN. The House alone?

Mr. GARFIELD. The House and the Senate together. I mean to say that the House is not a party to enter into the exercise of any such power. There is no foreign minister who holds his office in accordance with any statute of the United States. It is true that our appropriation bills appropriate money for those offices; but the gentleman in searching through all the Statutes at Large will fail to find any provision creating a mission by regular terms of law. Our ministers are not created by statute; they are created under the Constitution by the discretion of the President with the confirmation of the Senate. In this respect the message of the Senate is perfectly right.

Mr. LAWRENCE. Is not Congress bound as a matter of duty to make an appropriation to pay all the diplomatic officers appointed by the President, just as much as we are bound to provide for the payment of the judges of the Supreme Court?

Mr. GARFIELD. Congress can limit the amount that shall be paid to any particular officer; but it cannot prevent the President from sending an embassador to whatever place he may choose.

Mr. HOLMAN. Do I understand the gentleman to imply that, when under the law and the constitutional power of the President a foreign minister has been appointed, Congress is bound to make an appropriation to pay the salary in the same sense that it is bound to make appropriations for the judiciary establishment of the Government?

Mr. LAWRENCE. There is this difference: The salary of a judge of the Supreme Court is fixed by law, and under the Constitution it cannot be diminished. There is therefore a constitutional duty resting upon Congress to make the appropriation to pay the salary of a judge as fixed by law. It is the duty of Congress to make a reasonable compensation to every minister appointed by the President and confirmed by the Senate. And although Congress may exercise a discretion in fixing the amount of compensation for a minister, in which respect the power of Congress is different as to a minister from what it is as to a judge of the Supreme Court, yet Congress is morally bound as a political duty under the Constitution to provide a reasonable compensation for a minister as much as for any officer of the Government. That is the view which I take of the question. Congress has the power to refuse all compensation; but this would be so unjust that it would be a violation of duty to so refuse.

Mr. HOLMAN. Then I understand the gentleman to take this ground: That if the President, under the treaty-making power, with the assent of the Senate, accredits a minister to a foreign government, it is the duty of Congress to make an appropriation of money to pay his salary?

Mr. LAWRENCE. Yes, sir; undoubtedly.

Mr. HOLMAN. And that an unlimited power to reach the Treasury by the creation of foreign ministers is thus created?

Mr. LAWRENCE. Congress can determine the amount of compensation. That is in the discretion of Congress. All powers are liable to abuse. If Congress could appoint ministers or create the office of minister the number might be made unnecessarily great. The abuse of the appointing power by the President is subject to restraint by impeachment and by a refusal on the part of Congress to pay salaries to ministers who might be unnecessarily appointed.

Mr. HOLMAN. But we must appropriate money for the purpose?

Mr. LAWRENCE. Yes, sir; as a political duty we are bound to appropriate a reasonable compensation for ministers appointed by the President in the reasonable exercise of his power to appoint.

Mr. HOLMAN. Well, sir, I hold that that is not good law. The office of minister rests on law.

Mr. LAWRENCE. It rests on the Constitution; that is the highest law. It is the law under which the President can appoint ministers without the authority of an act of Congress.

Mr. HOLMAN. On law based upon the Constitution.

Mr. GARFIELD. Does the gentleman hold that any one foreign mission has been created by statute?

Mr. HOLMAN. Necessarily by statute.

Mr. GARFIELD. Where?

Mr. HOLMAN. By statutes, not only authorizing the accrediting of ministers, but providing for their salaries.

Mr. GARFIELD. Will the gentleman point us to one such case?

Mr. HOLMAN. The gentleman's idea has but a single feature of sanction in our history; and that is the earlier practice of appropriating a sum of money to be placed under the control of the President and authorizing him to use it for the diplomatic service. At that early period it was sometimes important to send a minister to one government and unimportant to send one to another. Hence the President was deemed a proper authority to determine in what manner the money should be employed. Besides, at that time the office of minister was not a permanent office as we have now made it by law. It was a temporary position—the position of minister plenipotentiary—a minister with special power for the occasion; not a formal office, as we have now created it, but an office merely for a given purpose, for which a given sum of money was placed under the control of the Government.

There it would seem to be an indication of the absence of power to create the office, but it is only incidental. It grew out of peculiar condition of the times. It grew out of the fact the ministers were not permanent officers, but appointed for particular occasions. For the last seventy-five or eighty years these offices have existed, if at all, by virtue of the law and under appropriations made for their salaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendment disagreed to by the House to the bill (H. R. No. 4106) to authorize the President to accept the service of volunteers to aid in suppressing Indian hostilities, asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. LOGAN, Mr. HITCHCOCK, and Mr. MAXEY as managers of said conference on its part.

It further announced that the Senate receded from their amendments to the bill (H. R. No. 5962) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

It further announced that the Senate had passed bills of the following titles without amendment:

A bill (H. R. No. 351) to create an additional land office at Colfax, Whitman County, Washington Territory; and

A bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain employés permanently discharged from the Bureau of Engraving and Printing.

VOLUNTEER FORCE.

Mr. BANNING. I move by unanimous consent to take from the Speaker's table the message which has just been presented in refer-

ence to the bill (H. R. No. 4106) to authorize the President to accept the service of volunteers to aid in suppressing the Indian hostilities.

The SPEAKER *pro tempore*. If there be no objection, the bill will be taken up.

Mr. BANNING. The bill has been returned from the Senate, that body further insisting on its amendment disagreed to by the House and asking for a conference. I now move that the House further insist on its disagreement and agree to the conference asked on the part of the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as managers of said conference on the part of the House Mr. BANNING, Mr. MILLS, and Mr. THORNBURGH.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. TUCKER. Mr. Speaker, I enter my protest against some of the doctrines announced on the other side of the House. In these closing hours of the session I do not propose to go into a discussion of the constitutional questions raised by the President of the United States in the last two days.

On yesterday, the President of the United States, who is empowered by the Constitution and has imposed upon him by the Constitution the duty to take care that the laws be faithfully executed, sent a message to this House in which he says:

> I cannot give my sanction on these—
>
> Appropriations for works of purely private or local nature—
>
> and will take care that during my term of office no public money shall be expended upon them.

He closed his message by saying:

> Under no circumstances will I allow the expenditure upon works not clearly national.

Mr. LAWRENCE. That is a different subject from the one now up.

Mr. TUCKER. I know it is; but I will bring the two subjects together. On yesterday then, sir, the President, whose duty the Constitution makes it to take care that the laws are faithfully executed in the United States, said that during his term of office he will take care that certain money appropriated by law by this bill shall not be expended; in other words, that when the Constitution requires of him that he shall take care the laws shall be faithfully executed, he will take care the laws shall not be executed.

Now, sir, the functions of the President in reference to laws passed by the two Houses of Congress are two-fold. First, as part of the legislative department, by the exercise of his veto power, he may prevent a bill passed by both Houses of Congress from becoming a law. When he signs the bill, when he approves the bill, it becomes a law, and his legislative functions in reference to it cease. His only function remaining in respect to such law then is executive, and the Constitution provides as Executive he shall take care that the law is faithfully executed. But the President, instead of vetoing it, returned it to this House with this proviso: "Although I did not veto it, as a branch of the legislative department I will take care as Executive to defeat it by my absolute veto as Executive." This seems to me the most extraordinary position ever taken by a President of the United States.

I understand the gentleman from Ohio to hold the doctrine or state the doctrine that, under the Constitution of the United States, the President and the Senate have the power to create as many offices of embassadors and ministers as they pleased, and that there was a moral responsibility upon this House to appropriate money for the payment of their salaries. Now, sir, I must protest against that doctrine. It has no foundation in the Constitution itself. The Constitution, article 2, section 2, provides:

> The President * * * shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

I beg the House to remark that this clause reads:

> He shall *have power*.

It proceeds to say:

> And he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Now, sir, there is nothing in the Constitution which gives to the President and the Senate the power of the creation of these offices. The sole power is that he shall nominate and by and with the advice and consent of the Senate shall appoint embassadors, &c. If the argument of the gentleman from Ohio be correct, then the President has a like right to establish and create the offices of judges of the Supreme Court, because the case of judges stands precisely in the same way as that of embassadors and other public ministers. The clause reads:

> Shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States.

And yet it has never been pretended that the President and the Senate, because they have the right together to appoint a judge of the Supreme Court, have any right to create the office of judge of the Supreme Court, or to create a Supreme Court.

The question is, where is the creative power? What the Constitution provides for is the executive power of nominating and appointing to the office previously created. I do not know what the practice of the Government has been. The gentleman from Ohio says there never has been any act of Congress creating these embassadorial offices. That may be; but they are created by the appropriation bill, as I understand, appropriating certain money for the payment of embassadors appointed to this point or that.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. TUCKER. Yes, sir.

Mr. HOLMAN. The appointments of embassadors to Greece, Hayti, and Liberia were all pure acts of legislation creating the offices. I readily call to mind at least those three cases which were not the result of any treaty. And the consolidation of certain nations in Central America but a few years ago was followed by a provision of law accrediting to all those governments a minister to reside at a particular point, which was the creation of a ministerial office on the one hand and the abolition of three ministerial offices on the other. So that we have instances both of the creation by law of the offices directly without the intervention of the treaty-making power and the abolition of the offices.

Mr. GARFIELD. The gentleman will allow me a moment. The gentleman from Indiana [Mr. HOLMAN] is correct in stating that recently, that within perhaps the last twenty years in two or three instances there was a statutory arrangement, as for instance the arrangement which created the minister to Hayti, where Congress has taken that course; but that is not only an exception, but one so far removed from the ordinary practice of the Government as not only not to make the rule but to confirm the rule the other way. I refer the gentleman to the Revised Statutes, title 18, page 293, where he will find, under the head of "Diplomatic and Consular Officers," that all of the great diplomatic officers abroad have only this sort of authority:

> Embassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, agents, and secretaries, and second secretaries of legation, shall be entitled to salaries as hereinafter provided.

It will be seen that the statute assumes the existence of embassadors, envoys extraordinary, ministers plenipotentiary, &c., but does not create the office.

There is not in any case a line or word creating the office, or anything, except in one or two instances, referring to any attempt to make it at all obligatory on the President to recall them or send them. The President is under no obligation, except as the Constitution places it on his conscience to do it, to send ministers to France, England, or any of the kingdoms, while he might drop all of them or recall all of them. It is a matter within his discretion and that of the Senate. The practice of the Government for eighty years, in times of strict construction and also in times of latitudinarian construction, has established the principle referred to. And certainly if there is any gentleman here who ought to stand upon tradition and the old ways, it is the distinguished gentleman from Virginia. From the start our fathers regarded the matter of sending embassadors abroad as lying within the discretion of the President and the Senate, and the House were to determine the amount to be paid to them.

Mr. LAWRENCE. There is another fact to which I desire to call the attention of the gentleman. The Constitution distinguishes between *officers created by the Constitution* itself and those *created by law*. Now let me read:

> He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, *shall appoint embassadors, other public ministers* and consuls, judges of the Supreme Court, and all *other officers* of the United States, whose appointments are not herein otherwise provided for, and which shall be *established by law:* but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Now, it is the "*other* officers," not embassadors and ministers, whose offices are to be "established by law." But there is manifestly another class of officers created by the Constitution, "embassadors and other public ministers." As to *these* the Constitution is explicit that the President "shall nominate and by and with the advice and consent of the Senate shall appoint" them. The President is authorized to appoint those officers whose offices are established *by the Constitution* as well as those which are established by law, except in cases where Congress vests the appointment of officers whose offices are established by law in the heads of the Departments.

Mr. BANKS. I rise to a point of order. It is a good parliamentary principle that there should be one at a time speaking, and I would like to hear the gentleman from Virginia finish his speech, and then I shall be glad to hear the other gentlemen.

Mr. TUCKER. I am willing to hear the gentlemen on the other side if they do interrupt the tide of my observations, because I would like to meet any difficulty presented as I go along. The astute lawyers of Ohio who have presented their views to me do not at all change my conclusions on the point I am discussing. The gentleman from Ohio [Mr. LAWRENCE] called my attention to the words in the clause of the Constitution just quoted, "and which shall be provided for by law," as applying only to the other officers whose appointments are not authorized by the Constitution, and claims that all other officers than those are officers created by the Constitution. I understand that to be his argument. It must be, or he will pardon me for saying that there is nothing in it, because neither embassadors, other public ministers, consuls, nor judges of the Supreme Court are within the words, "which shall be established by law." If any one of them are within the words all are, as he is bound to maintain if

he holds that any are. Now if you will show me that article in the Constitution which has "created the office of judge of the Supreme Court" I will give up the point.

Mr. LAWRENCE. They are; Congress may limit the number of judges. But the office of judge of the Supreme Court is created by the Constitution. Congress has no discretion to refuse to organize a supreme court. Congress cannot create the office of judge, but may limit the number.

Mr. TUCKER. No, sir; Congress must *create* the number.

Mr. LAWRENCE. No, sir. Congress must organize the court. This is to be done by virtue of legislative power, as in England. But foreign ministers cannot be organized as a court is. The office is necessarily distinct. In England the king appointed ministers; here the President does the same. I do not say whether Congress may regulate the duties of ministers, but Congress cannot create the office. Congress cannot abolish all ministers, and hence has no power to create, for the power to create carries with it a power to destroy.

Mr. TUCKER. Congress must determine the number, not limit it. This is, as the gentleman from Ohio [Mr. GARFIELD] said a while ago, that there is no power in Congress to close up any mission. No, sir; the power of Congress is to open missions. There is a power in Congress not only to limit, but to fix the number of judges. The power of Congress is to create the offices of judges in such number as it may prescribe. There is nothing about what the number shall be or who shall constitute the Supreme Court. The third article of the first section of the Constitution reads:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Then the gentleman may ask how Congress gets the power to say anything about the number of the judges of the Supreme Court. Unquestionably the President cannot appoint judges of the Supreme Court until the number of judges is established by law; that is, until the offices of judges are established by law.

Now let me say to the gentleman that I am not arguing merely for the sake of argument; but that there is one clause in the Constitution which settles this whole matter. I have had occasion to quote it before. It is the last clause of the eighth section of the first article; that all-comprehensive clause upon which there has been so much discussion.

Mr. BANKS. What is the page?

Mr. TUCKER. It is on page 13. Take the words in the beginning of the section and affixing them to the last of the clauses, it reads:

> Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Now it is under that language that wherever there is any power vested in the departments of the Government of the United States, or in the Government of the United States itself, the efficiency of its power cannot fully obtain until Congress has given it vital force. Now, the power vested in the President to nominate, and with the concurrence of the Senate to appoint, judges to the Supreme Court comes within this all-embracing and comprehensive provision; and this power vested in him cannot be efficient until vital force is infused into it by the Congress of the United States. Until Congress has by a direct act or by an indirect act, such as an act of appropriation, authorized an embassador to England, for instance, the President has no right to nominate and appoint a minister to England.

I beg gentlemen to understand that I make no factious opposition upon this matter. I believe gentlemen will at least accord to me sincerity in my devotion to the Constitution. I believe that not only the liberties, but the hopes, the prosperity, and the progress of the people of this country depend upon a strict adherence to the provisions of that instrument. Break it down, and although the Union may not be dissolved, because it may be a union held together by bands of iron, yet it will rot down under the corrupting influence of an extension of power to this Government which will be most destructive in its character. I believe in the necessity of holding the different departments of the Government strictly within the allotted limits of their powers.

Mr. GARFIELD. Our own department among the rest.

Mr. TUCKER. Our own among the rest unquestionably. I have already during this session maintained the proposition that the treaty-making power, which is in the forefront of the clauses relating to the Executive, which I have cited from the Constitution, does not authorize any money to be paid under a treaty unless Congress shall agree to pay it. Congress, including this House, must by appropriations give efficacy to the treaty-making power so as to abstract any money from the Treasury. That is one case in which the two powers must be made to concur and both to have force by giving to this House as a part of the Legislature the power to concur or non-concur in so much of the treaty as requires the appropriation of money.

And so it is in reference to this appointing power. This House and the Senate must determine how far foreign embassadors are necessary, how far consuls are necessary, how many judges of the Supreme Court are necessary, how many judges of inferior courts are necessary, what inferior courts are proper and necessary. That is within the scope of the law-making power. That which is within the scope of the executive power is the appointment of parties to fill the offices so created by law. I do not intend to go into this discussion any further, except——

Mr. GARFIELD. Will the gentleman permit a question?

Mr. TUCKER. Certainly.

Mr. GARFIELD. Does the gentleman concede that the President could decline to appoint embassadors without so violating the law as to render himself impeachable?

Mr. TUCKER. As I said, and that is the reason I referred to the action of the President's message of yesterday, if this Congress passes a law that there shall be appointed an embassador to England, that there shall be such an office, the duty of the President under the Constitution and under his oath to support the Constitution requires him, in taking care that the laws be executed, to appoint such embassador, and he would be guilty of official delinquency if he does not appoint.

Mr. GARFIELD. The gentleman answers by putting a hypothetical case. I put the direct proposition to him: Suppose the President withdraws our minister to England to-morrow and declines to appoint another, and that declination continues. As the law now stands, would he have committed an impeachable offense? Of course I know he would commit an impeachable offense should he refuse to appoint judges of the Supreme Court and thus destroy that court.

Mr. TUCKER. I say that if the President of the United States should, as he says in his message he sent to us yesterday he proposes to do, willfully determine virtually to abolish an office created by law by refusing to exercise his appointing power to fill that office, he would be guilty of an impeachable offense.

Mr. GARFIELD. The gentleman is still answering me by putting a hypothetical case.

Mr. TUCKER. No, I am answering your case. Mr. Schenck was not recalled, although he was in the city of Washington and knew that this House was going to condemn his course; and then he at last resigned. I do not mean there must be no interval between General Schenck's resignation and his successor's appointment, but it must not be made indefinite in order to destroy an office established by law.

Mr. GARFIELD. The gentleman is mistaken; General Schenck resigned before he came to Washington.

Mr. TUCKER. I understood that Mr. Schenck was drawing his pay up to the very week that the committee of the House made their report against him.

Mr. SPRINGER. Will the gentleman allow me to interrupt him?

Mr. TUCKER. Certainly.

Mr. SPRINGER. General Schenck stated before the Committee on Foreign Affairs when he was here that he regarded himself as at that time minister to England; that his resignation was to take effect upon the appointment of his successor. He drew his pay up to the time his successor was appointed.

Mr. TUCKER. He resigned to take effect from the appointment of his successor, and drew his pay up to that time.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. TUCKER. Certainly.

Mr. LAWRENCE. Is it competent for Congress to provide by law that there shall be no embassadors appointed at all? If so, then Congress has power to nullify an express declaration of the Constitution, which says that the President shall appoint embassadors, and if Congress cannot say by law that no embassadors shall be appointed is not the power to appoint derived from the Constitution independently of any action of Congress, without any law of Congress at all?

Mr. TUCKER. I understand that a short time ago, perhaps a decade or more ago, the office of embassador to the kingdom of Italy was established by law; it never had existed prior to that time. The President appointed no embassador to that kingdom until after that law passed. I do not care whether the legislative effect is given by recognition in an appropriation bill or by express legislation. What I mean to say is that the power to create an office is in Congress, the President being a part of the legislative power so far as his veto is concerned. If by his veto he does not interfere, then he is *functus officio* as to the legislative power, and all that remains to him is the executive power of nominating and appointing.

Now, Mr. Speaker, all I meant to do was simply to protest against our conceding in this House the extraordinary claim of a "prerogative," (for that is a favorite word of the President in this message)—a "prerogative" on the part of the Executive either to pocket a bill which makes an improper appropriation as he considers and never to execute the law or to exercise the power which he claims to-day in this message in reference to our consular and diplomatic establishments.

Mr. LAWRENCE. My friend has not answered my question whether Congress can provide by law that there shall be no embassador appointed.

Mr. TUCKER. I think it can.

Mr. LAWRENCE. I hold that Congress cannot so provide, and that the duty to appoint exists by force of the Constitution. The Constitution says the President *shall*, with the consent of the Senate, appoint embassadors. That is a law higher than any act of Congress. Congress cannot take away that power given by the Constitution. And

this proves that Congress cannot by law say there shall be no embassadors.

Mr. TUCKER. Do I understand the gentleman to deny that Congress may pass a law providing that the office of minister to the kingdom of Italy, for instance, shall be abolished? Cannot Congress pass such a law?

Mr. LAWRENCE. I think not. The office is not created by law. I mean to assert that the President has power, by virtue of the Constitution, and without any act of Congress, to send a minister to Italy, and Congress cannot, by law, say he shall not do so, because the Constitution says he may. He is the judge where and to what nations ministers shall be sent.

Mr. TUCKER. Does the gentleman mean to say that the President has the right to send ministers to as many kingdoms on the face of the earth as he pleases, and may decline to send ministers wherever he does not choose to do so? And this, whether Congress creates or abolishes them? Does the Executive create them; and must Congress, however averse to it, pay the expenses of a mission which the Executive chooses to establish?

Mr. LAWRENCE. This power to appoint embassadors and other public ministers is in the same section of the Constitution which gives the power to make treaties. In construing one clause we may consider the other. The maxim applies, *noscitur a sociis*. Would the gentleman undertake to argue that Congress can take away from the President the power to make treaties?

Mr. TUCKER. The gentleman will remark that the power on the part of the President to make treaties by and with the consent of two-thirds of the Senate is a self-effective power, except where it requires an appropriation from the Treasury, and then it is inoperative until vitalized by legislative act.

Mr. LAWRENCE. So is the power to appoint embassadors, subject only to the consent of the Senate. A minister is an agency of executive power. He is not a legislative officer.

Mr. TUCKER. The power to nominate and appoint an embassador where no embassadorial office exists is not self-operative. It requires legislative action as the co-efficient force needed to vitalize it into efficient operation. It is similar to the case of the power to appoint judges. The President has no power to appoint a judge unless some law previously passed creates the office.

The gentleman says a minister is an agent of the Executive. That is true. But not for the reason the gentleman gives. The fact that the Executive appoints him does not make him an agency of executive power, else a judge would be an executive agency.

Having entered my protest against the principle put forth here today, I now leave the argument to other gentlemen.

Mr. BANKS. I would like to say a word on this matter. Let me call the attention of the gentleman from Virginia [Mr. TUCKER] to the fact that his strong point, the provision of the Constitution that Congress shall have power to pass all laws necessary and proper for carrying into execution the powers conferred, does not apply to this case at all. That provision relates to the "foregoing powers."

Mr. TUCKER. Will the gentleman allow me——

Mr. BANKS. The gentleman will excuse me. I listened to his remarks with infinite delight, and did not interrupt him. That provision relates to the "foregoing powers," and those are the powers conferred by the Constitution upon Congress, nothing else. Now, the provisions in regard to embassadors are subsequent powers, and the authority conferred by the article cited is limited to the execution of the powers conferred. Congress shall make all necessary and proper laws for giving effect to the powers conferred by the Constitution. It does not increase nor diminish those powers. It is intended to give them effect, to make them operative, to prevent the failure of constitutional powers for the want of authority to enforce them. The fact is, when the Constitution was formed there were certain recognized principles in regard to the intercourse between independent nations. The appointment of an embassador, or minister, or consul is not the act of one government alone; it is the act of two governments—one to appoint and the other to receive the minister or embassador. The concurrence of these two powers is necessary to constitute an embassador, minister, or consul.

In international law and in the intercourse between nations an embassador is a representative of the executive department of the government. In empires or monarchies he is a personal representative of the sovereign. In a republic he is a representative of the executive department, acting under constitutional authority. The difference between embassadors appointed in this way and those referred to in our legislative acts is exactly this: An embassador or a minister is an officer appointed by executive authority of one government to attend near the court of another for the purpose of presenting or urging the consideration of specific subjects which are necessary to be considered with reference to the mutual interests of both governments. The appointment of embassadors and ministers originated in that manner and for such purposes; and this is the power given to the President by the Constitution. He has the right, if necessary, to communicate with any foreign power upon any specific subject of sufficient importance to justify such an appointment. Under the Constitution he has the right, with the concurrence of the Senate, to send upon such mission an embassador or a minister, whether or not the statute law may have authorized it; and if the Congress of the United States should by law declare in positive terms that there should be no minister or no embassador to such government, yet nevertheless the President would have the right to appoint an embassador or minister for the purpose of bringing to the consideration of the two governments a subject of instant and absolute importance. This power exists by virtue of the Constitution. It is a prerogative of the President and the Senate, and no power exists in other Departments of the Government to take it away.

Mr. LAWRENCE. It cannot be cut off by law.

Mr. BANKS. Now, sir, the legislation of Congress on this subject within its constitutional powers may be necessary and proper. For example, it is a question whether there shall be permanent diplomatic officers created styled embassadors or ministers to continue for an indefinite period of time. The authority of Congress might be required for that purpose, and that seems to have been the object of all statutes enacted with reference to permanent diplomatic representatives at foreign courts. It is doubtless true that the Constitution does not give the President power to appoint permanent officers of that kind. He may not be able to say there shall be an embassador to the court of St. James for the four or eight years of his term, but he can properly appoint embassadors, ministers, or consuls under the Constitution for the consideration of specific or general subjects of immediate international importance to the governments respectively. So Congress may very properly pass laws, as they did in 1854, regulating the salaries, privileges, and perquisites of this class of officers. All such acts are within the purview and power of Congress under the Constitution, and the President would naturally and necessarily conform to such provisions in making appointments under such laws; but wherever there is in his judgment a necessity for such action he can unquestionably appoint embassadors or ministers for the purpose of considering a particular subject important to the two countries, in the absence of any such regulations or statutes. He has that right under the Constitution, and Congress cannot take it from him. I suppose that is all that is intended by this message. Congress has decided, for example, that there shall be no American minister at Athens. The President wants us to understand, and it is proper we should understand, that while there need be no permanent representative of the United States at Athens, and although we have concurred in this law and the President may have approved it, yet if hereafter there should arise necessity for such a representation of this Government at the court of Greece, the President will have the power under the Constitution to appoint embassadors, ministers, or consuls for that purpose.

It is well this question should be presented to us and that the President should give us information as to the effect of his official assent to this act. It does us no harm and I think it will do the people no harm to understand the ground upon which this question rests. It is the old question which has been discussed by Congress and the Executive Departments under every administration since the foundation of the Government.

Mr. TUCKER. A single word in reply to the distinguished gentleman from Massachusetts and I will conclude. The gentleman has very remarkably omitted to read the most important part of the clause to which I referred.

Mr. BANKS. Read it.

Mr. TUCKER. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Of course that refers to powers vested in Congress; but the gentleman omits to read the following words, which are quite important, and relate to those succeeding powers:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Now, wherever the power of any other Department, or any officer of the United States, or the general power vested in the Government of the United States by that general name is not self-operative and self-efficient, there they require the co-efficient power of the legislative branch of the Government in order to make that power go into effect. And, sir, here is a power which of itself is null. Why? Because the President has power to appoint embassadors and judges. Now that is conceded. It must be conceded, it has to be conceded, that he cannot appoint the judges until they are created by law, because he does not know where to appoint them. Then the same argument applies to embassadors. He cannot appoint embassadors, because he does not know where to appoint them or for what place they are intended. There is to be a law-making power to create the office as well as an executive power to fill it by appointing an officer to discharge its duties.

The gentleman from Massachusetts says an embassador is appointed by both governments. I apprehend he is in error about that. No more than it does require the consent of the judge in the acceptance of the office to which he is appointed in order to his filling it. The appointment is made by the President and the Senate. The acceptance is by the party himself. If we appoint an embassador to Greece, it is for Greece to say whether she will receive our embassador. That does not make him less our embassador because she does not receive him.

Mr. BANKS. He is not an embassador to Greece.

Mr. TUCKER. Yes, he is an embassador to Greece, like a servant I send to your house. He is my servant, sent to your house, but you may shut the doors on him.

Mr. BANKS. But he is not the servant of my house.

Mr. TUCKER. He is the servant *to* your house, but not *of* your house. I have nothing further to say on this subject. I only wanted to enter my protest against the peculiar views advanced by the other side as well as by the President.

The message was referred to the Committee on Appropriations, and ordered to be printed.

USUAL PER DIEM TO CLERKS.

Mr. ROBERTS. I am directed by the Committee of Accounts to report the following resolution:

The Clerk read as follows:

Resolved, (the Senate concurring,) That there be paid out of the contingent fund of the respective Houses the usual per diem allowance to clerks of committees not having a yearly salary, for the period of thirty-one days from the 1st day of August, 1876.

Mr. RANDALL. Will the gentleman from Maryland who reports this resolution tell us how much it will cost? I would like to hear it read again.

The resolution was again read.

The resolution was adopted.

Mr. ROBERTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 788) for the relief of Robert N. Eddy;

An act (S. No. 1014) regulating the disbursement of certain moneys therein named;

An act (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

An act (H. R. No. 2231) granting a pension to Emily E. Weiss;

An act (H. R. No. 3184) for the relief of Emerick W. Hansell;

An act (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

An act (H. R. No. 2844) granting a pension to Levi B. Hayward;

An act (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Regiment Maryland Cavalry Volunteers; and

A joint resolution (H. R. No.——) authorizing the appointment of a joint select committee to prepare a suitable form of government for the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa.

NORMAN H. RYAN.

Mr. HENDERSON. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 840) for the relief of Norman H. Ryan.

The SPEAKER *pro tempore*. The bill will be read for information.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Norman H. Ryan, out of any money in the Treasury not otherwise appropriated, the sum of $736, in full for services as storekeeper of the bonded warehouse of E. W. Dutcher, at Amboy, Illinois, from the 18th day of April, 1868, to the 15th day of October, 1868.

Mr. HOLMAN. Is there a report accompanying the bill.

Mr. LUTTRELL. It is not necessary that time should be occupied in reading the report. There is no objection to the bill.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. HENDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLARD. I rise to present a privileged report from the Committee for the District of Columbia on a vetoed bill.

Mr. HOLMAN. During the last hours of the session it is very desirable to know what is transpiring; and it is impossible to do so unless there is some order in the House.

The SPEAKER *pro tempore*. The Chair will state that if there is disorder in the Hall it is the fault of the members themselves, because there is nobody else in the Hall. The Chair hopes that members will resume their seats

Mr. WHITTHORNE. Will the gentleman from Michigan indulge me for one moment? I have been desiring for some time to get the attention of the Chair. The bill that is now in the hands of the Clerk has reference to the bones of our sailors lying in Mobile Harbor in the sunken monitor Tecumseh. The Senate has amended that bill. It would be an outrage on the part of this House to adjourn and permit that to lie on the table. It simply needs the concurrence of the House to prevent one of the grossest outrages being perpetrated.

The SPEAKER *pro tempore*. Is there objection to the consideration at this time of the bill called up by the gentleman from Tennessee?

Mr. WILSON, of Iowa. Let it be read.

THE MONITOR TECUMSEH.

The Clerk read the title of the joint resolution, as follows:

A joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving words and insert:

That the Secretary of the Treasury be, and he hereby is, directed to return and tender to the party claiming to have purchased the United States monitor Tecumseh the sum of $50, with interest at 6 per cent. added from August 7, 1873, to the day of the tender; said sum of $50 being the sum paid by James E. Slaughter on what purported to be the sale of said monitor, then lying in Mobile Bay.

SEC. 2. That the Secretary of the Navy be, and he hereby is, directed to assume the control and protection of said monitor, and he is authorized to dispose of the same to the party who paid said money or his assigns on just terms, providing in such disposition for the removal from said monitor and the proper burial of the remains of the persons carried down when she sank, such removal from the said monitor and burial to be under the protection and supervision of the Secretary of the Navy.

The Senate amendment was concurred in.

Mr. WHITTHORNE moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers;

A bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2848) granting a pension to H. M. Bruner; and

A bill (H. R. No. 3902) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

THE PAVEMENT OF PENNSYLVANIA AVENUE.

Mr. WILLARD. I rise to a question of privilege. I report back from the Committee for the District of Columbia the bill (H. R. No. 4085) with the President's veto and a bill in lieu thereof, the passage of which I ask.

The SPEAKER *pro tempore*. The Chair must state that this is not a privileged question. The gentleman has a right to report back the original bill, so that the House may vote upon passing it over the veto of the President, and the question will be, Will the House upon reconsideration pass it?

Mr. WILLARD. Then I ask unanimous consent to report a bill to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue."

The bill was (H. R. 4108) read. It provides that that part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 14, 1876, which reads as follows:

Provided, That said pavement shall be fully completed and ready for use December 1, 1876, be, and the same is hereby, amended to read as follows:

Provided, That the said pavement shall be fully completed and ready for use January 15, 1877.

Mr. RANDALL. I hope the gentleman will state the effect of this recommendation, so that we may understand it.

Mr. WILLARD. House bill No. 4085 was a bill to take off the limit imposed by the act for the repavement of Pennsylvania avenue in regard to time. There was a proviso in the bill for the repavement of Pennsylvania avenue providing that the pavement should be completed by the 1st day of December next. The commission which was appointed by Congress unanimously reported to Congress a recommendation to take off the limitation, and the bill to which I refer was in accordance with that recommendation. It passed the Senate, but was vetoed by the President for the reasons which he has stated in his veto message. Upon consultation we have thought it best to introduce another bill which obviates these objections. It is understood, furthermore, that the contractors will be able in all probability to complete the pavement in the time named in the bill we have introduced, which is the 15th of January next. But if the weather should be such between this time and that as to render this impossible, Congress will be in session on the first Monday in December and, the limitation can be further extended by Congress at its next session and for that reasons the committee unanimously agreed to introduce this bill. It makes no change in the bill whatever except in regard to time.

There was no objection to the consideration of the bill; which accordingly received its several readings, and was passed.

Mr. WILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

Mr. PAGE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

The bill was read, as follows:

That Celso Cæsar Moreno, Alvinza Hayward, John F. Miller, Leland Stanford, Mark Hopkins, James C. Flood, William Irwin, James McM. Shafter, O. H. La Grange, Isaac Friedlander, William Alvord, Eugene L. Sullivan, John P. Jackson, Andrew J. Bryant, John B. Felton, Lewis Sloss, Philip A. Roach, Nathaniel W. Spaulding, William Norris, Frank M. Pixley, and J. Craig, of the State of California; Henry Failing and Julius Friedman, of the State of Oregon; Henry O'Reilly, G. G. Garibaldi, and William Barnet Phillips, of the State of New York; Dudley S. Gregory, of the State of New Jersey, shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cable or cables on the Pacific coast of the United States of America, to connect the American and Asiatic coasts by telegraph lines, wires, or submarine cables: *Provided*, That said company shall begin to lay said cable or cables within three years from the passage of this act.

SEC. 2. That any telegraph line or cable laid by said company shall be subject to the following conditions, stipulations, and reservations, to wit: The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines or cable or cables that may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; secondly, citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations; thirdly, the transmission of dispatches shall be made in the following order; first, dispatches of state, under such regulations as may be agreed upon by the governments interested; secondly, dispatches on telegraphic service; and, thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided; fifthly, before extending and establishing any such line or lines or cable or cables in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the said company.

Mr. HOLMAN. Before unanimous consent is given for the consideration of this bill, I desire the Clerk to again read the first condition contained in the second section of the bill.

The Clerk read as follows:

SEC. 2. That any telegraph line or cable laid by said company shall be subject to the following conditions, stipulations, and reservations, to wit: The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines or cable or cables that may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever.

Mr. HOLMAN. That is the condition to which I wish to call attention of gentlemen before unanimous consent is given for the consideration of this bill. And I wish still to reserve my right to object until I can receive some explanation of the bill. I do not find in this bill—I thought perhaps it might be contained in this first condition in the second section—any provision authorizing the Congress of the United States to permit the landing of any other cable upon the Pacific coast.

Mr. LANE. That is not necessary.

Mr. LAWRENCE. Let it be amended in that respect if the gentleman has any objection of that kind.

Mr. HOLMAN. I do not know but what this bill confers an exclusive right.

Mr. LANE. How can it be an exclusive right? It only gives the right to this company.

Mr. HOLMAN. I desire to call attention to the fact that the power to alter, amend, or repeal is a very limited power where vested rights have accrued. It cannot be exercised with reference to rights which have already accrued.

Mr. LUTTRELL. We will accept the amendment.

Mr. LANE. It is entirely unnecessary.

Mr. PAGE. This bill was very carefully drawn by the Committee on Foreign Affairs of the Senate.

Mr. HOLMAN. This is so important a question, that it should not be acted upon under the impulse of the moment.

Mr. LUTTRELL. Move your amendment.

Mr. HOLMAN. It perhaps would be as well to add these words to the second section:

But nothing in this act shall prevent the United States from authorizing the landing of other cables on the Pacific coast.

The SPEAKER *pro tempore*. The gentleman will please reduce his amendment to writing.

Mr. WIGGINTON. The gentlemen whose names are connected with this measure are among the most enterprising on our coast. They are not monopolists, and do not ask a monopoly in this or any other matter. We have no objection to the proposed amendment and will readily accept it. The gentleman from Oregon [Mr. LANE] is now preparing the amendment.

TOLLS ON UNION PACIFIC RAILROAD.

Mr. CROUNSE. On the 22d of May last a copy of the opinion of the judge of the circuit court of the United States for the State of Iowa in the case of The United States *ex rel.* Hall *et al. vs.* The Union Pacific Railroad, upon the subject of the tolls charged by that road, was presented to the House by the gentleman from Iowa, [Mr. McDILL,] and referred to the Committee on the Pacific Railroad, and ordered to be printed. I entered a motion to reconsider the vote of reference and printing, and now withdraw the same.

ORDER OF BUSINESS.

Mr. HUNTON. I desire to submit what I think is a privileged report.

The SPEAKER *pro tempore*. That is not in order during the pendency of the bill now before the House. While the gentleman from Indiana [Mr. HOLMAN] is reducing to writing the amendment which he desires to offer, the Chair will entertain propositions and requests that will consume no time.

Mr. GIBSON. I desire to ask unanimous consent to take from the Speaker's table a Senate bill to remove political disabilities.

The SPEAKER *pro tempore*. The Chair cannot entertain that proposition.

Mr. RICE. Will the Chair entertain a proposition for a correction of the Journal?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for that purpose.

Mr. RICE. On the 31st of July the Secretary of the Treasury sent a communication to this House——

PACIFIC TELEGRAPH.

Mr. HOLMAN. I have here the amendment which I desire to offer. It is to add to section 2 the following:

But nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges to those herein contained.

Upon reflection I think it likely that this amendment would come in better at the end of the first section. I ask that the section be read.

The Clerk read the first section, as follows:

That Celso Cæsar Moreno, Alvinza Hayward, John F. Miller, &c., shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cable or cables on the Pacific coast of the United States of America, to connect the American and Asiatic coasts by telegraph lines, wires, or submarine cables: *Provided*, That said company shall begin to lay said cable or cables within three years from the passage of this act.

Mr. HOLMAN. I perceive that my amendment will not come in properly as a proviso to either the first or the second section. I will therefore ask that it be received as an additional section, to come in before the repealing section of the bill.

Mr. COX. I desire to say one word upon this subject. For several years bills of a character similar to this have been referred to the Committee on Foreign Affairs. At one time I was upon a subcommittee to examine this subject. The Committee on Foreign Affairs reported a general bill, for we desired competition. The amendment of the gentleman from Indiana [Mr. HOLMAN] seems to look in that direction, to give thorough and complete competition in this business of telegraphing on the Pacific coast. Although I would prefer the bill which I reported two years ago, yet in view of the fact that this enterprise is almost indispensable to the Pacific coast, and as no subsidy is required, I think perhaps the best thing this House can do is to pass this bill with the amendment which has been suggested.

No objection being made, the bill was taken from the Speaker's table and read a first and second time.

Mr. HOLMAN. I move as an additional section, to come in as section 3 of the bill, the following:

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges to those herein granted.

The amendment was agreed to; and the bill as amended was ordered to a third reading, read the third time, and passed.

Mr. PAGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARINE HOSPITAL, NATCHEZ, MISSISSIPPI.

Mr. LYNCH. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of Senate bill No. 699, to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi, and that it be put upon its passage at this time.

The bill was read. It declares in the preamble that the marine hospital building and grounds at Natchez, Mississippi, are not required for the service of the United States; that the building has been for many years in process of dilapidation and decay; and that the building and grounds have been offered for sale at different times by auction under and in pursuance of law.

The bill therefore directs the Secretary of the Treasury to confirm to the highest bidder the sale made under his direction and in pursuance of law, February 15, 1876; it being satisfactorily shown to him that the building is to be reconstructed and devoted, under responsible auspices, to purposes of instruction for the benefit of the colored people of the United States.

There being no objection, the bill was read the third time, and passed.

Mr. LYNCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. BAKER, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled

bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 351) to create an additional land office at Colfax, Whitman County, Washington Territory; and

An act (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the service of the Bureau of Engraving and Printing.

BILLS APPROVED.

A message from the President of the United States, by Mr. U. S. GRANT, jr., one of his secretaries, announced the approval of bills of the following titles:

An act (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

An act (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

An act (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes;

An act (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877;

An act (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875;

An act (H. R. No. 516) for the relief of Lloyd C. Babcock; and

An act (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota.

HON. J. PROCTOR KNOTT—TELEGRAM FROM JOSIAH CALDWELL.

Mr. HUNTON. I rise to make a privileged report. I report back report No. 801, which was recommitted to the Judiciary Committee. It is in relation to the resolution of the House concerning a telegram received by Hon. J. PROCTOR KNOTT, chairman of the Judiciary Committee, from one Josiah Caldwell, and concludes with a recommendation that the further consideration of the resolution on this subject be indefinitely postponed. The gentleman from Ohio, [Mr. HURD,] one of my colleagues on the committee, has requested me to have read a paper from him.

The Clerk read as follows:

Mr. HURD says: The other day I said I had given my word of honor to the gentleman from Maine that there should be no discussion as to this resolution. I then believed that there would be none; but in justice to the chairman of the committee I desire to say that I had no authority from him to make such statement, and that I never informed him of the fact that I had made such statement. While I believed that no discussion was to occur, I am satisfied that the chairman of the committee did not so understand it.

Mr. CONGER. I wish to inquire whether this report is accompanied by a minority report.

Mr. HUNTON. I have conferred with the gentleman from Iowa, [Mr. MCCRARY,] who will present the views of the minority. It was agreed by the committee unanimously that the majority report should be presented, that the minority should submit their views, and that upon the two reports the previous question should be called and the matter settled without debate.

The conclusions reported by the majority of the committee are as follows:

Your committee, therefore, would report: 1. That the telegram received by the chairman from Mr. Caldwell was not evidence, and could not have been received as such without a violation of the rule before that time established by the committee. 2. That withholding it was not a suppression of an instrument of evidence. 3. And that the whole subject as to procuring the attendance of Mr. Caldwell to testify had been referred to the chairman of the committee, and that all communications with or from Caldwell in reference to such subject were in the hands of the chairman, to be used according to his discretion in accomplishing the object of the committee, and that no just complaint can be made of any use of such communications providing the discretion were fairly and reasonably exercised.

Your committee would further report that they are satisfied, from all the circumstances, that the chairman in withholding the dispatch from the committee acted in good faith, and without any purpose to injure any person involved in the investigation; and would recommend that the further consideration of the resolution be indefinitely postponed.

Mr. MCCRARY. I am directed by the minority of the committee to submit their views in writing. I ask that they be read.

The Clerk read as follows:

The minority of the Committee on the Judiciary, composed of the four republican members, dissent from the report of the majority, for the following reasons:

1. We insist that no report upon this subject should be made or acted upon at this time, in the last hours of the session, when there is no time or opportunity for debate.

2. We insist that the matter now reported upon has never been investigated. Not a witness has been sworn; not a word of testimony has been taken. The report is based wholly upon the alleged presumption that the chairman of the committee acted in good faith and without malice. Prior to the late speech of the chairman of the committee on the floor of the House upon this subject, the minority of the committee were willing to, and did, unite with the majority in adopting this presumption. Since the utterance of that speech we are unable to do so, and we now insist that the subject shall be investigated; that the accuser as well as the accused shall be heard; that witnesses on both sides be examined, and that the matter be determined as any other disputed question of fact. The charge made was that Mr. KNOTT had kept from the committee, and from the knowledge of the public, a telegram addressed to him as chairman, and which exonerated Mr. Blaine, and with a purpose to injure him. This of course could not be directly proved and could only be inferred from circumstances. The committee, when the report was originally made to the House, thought that, if all the circumstances alleged against Mr. KNOTT were proved, his character was sufficient to rebut the inference of malice sought to be drawn from them, and therefore deemed it needless to inquire whether they were proved. That presumption, in our judgment, has been overthrown by Mr. KNOTT's speech, and this makes it necessary to determine the fact as to his motive upon evidence, and not upon the presumption aforesaid.

3. We further insist that the testimony in the investigation, in the course of which this question arose, should be printed and laid before the House before any action is taken, especially in view of the fact that the chairman of the committee in his late speech saw fit to comment upon that testimony at length as affording proof of his good faith, while the contrary is claimed by others. If that testimony was, as claimed by the chairman, a proper subject of comment as having a bearing upon the subject-matter of the report, then it should be printed, so that others as well as the chairman and members of the subcommittee who took the testimony may know what it contains and may be at liberty to comment upon it. No testimony having been taken upon the question as to the chairman's motive in not making known the fact of the receipt of the telegram, he has cited and relies upon the testimony taken under other branches of the investigation, and not yet printed, and not yet before the House. The chairman cannot fairly ask the House to decide upon this report until that testimony, the only testimony relied upon, is printed and brought within the reach of members.

For these reasons we submit that the report ought not to be adopted.

Mr. HUNTON. I move the previous question upon adopting the report of the committee.

Mr. MCCRARY. I ask tellers upon the adoption of the report. I shall not call for the yeas and nays, and shall make no question in regard to the absence of a quorum. But I desire a record of the number of votes on each side.

Tellers were ordered; and Mr. MCCRARY and Mr. HUNTON were appointed.

The House divided; and the tellers reported—ayes 81, noes 39.

So the report was adopted.

Mr. HUNTON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM BATTERSBY.

Mr. JONES, of Kentucky. I move, by unanimous consent, to take from the Private Calendar for consideration at this time a bill (H. R. No. 1151) for the relief of William Battersby. It is the unanimous report of the Committee on the Judiciary.

Mr. HOLMAN. Let the bill be read.

The bill, which was read, provides that upon satisfactory proof being made to the Court of Claims in the case of William Battersby, No. 2700 in said court, that the claimant is entitled to further relief, the said court is thereby authorized to give such additional judgment as shall be consonant with equity and justice; provided that such additional judgment shall not include any claim not embraced in the original petition filed in said cause.

Mr. HOLMAN. I think the name is familiar to me and I believe the southern claims commission has reported on this.

Mr. CAULFIELD. The gentleman is mistaken. It has never reported on this.

Mr. HOLMAN. Then it has reported on something in reference to the same party.

Mr. CAULFIELD. But that does not apply to this matter.

Mr. HOLMAN. I ask for the reading of the report.

The SPEAKER *pro tempore*. There is no report accompanying the bill.

Mr. HOLMAN. Then I must object.

DISTRICT OF COLUMBIA COMMISSION.

Mr. RANDALL. I submit a joint resolution in reference to the commission to prepare a form of government for the District of Columbia.

Mr. HOLMAN. Let the resolution be read.

The joint resolution (H. R. No. 165) which was read, provides that for the purpose of carrying into effect the provisions of the concurrent resolution appointing a select committee of three members of the Senate and three members of the House of Representatives to prepare a suitable form of government for the District of Columbia, the sum of $3,000, or so much thereof as may be necessary, be appropriated out of any money in the Treasury not otherwise appropriated, one-half to be disbursed from the contingent fund of the Senate and one-half to be disbursed from the contingent fund of the House of Representatives.

Mr. RANDALL. The law provides for the appointment of a commission to recommend to Congress at its next session a suitable form of government for this District. This commission is to sit during the recess of Congress, and it is necessary, therefore, to provide proper clerical force and other incidental expenses. This is a reasonable sum, and I fear it may be too low.

Mr. HOLMAN. Let me make a suggestion.

Mr. RANDALL. I will listen to the suggestion of the gentleman from Indiana. I fixed the amount to suit him.

Mr. HOLMAN. There is no objection as to the amount. The gentleman does not consider the manner of drawing the money or accounting for its expenditure; but I do not object.

Mr. RANDALL. If you will suggest anything to improve the resolution I will accept it.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolu-

tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as the three members of the House on the commission under the law to frame a suitable form of government for the District of Columbia Mr. CLYMER, Mr. HUNTON, and Mr. WILLARD.

CORRECTION OF ENROLLMENT.

Mr. RANDALL. I move the following joint resolution for the purpose of correcting an error in the enrollment of a bill.

The Clerk read the joint resolution (H. R. No. 166) as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the date in section 8 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, referring to the passage of the resolution authorizing a survey of the Union Pacific and Central Pacific Railroad, should be the 19th of July, 1876, instead of the 12th of July as copied by the enrolling clerk.

The joint resolution was adopted.

Mr. RANDALL, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARY M. J. FRANK.

Mr. RICE. I move, by unanimous consent, to take from the Speaker's table the bill (S. No. 736) granting a pension to Mary M. J. Frank, and that it be put on its passage at the present time.

There was no objection.

The bill was taken up and read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. J. Frank, widow of Paul Frank, late colonel Fifty-second Regiment New York Volunteers, to take effect from the passage of the act.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEPHEN D. LEE AND OTHERS.

Mr. LAMAR. I move, by unanimous consent, to take from the Speaker's table the bill (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi, and others; and that it be put on its passage at the present time.

There was no objection.

The bill, which was read, provides that all the political disabilities imposed by the fourteenth amendment of the Constitution of the United States on Stephen D. Lee, of the State of Mississippi; C. M. Wilcox, of the State of Maryland; John G. Walker, of the State of Texas, be, and the same are thereby, removed.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

OLIVER H. IRONS.

Mr. CONGER. I ask unanimous consent to move that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2469) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers, and that the same be put upon its passage. This is a bill to give a pension to a poor blind soldier who has no other means of subsistence.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and it was brought before the House for consideration.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Oliver H. Irons, late a sergeant in Company D, Twenty-third Regiment of Michigan Volunteers, and pay him a pension, subject to the limitations and restrictions of the pension laws.

Mr. CONGER. I ask the Clerk to read the report which accompanies the bill. It is very brief.

The Clerk read the report of the Committee on Invalid Pensions, as follows:

Oliver H. Irons was in good bodily health when, on the 27th of July, 1862, he enlisted in the United States service in Company D, Twenty-third Michigan Volunteers. During his term of service he was once in hospital on account of pneumonia, and once on account of typhoid fever, from both of which he recovered; but in 1865, at Bowling Green, Kentucky, he was attacked, while in service, with chronic diarrhea, under which he was still suffering at the time of his discharge. The testimony of two physicians who attended him during three years from the time of his discharge shows that the diarrhea continued until it affected the optic nerve, and soon after it ceased; that the affection of the optic nerve, in their opinion, was the result of the chronic diarrhea; that in consequence thereof he has become totally blind, and one of his eyes has been entirely cut out; that the uncontradicted evidence clearly traces the loss of his sight to the service. Your committee would therefore report favorably on the bill submitted, and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;" and

An act (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory.

COIN IN THE TREASURY.

Mr. COX. I rise to a question of privilege. The Secretary of the Treasury made a short communication in reference to the coin in the Treasury in reply to a House resolution. The RECORD shows it was ordered to be printed. The Journal does not show that. It was referred to the Committee on Banking and Currency. We have the paper, and by order of the House it should have been printed. I ask that the Journal be corrected.

The SPEAKER *pro tempore*. The correction will be made.

SALE OF DESERT LANDS.

Mr. LANE. I ask unanimous consent to report from the Committee on Public Lands for present consideration the bill (H. R. No. 125) providing for the sale of desert lands in Modoc and Siskiyou Counties, Colorado, with amendments.

The bill and amendments were read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. EDEN. I wish to ask the gentleman a question. Who is to determine what are desert lands?

Mr. HOLMAN. I must say that the interests involved here are so very considerable, and the amount of lands allowed for entries so largely above the amount ordinarily allowed, that without being very carefully guarded that would not be a very safe measure. I think on public grounds it should lie over.

Mr. LANE. I think the gentleman from Indiana will withdraw his objection if he will hear an explanation of the bill.

Mr. LUTTRELL. The Government will not survey these lands. They are desert.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 840) for the relief of Norman H. Ryan.

PAY OF COMMITTEE-CLERKS.

Mr. FORT. I ask unanimous consent to make a report from the Committee of Accounts.

The Clerk read as follows:

Resolved, That the pay of the clerk of the Committee on Education and Labor and the Committee on Texas Frontier Troubles be, and hereby is, increased $2 per day from the 16th day of May, 1876, to the 8th day of August, 1876, both days inclusive; this resolution to be considered as a substitute for the resolution passed on the 14th day of August to pay to Albert Ordway $2 per day during the said time.

Mr. FORT. This is simply to correct an error.

Mr. HOLMAN. Is that a report from the gentleman's committee.

Mr. FORT. Yes, sir.

There was no objection, and the resolution was adopted.

BUILDING AT LITTLE ROCK, ARKANSAS.

Mr. WILSHIRE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 297) fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas.

The bill was read, as follows:

Be it enacted, &c., That the act of Congress approved June 7, 1872, entitled "An act to provide for a building for the use of the Federal courts, post-office, internal-revenue, and other civil offices in the city of Little Rock, Arkansas," be, and hereby is, amended by fixing the limit of expenditure authorized for the site and full completion of said building at $250,000.

Mr. HOLMAN. I will not object to this if the gentleman will agree to amend the bill by striking out $50,000 and making the limit $200,000.

Mr. WILSHIRE. I will accept that amendment.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

Mr. HOLMAN. I now offer the amendment which I stated a moment ago.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSHIRE moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. LORD. Will it be in order to move to suspend that by a two-thirds vote?

The SPEAKER *pro tempore*. That cannot be done. The call rests with the Committee on Mines and Mining, and the pending business is the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, reported from that committee by the gentleman from Missouri, [Mr. BLAND.] The gentleman from Missouri has demanded the previous question, and is entitled to the floor.

Mr. RANDALL. I move that the House take a recess for half an hour.

The question being taken on Mr. RANDALL'S motion, there were—ayes 107, noes 33.

Mr. LORD called for tellers.

On the question of ordering tellers, there were ayes 15; not one-fifth of a quorum.

So tellers were not ordered, and the motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House took a recess for half an hour.

AFTER THE RECESS.

The recess having expired, the House resumed its session at four o'clock and forty minutes p. m.

CATHERINE H. GALLAGHER.

Mr. RICE, from the Committee on Invalid Pensions, by unanimous consent, reported a bill (H. R. No. 4109) granting an increase of pension to Catherine H. Gallagher, widow of Captain John Gallagher, late of the United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA WATKINS.

Mr. RICE also, from the same committee, by unanimous consent, reported a bill (H. R. No. 4110) granting a pension to Julia Watkins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GUSTINE DORRIS.

Mr. RICE also, from the same committee, by unanimous consent, reported a bill (H. R. No. 4111) granting a pension to Gustine Dorris, mother of August Dorris; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOTARIES PUBLIC.

Mr. LORD. I ask to have passed a bill restoring a section of the Revised Statutes in regard to notaries public. It is important to the whole profession in the United States that it should be passed now. It is a unanimous report of the Committee on the Judiciary, and it passed the Senate unanimously. It is the bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States with the Senate amendments thereto.

The Clerk read the bill as proposed to be amended by the Senate, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do.

Mr. LORD. The bill is unanimously reported by the Committee on the Judiciary, and its passage is much needed, as under the present law parties frequently have to go forty miles to make depositions.

Mr. GARFIELD. I suggest to the gentleman that the bill which he has sent up is a printed bill, and it is necessary that we should act upon the engrossed bill.

The SPEAKER *pro tempore*. If the House should pass this bill it would have to go back to the Senate as an original bill.

Mr. LORD. I think the engrossed bill has been lost, but this is the same bill word for word.

The SPEAKER *pro tempore*. The Chair recognizes that this is a printed bill. If the engrossed bill had been passed by the Senate with amendments it must be upon the Speaker's table somewhere.

Mr. GARFIELD. Has it passed the Senate at all?

Mr. LORD. It passed the Senate and was referred to the Committee on the Judiciary.

Mr. GARFIELD. It does not appear to be on the Speaker's table.

Mr. McCRARY. The original engrossed bill was mislaid, I think, by a member of the committee [Mr. HURD] who is not now in his seat, and I suppose that all the House can now do is to pass this bill and send it to the Senate.

Mr. GARFIELD. By unanimous consent we can recognize this as the engrossed bill.

The SPEAKER *pro tempore*. The Chair will entertain the request for unanimous consent, but otherwise he could not consent to recognize this bill as the original.

Mr. GARFIELD. I suggest to the gentleman from New York that he make the motion. I do not know enough about the bill to be responsible for it.

Mr. LORD. I ask unanimous consent that this may be substituted for and treated as the engrossed bill.

There was no objection, and the question was put upon concurring in the amendments of the Senate, and they were concurred in.

AMENDMENT TO THE LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Chair asks unanimous consent at this time to lay before the House a resolution which was passed by this body as a concurrent resolution, and which was evidently intended to be a joint resolution.

The Clerk will read the title of the proposed joint resolutions.

The Clerk read as follows:

A joint resolution amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

Mr. HOLMAN. Is there any other change made in the resolution?

The SPEAKER *pro tempore*. There is not.

No objection was made, and the joint resolution received its several readings, and was passed.

PAY OF A MESSENGER.

Mr. LORD. I ask on behalf of the managers of the impeachment of William W. Belknap to submit a resolution for the payment of the messenger to the managers.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Hugh Mohan, messenger to the board of managers in the impeachment of William W. Belknap, compensation for eighteen days from the 13th of August at the same rate the messenger has been heretofore paid.

No objection was made, and the resolution was agreed to.

Mr. LORD moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE obtained the floor.

Mr. WADDELL. I demand the regular order. [Cries of "O, no!"] I have been trying to get the floor for two hours and failed to do so, while other gentlemen have been recognized two or three times.

The SPEAKER *pro tempore*. The Chair recognizes the demand for the regular order, which is the call of committees for reports, and the call rests with the Committee on Mines and Mining.

Mr. FRANKLIN. I move that the House adjourn.

Mr. BLAND. What is the regular order?

The SPEAKER *pro tempore*. The call of committees for reports.

Mr. FRANKLIN. I withdraw the motion to adjourn.

Mr. HOLMAN. The regular order is the silver bill, which it would be well to dispose of.

The SPEAKER *pro tempore*. The regular order is the morning hour, and the pending business is the demand for the previous question on the bill reported from the Committee on Mines and Mining by the gentleman from Missouri [Mr. BLAND] to utilize the products of the gold and silver mines. The morning hour begins at ten minutes before five o'clock p. m.

Mr. PIERCE. I move that the House do now adjourn.

Mr. SPRINGER. O, no! Both Houses can get through by six o'clock.

Mr. PIERCE. I call for tellers on the motion to adjourn.

Tellers were not ordered, only 23 members voting therefor.

Mr. PIERCE. I demand the yeas and nays.

The yeas and nays were ordered, there being on a division—ayes 23, noes 31.

Mr. HANCOCK. Pending the motion to adjourn, I move that when the House adjourns it adjourn to meet on Thursday next; and on that motion I demand the yeas and nays.

The yeas and nays were ordered, 29 members voting therefor.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendments bills of the House of the following titles:

A bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy;

A bill (H. R. No. 310) Granting a pension to William H. Harrison; and

A bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer.

The message further announced that the Senate had passed the resolution (S. R. No. 26) authorizing allowances to certain clerks of committees; in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed the joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of government for the District of Columbia, with an amendment; in which he was directed to ask the concurrence of the House.

The message further announced that the President *pro tempore* of the Senate had appointed Mr. SPENCER, Mr. WINDOM, and Mr. WHYTE members on the part of the Senate of the joint select committee to prepare a suitable form of government for the District of Columbia under the concurrent resolution of the House of the 14th of August.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 297) fixing the limit of expenditures for the erection of a public building at Little Rock, Arkansas.

The message further announced that the President of the United States had returned to the Senate the bill (S. No. 779) to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians in the States of Kansas and Nebraska, with his reasons for declining to approve the same; and that the Senate, upon reconsideration, had passed the bill, the objections of the President to the contrary notwithstanding.

The question was taken the motion of Mr. HANCOCK that when the House adjourns it adjourn to meet on Thursday next; and there were—yea 1, nays 139, not voting 146; as follows:

YEA—Mr. Waddell—1.

NAYS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Banks, Blackburn, Bland, Boone, Bradford, Burleigh, Cannon, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cowan, Cox, Crapo, Crounse, Cutler, Davy, Dibrell, Durand, Durham, Eames, Eden, Felton, Finley, Forney, Fort, Foster, Franklin, Freeman, Garfield, Gause, Gibson, Goode, Goodin, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Haymond, Henderson, Hereford, Holman, Hooker, Hopkins, House, Hunton, Thomas L. Jones, Joyce, Kasson, Kehr, Franklin Landers, Lane, Lapham, Levy, Lord, Luttrell, Lynch, Mackey, Magoon, Maish, McCrary, McDill, McMahon, Metcalfe, Monroe, Morrison, Mutchler, Norton, Odell, O'Neill, Packer, Payne, Pierce, Piper, Plaisted, Poppleton, Potter, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sampson, Savage, Scales, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Tucker, Tufts, Turney, John L. Vance, Wait, Gilbert C. Walker, Watterson, Erastus Wells, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, James Williams, Wilshire, James Wilson, Woodburn, and Young—139.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Bass, Beebe, Bell, Blair, Bliss, Blount, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Chapin, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Evans, Faulkner, Frye, Fuller, Glover, Gunter, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hatborn, Hays, Hendee, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Kimball, King, Knott, Lamar, George M. Landers, Lawrence, Leavenworth, Le Moyne, Lewis, Lynde, MacDougall, McFarland, Meade, Miller, Milliken, Mills, Money, Morgan, Nash, Neal, New, O'Brien, Oliver, Page, Phelps, John F. Philips, William A. Phillips, Platt, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Stowell, Swann, Martin I. Townsend, Washington Townsend, Van Vorhes, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, Whitehouse, Andrew Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William R. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—146.

So the motion of Mr. HANCOCK was not agreed to.

During the call of the roll the following announcements were made:

Mr. NORTON. I desire to state that Mr. VAN VORHES, of Ohio, is absent from his seat to-day on account of sickness.

Mr. STEVENSON. My colleagues, General ANDERSON and Judge CAMPBELL, are absent by leave of the House.

Mr. COOK. My colleague, Mr. SMITH, of Georgia, is absent from the House by reason of sickness.

Mr. HUNTON. My colleague, Judge HARRIS, is paired with Mr. MILLER, of New York.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the concurrent resolution of the House for the appointment of a joint commission to inquire into the relative value of gold and silver, &c.

The message further announced that the Senate had passed, without amendment, a joint resolution of the House of the following title:

A joint resolution (H. R. No. 166) amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 690) to remove the political disabilities of James Argyle Smith; and

A bill (S. No. 691) for the relief of Edward A. Leland.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 699) to confirm the sale of the marine hospital building and grounds at Natchez, in the State of Mississippi; and

An act (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

Mr. POPPLETON, from the same committee, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa;

An act (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;" and

A joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The question recurs upon the motion of the gentleman from Massachusetts [Mr. PIERCE] that the House now adjourn; upon which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 2, nays 135, not voting 149; as follows:

YEAS—Messrs. Sheakley, and Teese—2.

NAYS—Messrs. Abbott, Ainsworth, Ashe, Atkins, Bagby, Blackburn, Bland, Boone, Bradford, Bradley, Bright, Burleigh, Cannon, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Crapo, Crounse, Cutler, Davy, Dibrell, Durand, Durham, Eames, Eden, Felton, Finley, Forney, Fort, Franklin, Freeman, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Andrew H. Hamilton, Hardenbergh, Hartridge, Hartzell, Haymond, Henderson, Hereford, Abram S. Hewitt, Holman, Hopkins, House, Hunton, Thomas L. Jones, Joyce, Kasson, Kehr, Knott, Lamar, Lapham, Levy, Luttrell, Mackey, Magoon, Maish, McCrary, McMahon, Meade, Mills, Monroe, Morrison, Mutchler, New, Norton, O'Neill, Packer, Payne, Pierce, Piper, Plaisted, Poppleton, Potter, Powell, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sampson, Savage, Scales, Singleton, Sinnickson, Slemons, A. Herr Smith, Spencer, Springer, Strait, Stenger, Stevenson, Stone, Stowell, Tarbox, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Wait, Charles C. B. Walker, Gilbert C. Walker, Watterson, Erastus Wells, G. Wiley Wells, White, Wigginton, Wike, Willard, James Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Yeates—135.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Bass, Beebe, Bell, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Chapin, Collins, Cowan, Cox, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Evans, Faulkner, Foster, Frye, Fuller, Glover, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hatborn, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Kimball, King, Franklin Landers, George M. Landers, Lane, Lawrence, Leavenworth, Le Moyne, Lewis, Lord, Lynch, Lynde, MacDougall, McDill, McFarland, Metcalfe, Miller, Milliken, Money, Morgan, Nash, Neal, O'Brien, Odell, Oliver, Page, Phelps, John F. Philips, William A. Phillips, Platt, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Swann, Martin I. Townsend, Van Vorhes, Robert B. Vance, Waddell, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, Whitehouse, Whiting, Whitthorne, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—149.

So the motion to adjourn was not agreed to.

ENROLLED BILLS SIGNED.

Mr. BAKER, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 310) granting a pension to William H. Harrison;

An act (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory; and

An act (H. R. No. 4093) granting a pension to Eliza Jane Blumer.

Mr. POPPLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 297) fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas;

An act (S. No. 736) granting a pension to Mary M. J. Frank; and

An act (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi, and others.

INCREASE OF CAVALRY FORCE.

Mr. BANNING. I submit the conference report which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in the suppression of Indian hostilities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments, and agree to the bill amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as may be employed in existing Indian hostilities and as in his opinion may require the same: *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any time to the 25,000 authorized by the act approved July 24, 1876, making appropriations for the support of the Army for the fiscal year ending June 30, 1877: *And provided further*, That on the cessation of

existing Indian hostilities, the number of enlisted men in the Army shall be reduced to the number now established by law: *And provided*, That the reduction shall not be made from the cavalry force of the Army. And the following sums are hereby appropriated out of any moneys in the Treasury not otherwise appropriated for recruiting and maintaining the same: Recruiting twenty-five hundred cavalrymen, $50,000; pay per annum, $390,000; subsistence, $200,400; clothing, $206,000; regular supplies, $216,000; purchase of horses, $337,500; transportation, (wagons, &c.,) $84,800; transportation by rail, &c., $150,000; in all, $1,634,700."

Amend the title so as to read as follows: "An act to increase the cavalry force of the United States to aid in suppressing Indian hostilities."

And the House agree to the same.

H. B. BANNING,
R. Q. MILLS,
J. M. THORNBURGH,
Managers on the part of the House.

JOHN A. LOGAN,
R. W. HITCHCOCK,
S. B. MAXEY,
Managers on the part of the Senate.

Mr. BANNING. Mr. Speaker, the conference committee, after considering for some time the matters referred to them, were unable to agree, the Senate declining entirely to concur in the bill as passed by the House and we disagreeing entirely to their bill. After full discussion of the matter, it was proposed that we should agree to the bill which had been adopted in the Committee on Military Affairs of this House, increasing the army now occupying the Indian territory by the addition of twenty-five hundred cavalrymen. As soon as the Indian war is over these men are to be mustered out. The cavalry regiments now in that country are seven. We provide that the increase shall apply alone to those regiments; that each of the companies may be recruited to one hundred men.

This proposition as first agreed to in the Military Committee and ordered to be reported to the House was considered most economical by that committee. It was not exactly in accordance with my own views; but after a prolonged discussion in the conference committee, the Senate conferees positively declining to agree to the addition of five thousand men, for the reason, as they claimed, that it would involve a cost of $5,000,000, that the force would not be obtained soon enough, and that under the arrangement now proposed no additional officers would be required, while the men would be put immediately into service and mustered out as soon as they are no longer required, we felt it proper to agree to this report.

It was stated in committee (and I was authorized to state it in this House) by Senator MAXEY, one of the conferees on the part of the Senate, an old soldier of our Army, who has many times taken part in Indian wars, that in his opinion we are upon the verge of one of the most troublesome and extended Indian wars this country has ever seen. He stated in the committee that within the last ten days there had been three battles with Indians upon the Texas frontier. This war, he says, will not be confined to the Sioux Nation, but they will be joined by others of the hostile tribes.

I state this because the Senator authorized me to state it.

It is under these circumstances, therefore, Mr. Speaker, we have made this report. I now move the adoption of the report, and demand the previous question.

Mr. COX. I move to lay this conference report upon the table.

Mr. MILLS. I hope the gentleman will hear from the members of the conference committee before he moves that the report be laid upon the table.

Mr. THORNBURGH. I wish to be heard.

Mr. COX. I will withdraw my motion for the present. I thought the gentleman from Ohio wished to close debate and come to a vote.

Mr. MILLS. I am satisfied the gentlemen in the House do not understand this bill; that they do not understand the report of the committee of conference, which is exactly the Army bill as it passed the House providing for the recruiting of the cavalry force up to one hundred men in a company. It does not add one single solitary man more than that.

Mr. TERRY. You add twenty-five hundred men to the Army.

Mr. MILLS. No, sir; the gentleman does not understand it. The present Army of the United States is a little over 21,000 men. This provides that not more than twenty-five hundred, that is in the general sense, shall be added to the present force in the Army, and the specific clause is that only one hundred men in a cavalry company shall be recruited under any circumstance. That is the Army bill at present. This bill contains the same thing, with this exception, that one hundred men in the discretion of the President shall be put into the cavalry at once. The Army bill provides that they shall be put in to the extent of one hundred as soon as the artillery and infantry by expiration of service shall reduce their numbers below that amount. This bill does exactly the same thing and only says that the cavalry shall be recruited at once in the discretion of the President.

Mr. EDEN. But this does increase the Army.

Mr. MILLS. It is provided that the number of the Army shall not exceed 25,000 men.

Mr. WELLS, of Mississippi. I demand the regular order of business.

The SPEAKER *pro tempore*. This is the regular order of business.

Mr. WELLS, of Mississippi. No; the gentleman from Ohio demanded the previous question on the adoption of the report.

The SPEAKER *pro tempore*. Has the gentleman from Ohio withdrawn his demand for the previous question?

Mr. BANNING. I do not wish to lose the floor.

Mr. THORNBURGH. I will give the gentleman the floor if he will withdraw the demand for the previous question.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw the demand for the previous question?

Mr. BANNING. I do.

Mr. MILLS. I here state to my friend from Illinois [Mr. EDEN] that the specific part of this bill must control the general part of it. He is a lawyer and understands the construction of the law. The specific part of this bill says the cavalry force shall be increased only to one hundred men in each cavalry company, that is, that increase shall be limited to one hundred men in the cavalry under any circumstances.

Mr. BAGBY. Let me ask the gentleman if under the bill it is not possible the Army may be increased?

Mr. MILLS. We provide it may under the Army bill already passed. The bill making appropriations for the Army says that the ten cavalry regiments shall be recruited up to one hundred men in each company and kept to that, but it says that the aggregate force of the Army shall not exceed 25,000. You can now put in four thousand more, as the aggregate is only a little over 21,000; but you are estopped in reference to the other thousand, making 25,000, until the Army, by expiration of service in the artillery and infantry, is reduced to that extent in those arms of the service. The only difference between the general Army bill and this is that under this bill one thousand in the discretion of the President shall be put in at once and taken out again as soon as the Sioux war is over. That is the only difference between this and the Army bill signed by the President. Under that you can put in four thousand men now, while under this you can put in one thousand more, without waiting until the Army is reduced by expiration of service in the infantry and artillery.

Mr. THORNBURGH. Mr. Speaker, in the interest of economy I hope this House will pass favorably upon the action of this conference committee. It was not difficult when we got into the committee-room and got to work to ascertain just how much a regiment of cavalry cost this Government per month, per six months, or per annum. I have before me the items of the expense of a regiment of cavalry for last year. It is nothing but a mathematical calculation to ascertain that the pay of the enlisted men of a regiment of cavalry for one year is $390,000.

But I will not go on and give the items. It is well known that it costs this Government about one million dollars per annum to keep a regiment of cavalry in service. The bill as passed by the House of Representatives authorizing the President to call out five regiments of cavalry for six months would have cost the Government not less than two and a half millions of dollars, not including the expenses of enlistment and the transportation to the West where they are needed, and putting them on the field for action. To have enlisted for six months five regiments of cavalry would have been to have obtained the services of those men only from the 15th day of October to the 15th day of December while active in the field; for winter would then set in, and on the 15th of March, before you took them out of winter quarters, they would be mustered out. You would have spent under the House bill not less than three million dollars for the services of five thousand troops, beginning the 15th of October—for they could not be enlisted and put into the field earlier than that—till the 15th of December.

Now, Mr. Speaker, as it has passed the conference committee it will cost the Government $1,432,703, leaving out in that calculation, as I did before, the cost of enlistment and the cost of transportation to the scene of action. So it will be seen in a moment that, as the committee of conference claim and as Army officers and men who have been officers in the Army, of much experience, believe, this increase to the effective force of the Army of the United States will cost less than one-third the cost that would have been incurred by the bill as it passed the House. Some time ago the Military Committee of this House had this whole question before it. It deliberated upon it, it investigated facts and figures, and it came to the conclusion that the best and least expensive way of increasing the Army in this emergency was exactly this bill which we have agreed on in the conference committee, and which is the bill prepared by the Military Committee, but which they had not an opportunity of reporting.

Now, Mr. Speaker, if we intend to give protection to the settlers upon our border, if we intend to strengthen the Army—our little, weak Army that is on the frontier—and to allow them to go on and settle this Indian trouble, this is the only opportunity we can possibly have this session. I therefore return the right to the floor to the chairman of the conference committee, that he may renew the call for the previous question.

ENROLLED BILLS SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy; and

Joint resolution (H. R. No. 166) amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

INCREASE OF CAVALRY FORCE.

Mr. BANNING. I now move the previous question on agreeing to the report of the conference committee and call for a vote upon the bill.

Mr. COX. I made the motion to lay the conference report on the table.

Mr. BANNING. That motion is not in order.

Mr. COX. I was about to say, if the gentleman had not been so quick in interrupting me, that I proposed to withdraw that motion. It is a little doubtful whether the point of order on the motion might not be sustained. I hope the vote will be taken on the conference report, and that the motion to agree to it will be voted down.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. COX and Mr. WIKE called for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 24, noes 80.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 39, not voting 139; as follows:

YEAS—Messrs. Abbott, Ainsworth, Bagby, John H. Baker, Banks, Banning, Bland, Bradley, Burleigh, Cannon, Cason, Caulfield, Chittenden, John B. Clark, jr., of Missouri, Cochrane, Conger, Crapo, Crounse, Cutler, Davy, Durand, Durham, Eames, Eden, Finley, Fort, Freeman, Garfield, Goodin, Andrew H. Hamilton, Hancock, Hardenbergh, Hartzell, Haymond, Henderson, Abram S. Hewitt, Holman, Hopkins, Hyman, Joyce, Kasson, Kehr, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lord, Luttrell, Lynch, Mackey, Magoon, Maish, McCrary, McDill, Meade, Metcalfe, Mills, Monroe, Morrison, Mutchler, New, Norton, O'Neill, Packer, Page, Pierce, Pinisted, Poppleton, Randall, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, Miles Ross, Sampson, Savage, Sheakley, Sinnickson, A. Herr Smith, Springer, Strait, Stenger, Stevenson, Stone, Stowell, Tarbox, Teese, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tufts, Turney, John L. Vance, Walt, Watterson, Erastus Wells, G. Wiley Wells, White, Willard, Alpheus S. Williams, James Williams, Wilshire, James Wilson, Woodburn, and Yeates—108.

NAYS—Messrs. Ashe, Atkins, Blackburn, Boone, Bradford, Bright, John B. Clarke of Kentucky, Clymer, Cook, Cowan, Cox, Dibrell, Douglas, Felton, Forney, Franklin, Gause, Goode, Gunter, Hartridge, Hereford, Hooker, House, Hunton, Thomas L. Jones, Knott, Lamar, Piper, Riddle, William M. Robbins, Roberts, Scales, Singleton, Siemons, Terry, Gilbert C. Walker, Whitthorne, Wike, and Jeremiah N. Williams—39.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bass, Beebe, Bell, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Cate, Chapin, Collins, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Dunnell, Egbert, Ellis, Ely, Evans, Faulkner, Foster, Frye, Fuller, Gibson, Glover, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Haya, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Jenks, Frank Jones, Kelley, Kimball, King, George M. Landers, Leavenworth, Le Moyne, Lewis, Lynde, MacDougall, McFarland, McMahon, Miller, Milliken, Money, Morgan, Nash, Neal, O'Brien, Odell, Oliver, Payne, Phelps, John F. Philips, William A. Phillips, Platt, Potter, Powell, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Spencer, Swann, Thomas, Martin I. Townsend, Tucker, Van Vorhes, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, Whitehouse, Whiting, Wigginton, Andrew Williams, Charles G. Williams, James D. Williams, William B. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—139.

So the report of the conference committee was agreed to.

During the roll-call the following announcements were made:

Mr. COCHRANE. I desire to state that my colleagues, Mr. ROSS and Mr. JENKS, are absent by leave of the House.

Mr. NORTON. Mr. VAN VORHES is detained from the House on account of sickness.

Mr. O'NEILL. I desire to say that Mr. DANFORD left for his home yesterday on account of indisposition. If here he would vote "ay."

Mr. HUNTON. My colleague, Mr. HARRIS, is absent on important business.

Mr. STEVENSON. My colleagues, Mr. ANDERSON and Mr. CAMPBELL, are absent. If present they would vote "ay."

Mr. MAGOON. Mr. CASWELL is absent. If present he would vote "ay."

Mr. DAVY. I desire to announce that my colleague, Mr. MCDOUGALL, is absent by leave of the House. If present he would vote "ay."

Mr. THORNBURGH. My colleague, Mr. MCFARLAND, is absent on account of sickness. If here he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. BANNING moved to reconsider the vote by which the report of the conference committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee; and

A bill (H. R. No. 719) for the relief of the heirs of William Stevens.

THE SPEAKER OF THE HOUSE.

Mr. BANKS. Mr. Speaker, at the close of this unusually long and laborious session it will occur to every member of the House that there are many causes of congratulation for the good fortune that has attended us and the degree of health that has accompanied us in our labors. But we cannot at this moment of parting forget that from the very moment of the organization of the House one of its most beloved and honored members has been stricken with disease, and though elevated to that high trust, the position which you at this moment in his absence occupy, a trust which the most distinguished men of the country have esteemed it an honor to discharge, has been, at first in our presence, and since parting from us, still failing in health until we are led sorrowfully to fear that his brilliant and honorable career is near—too near its close. The honorable gentleman from New York, [Mr. COX,] the chairman of the Committee on Banking and Currency, has placed in my hand a telegram dated at Rock Alum, at 5.46 o'clock this afternoon, which bears the signature of the absent Speaker of the House, which I will read:

Hon. S. S. Cox.

My condition is very critical; no change since morning.

M. C. KERR.

Sir, I am sure it will be the unanimous desire and a source of poignant regret if it should be omitted of all the members of this House from every section of the country and of every phase of opinion, that we should express to the absent Speaker our confidence in his high integrity, our admiration for his brilliant public services, our regret for his failing strength, and our hope for the restoration of his health. It is in this view that, upon consultation with gentlemen upon different sides of the House, I ask leave to offer a resolution as an expression of that feeling which I have imperfectly expressed, and which I know so well animates the heart of every member, present or absent.

The Clerk read as follows:

Resolved, That the House of Representatives at the moment of closing its present session tenders to Hon. MICHAEL C. KERR, its beloved and honored presiding officer, the unanimous expression of the heartfelt sympathy of its members in his affliction, and their hope that the recovery of his health may soon restore to his associates in the public service the wisdom of his counsel and the beneficent influence of his example.

The question was taken on the resolution, and it was unanimously adopted.

Mr. BANKS. I move, with your leave and that of the House, that the Speaker *pro tempore* be requested to transmit this resolution to Mr. KERR.

Mr. TUCKER. By telegram.

The SPEAKER *pro tempore*. The Chair will see that that is done.

OTOE AND MISSOURIA INDIANS.

Mr. CROUNSE. I desire to call up the message of the President vetoing the bill (S. No. 779) to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria Indians and the Sacs and Foxes, of the Missouri tribe of Indians, in the States of Kansas and Nebraska, that the House may have an opportunity of reconsidering its action respecting that bill.

The Clerk read the President's veto message, as follows:

To the Senate of the United States:

For the reasons stated in the accompanying communications submitted to me by the Acting Secretary of the Interior, I have the honor to return herewith without my approval Senate bill No. 779, an act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska.

U. S. GRANT.

EXECUTIVE MANSION, *August* 15, 1876.

Mr. CROUNSE. I beg to state respecting this bill that it originated in the Senate, came to this House, and was passed here unanimously. It went to the President for his approval and under a misapprehension and under information received from the Commissioner of Indian Affairs he refused to attach his signature to the bill and returned it to the Senate, but immediately thereafter, upon being advised of the mistake which had occurred and the misapprehension under which he labored at the time he refused to sign the bill, he followed it up with another letter which was read in the Senate a short time since and the United States Senate unanimously passed the bill. It is fair to say that the President himself admits that he acted under misapprehension and under misinformation, and that had he been advised at the time he vetoed the bill as he is now advised he would have attached his signature to it. In this state of affairs the Senate has passed the bill as it did before unanimously. The committees of the two Houses are in accord with regard to it and no objection can be made against it in any quarter.

The bill was read.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, agree to pass the bill? And this vote can only be taken by yeas and nays.

Mr. HOLMAN. It seems to me it should be referred to the Committee on Indian Affairs.

Mr. CROUNSE. That committee are unanimously in favor of the bill.

Mr. HOLMAN. If there can be a formal consideration of the bill by the Committee on Indian Affairs——

Mr. GOODIN. This bill passed the House unanimously.

Mr. HOLMAN. Under the report of the Commissioner of Indian Affairs, it certainly is questionable whether this bill should now pass.

Mr. RANDALL. I call for the yeas and nays upon the bill.

The SPEAKER *pro tempore*. The Chair must rule that this is a privileged question, and the yeas and nays will be called; because under the Constitution the bill cannot be passed otherwise.

The question was taken; and there were—yeas 119, nays 18, not voting 149; as follows:

YEAS—Messrs. Abbott, Ainsworth, Atkins, Bagby, John H. Baker, Banks, Blackburn, Bland, Boone, Bradford, Bradley, Burleigh, Cannon, Cate, Caulfield, Chittenden, Clymer, Cochrane, Conger, Cook, Cowan, Crounse, Cutler, Davy, Dibrell, Durham, Eames, Felton, Finley, Forney, Fort, Franklin, Freeman, Garfield, Gause, Goode, Goodin, Gunter, Hancock, Hardenbergh, Hartridge, Henderson, Abram S. Hewitt, Hooker, House, Hunton, Thomas L. Jones, Joyce, Kasson, Kehr, Lamar, Franklin Landers, Lapham, Lawrence, Levy, Lord, Luttrell, Lynch, Mackey, McCrary, McDill, Meade, Metcalfe, Mills, Mutchler, Norton, O'Neill, Page, Pierce, Piper, Plaisted, Poppleton, Powell, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Roberts, Miles Ross, Sampson, Savage, Scales, Schleicher, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, Strait, Stenger, Stone, Stowell, Tarbox, Teese, Terry, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Gilbert C. Walker, Watterson, Erastus Wells, G. Wiley Wells, Whitthorne, Wike, Willard, Alpheus S. Williams, James Williams, Jeremiah N. Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Yeates—119.

NAYS—Messrs. Bright, Cason, John B. Clarke of Kentucky, Eden, Gibson, Hartzell, Hereford, Holman, Magoon, Maish, Monroe, Morrison, New, Randall, William M. Robbins, Springer, Stevenson, and Thompson—18.

NOT VOTING—Messrs. Adams, Anderson, Ashe, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banning, Bass, Beebe, Bell, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Chapin, John B. Clark, jr., of Missouri, Collins, Cox, Crapo, Culberson, Danford, Darrall, Davis, De Bolt, Denison, Dobbins, Douglas, Dunnell, Durand, Egbert, Ellis, Ely, Evans, Faulkner, Foster, Frye, Fuller, Glover, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Haymond, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kelley, Kimball, King, Knott, George M. Landers, Lane, Leavenworth, Le Moyne, Lewis, Lynde, MacDougall, McFarland, McMahon, Miller, Milliken, Money, Morgan, Nash, Neal, O'Brien, Odell, Oliver, Packer, Payne, Phelps, John F. Philips, William A. Phillips, Platt, Potter, Pratt, Purman, Rainey, Rea, Robinson, Sobieski Ross, Rusk, Sayler, Schumaker, Seelye, Smalls, William E. Smith, Southard, Sparks, Spencer, Swann, Thomas, Martin I. Townsend, Van Vorhes, Robert B. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, White, Whitehouse, Whiting, Wigginton, Andrew Williams, Charles G. Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Young—149.

Mr. HOLMAN. Has a quorum voted?

The SPEAKER *pro tempore*. Does the gentleman make the point of order that a quorum has not voted?

Mr. HOLMAN. I do not.

The SPEAKER *pro tempore*. No point of order being made that a quorum of members have not voted, the bill is passed, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 648) for the relief of Andrew J. Barrett;

A bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie, or Ammahe;

A bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Booneville, Missouri; and

A bill (H. R. No. 1581) for the relief of John Gowers, late of company C, Eleventh Regiment New York Volunteers.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers; and

A bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds.

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 705) for the relief of Albert Towle, postmaster at Beatrice, Nebraska;

A bill (S. No. 752) authorizing the recorder of the District of Columbia to appoint an assistant, with certain powers;

A bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased; and

A bill (S. No. 888) for the relief of Peter Phillips.

ENROLLED BILLS SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 719) for the relief of the heirs of William Stevens;

An act (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee; and

An act (H. R. No. 4106) to increase the cavalry force of the United States to aid in suppressing Indian hostilities.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the resolution of the House of Representatives for the adjournment of both Houses of Congress without day, with an amendment in which the concurrence of the House was requested.

The message also announced that Mr. WINDOM and Mr. MCCREERY had been appointed a committee on the part of the Senate to join such committee as might be appointed by the House of Representatives to wait upon the President and inform him that, unless he may have some further communication to make, the two Houses of Congress are ready to close their sessions by an adjournment without day.

CHINESE IMMIGRATION.

The SPEAKER *pro tempore* announced the appointment of Mr. PIPER, Mr. MEADE, and Mr. WILSON of Iowa as members on the part of the House of the joint select committee upon the subject of Chinese immigration.

Mr. PAGE. I rise to a question of privilege.

Mr. MORRISON. I rise to a question of privilege.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Illinois, [Mr. MORRISON.]

FINAL ADJOURNMENT.

Mr. MORRISON. I move to take from the Speaker's table the resolution in regard to the final adjournment of Congress, which has just been returned from the Senate with an amendment.

There being no objection, the motion was agreed to.

The resolution was read, as follows:

Resolved, (*the Senate concurring*,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday next, August 14, 1876, at four o'clock p. m.

The amendment of the Senate was read, as follows:

Strike out "Monday next, August 14, 1876, at four o'clock p. m.," and insert "Tuesday, August 15, 1876, at half past seven o'clock p. m."

Mr. MORRISON. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. MORRISON moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NOTIFICATION OF FINAL ADJOURNMENT.

Mr. HANCOCK submitted the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members of the House be appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn, if he has no further communication to make to them.

The SPEAKER *pro tempore* announced the appointment of Mr. HANCOCK, Mr. HARDENBURGH, and Mr. GARFIELD as the committee under the resolution just adopted.

CHINESE IMMIGRATION.

Mr. PAGE. I rise to a question of privilege. I desire to state that in the appointment of the committee just announced by the Chair to visit California and make inquiry in regard to Chinese immigration the wishes of neither the gentleman from Nevada [Mr. WOODBURN] nor myself have been consulted, and that——

The SPEAKER *pro tempore*. This is not a question of privilege. The gentleman is out of order.

Mr. PAGE (amid the vigorous rapping of the gavel and loud cries of "Order!" from all parts of the Hall) continued his remarks for some moments.

The SPEAKER *pro tempore*. The remarks of the gentleman from California [Mr. PAGE] are entirely out of order. This is no question of privilege. The Chair directs that no language which has been spoken out of order and so ruled by the Chair be taken down by the reporters for insertion in the official proceedings.

PUBLIC BUILDING AT ROCHESTER, NEW YORK.

Mr. DAVY. I ask unanimous consent to have considered and passed at the present time a bill to provide for a building suitable for the custom-house, post-office, internal-revenue office, United States court, and marshal's office, at Rochester, New York.

The bill was read. It directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of a public building at Rochester, New York, and the estimated cost of the same, and upon what basis of donation or otherwise a suitable site for said building can be obtained.

There being no objection, the bill (H. R. No. 4112) was read three times, and passed.

JAMES ARGYLE SMITH.

Mr. HOOKER. I move to suspend the rules and pass a bill (S. No. 620) to remove the political disabilities of James Argyle Smith, of Mississippi.

The bill, which was read, provides (two-thirds of each House concurring therein) that the political disabilities imposed by the fourteenth amendment to the Constitution of the United States be removed from James Argyle Smith, of Mississippi.

Mr. LAWRENCE. Is an application on file for the removal of these disabilities?

Mr. HOOKER. There is.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

ALLOWANCE TO CLERKS.

Mr. ROBERTS. I move to suspend the rules and pass a resolution (S. R. 26) authorizing an allowance to certain clerks of committees.

The resolution, which was read, provides that there shall be paid out of the contingent fund of the respective Houses the usual per diem allowance to clerks of committees not having yearly salaries for a period of thirty-one days from the 1st of August, 1876.

The rules were suspended and the joint resolution passed (two-thirds voting in favor thereof.)

L. H. FITZHUGH.

Mr. ROBERTS. I am directed by the Committee of Accounts to report back the following resolution adversely, and to move that it be laid upon the table:

Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby, instructed to pay to L. H. Fitzhugh, late Doorkeeper, an amount equal to the salary of Doorkeeper from the date of the consolidation of the office of Doorkeeper with that of Sergeant-at-Arms, May 22 last, to the 1st day of August; the said Fitzhugh having been detained and engaged in settling his accounts to that date.

The resolution was laid on the table.

SOLDIERS' HOME INVESTIGATION.

Mr. JOHN REILLY. I move to suspend the rules and pass the following resolution:

The Clerk read as follows:

Resolved, That the chairman of the Committee on Military Affairs is hereby authorized to draw on the contingent fund of the House for a sum not to exceed $2,500 to pay the necessary expenses of the investigation of soldiers' homes, ordered by the House of Representatives.

The question was put, and the Chair decided that the resolution was adopted, two-thirds voting in favor thereof.

Mr. HOLMAN. I rise to a question of order. I would have demanded a division of the House on that last vote, but I heard it called for in another part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of a bill (S. No. 994) to amend section 2931 of the Revised Statutes so as to allow repayment by the Secretary of the Treasury of the tonnage tax which has been exacted in contravention of treaty provisions.

BILLS APPROVED.

A message from the President of the United States, by Mr. U. S. GRANT, jr., one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876;

An act (H. R. No. 3184) for the relief of Emerick W. Hansell;

An act (H. R. No. 2848) granting a pension to F. M. Bruner;

An act (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others;

An act (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers;

An act (H. R. No. 2844) granting a pension to Levi D. Hayward;

An act (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

An act (H. R. No. 2837) granting a pension to Edward F. Eddy;

An act (H. R. No. 2231) granting a pension to Emily E. Weiss;

An act (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

An act (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers;

An act (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employés recently permanently discharged from the Bureau of Engraving and Printing;

An act (H. R. No. 351) to create an additional land-office at Colfax, Whitman County, Washington Territory;

An act (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States;

A joint resolution (H. R. No. 165) to defray the expenses of the joint committee of the Senate and House of Representatives to prepare a suitable form of Government for the District of Columbia;

An act (H. R. No. 4093) granting a pension to Eliza Jane Blumer;

An act (H. R. No. 310) granting a pension to William H. Harrison;

An act (H. R. No. 2813) relieving the State of Kansas from charges on account of ordinance stores furnished to Kansas Territory.

An act (H. R. No. 4108) to amend an act entitled "An act authorizing the repavement of Pennsylvania avenue;"

Joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh;

An act (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa;

An act (H. R. No. 4106) to increase the cavalry force of the United States to aid in suppressing Indian hostilities;

Joint resolution (H. R. No. 166) amending the eighth section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; and

An act (H. R. No. 800) relating to the promotion of commodores on the retired list on the Navy.

SOLDIERS' HOME INVESTIGATION.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Indiana.

Mr. HOLMAN. I think myself that this measure is right, but a division was distinctly called for on the other side of the House.

The SPEAKER *pro tempore*. The call for a division was made too late. The resolution is adopted.

COMMUNICATION FROM THE PRESIDENT.

Mr. HANCOCK. Mr. Speaker, the joint committee of the two Houses charged with the duty of informing the President that the two Houses were in readiness to adjourn and inquiring whether he had any further communication to make to their respective branches have attended to that duty, and have been requested by him to report that he has no further communication to make.

APPOINTMENTS ON COMMITTEES.

The SPEAKER *pro tempore*. The Chair announces the appointment of the members of the joint select committee in relation to the changes in the relative value of gold and silver, as follows: Mr. GIBSON of Louisiana, Mr. BLAND of Missouri, and Mr. WILLARD of Michigan. And the Chair appoints the gentleman from Vermont [Mr. HENDEE] as member of the Joint Committee to frame a new form of government for the District of Columbia, in place of Mr. WILLARD, of Michigan, who has resigned his position on that committee.

STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS.

Mr. CATE. I move that the rules be suspended and that the Committee of the Whole, to whom was referred the bill (H. R. No. 4086) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin, be discharged from the further consideration of the same, and that it be put upon its passage.

The bill was read, as follows:

Whereas a treaty was entered into on the 5th day of February, 1856, by and between the Government of the United States and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted in consideration thereof certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided; and whereas by the interpretation placed by Government officials on the act of February 6, 1871, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of 1856, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who joined in the execution of the said treaty of February 5, 1856, and the descendants of such persons, and all persons who, being members of said tribe, did not join in the said treaty, but have since the making of the treaty come in under it and resided with said tribe upon its reservation, who did not in and by said treaty and have not since its execution separated from said tribe, are hereby declared members of said Stockbridge and Munsee tribe of Indians, and entitled to share in tribal funds and the occupancy of tribal lands.

SEC. 2. That it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of this act, to cause to be taken an enrollment of said tribe on the basis of the provisions of this act, which enrollment shall be filed, a copy in the Department of the Interior, and a copy in the records of said tribe.

Mr. HOLMAN. I call for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. CATE] moves to suspend the rules and pass the bill. The motion to suspend the rules includes the rule which requires the reading of the report.

Mr. CATE. I do not object to the report being read. I desire that gentlemen should understand the bill.

The question being taken, there were—ayes 31, noes 98.

So the rules were not suspended, two-thirds not having voted in favor thereof.

PAY OF PAGES.

Mr. TUCKER. I move that the rules be suspended and the following resolution adopted:

Resolved, That the following-named pages, C. Sullivan Henry, William B. Hester, Frank Sebring, Frank Angerer, James W. Friend, and James Spellman, who have been acting on the floor during the session at the rate of $2 per day, be allowed the full pay of $2.50 per day for the session, and including the month of August, to come out of the contingent fund of the House.

Mr. HOLMAN. I desire to inquire if this is a report from the Committee of Accounts.

Mr. TUCKER. It is not.

The SPEAKER *pro tempore*. The gentleman from Virginia did not state that this was the report of a committee, but moved to suspend the rules and pass the resolution.

Mr. TUCKER. I believe if the gentleman from Indiana was dying as the House is now dying he would raise a question of that kind.

[Cries of "Vote."]

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

JOINT COMMITTEE ON CHINESE IMMIGRATION.

Mr. WILSON, of Iowa. I rise to a question of privilege. I ask leave to be excused from serving on the Joint Committee on Chinese Immigration.

Objection was made.

Mr. WHITE. I move that the House adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the President of the Senate had appointed

Mr. JONES of Nevada, Mr. BOUTWELL, and Mr. BOGY members on the part of the Senate of the commission to inquire into the change which has taken place in the relative values of gold and silver.

PAY OF EMPLOYÉS.

Mr. TUCKER. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That the Clerk of the House be directed immediately after the adjournment to issue to the employés of the House of Representatives borne on the annual rolls, for the month of August, their respective salaries during said month.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

COMPILATION OF DECISIONS ON POINTS OF ORDER.

Mr. SPRINGER. I move to suspend the rules and adopt the following resolution:

Resolved, That the Journal Clerk be, and he is hereby, required to compile and index for the use of the House all questions of order decided in the House of Representatives; and such clerical assistance as may be necessary to carry out this resolution shall be paid for out of the contingent fund of the House, subject to the approval of the Committee of Accounts, but not exceeding the sum of $250.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to offer a resolution.

Mr. WHITE. I insist on my motion that the House adjourn.

The SPEAKER *pro tempore*. The Chair will lay before the House certain requests for the withdrawal of papers.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLACKBURN, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of L. L. Anderson, now in possession of the Committee of Claims, there being no adverse report thereon.

On motion of Mr. PACKER, by unanimous consent, leave was given to withdraw from the files of the House the petition of Daniel Bishop, there being no adverse report thereon.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 620) to remove the political disabilities of James Argyle Smith, of Mississippi.

THANKS TO THE CHAIR.

Mr. GARFIELD. I offer the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered, to Hon. MILTON SAYLER, Speaker *pro tempore* of the House of Representatives, for the impartiality, efficiency, and ability with which he has discharged the trying and arduous duties of his office during his term of service.

Mr. CLYMER, having taken the chair, put the question on the adoption of the resolution.

Mr. BLACKBURN. I move to amend that resolution by adding the name of Hon. S. S. COX.

Mr. RANDALL. That is right.

Mr. BLACKBURN. I ask the gentleman from Ohio [Mr. GARFIELD] to accept that amendment.

Mr. GARFIELD. If there be unanimous consent I am willing to accept the amendment.

The SPEAKER *pro tempore*, (Mr. CLYMER.) Is there unanimous consent to the amendment suggested by the gentleman from Kentucky?

There was no objection, and the amendment was agreed to.

The resolution, as amended, was unanimously adopted.

The SPEAKER *pro tempore*, (Mr. SAYLER having resumed the chair.) By concurrent resolution of the Senate and House of Representatives the hour of seven and a half o'clock p. m. on Tuesday, the 15th day of August, has been fixed as the time of final adjournment. That hour having arrived, under that resolution and by its authority, thanking the House for its courteous expression, I pronounce the first session of the Forty-fourth Congress adjourned without day. [Applause.]

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: Memorial of Nathan Appleton, of Massachusetts, that Congress provide without delay for funding the public debt at 4 per cent. interest, and authorize citizens to purchase ships of all kinds where they can be had at the lowest prices, to the Committee of Ways and Means.

By Mr. BOONE: Papers relating to the petition of B. R. Waller, Twentieth Kentucky Infantry Volunteers, for pay as a second lieutenant United States Army, to the Committee on Military Affairs.

By Mr. CABELL: The petition of citizens of Carroll and Grayson Counties, Virginia, for a post-route between Fancy Gap, Virginia, and Sparta, Virginia, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Carroll County, Virginia, for a post-route from Lambsburgh, Virginia, to Mount Airy, North Carolina to the same committee.

By Mr. HANCOCK: The petition of William Moses and Felix Halff, for the right to prosecute in the Court of Claims for the proceeds of cotton seized by United States officials, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of Dr. Asa Wall, for the removal of his political disabilities, to the Committee on the Judiciary.

By Mr. HEWITT, of New York: The petition of insurance companies, bankers, merchants, and underwriters of New York, for the maintenance of the Signal Service system, to the Committee on Military Affairs.

By Mr. LUTTRELL: The petition of L. Jacoby and 100 other citizens of California for the repeal of the check-stamp tax, to the Committee on Banking and Currency.

Also, resolutions of the Legislature of California, asking that the Presidio reservation be dedicated by Congress for the purposes of a public park, to the Committee on Military Affairs.

Also, resolutions of the Legislature of California, favoring an appropriation for the erection of a light house and fog-bell at the straits of Carquinez, near Benicia or Martinez, California, to the Committee on Commerce.

Also, the petition of D. Blume and other citizens of California, for a post-route from Reading to Furnaceville, California, to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of Goodall and other citizens of California, against making any change in the pilot laws, to the Committee on Commerce.

Also, the petition of S. A. Logan and other citizens of California, for a post-route between Susanville and Davis Bridge, California, to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the San Louis Obispo Grange, No. 28, favoring the repeal of the duty on sacks used for sacking grain, wool, or cotton, to the Committee of Ways and Means.

Also, the petition of Samuel Angell and other citizens of Utah, for the establishment of a land office in Beaver County, Southern Utah, to the Committee on Public Lands.

Also, the petition of Berding & Co., for compensation for supplies furnished the Indians quartered on the Mattole Indian farm in California, to the Committee on Indian Affairs.

Also, resolutions of Kelseyville (California) Grange, No. 108, for the repeal of the duty on sacks used for sacking grain, wool, and cotton, to the Committee of Ways and Means.

Also, the petition of Thomas G. Morgan, for compensation for property taken by the United States officials after the close of the war, to the Committee on Claims.

Also, the petition of J. E. Carr, and 100 other citizens of California, for a post-route between Coffee Creek and Altoona, California, to the Committee on the Post Office and Post-Roads.

Also, concurrent resolutions of the Legislature of California, for a modification of the treaty of the United States with China so as to discourage the further immigration of Chinese to our shores, to the Committee on Foreign Affairs.

Also, the petition of citizens of California, for a post-route between Rutherford's Station and Napa Valley, via Chiles Cañon, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Milton Krytser, that he be permitted to change his pre-emption right into a homestead entry, to the Committee on the Public Lands.

Also, the petition of citizens of California, for the establishment of a post-route between Belmont and Reveille, Nevada, to the Committee on the Post-Office and Post-Roads.

Also, testimony in relation to Alaska frauds and mistreatment of citizens, to the Committee of Ways and Means.

By Mr. PACKER: The petition of citizens of Lebanon, Pennsylvania, artisans and manufacturers of and workers in iron and coal, relative to the completion of the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. WHITTHORNE: A paper relating to the establishment of a post-route between Nashville and Leipers's Fork, Tennessee, to the same committee.

Also, papers relating to the establishment of a post-route between Brick church and Booneville, Tennessee, to the same committee.

Also, the petition of J. L. Warthen and Eli Baskins, late privates in the Tenth Tennessee Regiment Volunteer Infantry, United States Army, for arrears of pay and bounty, to the Committee on Military Affairs.